



City of Kingsburg

1401 Draper Street, Kingsburg, CA 93631-1908
(559)897-5821 (559)897-5568

Bruce Blayney
Mayor

Michelle Roman
Mayor Pro Tem

COUNCIL MEMBERS
Ben Creighton
Staci Smith
Sherman Dix

Alexander J. Henderson
City Manager

WEDNESDAY

August 3, 2016

6:00 P. M.

**KINGSBURG CITY COUNCIL CHAMBER
1401 DRAPER STREET**

AGENDA

KINGSBURG CITY COUNCIL REGULAR MEETING

5:30 P.M. CLOSED SESSION

1. Conference with Legal Counsel--Existing Litigation

California Government Code Section 54956.9(a)

Name of Case: City of Selma vs. City of Kingsburg, et al., Fresno County Superior Court
Case No. 12CECG03223.

Name of Case: City of Selma vs. City of Kingsburg, et al., Fresno County Superior Court
Case No. 13CECG02139 DJK.

Name of Case; City of Selma vs. Fresno County Local Agency Formation Commission, et al.
Fresno County Superior Court Case No. 13CECG02651

2. Conference with Legal Counsel—Existing Litigation

California Government Code Section 54956.9 (a)

Name of Case: City of Kingsburg v. Dow Chemical Company, et al., San Francisco County
Superior Court, Case No. CGC-13-534431

3. Conference With Real Property Negotiator

California Government Code Section 54956.8

Property: APN: 028-090-007, 028-090-011, 028-120-010, 028-210-012, 028-220-029

City Negotiator: Alexander Henderson

Invocation to be given by Senior Pastor Jim Collins of Kingsburg First Baptist Church, followed by the Pledge of Allegiance led by Mayor Bruce Blayney.

6:00 P.M. REGULAR MEETING

I. Call to Order and Roll Call -

- II. Public Comments** – This is the time for any citizen to come forward and address the City Council on any issue within its jurisdiction. A maximum of five minutes is allowed for each speaker.
- III. Approve Agenda** – Action by the Council to approve the agenda or to make modifications. Note: The type of items that can be added to the agenda is constrained by State law.
- IV. a. Consent Calendar** – Items considered routine in nature are to be placed on the Consent Calendar. They will be considered as one item and voted upon in one vote unless individual consideration is requested. Each vote in favor of the Consent Calendar is considered and recorded as a separate affirmative vote in favor of each action listed, except where the item specifically notes a prior recorded opposition or abstention, in which case the present affirmative vote on the Consent Calendar is considered and recorded as reaffirming that prior opposition or abstention. Approval of Consent Calendar items includes recitals reading ordinance(s) by title(s) only and adoption of recommended action(s) contained in staff reports.
1. **Approval of City Council Minutes** – Approve the minutes from the joint meeting held on July 6, 2016 as prepared by City Clerk Abigail Palsgaard.
 2. **Check Register**– Ratify/approve payment of bills listed on the check register for the period July 1, 2016 through July 27, 2016 as prepared by Accounts Payable Clerk Grace Reyna.
 3. **Treasurer’s Report**– Approve the Treasurer’s Report for May 31, 2016 and June 30, 2016 as prepared by Finance Director Maggie Moreno.
 4. **San Joaquin Valley Air Pollution Control District Grant Application Resolution**– Adopt Resolution 2016-045 allowing the City of Kingsburg and the City Manager to apply for grant funds to purchase a new alternative Fuel Vehicle for the Police Department. Resolution prepared by City Clerk Abigail Palsgaard.
 5. **Award 19th Avenue Pavement Rehabilitation & Alley Improvements Project**– Staff Report prepared by Dave Peters
- b. Pulled Consent Calendar Items:**

V. REGULAR CALENDAR

1. **Swearing In of Full Time Police Officer Nissi Robles-Lopez** - Presentation by Police Chief Neil Dadian
2. **Adult Use Marijuana Act; Proposition 64**– Staff Report prepared by Police Chief Neil Dadian

Possible Action(s):

- a. Presentation Police Chief Neil Dadian
- b. Council Discussion
- c. Direction on Draft Resolution

3. PUBLIC HEARING - Assessment District No. 93-01 – Consider Approval of the Engineer’s ordering the annexation of territory into Kingsburg Landscape Assessment District No. 93-01, as Annexation No. 16, and the levy and collection of assessments within such annexation for Fiscal Year 2016-2017 and confirming diagrams and assessments pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code and as provided by Article XIII D of the California Constitution.

Possible Action(s):

- a. Open Public Hearing
- b. Presentation by Finance Director Margarita Moreno
- c. Council Discussion
- d. Open Public Comment
- e. Close Public Comment
- f. Continued Council Discussion
- g. Close Public Hearing
- h. Adopt Resolution No. 2016-044 approving the Engineer’s Report, ordering the annexation of territory into Kingsburg Landscape Assessment District No. 93-01, as Annexation No. 16, and the levy and collection of assessments within such annexation for Fiscal Year 2016-2017 and confirming diagrams and assessments pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code and as provided by Article XIII D of the California Constitution.

4. Council Reports and Staff Communications

- a. Community Services Commission –
- b. Public Safety Committee –
- c. Chamber of Commerce –
- d. Economic Development –
- e. Finance Committee –
- f. Planning Commission –
- g. City Manager’s Report –
 - i. State’s approval of the Adopted Housing Element

5. Other Business as May Properly Come Before the City Council

6. Adjourn Regular Kingsburg City Council Meeting

Any writings or documents provided to a majority of the Kingsburg City Council regarding any item on the agenda will be made available for public inspection in the City Clerks office located at 1401 Draper Street during normal business hours.

**Kingsburg City Council Regular Meeting Minutes
July 6, 2016**

Invocation was given by Pastor Pete Querin of New Life Church of God, followed by the Pledge of Allegiance led by Mayor Bruce Blayney.

6:00 P.M. REGULAR MEETING

Call to Order: Mayor Blayney called the Regular Meeting of the Kingsburg City Council to order at 6:04pm.

Council Members present: Ben Creighton, Staci Smith, Michelle Roman and Mayor Bruce Blayney.

City Staff present: City Manager Alex Henderson, City Attorney Mike Noland, Fire Chief Tim Ray, Planning Consultant Holly Owen, and City Clerk Abigail Palsgaard.

Public Comments: None.

Approve Agenda: A motion was made by Council Member Creighton, seconded by Council Member Dix, to approve the agenda as published. The motion carried by unanimous voice vote.

Consent Calendar: A motion was made by Council Member Smith, seconded by Council Member Dix, to approve the amended Consent Calendar with Item No. 6 being pulled as requested by Council Member Roman. The motion carried by unanimous voice vote.

1. **Approval of City Council Minutes** – Approve the minutes from the joint meeting of the Kingsburg City Council, the Board of Directors of the City of Kingsburg Public Financing Authority and the Board of Directors of the Kingsburg Redevelopment Successor Agency held on June 15, 2016 as prepared by City Clerk Abigail Palsgaard.
2. **Check Register**– Ratify/approve payment of bills listed on the check register for the period June 10, 2016 through June 30, 2016 as prepared by Accounts Payable Clerk Grace Reyna.
3. **San Joaquin Valley Air Pollution Control District Grant Application Resolution**– Adopt Resolution 2016-038 allowing the City of Kingsburg and the City Manager to apply for grant funds to purchase a new Alternative Fuel Vehicle. Resolution prepared by City Clerk Abigail Palsgaard.
4. **Police Vehicle Surplus Resolution** – Adopt Resolution No. 2016-039 approving the surplus of vehicles that are no longer in use and to dispose of them as deemed appropriate. Resolution prepared by City Clerk Abigail Palsgaard.

5. **Community Development Block Grant Agreement** – Authorize Mayor Blayney to enter into contract with the County of Fresno for the distribution of funds for the Community Development Block Grant. Staff Report prepared by City Engineer Dave Peters.
6. **Pulled**
7. **Local Transportation Purpose Certification and Claims** – Adopt Resolution No. 2016-041 approving submittal of Local Transportation Purposes Certification and Claims for FY 2016/17 Measure C Extension Local Transportation through Project and Program Funds. Resolution prepared by Finance Director Maggie Moreno.
8. **2016/17 Transportation Development Act (TDA) Claim** – Approve submittal of the Transportation Funding Claim for Fiscal Year 2016/17 as prepared by Finance Director Maggie Moreno.

b. Pulled Consent Calendar Items:

Item No. 6 - Appointment to the Community Services Commission – Affirm Mayor Blayney’s appointment of Joy Bratton to the Kingsburg Community Services Commission for the remainder of a four year term to expire in November 2016. Application is included.

Council Member Roman said she wanted to pull this item to recognize and thank Tamra Norris for her service and commitment to the Community Services Commission.

A motion was made by Council Member Roman, seconded by Council Member Smith, to approve Consent Calendar Item 6. The motion carried by unanimous voice vote.

REGULAR CALENDAR

Reserve Fire Fighter John Saubert Retirement Recognition

Fire Chief Tim Ray presented John Saubert with a retirement badge, a plaque and a pin for his 30 years of service. Mayor Blayney pinned John Saubert’s badge and said he was honored to do so. Mr. Saubert said he was thankful for the experience.

2016 American Planning Association California Central Section Award Presentation

Rob Terry, Principal Regional Planner for the Fresno Council of Governments, presented the awards and spoke about the positive impact of Marion Villas. He said there has been stories in the media about the project and he has been contacted about it State wide. He said the project is a thoughtful effort of low income housing, mix use, and within walking distance of the downtown.

Holly Owen said she knows good planning when she sees it and that is what Marion Villas is. She said Kingsburg has progressive planning at its roots. She appreciates the opportunity to congratulate the Council and let them know how proud they should be.

Commission Funds Expenditure Requests for Skate Park Items and Benches for the Dog Park

Community Services and Senior Citizens Coordinator Ashlee Winslow-Schmal spoke about the purchases made last year and that the Community Services Commission would like to use remaining funds for purchasing benches for the dog park and pop up skate park equipment like what was used at the Swedish Festival.

The Council discussed how many events the equipment would be used at, which would be festivals throughout the year. Council Member Roman said she has had interest from the school district and the possibilities of other groups using the equipment. Council Member Dix asked if we know where the kids who participated at the Swedish Festival came from. Council Member Creighton asked if we have someone knowledgeable to set it up. Council Member Roman said it is already built. We would just have to set it up. Council Member Creighton asked if we would call on public works to set it up. Council Member Roman said we have Commissioners who have trucks to pick it up. Council Member Creighton asked if the Commission has talked about a time frame to get a potential skate park and what the cost would be.

Council Member Roman said there is a potential place for a permanent skate park and she believes this equipment will be used in the permanent skate park. Mayor Blayney said I hear the concern about who is going to set it up and will they be there while it is going to be used. He said Ms. Winslow-Schmal already spends a lot of time on Saturdays doing City events. He said he doesn't want it to fall back on her, or reflect negatively on City Staff. Council Member Creighton asked if you saying that you would have enough volunteers. Council Member Roman said yes, the Commission agreed to volunteer for the events. They do not want it out every Saturday, they want to keep it exciting.

Council Member Dix said he was hoping to see information from the pop-up skate park as to what is the interest from the community. He asked if buying the pop-up equipment is delaying us from getting an actual park. Mayor Blayney said in the past it was hard to get adult volunteers for a skate park so if the Commission Members are committed to being the responsible adults, then that is good.

Council Member Dix asked what the ultimate cost is to have a permanent skate park. He said he wants to see what the final number is and how we get there. He said he is looking at the long term. Council Member Roman said about 3 years ago there were 2,000 signatures of support for a skate park. She said the pop-up skate park equipment can be moved to different spots throughout town. Council Member Dix asked how long the volunteers agreeing to do it will be on the Commission. He said he initially voted yes to have the kick off pop-up skate park for fundraising and getting data about the level of interest from the community.

Ms. Winslow-Schmal said she wanted to make sure we have money to keep maintaining the skate park pieces down the road. Council Member Roman said we talked about \$25,000 in matching funds. Part of the money can be used for maintenance and repair. Council Member Dix asked for an explanation for the matching funds. He said for me, I would rather see a push toward a permanent skate park if that is the desire of the community. Her concern is that the skate park is being pushed out leaving nothing for our youth. She said at the Swedish Festival it was the first time some of these kids felt connected to the community.

City Council discussed time frames and upcoming festivals. They discussed what happens to the money at the end of the fiscal year and if the money could be rolled over to the new fiscal year. City Manager Alex

Henderson said the City doesn't budget for money to be "rolled over" but with approval from the Finance Committee the budget can be amended.

Mayor Blayney said concerns being expressed are; maintenance, staffing requirements, how often it will be utilized, and the major concern is what our future for this program. He said we can postpone this to get more answers.

A motion was made by Council Member Creighton, seconded by Council Member Roman, to approve the purchase of the dog park benches. The motion carried by unanimous voice vote.

A motion was made by Council Member Dix, seconded by Council Member Smith to table the Pop-up skate park equipment purchase to the August 3rd Council Meeting provided that the Community Services Commission answers Council's concerns.

City Manager Alex Henderson said some of the concerns voiced are; liability issues, maintenance, storage, how it moves towards an ultimate goal and what the ultimate price is. If we have land donated the overall price could be less expensive. He said the ballpark cost is between \$250,000-\$500,000. Council Member Roman said the price is dependent on the size and type. She said the Commission doesn't want the swimming pool type. They prefer a kind we can move around, a modular skate park. Council Member Dix asked for a breakdown for the funds.

The motion carried to table this item to the August 3rd City Council meeting by a unanimous voice vote.

Extraterritorial Water Service Agreements

Planning Consultant Holly Owen discussed the request of three residential properties in the sphere of influence requesting City water. She said they are coming from failure or imminent failure of domestic wells. The process is Public Works and City Engineer go out to the project to see if it is viable. If it is and if it is approved by City Council it will go to LAFCo for approval. Through this process the City was able to update our process and our forms. Ms. Owen said attached are resolutions, a map and the agreements with the tables of fees.

Council discussed the compensation the City will receive and that there is a possibility of other imminent well failures on neighboring properties. Mayor Blayney said withholding water is a bad thing as long as people are willing to pay their share.

A motion was made by Council Member Dix, seconded by Council Member Smith, to adopt Resolution 2016-041 approving the Extraterritorial Water Service Agreement for 863 6th Avenue, Kingsburg, California. The motion carried by unanimous voice vote.

A motion was made by Council Member Dix, seconded by Council Member Smith, to adopt Resolution 2016-042 approving the Extraterritorial Water Service Agreement for 334 Kern Street, Kingsburg, California. The motion carried by unanimous voice vote.

A motion was made by Council Member Dix, seconded by Council Member Smith, to adopt Resolution 2016-043 approving the Extraterritorial Water Service Agreement for 39710 Road 16, Kingsburg, California. The motion carried by unanimous voice vote.

Building Permit and Activity Update

City Manager Henderson said there has been an increase in activity with single family residential, solar permits and electrical permits. He said all fees may not have been collected. Some may be deferred and are not necessarily paid when they apply for a permit. You can see the fee increase from fiscal year 2015 and fiscal year 2016.

Council Member Dix asked what the “miscellaneous” section is for. Mr. Henderson said we have a new software program so we now are able to break out fees for better reporting. Council Member Dix asked about the 23 new commercial permits. Mr. Henderson said we have changed our reporting, so in the future the reported numbers will be more comprehensive. Council discussed with the City Manager the project tracker and upcoming projects. Mayor Blayney said he is concerned if the City has the staffing to keep up with the upcoming projects. City Manager Henderson said we have added hours to Holly Owen and there is potential for more personnel. Council discussed InterWest, which is a company that reviews plans. Mr. Henderson said they are certified company who is qualified to stamp it and then Mike Koch, the City’s Building Inspector, checks it.

Council Reports and Staff Communications

Community Services Commission

Council Member Roman referred to the previous discussion about the skate park equipment and the dog park benches.

Public Safety Committee

Council Member Creighton said they meet next week.

Chamber of Commerce

Council Member Smith said they haven’t met. Mayor Blayney said he has heard great feedback from the Fourth of July Firework celebration.

Economic Development

Council Member Roman spoke about the project tracker presented earlier in the meeting.

Finance Committee

Mayor Blayney said they have not met.

Planning Commission

Mayor Blayney said they have not met.

City Manager’s Report

City Manager Henderson said work has begun on California Street, Public Works will be adding stop signs at 16th and Tulare as you travel on 16th. He said the Traffic Safety Committee sent traffic info to the County for the intersection of Bethel and Conejo. Right now it is a two way stop and the Traffic

Kingsburg City Council
Regular Meeting Minutes
July 6, 2016

Safety Committee is recommending to the Board of Supervisors it becomes a four-way stop. Mr. Henderson said the County is looking for federal funding for a stop light or a roundabout.

Council Member Creighton asked about a joint meeting with the Planning Commission. It was confirmed it will be Wednesday July, 27th at 6pm.

Other Business as May Properly Come Before the City Council

None.

Adjourn Regular Kingsburg City Council Meeting

Kingsburg City Council Regular Meeting was adjourned at 7:30pm.

Submitted by:

Abigail Palsgaard, City Clerk

Accounts Payable

08/03/2016
IV. a. 2

Checks by Date - Summary by Check Date

User: gracer
Printed: 7/28/2016 12:07 PM



City of Kingsburg
1401 Draper Street
Kingsburg, CA 93631-1908
(559)897-5821

Check No	Vendor No	Vendor Name	Check Date	Check Amount
ACH	3470	Internal Revenue Service	07/08/2016	35,539.09
ACH	3471	Employment Development Department	07/08/2016	4,981.32
ACH	3472	Public Employees Retirement System	07/08/2016	21,164.69
ACH	3526	Public Employees Retirement System 457 I	07/08/2016	310.00
70602	3475	Great West Annuity	07/08/2016	1,390.71
70603	3231	ICMA RETIREMENT CORPORATION	07/08/2016	400.00
70604	3476	State Disbursement Unit	07/08/2016	92.76
Total for 7/8/2016:				63,878.57
70605	3004	ACCELA, INC. #774375	07/15/2016	10,380.13
70606	3006	AIRGAS NCN	07/15/2016	2,331.79
70607	3008	ALLIANT INSURANCE SERVICES	07/15/2016	6,216.00
70608	3012	A-MARK T-SHIRTS, INC.	07/15/2016	806.28
70609	3020	ANGELICA TEXTILES SERVICES COR	07/15/2016	566.88
70610	3024	RAMIRO ARROYO	07/15/2016	384.00
70611	3029	AT&T CALNET 2	07/15/2016	469.30
70612	3030	AT&T MOBILITY	07/15/2016	541.45
70613	3446	AOS AUTOMATED OFFICE SYSTEMS	07/15/2016	235.47
70614	3054	BSK ASSOCIATES	07/15/2016	1,155.00
70615	3559	BUSINESS STREET MEDIA GROUP	07/15/2016	1,800.00
70616	3569	RENE CADENA	07/15/2016	45.00
70617	3056	CAL STATE TERMITE AND PEST	07/15/2016	460.00
70618	3057	CALIFORNIA BUILDING STANDARDS	07/15/2016	201.60
70619	3059	CALIFORNIA FORENSIC INSTITUTE	07/15/2016	400.00
70620	3571	OF RECORDS SUPERVISOR, INC. CALI	07/15/2016	100.00
70621	3068	BARBARA CARPENTER	07/15/2016	990.00
70622	3079	CENTRAL VALLEY SWEEPING, INC.	07/15/2016	9,996.64
70623	3081	CHEM QUIP	07/15/2016	325.85
70624	3102	CITY OF SELMA	07/15/2016	150.00
70625	3111	COLLINS & SCHOETTLER	07/15/2016	4,140.00
70626	3115	COMCAST	07/15/2016	141.08
70627	3116	COMCAST	07/15/2016	80.67
70628	3117	COMCAST	07/15/2016	161.80
70629	3119	COOK'S COMMUNICATIONS CORP.	07/15/2016	187.75
70630	3123	COUNTY OF FRESNO DEPT OF COMM	07/15/2016	456.00
70631	UB*00010	TIM CRASS	07/15/2016	13.54
70632	3134	CSJVRMA	07/15/2016	138,703.00
70633	3566	DAVID KNOTT, INC.	07/15/2016	500.00
70634	3144	DEPARTMENT OF CONSERVATION	07/15/2016	402.07
70635	3147	DIVISION OF STATE ARCHITECT	07/15/2016	31.20
70636	3454	JOSHUA DOUGHERTY	07/15/2016	447.79
70637	3152	E C N POLYGRAPH & INVEST	07/15/2016	150.00
70638	3159	TIMOTHY ENGLAND	07/15/2016	205.00
70639	3165	FACT AUTOMATED ENTRANCES, IN	07/15/2016	166.25
70640	3166	FALCON TIRE & TOWING	07/15/2016	350.00
70641	3188	FRESNO COUNTY SHERIFF	07/15/2016	14,847.70

Check No	Vendor No	Vendor Name	Check Date	Check Amount
70642	UB*00012	GEORGE FRYER	07/15/2016	43.97
70643	3203	G & K SERVICES	07/15/2016	2,155.09
70644	3216	HANFORD SENTINEL, INC.	07/15/2016	255.58
70645	3219	HEALTHWISE SERVICES	07/15/2016	175.00
70646	3550	HERWALDT MOTORSPORTS	07/15/2016	748.10
70647	3226	HOOK-FAST SPECIALTIES, INC.	07/15/2016	458.88
70648	3230	IACP	07/15/2016	525.00
70649	3237	JC'S LAWN SERVICE	07/15/2016	6,992.00
70650	UB*00013	BARBARA JENSEN	07/15/2016	45.37
70651	3243	MARNIE JONES	07/15/2016	151.20
70652	3245	J'S COMMUNICATIONS, INC.	07/15/2016	270.00
70653	3248	KAHN, SOARES & CONWAY, LLP	07/15/2016	17,704.75
70654	3250	KELLER FORD LINCOLN	07/15/2016	94.02
70655	3253	KINGSBURG CHAMBER OF COMMERCE	07/15/2016	17,000.00
70656	3254	KINGSBURG CHEVRON	07/15/2016	160.00
70657	3259	KINGSBURG SUPERMARKET, INC.	07/15/2016	17.96
70658	3263	KMART	07/15/2016	56.23
70659	3264	MIKE KOCH	07/15/2016	110.00
70660	UB*00011	MIKE KUPIEC	07/15/2016	40.13
70661	3277	LINCOLN AQUATICS	07/15/2016	1,804.64
70662	3292	MICROFLEX CORPORATION	07/15/2016	527.48
70663	3293	MID VALLEY DISPOPSAL	07/15/2016	94,001.42
70664	UB*00009	GEORGE MONTROSS	07/15/2016	31.11
70665	3301	MYCOMMUNITY MOBILE, LLC	07/15/2016	198.00
70666	3466	NAPA AUTO PARTS	07/15/2016	761.14
70667	3307	NELSON'S ACE HARDWARE	07/15/2016	564.34
70668	3310	NEXTIVA	07/15/2016	1,897.82
70669	3567	NVB EQUIPMENT, INC.	07/15/2016	749.88
70670	3312	O'REILLY AUTO PARTS	07/15/2016	150.70
70671	3315	P G & E	07/15/2016	30,872.77
70672	3329	POLYACK MARKETING	07/15/2016	2,500.00
70673	3333	PRICE, PAIGE & COMPANY	07/15/2016	3,525.00
70674	3573	ANTHONY PRIETO	07/15/2016	80.00
70675	3334	PROFESSIONAL PRINT & MAIL, INC	07/15/2016	1,432.44
70676	3572	RICK ALONZO MINISTRIES	07/15/2016	1,000.00
70677	3350	RICOH USA, INC.	07/15/2016	423.71
70678	3355	ROHL IN POOL SERVICE & REPAIR	07/15/2016	2,520.00
70679	3359	S&W HEALTHCARE CORP.	07/15/2016	182.02
70680	3568	ATTN: Margaret Wanasamba SACRAMEN	07/15/2016	200.00
70681	3574	SACRAMENTO METROPOLITAN FIRE	07/15/2016	560.00
70682	3363	SAVE MART SUPERMARKETS	07/15/2016	426.92
70683	3570	SEQUOIA COUNCIL	07/15/2016	168.00
70684	3369	SILVAS OIL COMPANY, INC.	07/15/2016	6,205.43
70685	3374	SMART & FINAL	07/15/2016	3,131.42
70686	3376	SOLAR CITY	07/15/2016	107.80
70687	3378	STAPLES ADVANTAGE	07/15/2016	2,277.07
70688	3380	STATE OF CALIFORNIA-D O J	07/15/2016	565.00
70689	3393	TCM INVESTMENTS, LP	07/15/2016	526.83
70690	3397	THE GAS COMPANY	07/15/2016	2,805.68
70691	3400	THE ORIGINAL WATERMEN	07/15/2016	54.77
70692	3404	JACOB TOROSIAN	07/15/2016	367.69
70693	3441	TULARE COUNTY JAIL INDUSTRIES E	07/15/2016	1,998.76
70694	3413	UPS	07/15/2016	18.70
70695	3493	VILLAGE TIRE SALES	07/15/2016	111.10
70696	3469	WECO SUPPLY CO., INC.	07/15/2016	27.00
70697	3428	WESTERN LIGHTSOURCE	07/15/2016	330.79
70698	3429	WILLDAN FINANCIAL SERVICES	07/15/2016	45.94

Check No	Vendor No	Vendor Name	Check Date	Check Amount
70699	3505	ZOOM IMAGING SOLUTIONS, INC.	07/15/2016	507.36
Total for 7/15/2016:				409,201.25
ACH	3470	Internal Revenue Service	07/22/2016	38,664.84
ACH	3471	Employment Development Department	07/22/2016	5,560.09
ACH	3472	Public Employees Retirement System	07/22/2016	23,115.67
ACH	3526	Public Employees Retirement System 457 F	07/22/2016	310.00
70700	3475	Great West Annuity	07/22/2016	1,416.43
70701	3231	ICMA RETIREMENT CORPORATION	07/22/2016	400.00
70702	3476	State Disbursement Unit	07/22/2016	92.76
Total for 7/22/2016:				69,559.79
ACH	3470	Internal Revenue Service	07/25/2016	485.86
ACH	3471	Employment Development Department	07/25/2016	70.28
Total for 7/25/2016:				556.14
Report Total (111 checks):				543,195.75



Meeting Date: 08/03/2016
Agenda Item: IV. a. 3

CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor Blayney & City Council

REPORT FROM: Maggie Moreno, Finance Director

REVIEWED BY:

AGENDA ITEM: Treasurer's Report

ACTION REQUESTED: Ordinance Resolution Motion Receive/File

EXECUTIVE SUMMARY

The monthly financial summaries provide a detail report of cash and investments. The cash balances of the City of Kingsburg are invested in Local Area Investment Fund (LAIF) pooled investment and WestAmerica Bank. The current earnings rate of LAIF is .576%. The amount held at WestAmerica Bank receives .35% earnings credit to offset the majority of what the City incurs for banking charges.

RECOMMENDED ACTION BY CITY COUNCIL

1. City Council accept the Treasurer's Report for May 31, 2016 and June 30, 2016.

POLICY ALTERNATIVE(S)

1. N/A

REASON FOR RECOMMENDATION/KEY METRIC

1. A responsibility of the City Council is to monitor the financial transactions and cash management. Acceptance of the monthly summary indicates that the council is aware of financial status of the city.

FINANCIAL INFORMATION

FISCAL IMPACT:

1. Is There A Fiscal Impact? Yes
2. Is it Currently Budgeted? N/A
3. If Budgeted, Which Line? N/A

ATTACHED INFORMATION

1. Treasurer's Report

**City of Kingsburg Treasurer's Report
Pooled Cash Investments and Cash
Period Ending May 31, 2016**

Pooled Investments

Petty Cash/Change Fund
WestAmerica Payroll A/C
WestAmerica Bank General Operating
WestAmerica Finance Authority A/C
Local Agency Investment Fund-City

Interest Rate

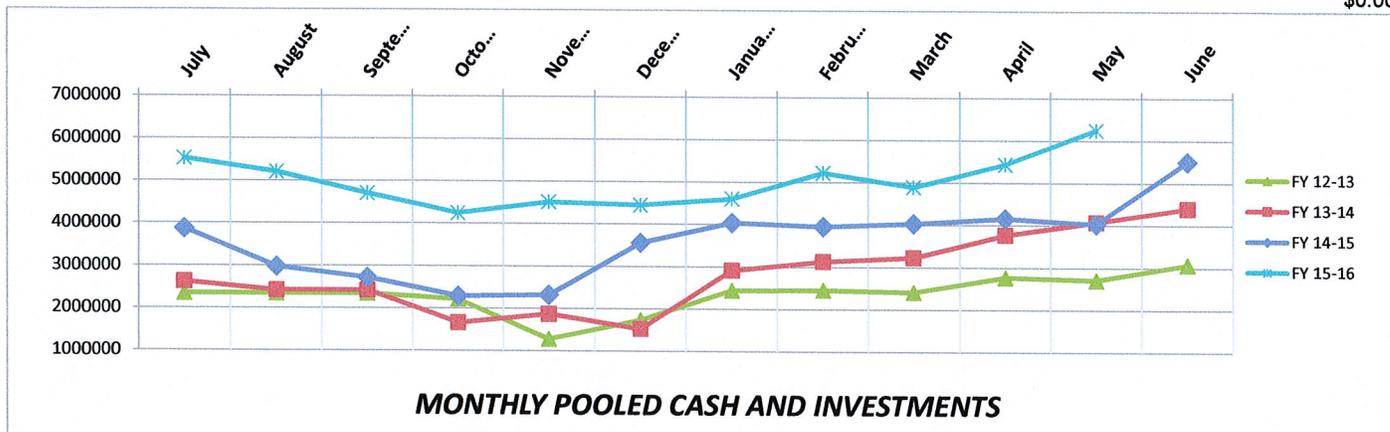
N/A	\$1,450.00
N/A	-\$1,236.66
N/A	\$2,838,732.76
N/A	\$568,640.20
0.552%	\$2,839,628.78

Total \$6,247,215.08

Funds

General Fund	\$2,554,033.24
Pool	-\$96,814.39
Senior Center	-\$15,969.16
CDBG	-\$5,379.36
COPS	\$104,618.25
CML Grants***	-\$55,156.35
Sierra St Signal Synchro***	-\$123,757.89
Sierra St Trnsit Stop***	-\$650.90
14th Ave Bikelines***	-\$45,449.68
Sierra St Side Linc to El***	-\$1,424.18
Lincoln St Reconstruct***	-\$17,475.96
Sierra St Recon Raf to 99***	-\$1,211.11
10th and Union Lighted Cr***	-\$326.60
Sierra St Lighted Crosswalk***	-\$9,636.00
Earl St Reconstruct***	-\$104,744.60
Sierra St Sidewalk 16-18***	-\$19,592.72
6th St Reconstruct***	-\$329.07
Historic Depot Project***	-\$259,308.90
18th ave sidewalk	\$10,597.72
10TH Ave Reconstruction***	-\$273,265.50
18/Kern Lighted Crosswalk	-\$1,895.34
Gas Tax	\$401,019.08
LTF 3	\$48,388.84
LTF 8	\$1,574,253.33
Measure C	\$757,621.16
Abandoned Vehicle	\$16,626.40
Capital Facilites	\$639,118.87
Sewer	\$960,505.59
Storm Drain	\$16,908.04
Par & Rec	\$167,202.15
Traffic Impact	\$13,403.06
Equipment Reserve	\$25,432.30
Water	\$2,361,698.71
Solid Waste	-\$80,405.96
Ambulance	-\$1,821,060.20
RDA Cap Proj Successor Agency	-\$52,648.65
RDA Low/Mod Successor Agency	-\$81,134.39
Finance Authority	-\$594,012.45
Spec Assess 91-1 Agency	-\$75,662.82
Spec Assess 91-1 Supp Agency	\$5,745.08
Spec Assess 92-1 Agency	\$125,222.17
Spec Assess 92-2 Agency	\$99,442.96
Landscaping & Lighting	\$82,722.17
	\$19,968.14
Total	<u>\$6,247,215.08</u>

\$0.00



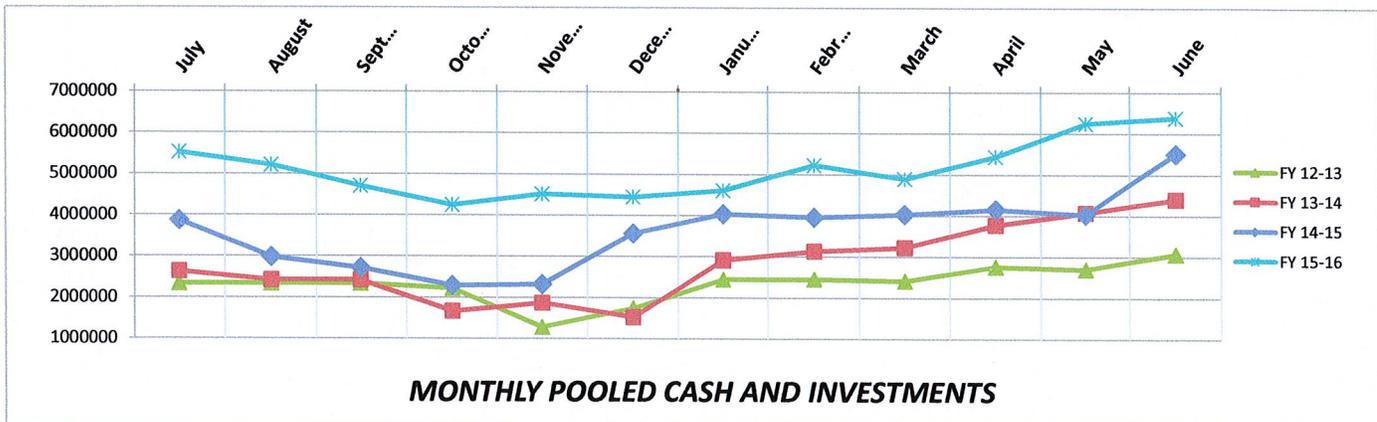
**City of Kingsburg Treasurer's Report
Pooled Cash Investments and Cash
Period Ending June 30, 2016**

Pooled Investments

Petty Cash/Change Fund	N/A	\$1,450.00
WestAmerica Payroll A/C	N/A	-\$1,917.33
WestAmerica Bank General Operating	N/A	\$2,973,280.45
WestAmerica Finance Authority A/C	N/A	\$573,721.70
Local Agency Investment Fund-City	0.576%	\$2,839,628.78
	Total	\$6,386,163.60

Funds

General Fund	\$2,218,334.54
Pool	-\$79,516.84
Senior Center	-\$17,830.13
CDBG	-\$5,379.36
COPS	\$124,618.25
CML Grants***	-\$55,156.35
Sierra St Signal Synchro***	-\$194,418.59
Sierra St Trnsit Stop***	-\$650.90
14th Ave Bikelines***	-\$45,449.68
Sierra St Side Linc to El***	-\$1,424.18
Lincoln St Reconstruct***	-\$17,475.96
Sierra St Recon Raf to 99***	-\$1,211.11
10th and Union Lighted Cr***	-\$326.60
Sierra St Lighted Crosswalk***	-\$9,847.25
Earl St Reconstruct***	-\$15,278.69
Sierra St Sidewalk 16-18***	-\$19,592.72
6th St Reconstruct***	-\$329.07
Historic Depot Project***	-\$259,308.90
18th ave sidewalk	\$10,597.72
10TH Ave Reconstruction***	-\$274,850.02
18/Kern Lighted Crosswalk	-\$684.44
Gas Tax	\$413,918.03
LTF 3	\$48,388.84
LTF 8	\$1,641,834.34
Measure C	\$741,262.69
Abandoned Vehicle	\$16,626.40
Capital Facilites	\$649,808.87
Sewer	\$962,787.59
Storm Drain	\$18,245.80
Par & Rec	\$170,058.15
Traffic Impact	\$13,403.06
Equipment Reserve	\$25,432.30
Water	\$2,357,634.66
Solid Waste	-\$166,224.69
Ambulance	-\$1,755,413.83
RDA Cap Proj Successor Agency	\$99,586.02
RDA Low/Mod Successor Agency	-\$81,134.39
Finance Authority	-\$594,012.45
Spec Assess 91-1 Agency	-\$73,347.31
Spec Assess 91-1 Supp Agency	\$5,890.12
Spec Assess 92-1 Agency	\$125,054.67
Spec Assess 92-2 Agency	\$101,377.86
Landscaping & Lighting	\$86,692.15
	\$223,475.00
Total	\$6,386,163.60
	\$0.00



RESOLUTION NO. 2016-045

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KINGSBURG
AUTHORIZING APPLICATION FOR A PUBLIC BENEFIT GRANT PROGRAM
FROM THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT AND
AUTHORIZING THE CITY MANAGER TO SIGN THE APPLICATION AND GRANT
DOCUMENTS AND IMPLEMENT THE PROJECT ON BEHALF OF THE CITY**

WHEREAS, the City of Kingsburg wishes to apply for Public Benefit Grant Program funds from the San Joaquin valley Air Pollution Control District (Air District) to purchase one new alternative fuel vehicle for the Police Department; and

WHEREAS, the Air District can award grants up to \$20,000 for each new vehicle; and

WHEREAS, the City Manager is authorized to sign the grant application on behalf of the City, and to execute a grant agreement and other grant-related documents and implement the project;

NOW, THEREFORE, BE IT RESOLVED that City staff is authorized to prepare and submit to the San Joaquin Valley Air Pollution Control District an application for a Public Benefit Grant Program grant for the purchase of one new alternative fuel vehicle for the Police Department.

I, Abigail Palsgaard, City Clerk of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg City Council held on the 3rd day of August, 2016, by the following vote:

Ayes: Councilmember(s):
Noes: Councilmember(s):
Absent: Councilmember(s):
Abstain: Councilmember(s):

Abigail Palsgaard, City Clerk
City of Kingsburg



Meeting Date: 08/03/2016
Agenda Item: IV. a. 5

CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor Blayney & City Council
REPORT FROM: David Peters, City Engineer
REVIEWED BY: [Signature]
AGENDA ITEM: Award 19th Avenue Pavement Rehabilitation & Alley Improvements Project
ACTION REQUESTED: Ordinance Resolution Motion Receive/File

EXECUTIVE SUMMARY

The City solicited bids from contractors for the 19th Avenue Pavement Rehabilitation & Alley Improvements project. On June 22, 2016 the City received one bid for the project for \$141,050.00. The low bid was submitted by Bush Engineering, Inc. from Fresno, California in the amount of \$141,050.00 for the base bid. The bid included a bid item for Traffic Control in the amount of \$30,000, which was determined by staff to be significantly higher than what the City's cost would be if staff performed the traffic control in-house.

In order to reduce the awarded contract amount to within the budgeted amount, it is proposed to eliminate Bid Item No. 2 Traffic Control, and have City staff perform this work. This will revise the awarded contract amount to \$111,050.00.

RECOMMENDED ACTION BY CITY COUNCIL

- 1. Award the 19th Avenue Pavement Rehabilitation & Alley Improvements project to Bush Engineering, Inc. for the base bid only in the amount of \$111,050.00, which includes all bid items excluding Bid Item No. 2 Traffic Control.

POLICY ALTERNATIVE(S)

- 1. None

REASON FOR RECOMMENDATION/KEY METRIC

- 1. Bush Engineering, Inc. was the lowest responsible and only bidder

FINANCIAL INFORMATION

FISCAL IMPACT:
1. Is There A Fiscal Impact? Yes
2. Is it Currently Budgeted? Yes
3. If Budgeted, Which Line? 318-5100-549-57-01

FINANCIAL SUMMARY

Project is funded by local transportation funds budgeted in FY 2016-17.

PRIOR ACTION/REVIEW

None

BACKGROUND INFORMATION

The City solicited bids from contractors for the 19th Avenue Pavement Rehabilitation & Alley Improvements project. On June 22, 2016 the City received one bid for the project for \$141,050.00. The low bid was submitted by Bush Engineering, Inc. from Fresno, California in the amount of \$141,050.00 for the base bid. The bid included a bid item for Traffic Control in the amount of \$30,000, which was determined by staff to be significantly higher than what the City's cost would be if staff performed the traffic control in-house.

In order to reduce the awarded contract amount to within the budgeted amount, it is proposed to eliminate Bid Item No. 2 Traffic Control, and have City staff perform this work. This will revise the awarded contract amount to \$111,050.00.

ATTACHED INFORMATION

1. Bid Summary attached.

19th Avenue Pavement Rehabilitation & Alley Improvements

BID SUMMARY 06/22/16

#1

Bush Engineering

BID SCHEDULE "A"

Item No.	Quantity	Unit	Item Description	Unit Price	Total Amount
1	1	LS	Mobilization	\$10,000.00	\$10,000.00
2	1	LS	Traffic Control	\$30,000.00	\$30,000.00
3	1	LS	Dust Control	\$1,000.00	\$1,000.00
4	1	LS	Clearing & Grubbing	\$2,000.00	\$2,000.00
5	1	LS	Alley Subgrade Compaction & Grading	\$20,000.00	\$20,000.00
6	5,200	SY	Micromilling (F)	\$2.50	\$13,000.00
7	5,200	SY	Crack Sealing (F)	\$1.00	\$5,200.00
8	5,200	SY	Double Fiberized Slurry Seal (F)	\$6.00	\$31,200.00
9	3,700	SY	Place AC Grindings in Alleys (F)	\$3.50	\$12,950.00
10	1	LS	Pavement, Striping, Markers, & Markings	\$700.00	\$700.00
11	1	LS	Miscellaneous Facilities	\$10,000.00	\$10,000.00
12	1	LS	Supplemental Work	\$5,000.00	\$5,000.00

TOTAL:

\$141,050.00



Meeting Date: 08/03/2016
Agenda Item: V 2

CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor Blayney and City Council

REPORT FROM: Neil Dadian, Chief of Police

REVIEWED BY:

AGENDA ITEM: Adult Use Marijuana Act - Proposition 64

ACTION REQUESTED: Ordinance Resolution Motion Receive/File

EXECUTIVE SUMMARY

If passed by the voters, the initiative would legalize the possession of one ounce of marijuana and the cultivation of six plants by adults, 21 years of age and over. Beginning in 2018, it would allow licenses and regulations for small and medium cultivators and for retail sales. It would also impose state sales taxes of 15% of the sales price and cultivation taxes per ounce of flowers and leaves.

Marijuana is still a Schedule I drug under the Controlled Substances Abuse Act of 1970. It remains illegal at the federal level.

This will undermine our very strong ordinance, Chapter 17.97.010, prohibiting medical marijuana from being dispensed/sold inside the city limits. City Ordinance 17.97.010 does not, and probably could not, regulate most provisions of the AUMA, as indoor grows would be allowed and not be able to be regulated. See attached ordinance.

Every major state law enforcement association is actively opposing the AUMA. Key opponents are; California Police Chiefs Association, California State Sheriffs Association, California Peace Officers Association, California Narcotics Association, as well as numerous local organizations and individual officials. The main concern of law enforcement is the failure of the Act to regulate the THC content, the continuance of a black market to avoid taxes and what little regulation exists in the Act, the minor penalties provided for underage violators, which actually encourages their exploitation by adults, and the marketing to teens.

RECOMMENDED ACTION BY CITY COUNCIL

1. *Issue a resolution opposing the Adult Use Marijuana Act*

POLICY ALTERNATIVE(S)

1. N/A

REASON FOR RECOMMENDATION/KEY METRIC

1. This City has already taken a firm stand on the prohibition of medical marijuana dispensaries. Opposing the AUMA would be in keeping with that direction.

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|--------------|
| 1. Is There A Fiscal Impact? | Undetermined |
| 2. Is it Currently Budgeted? | N/A |
| 3. If Budgeted, Which Line? | N/A |

PRIOR ACTION/REVIEW

None.

BACKGROUND INFORMATION

Proponents claim that bringing marijuana into a regulated and legitimate market, AUMA creates a transparent and accountable system. It is a mistaken notion to think that Drug Trafficking Organizations (DTO) and other criminals will quietly get out of the drug dealing business. Cartels and gangs don't play by normal business rules and don't obey regulations and laws. The black market will flourish under AUMA.

Legalization of marijuana in Colorado, Washington and Oregon has led to more motorists driving under the influence and there is no reason to believe this trend will not manifest in California if AUMA passes. Those who consume today's highly potent marijuana and get behind the wheel are a risk to all drivers. Driving under the influence of marijuana is already on the rise and much harder to prove in a court of law.

Those under the age of 18 will have greater access to marijuana than ever before and the punishment for breaking the laws promulgated by AUMA are so lenient that they will not serve as a deterrent. Teenagers who grow their own marijuana, smoke or sell it and get caught will receive no meaningful punishment. If marijuana is legal for those 21 and older, it becomes "normalized," and sends the wrong message to our teens. If the adults around them are using and growing marijuana, and eating marijuana products like gummy bears and lollipops, they may conclude that marijuana must be okay and safe.

A homeowner or a renter could grow, harvest, and process up to six plants in every home or apartment. A landowner may, however, restrict the ability for a tenant to do so. While local jurisdictions such as ours could ban outdoor cultivation, indoor cultivation of six plants or less could not be banned.

ATTACHED INFORMATION

1. Recommended Resolution
2. Analysis of AUMA key provisions by the San Diego District Attorney
3. Kingsburg City Ordinance 17.97.010

**KINGSBURG CITY COUNCIL RESOLUTION OPPOSING THE ADULT USE OF MARIJUANA INITIATIVE –
COMMERCIAL SALES OF NON-MEDICAL MARIJUANA BALLOT MEASURE**

WHEREAS, the Kingsburg City Council is committed to the success and positive future of our community youth, and to the health and safety of our citizens; and

WHEREAS, the Kingsburg City Council support efforts to decrease and prevent youth use of and exposure to marijuana and other drugs; and

WHEREAS, marijuana use can be harmful to the adolescent brain, affecting the parts of the brain that influence pleasure, memory, thinking, concentration, sensory and time perception, and coordinated movement³; and

WHEREAS, a ballot measure titled the “Adult Use of Marijuana” to permit commercial sales of non-medical marijuana in California will be on the November 2016 General Election ballot, and

WHEREAS, analysis of the “Adult Use of Marijuana” initiative by the San Diego District Attorney’s Office points out, “The initiative allows persons convicted of dealing large amounts of controlled substances such as heroin (up to 20,000 individual doses), methamphetamine (up to 10,000 individual doses) to become legal marijuana dealers”; and

WHEREAS, the analysis further notes that the initiative permits convicted felony drug dealers who have used children to courier drugs to an adult buyer to be eligible to apply for a California marijuana license; and

WHEREAS, there are no provisions in the initiative to prevent advertising and marketing to children and teens near parks, community centers, child-focused businesses, and community colleges; and

WHEREAS, the HIDTA statistics for marijuana use in Colorado teens ages 12-17 are 74% above the national average; and

WHEREAS, the initiative allows for the indoor growing of up to six marijuana plants per residence and each plant requires 6 gallons of water per day in a state that is currently battling a drought; and

WHEREAS, in Colorado, where non-medical marijuana is legal and commercialized, marijuana-related traffic deaths increased 92% from 2010 to 2014 while all traffic deaths increased only 8 percent during the same time period; and

WHEREAS, a study released in May 2016 by AAA Foundation for Traffic Research found that fatal crashes involving drivers who recently used marijuana doubled in Washington after the state legalized the drug.

NOW, THEREFORE, BE IT RESOLVED that the Kingsburg City Council oppose the “Adult Use of Marijuana” California ballot measure to permit commercialization of non-medical marijuana.

Signed this _____ day of _____

By _____

Name, Title and Organization

REFERENCES AND SOURCES:

¹Research Report Series: Marijuana," National Institute of Health, National Institute on Drug Abuse; July 2012.

For quick reference, see "Drug Facts: Marijuana": National Institute of Health, National Institute on Drug Abuse; January 2014, available at: <https://www.drugabuse.gov/publications/drugfacts/marijuana>.

²California Healthy Kids Survey (need exact citation)

³Research Report Series: Marijuana," National Institute of Health, National Institute on Drug Abuse; July 2012.

For quick reference, see "Drug Facts: Marijuana": National Institute of Health, National Institute on Drug Abuse; January 2014, available at: <https://www.drugabuse.gov/publications/drugfacts/marijuana>.

<http://www.acped.org/marijuana-use-detrimental-to-youth>

<http://www.rmhidta.org/html/2015%20FINAL%20LEGALIZATION%20OF%20MARIJUANA%20IN%20COLORADO%20THE%20IMPACT.pdf>

ARIZONA REFERENCES

ⁱ "Research Report Series: Marijuana," National Institute of Health, National Institute on Drug Abuse; July 2012.

For quick reference, see "Drug Facts: Marijuana": National Institute of Health, National Institute on Drug Abuse; January 2014, available at: <https://www.drugabuse.gov/publications/drugfacts/marijuana>.

"Arizona Youth Survey: State Report," Arizona Criminal Justice Commission, 2012; p. 32.

For quick reference, see "Arizona Youth Survey 2012: Marijuana Data Brief."

^w "Research Report Series: Marijuana," National Institute of Health, National Institute on Drug Abuse; July 2012.

For quick reference, see "Drug Facts: Marijuana": National Institute of Health, National Institute on Drug Abuse; January 2014, available at: <https://www.drugabuse.gov/publications/drugfacts/marijuana>

•• Meier, Madeline H.; Caspi, Avshalom, *et. al.*, "Persistent Cannabis Users Show Neuropsychological Decline From Childhood to Midlife," *Proceeding of the National Academy of Sciences of the United States of America*, vol. 109 no. 40; October 2, 2012.

Calkins, Kathryn, "Early Onset, Regular Cannabis Use Is Linked to IQ Decline," National Institute on Drug Abuse; August 13, 2013.

Accompanying video presentation by Dr. Madeline Meier, located at:

<https://www.youtube.com/watch?v=qJXnxHYapbE>. "Marijuana's Lasting Effects on the Brain," National Institute on Drug Abuse; March 2013.

"Heavy marijuana users have abnormal brain structure and poor memory," Science Codex; December 6, 2013.

"Heavy marijuana users have abnormal brain structure and poor memory," Science Codex; December 6, 2013.

.. "Arizona Youth Survey: State Report," Arizona Criminal Justice Commission, 2012; p. 58. "Two New Studies Conclude Marijuana Use Connected to College Failure," Community Anti-Drug Coalitions of America; March 28, 2013.

"Two New Studies Conclude Marijuana Use Connected to College Failure," Community Anti-Drug Coalitions of America; March 28, 2013.

"Is there a link between marijuana use and mental illness?" National Institute on Drug Abuse; July 2012.

MacDonald, Ann, "Teens who smoke pot at risk for later schizophrenia, psychosis," *Harvard Health*; March 7, 2011.

Bergland, Christopher, "Heavy Marijuana Use Alters Teenage Brain Structure," *Psychology Today*; December 16, 2013.

"" "Research Report Series: Marijuana," National Institute of Health, National Institute on Drug Abuse; July 2012.

For quick reference, see "Drug Facts: Marijuana": National Institute of Health, National Institute on Drug Abuse; January 2014, available at:
<https://www.drugabuse.gov/publications/drugfacts/marijuana>.

^{nu} "Arizona Youth Survey: State Report," Arizona Criminal Justice Commission, 2012. For

quick reference, see "Arizona Youth Survey 2012: Marijuana Data Brief."

" This prediction by the Arizona Criminal Justice Commission is an extrapolation based on the date included in the "Arizona Youth Survey: State Report," Arizona Criminal Justice Commission, 2012.

' "Research Report Series: Marijuana," National Institute of Health, National Institute on Drug Abuse; July 2012.

For quick reference, see "Drug Facts: Marijuana": National Institute of Health, National Institute on Drug Abuse; January 2014, available at:
<https://www.drugabuse.gov/publications/drugfacts/marijuana>.

"How cannabis suppresses immune functions: cannabis compounds found to trigger unique immune cells which promote cancer growth," Wiley-Blackwell, *ScienceDaily*; November 26, 2010.

"" "Drug Facts: Drugged Driving," National Institute of Health, National Institute on Drug Abuse; October 2013.

"" "Drug Facts: Drugged Driving," National Institute of Health, National Institute on Drug Abuse; October 2013."

•w "The Public Health Consequences of Marijuana Legalization," White House Fact Sheet.

ⁱⁿ Kilmer, Beau, *et al.*, "Altered States? Assessing How Marijuana Legalization in California Could Influence Marijuana Consumption and Public Budgets," RAND Corp.; 2010.

... "Marijuana in the Workplace," University of Washington, Alcohol & Drug Abuse Institute; August 2013.

" "The Public Health Consequences of Marijuana Legalization," White House Fact Sheet

JESUS RODRIGUEZ
ASSISTANT DISTRICT ATTORNEY

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

BONNIE M. DUMANIS
DISTRICT ATTORNEY

San Diego
330 West Broadway
San Diego, CA 92101
(619) 531-4040

<http://www.sandiegoda.com>

RE: No. 15-0103 - The Control, Regulate, and Tax Adult Use of Marijuana Act, commonly referred to as the "Parker Initiative" Key Provisions

On November 2, 2015, proponents for the legalization of marijuana, including Sean Parker, submitted a proposed state-wide ballot initiative with a request for title and summary. The proposed initiative was assigned number 15-0103, and was titled, "*The Control, Regulate, and Tax Adult Use of Marijuana Act.*" It is also known as the "Parker Initiative", and the "Adult Use of Marijuana Act" or the "AUMA." An amended version of the proposed initiative was submitted on December 7, 2015. Title and Summary were prepared on January 6, 2016.

If passed by the voters, the initiative would legalize the possession of one ounce of marijuana and the cultivation of six plants by adults, 21 years of age and over. Beginning in 2018, it would allow licenses and regulations for small and medium cultivators and for retail sales. It would also impose state sales taxes of 15% of the sales price and cultivation taxes per ounce of flowers and leaves.

The Office of the San Diego County District Attorney has not taken a position on this initiative. However, there are concerns that are worth noting. Numerous articles and studies on the recreational marijuana laws in other states, and the impact of those laws on communities have been published. One underlying reality facing states that have legalized marijuana is that the federal government still classifies it as a Schedule I drug under the Controlled Substances Abuse Act of 1970 (the "CSA"). It remains illegal at the federal level. All of the ramifications of this conflict in the laws is yet to be determined. What is clear is that the usual venture capitalists, and investors are steering clear of this risky business. This wild-west of an industry is unlike any we have ever known, and by studying what challenges the other states are facing, we can begin to understand the price we may pay from the legalization of marijuana, and from passage of this particular initiative.

The Underground Black Market:

Proponents of the initiative claim that "by bringing marijuana into a regulated and legitimate market, AUMA creates a transparent and accountable system. This will help police crackdown on the underground black market that currently benefits violent drug cartels and transnational gangs, which are making billions from marijuana trafficking and jeopardizing public safety." However, it is a mistake to infer that cartels and other criminals will quietly get out of the drug dealing business, and not infiltrate the burgeoning multi-billion dollar a year marijuana industry. Cartels and gangs don't play by normal business rules and don't obey regulations and laws. The cartels are notorious for their innovative smuggling strategies and their flagrant use of our public land to grow thousands and thousands of marijuana plants. "The competitive advantage of

criminal organizations stems from their proficiency in violence, intimidation and smuggling, none of which are essential to compete in legal markets," says Ethan Nadelmann, director of the Drug Policy Alliance. While the trafficking of cocaine, heroin and methamphetamine is the main focus of U.S. law enforcement, it is marijuana that has long provided most of the revenue for Mexican drug cartels. More than 60 percent of the cartels' revenue -- \$8.6 billion out of \$13.8 billion in 2006 -- came from U.S. marijuana sales, according to the White House Office of National Drug Control Policy. There are no indications that this will change; rather indications are that they will increase their land holdings in states where the cultivation and sales are legal.

In fact, there has been a spike in marijuana shipments out of the legalized region across state lines to supply users in neighboring states where marijuana remains illegal. "No one knows exactly how much pot leaves Colorado. When illegal shipments are seized, it's often impossible to prove where the marijuana was grown. But court documents and interviews with law enforcement officials indicate well-organized traffickers are seeking refuge in Colorado's flourishing pot industry," according to an Associated Press article in January 2016. The Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA) 2015 annual report shows that in one year after marijuana retail stores started operating, there was a 25% increase in the number of interstate seizures with most of the marijuana going to Kansas and Missouri. Interdiction experts estimate they seize 10% or less of what gets through undetected.

Although anecdotal evidence suggests the legalization of marijuana has reduced the cartels multi-billion dollar bottomline, what will prevent these dangerous organizations and other criminals from infiltrating the so-called "legal structure" offered under AUMA. Shortly before Colorado legalized commercial marijuana in 2013, agents served search warrants at 14 Denver dispensaries operated by individuals with alleged ties to Columbian cartels. These enterprises excel at money laundering. The criminal structures are extremely complex, with far-reaching financial tentacles that easily penetrate "legal" businesses, and especially those businesses where the operators are already entrenched. A recent article in the Los Angeles Times reported that Washington's State Liquor and Cannabis Board will now allow investors from around the U.S. to help finance the state's exploding legal marijuana industry. Oregon approved a similar practice, and Colorado is expected to follow suit, eliminating its two year residency requirement for financiers. This change comes with the risk that cartels will become the new breed of marijuana venture capitalists.

As far as the importation of marijuana from other countries, advocates argue the cartels are being pushed aside by the gradual legalization of marijuana in the U.S. A recent TIME Magazine article points out that despite several states legalizing marijuana, cartels are not going away, but simply shifting their business strategy. "Seizures of both heroin and crystal meth on the U.S.-Mexico border have gone up as those of marijuana have sunk, according to U.S. Department of Homeland Security (DHS). In 2015, DHS figures revealed an astounding 300% increase in California meth seizures coming from Mexico in the last few years.

Driving Under The Influence of Drugs (DUID):

Legalization of marijuana in Colorado, Washington and Oregon has led to more motorists driving under the influence and there is no reason to believe this trend will not manifest in California if AUMA passes. Those who smoke today's highly potent marijuana and get behind the wheel are a risk to all drivers. The data already shows these individuals cause significant injury and financial loss to innocent motorists. Whether a driver is impaired due to alcohol or

marijuana or both, it is illegal. Driving under the influence of marijuana is already on the rise and much harder to prove in a court of law.

Colorado has seen a spike in driving fatalities in which marijuana alone was involved, according to Insurance.com. The trend started in 2009 — the year medical marijuana dispensaries were effectively legalized at the state level. In 2015, the RMHIDTA annual report shows that one year after commercial marijuana was legalized, Denver Police Department reported a 100% increase in DUIs involving marijuana. Nearby counties, such as Larimer and Aurora, also reported significant increases of DUIs involving marijuana. Newly released data from the Washington Traffic Safety Commission (WTSC) shows that marijuana is increasing as a factor in deadly crashes. The number of drivers involved in fatal crashes who tested positive for marijuana increased 48 percent from 2013 to 2014.

Considering how much taxable revenue AUMA anticipates will be generated by the legalization of marijuana, it offers a meager three-million dollars a year for four years to the California Highway Patrol (CHP) to develop and implement rigorous evidence-based DUI testing. In California there is currently no DUI *standard for testing the level of someone who may be Driving Under the Influence of marijuana, and creating an evidence based standard may be problematic.* States that have legalized medical marijuana, and more recently commercial marijuana, are still trying to develop a viable DUI test that is comparable to the DUI Blood Alcohol Content matrix.

In 2013, Colorado passed a law that put limits on blood levels while driving and created a legal presumption that at 5 nanograms or more of active THC per milliliter, a driver is impaired. While a blood draw is considered the gold standard to determine impairment for alcohol, there are issues when it comes to marijuana because it converts more quickly than alcohol. Marijuana impaired driving arrests are being successfully challenged due to the amount of time that passes between pulling over suspected impaired drivers, determining if they are under the influence of marijuana, finding a judge, obtaining a search warrant to perform a blood draw and then having that sample tested at the state toxicology laboratory. Law enforcement in California, which legalized medical marijuana in 1996, and states that have legalized recreational marijuana since and now have more impaired drivers on the road, continue to grapple with the marijuana DUI issue due to the lack of scientific advancements in this area.

Dangers to Teens and Children

AUMA claims it will protect teens from marijuana by limiting marketing and regulating packaging and labeling. Unfortunately, current AUMA guidelines, which are similar to those in the other states, will not protect teens. It allows for the delivery of this gateway drug right to their doorstep.

Those under the age of 18 will have greater access to marijuana than ever before and the punishment for breaking the laws promulgated by AUMA are so lenient that they will not serve as a deterrent. Teenagers who grow their own marijuana, smoke or sell it and get caught will receive no meaningful punishment. If marijuana is legal for those 21 and older, it becomes “normalized,” and sends the wrong message to our teens. If the adults around them are using and growing marijuana, and eating marijuana products like gummy bears and lollipops, they may conclude that marijuana must be okay and safe.

AUMA states that "no licensee shall advertise or market" marijuana products in a manner to encourage persons under the age of 21 years to consume marijuana. Colorado has the same law, but enforcing it is another issue. Dispensaries in Colorado, which are held to similar anti-child labeling compliance regulations, package marijuana products with names such as "Girl Scout Cookies." According to the 2015 RMHIDTA report, marijuana medical centers currently outnumber Starbucks coffee shops and recreational marijuana stores outnumber McDonalds restaurants in Colorado. In Ohio, marijuana proponents have created a campaign "super-hero" mascot. The cartoonish marijuana budhead is named "Buddie." He is currently touring college campuses to drum up support for legalization of marijuana in that state. Teenagers under 18 years of age will have a tough time ignoring the marketing blitz in their neighborhoods, and those between 18 and 20 years of age will be faced with marijuana marketing on college campuses.

A New England Journal of Medicine article states, "Although the use of marijuana remains illegal everywhere for people under 21 years of age, today's edibles are likely to appeal to children and young people. Even if consumption by minors is not intended by manufacturers, the packaging of edibles brings to mind the tort-law concept of the "attractive nuisance": a hazardous condition that is foreseeably likely to attract children who are unable to appreciate the risk involved. It also evokes tobacco companies' use of advertising campaigns with youth appeal, such as the long-running campaign featuring Joe Camel."

There are real, significant dangers to children because of these slick marketing campaigns, packaging, and sadly, the tragedy of accessibility to toddlers in their home. Dozens of youngsters find the "edible" marijuana products, brightly packaged and adorned with cartoon characters, naturally appealing. In 2014, when marijuana retail businesses began operating, Colorado's Rocky Mountain Poison and Drug Control Center marijuana-related calls increased over 70 percent from 2013. During that same time, the Center reported 38 cases of marijuana related exposures for children 0 to 5 years of age.

In 2015, the Washington Poison Control received 272 calls regarding exposures to marijuana products. Of those 272 cases, nearly half were for youngsters 19 years of age and under. The majority of calls were regarding 13 – 19 year olds who had been exposed to some form of marijuana, and more than 20 calls were for toddlers three years of age and under also exposed to some form of marijuana.

Not only does the legalization of marijuana in general cause concern, but some of the provisions in the AUMA are problematic.

The following are some of the concerns surrounding its key provisions.

Cultivation

A homeowner or a renter could grow, harvest, and process up to six plants in every home or apartment. (A landowner may, however, restrict the ability for a tenant to do so.)

While local jurisdictions could ban outdoor cultivation, indoor cultivation of six plants or less could not be banned. Enforcement of the latter provision is questionable.

License to Sell Marijuana

The initiative allows persons convicted of dealing large amounts of controlled substances such as heroin, methamphetamine or cocaine to become “legal marijuana dealers.” There is nothing in the initiative that will prevent anyone with a prior conviction involving dealing any drug (Cocaine, PCP, Heroin, Methamphetamine, etc.) from getting a license except for those who fall into the following categories:

- Persons previously convicted of using a minor to commit a drug felony: i.e. the practice of using a child as a courier to sell drugs to other children, but not the more common practice of using a child to hold the dealer’s stash, serve as a lookout, or serve as a courier to adult buyers.
- Persons convicted of a drug felony involving quantities exceeding one kilogram of a controlled substance. Keep in mind, however, that an amount that is barely less than one kilogram represents a substantial level of drug dealing. For example, slightly less than one kilogram of Heroin can yield approximately 20-thousand doses, one kilogram of Meth yields 10-thousand doses, one kilogram of Cocaine yields 10-thousand doses.
- Persons convicted of manufacturing more than one pound of solid or three gallons of liquid drugs. Again, these are substantial quantities.

The Parker Initiative is very explicit that a prior conviction for any trafficking or manufacture of a controlled substance may not, in itself, be the sole grounds for rejecting a license.

Thus, those who were convicted of dealing very high quantities of drugs, thousands upon thousands of doses, cannot be denied a license on that basis alone. The end result may very well be that convicted drug dealers will continue to deal both legal drugs such as marijuana, in the same place and at the same time they continue to deal illegal drugs, jeopardizing public safety. Only once caught, does the illegal trafficking of drugs become grounds for license revocation.

Prior Marijuana Convictions

An individual previously convicted of any marijuana offenses, no matter how recent, may petition to have his conviction expunged. This includes individuals who are currently serving time, as well as persons whose activities were used to advance the objectives of a criminal street gang. Prosecutors will no longer be able to allege one-year prison prior enhancements, if the underlying conviction involved marijuana, and the conviction has been expunged.

Penalties for Violations

The penalties for possession for those 18 and younger suggest they may be at risk to become the users, growers and dealers of tomorrow. The penalty for a first time possession offense for those 18 years of age and under is an infraction (whether it’s possession of less than or more than an ounce of marijuana). Penalties for first time offenders 18 years of age and under who plant, cultivate or harvests ANY marijuana face an infraction. Every person under the age of 18 who possesses marijuana for sale also faces an infraction. This initiative provides no incentive for teenagers not to get into the business of using and selling marijuana.

The penalties for adults and juveniles are as follows:

Smoking marijuana in a public place is an infraction punishable by \$100; but if under 18, must complete 4 hours of drug education and up to 10 hours community service in lieu of the fine.

Smoking/Vaping in violation of no smoking signs is an infraction with \$250 fine. For juvenile, it is four hours of drug education and up to 20 hours of community service.

Possession of less than an ounce of marijuana by an individual 18 - 20 years of age would be an infraction with a maximum fine of \$100.

Possession of less than an ounce of marijuana (4 grams concentrated cannabis) by a person under the age of 18 is an infraction and is punishable by 4 hours of drug education and up to 10 hours community service in lieu of the fine for a first offense, and 6 hours of drug education and 20 hours of community service for each subsequent offense.

Possession of more than an ounce of marijuana (8 grams of concentrated cannabis if over 21 pursuant to HS 11362.1 (a) (2), otherwise 4 grams) by an individual over 18 would remain a violation of HS11357(b) and would be subject to imprisonment of not more than six months or by of fine of \$500, or by both fine and imprisonment; but if under 18, it is an infraction with 8 hours of drug education and 40 hours of community service for a first offense and 10 hours of drug education and up to 60 hours of community service for a second offense.

Use of marijuana within 1000 feet of a school or day care, if detectable and children are present, is punishable as an infraction with a \$250 fine, but if under 18, it is punishable by 4 hours drug education and 20 hours community service.

Possession or use of marijuana on a school or day care for anyone *over 18* is a misdemeanor, up to \$250 fine for a first offense, and a \$500 fine and up to 10 days in county jail for a second offense.

Possession or use of marijuana on a school or day care for anyone *under 18* is an infraction, with 8 hours of drug education and 40 hours of community service for a first offense and 10 hours of drug education and up to 60 hours of community service for a second offense.

Growing more than 6 plants or otherwise violating the cultivation rules for personal use would be an infraction with up to a \$250 fine, except that any underage growers, persons 18 - 20 who grow up to 6 plants thus violating the rules, would be guilty of an infraction with a fine of up to \$100. And those persons *under 18*, any cultivation would be an infraction, with 8 hours of drug education and 40 hours of community service for a first offense and 10 hours of drug education and up to 60 hours of community service for a second offense.

Except that anyone over 18 growing more than six plants may be punished by 16m, 2, 3 years in local prison if, they have a prior conviction of specified sex offenses with a child under 14, homicide or solicitation of homicide offenses, assault with a machine gun on a peace officer or firefighter, possession of a weapon of mass destruction, an offense requiring registration as a sex offender, two prior convictions for gift or sales, the offense involved the knowing sale to a person under the age of 18, importing or exporting marijuana in or out of State or any serious and/or violent felony offense punishable in California by life imprisonment or death; if they have two prior convictions for growing

more than 6 plants, or, if the offense results in the diversion of water, pollution, the discharge of hazardous waste, or environmental harm.

Possession of marijuana for sale would be a misdemeanor with a maximum penalty of \$500 fine and up to six months in county jail. Juvenile violators could get 8 hours of drug education and 10 hours of community service for a first offense or 6 hours and 20 hours of community service for subsequent offenses.

Except that individuals over 21 who possess marijuana for sales and the offense involves knowingly hiring or using a person younger than 21 to grow or sell marijuana is a felony punishable by 16m, 2, 3 years in local prison.

Felony prosecutions are also available for individuals over 18 who possess for sale, sell or transport marijuana for sales if they have a prior conviction of specified sex offenses with a child under 14, homicide or solicitation of homicide offenses, assault with a machine gun on a peace officer or firefighter, possession of a weapon of mass destruction, an offense requiring registration as a sex offender, two prior convictions for sales or transportation, the offense involved the knowing sale to a person under the age of 18, importing or exporting more than 1 ounce (4 grams concentrated) marijuana in or out of state or any serious and/or violent felony offense punishable in California by life imprisonment or death; in which case they will serve 16m, 2, or 3 years in local prison for possession for sales, and 2-3-4 years in local prison for sales or transportation for sales.

Manufacturing of Butane Hash Oil would be a felony, 3/5/7 years in State Prison and \$50,000 fine.

Marketing:

Marijuana businesses would be banned from locating within 600 feet of schools. Consumption is prohibited within 1,000 feet of a school (K-12) or youth-center while children are present, except on residential property or on licensed premises and provided the smoking is not detectable by the children.

Conclusion:

The legalization of marijuana in general raises concerns regarding the involvement of cartels who may buy up the land in California and monopolize the industry through violence and intimidation. Additionally, the AUMA will allow those persons who have been convicted of dealing large amounts of controlled substances such as heroin, methamphetamine or cocaine to become licensed marijuana dealers, allowing a greater criminal presence in the industry.

Rates of DUID will rise in California as they have in the other states that have legalized marijuana. AUMA allocates \$3 million annually to the CHP to establish and adopt DUID enforcement and identification standards and protocols. Currently, none exist in California. However, there is no clarification regarding THC remnant levels, especially if the person is a Medical Marijuana patient or a chronic user and evidence based standards will be difficult to develop. In the meantime, people will continue to drive under the influence, injuring and killing other innocent drivers on the road.

AUMA will allow those 21 and older to grow up to six indoor plants. How will anyone know if someone is growing six or 16 plants inside their home? More importantly, if the person doing the growing is a juvenile, the punishment is an infraction. **In fact, juveniles face only an infraction for possession, for growing, for selling or for transporting ANY amount of marijuana.** Thus, the AUMA actually encourages the entry of juveniles into the industry.

These issues are only some of the concerns that arise from the legalization of marijuana and the passage of the AUMA. These concerns must be considered before an intelligent decision is made on whether to support or oppose this measure.

Chapter 17.97 - MEDICAL MARIJUANA DISPENSARIES, COOPERATIVES AND CULTIVATION

17.97.010 - Purpose and findings.

The city council finds that federal and state laws continue to prohibit the possession, sale, distribution, and cultivation of marijuana. In order to preserve and protect the public health, safety, and welfare of the residents and businesses within the city of Kingsburg, the declared purpose of this chapter is to identify medical marijuana dispensaries and medical marijuana cooperatives as prohibited uses in the city of Kingsburg and to restrict the cultivation of medical marijuana as stated in this chapter.

(Ord. No. 2010-03, § 2, 12-15-2010)

17.97.020 - Definitions.

- A. "Medical Marijuana" is defined in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq.
- B. "Medical Marijuana Dispensary" means any facility or location, whether fixed or mobile, where medical marijuana is made available to, distributed by, or distributed to one or more of the following: (1) a qualified patient, (2) a person with an identification card, or (3) a primary caregiver. All three of these terms are defined in strict accordance with California Health and Safety Code Section 11362.5 and 11362.7 et seq.
- C. "Cultivation of Medical Marijuana" means the growing of medical marijuana for medical purposes as defined in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq.
- D. "Medical Marijuana Collective or Cooperative" means the association of two or more persons including, without limitation, qualified patients, persons with valid identification cards, and designated primary caregivers who collectively or cooperatively cultivate, use, sell, transport, process, administer, deliver, dispense, or give away marijuana for medical purposes as defined in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq.

(Ord. No. 2010-03, § 2, 12-15-2010)

17.97.030 - Medical marijuana dispensary as a prohibited use.

- A. A medical marijuana dispensary as defined in Section 17.97.020 is a prohibited use in all zone districts in the city of Kingsburg.

(Ord. No. 2010-03, § 2, 12-15-2010)

17.97.040 - Medical marijuana cooperatives as a prohibited use.

- A. A medical marijuana collective or cooperative as defined in Section 17.97.020 is a prohibited use in all zone districts in the city of Kingsburg.

(Ord. No. 2010-03, § 2, 12-15-2010)

17.97.050 - Cultivation of medical marijuana prohibited.

A. The outdoor cultivation of medical marijuana is prohibited in all zone districts in the city of Kingsburg.

(Ord. No. 2010-03, § 2, 12-15-2010)

17.97.060 - Severability.

A. The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter.

(Ord. No. 2010-03, § 2, 12-15-2010)



Meeting Date: 08/03/ 2016
Agenda Item: V 3

CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor Blayney and Council Members

REPORT FROM: Margarita Moreno, Finance Director

REVIEWED BY:

AGENDA ITEM: Public Hearing for the Annexation of Territory into Landscape Assessment District No. 93-01 as Annexation No. 14.

ACTION REQUESTED: Ordinance Resolution Motion Receive/File

EXECUTIVE SUMMARY

On June 15, 2016, the City Council approved resolutions initiating the annexation process, approving the preliminary Engineer's Report and declaring the City's intention to levy and collect assessments, and setting a date for the public hearing for the annexation of territory into the City's existing Landscape Assessment District No. 93-01. Annexation No. 14 is a new annexation consisting of tract 6094 generally located on the southeast corner of Howard Street and 14th Avenue that as a condition of approval the developer is required to annex the development into the existing Landscape Assessment District No. 93-01 to cover the maintenance of the landscaping that will be installed for the development. The Engineer's Report provides details for the proposed assessments of \$28.41 per Equivalent Benefit Unit (EBU) with 34 Equivalent Benefit Units consistent with 34 proposed residential lots within tract 6094. The public hearing was set for August 3, 2016 to receive public testimony and to tabulate the ballots.

RECOMMENDED ACTION BY CITY COUNCIL

1. Staff recommends that the City hold a public hearing, order the tabulation of the ballots, and upon determination that a majority protest does not exist approve a resolution approving the levy of assessments within Annexation No. 14, Landscape Assessment District No. 93-01

POLICY ALTERNATIVE(S)

1. None.

REASON FOR RECOMMENDATION/KEY METRIC

In addition to the requirements of the California Streets and Highways Code, election procedures were also followed in accordance with Article XIII D of the California Constitution (Proposition 218). Assessment ballots and notices of the public hearing were sent to all current property owners as shown on the latest County Equalized Assessor Roll. The ballots indicated the property proposed to be assessed, the proposed annexation number, and the proposed assessments for fiscal year 2016-2017.

FINANCIAL INFORMATION

FISCAL IMPACT:

1. Is There A Fiscal Impact? Yes
2. Is it Currently Budgeted? No
3. Budgeted, Which Line? Landscape & Lighting District 93-01 Fund 759

FINANCIAL SUMMARY

The proposed FY 16/17 budget is at a total of \$3,658 which will provide funding for the City's Landscape maintenance assessment district, whereby each property owner, through property tax assessments, participates in the upkeep of common areas located within their housing subdivision.

ATTACHED INFORMATION

1. Resolution 2016-044 approving the Engineer's Report, ordering the annexation of territory into Kingsburg Landscape Assessment District No. 93-01, as Annexation No. 16, and the levy and collection of assessments within such annexation for Fiscal Year 2016-2017 and confirming diagrams and assessments pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code and as provided by Article XIII D of the California Constitution
2. Engineer's Report

RESOLUTION NO. 2016-044

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KINGSBURG APPROVING THE ENGINEER'S REPORT, ORDERING THE ANNEXATION OF TERRITORY INTO KINGSBURG LANDSCAPE ASSESSMENT DISTRICT NO. 93-01, AS ANNEXATION NO. 16, AND THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN SUCH ANNEXATION FOR FISCAL YEAR 2016-2017 AND CONFIRMING DIAGRAMS AND ASSESSMENTS PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION

WHEREAS, the City Council by its Resolution No. 2016-033, initiated proceedings, and by its Resolution No. 2016-035, declared its intention to annex territory within Annexation No. 14, (the "Annexation"), into the City's Landscape Assessment District No. 93-01 (the "District") and to levy and collect assessments against lots and parcels of land within such Annexation pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500 (the "Act"), to pay for the costs and expenses of operating, maintaining, and servicing ornamental structures, landscaping, and appurtenant facilities located within public places within the boundaries of the Annexation; and

WHEREAS, the Engineer selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council, a report in connection with the proposed Annexation and collection of assessments against lots and parcels of land within the Annexation, and the City Council did by previous resolution approve such report (the "Engineer's Report"); and

WHEREAS, the City Council desires to form the Annexation and levy and collect assessments against lots and parcels of land within the Annexation for the fiscal year commencing July 1, 2016 and ending June 30, 2017, to pay for the costs and expenses of operating, maintaining, and servicing lighting structures and appurtenant facilities located within public places within the boundaries of the Annexation; and

WHEREAS, the City has conducted a mailed ballot election in connection with the levy of assessments within the Annexation in accordance with Article XIII D of the California Constitution, and has tabulated ballots in accordance with the "City of Kingsburg, Landscape Maintenance Assessment Annexation, Procedures for the Completion, Return, and Tabulation of Assessment Ballots".

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of Kingsburg that:

Section 1. Following notice duly given, the City Council has held a full and fair public hearing regarding its Resolution No. 2016-044, the Engineer's Report prepared in connection with the proposed Annexation and the levy and collection of assessments, and considered all oral and written statements, protests, and communications made or filed by interested persons.

Section 2. The City Council hereby finds that a majority protest does not exist as defined in Section 4(e) of Article XIII D of the California Constitution with respect to the Annexation. All oral and written protests and objections to the formation of this Annexation and the proposed levy and collection of assessments are hereby overruled by the City Council.

Section 3. Based upon its review of the Engineer's Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, and other reports and information, the City Council hereby finds and determines with respect to the Annexation included in the modified Engineer's Report, that:

- (i) the land within the Annexation will be specially benefited by the operation, maintenance, and servicing of street lighting structures and appurtenant facilities located in public places within the boundaries of the Annexation; and
- (ii) the Annexation includes all lands so specially benefited; and
- (iii) the net amount to be assessed upon the lots and parcels within the Annexation in accordance with the assessment for the fiscal year commencing July 1, 2016 and ending June 30, 2017 is apportioned by a formula and method which fairly distributes the net amount among the assessable lots or parcels in proportion to the estimated special benefits to be received by each lot or parcel from the improvements; and
- (iv) only special benefits are assessed and no assessment is imposed on any parcel, which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

Section 4. The City Council hereby orders the proposed improvements to be made as set forth in the Engineer's Report, which improvements are briefly described as follows: The operation, maintenance, and servicing of street lighting structures and appurtenant facilities located in public places within the boundaries of the Annexation. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of the street lighting structures and appurtenant facilities, including repair, removal or replacement of all or part of any of the structures or appurtenant facilities; including removal or cover of graffiti. Servicing means the furnishing of electricity for street lighting or appurtenant facilities.

Section 5. The City Council hereby confirms the diagrams and assessments set forth in the Engineer's Report. The maintenance, operation, and servicing of the street lighting structures and appurtenant facilities shall be performed pursuant to law. Commencing with fiscal year 2016-2017, the County Auditor of Fresno County shall enter on the County Assessment Roll opposite each lot or parcel of land the amount of the assessment, and such assessments shall then be

collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the assessment after deduction of any compensation due the County for collection shall be paid to the City Treasurer. For fiscal year 2016-2017, the City's representative is hereby authorized and directed to collect such assessments.

Section 6. The assessments are in compliance with the provisions of the Act and Article XIII D of the California Constitution, and the City Council has complied with all laws pertaining to the levy of annual assessments pursuant to the Act and Article XIII D of the California Constitution.

Section 7. The assessments are levied for the purpose of paying the costs and expenses of the improvements described in Section 4, above, for fiscal year 2016-2017.

Section 8. The City Treasurer shall deposit all money representing assessments collected for the Annexation to the credit of a special fund known as "Improvement Fund, City of Kingsburg Landscape Assessment District No. 93-01, Annexation No. 14", and such money shall be expended only for the maintenance, operation, and servicing of the street lighting structures and appurtenant facilities as described in Section 4 above.

Section 9. The adoption of this resolution constitutes the levy of assessments for the fiscal year commencing July 1, 2016 and ending June 30, 2017.

Section 10. A certified copy of the diagrams and assessments shall be filed in the office of the City Clerk and shall be open for public inspection.

I, Abigail Palsgaard, City Clerk of the City of Kingsburg, do hereby certify that the foregoing Resolution was duly passed and adopted at a regular meeting of the Kingsburg City Council held on the 3rd day of August 2016, by the following vote:

Ayes: Councilmember(s):
Noes: Councilmember(s):
Absent: Councilmember(s):
Abstain: Councilmember(s):

Abigail Palsgaard, City Clerk
City of Kingsburg



CITY OF KINGSBURG

ENGINEER'S REPORT

**Assessment District No. 93-01
Annexation No. 14**

FISCAL YEAR 2016/2017

**INTENT MEETING: June 15, 2016
PUBLIC HEARING: August 3, 2016**



Assessment District No. 93-01
Annexation No. 14
Pursuant to the Landscaping and Lighting Act of 1972

City of Kingsburg
Fresno County, State of California

This Report describes the Annexation including the improvements, budgets, parcels and assessments to be levied for fiscal year 2016/2017, as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Fresno County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____ 2016.

Willdan Financial Services
Assessment Engineer
On Behalf of the City of Kingsburg

By: _____

Susana Medina
Project Manager

By: _____

Richard Kopecky, Engineer of Work
R.C.E. # 16742

TABLE OF CONTENTS

I.	OVERVIEW	1
A.	INTRODUCTION	1
B.	EFFECTS OF THE RIGHT TO VOTE ON TAXES ACT (PROPOSITION 218)	2
C.	PROVISIONS OF THE 1972 ACT (IMPROVEMENTS AND SERVICES)	3
II.	DESCRIPTION OF THE ANNEXATION.....	5
A.	GENERAL IMPROVEMENTS AND SERVICES WITHIN THE ANNEXATION	5
B.	ANNEXATION AND SPECIFIC AREAS OF IMPROVEMENT	5
III.	METHOD OF APPORTIONMENT	7
IV.	ANNEXATION BUDGET	10
A.	DESCRIPTION OF BUDGET ITEMS	10
B.	ANNEXATION BUDGET	12
V.	ANNEXATION DIAGRAM.....	13
VI.	ASSESSMENT ROLL	14

I. OVERVIEW

A. Introduction

This report is prepared in compliance with the requirements of Article 4, Chapter 1, of the Landscaping and Lighting Act of 1972 (the Act), which is Part 2 of Division 15 of the California Streets and Highways Code.

The City of Kingsburg currently operates and maintains the City's Landscape and Lighting Assessment District No. 93-01. There are currently 13 zones (annexations) within the District relating to several individual developments, which are phases of a master development, some of which share common landscaping. Since the passage of Proposition 218, the "Right to Vote on Taxes Act," which added Article XIII C and XIII D to the California Constitution, new procedures must be followed to levy assessments under the Landscaping and Lighting Act of 1972.

Proposition 218 requires that assessments be supported by a detailed Engineer's Report prepared by a registered professional engineer. The report includes the information required by law for the assessment district.

The Act provides for the establishment of a new assessment district or the annexation of territory into an existing district for the express purpose of installing, maintaining, and servicing lighting and landscaping improvements. The costs associated with the installation, maintenance, and servicing of the improvements may be assessed against those properties which are specially benefited by the installation, maintenance, and servicing. A City may form a district or annex properties into an assessment district after complying with the requirements of the Act, and the provisions in Proposition 218.

The City initiates proceedings for the formation of a new district or annexation of additional territory into an existing district by passing a resolution, which states that the district or annexation is proposed under the Act. This resolution also describes the improvements, describes the name and location of the district or annexation and finally orders an engineer, who is a registered professional engineer, certified by the State of California, to prepare and file a detailed report.

The report prepared by the engineer must include plans and specifications for the improvements. The report must also include an estimate of the costs of the improvements, a diagram, i.e., map of the assessment district showing the boundary of the district, and an assessment of the estimated costs of the improvements against the parcels or lots which benefit from the improvements. Once the report is completed, it is presented to the City Council for its review and approval as presented, or it may be modified and approved.

After the report is approved, the City Council may adopt a Resolution of Intention which declares its intent to form, annex, or increase assessments for the assessment district, describes the improvements, gives the district or annexation a distinct name, and refers to the report for details of the district. The Resolution of Intention also sets a time and place for a hearing on the proposed formation of the district or annexation and the levy of assessments.

In addition to the Act, in accordance with Proposition 218, any new district or annexation must be approved by Assessment Ballots mailed to the property owners of the parcels assessed no less than 45 days prior to the public hearing. Approval will be determined by weighing the ballots according to the proportional obligation of the affected property in the district.

At the time of the public hearing, Assessment Ballots will be tallied and this information will be combined with the Engineer's Report for the district for approval prior to submitting assessments to the County Auditor/Controller.

Kingsburg Landscape Assessment District No. 93-01 (the "District"), Annexation No. 14 (the "Annexation"), consisting of tract 6094 generally located on the southeast corner of Howard Street and 14th Avenue, is a new annexation to the existing District with its own distinct assessment rate. Other annexations within the District have their own distinct assessment rates.

B. Effects of The Right to Vote on Taxes Act (Proposition 218)

On November 5, 1996, California voters approved the Right to Vote on Taxes Act (Proposition 218) by a margin of 56.5% to 43.5%. The provisions of Proposition 218 became amendments to the California Constitutional Articles XIIC and XIID and can be summarized in four general areas:

- 1) Strengthens the general and special tax provisions of Proposition 13 and Proposition 62.
- 2) Extends the initiative process to local taxes, assessments, fees, and charges.
- 3) Adds substantive and procedural requirements to assessments.
- 4) Adds substantive and procedural requirements to property-related fees and charges.

The assessments contained in this report are imposed in accordance with voter approval pursuant to the establishment of the District. Pursuant to the provisions of the California Constitution Article XIID, all new or increased assessments are subject to both the substantive and procedural requirements of Article XIID Section 4, including a property owner protest proceeding (property owner assessment balloting).

C. Provisions of the 1972 Act (Improvements and Services)

The Method of Apportionment described for the Annexation has been established pursuant to the Act and the provisions of the California Constitution. As generally defined, the improvements and the associated assessments for any annexation formed pursuant to the 1972 Act may include one or any combination of the following:

- 1) The installation or planting of landscaping.
- 2) The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- 3) The installation or construction of public lighting facilities, including, but not limited to streetlights and traffic signals.
- 4) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof; including but not limited to, grading, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- 5) The installation of park or recreational improvements including, but not limited to the following:
 - a. Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
 - b. Lights, playground equipment, play courts, and public restrooms.
- 6) The maintenance or servicing, or both, of any of the foregoing including the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including, but not limited to:
 - a. Repair, removal, or replacement of all or any part of any improvements;
 - b. Grading, clearing, removal of debris, the installation, repair or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities;
 - c. Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury;
 - d. The removal of trimmings, rubbish, debris, and other solid waste;
 - e. The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.
 - f. Electric current or energy, gas, or other agent for the lighting or operation of any other improvements.
 - g. Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

7) The acquisition of land for park, recreational or open-space purposes, or the acquisition of any existing improvement otherwise authorized by the Act.

8) Incidental expenses associated with the improvements including, but not limited to:

- a. The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment;
- b. The costs of printing, advertising, and the publishing, posting and mailing of notices;
- c. Compensation payable to the County for collection of assessments;
- d. Compensation of any engineer or attorney employed to render services;
- e. Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements; and,
- f. Costs associated with any elections held for the approval of a new or increased assessment.

II. DESCRIPTION OF THE ANNEXATION

A. General Improvements and Services within the Annexation

Street lighting and related improvements provided for the Annexation includes all necessary service, operations, administration, and maintenance required to keep the above-mentioned improvements in a healthy, vigorous, and satisfactory condition.

The costs associated with the improvements in the Annexation are collected through annual assessments for each parcel receiving benefit. The funds collected for the Annexation are dispersed and used for only the services and operations provided to the Annexation. The special benefits associated with the street lighting improvements and facilities are specifically:

- Enhanced desirability of properties through association with the improvements.
- Improved aesthetic appeal of properties within the Annexation providing a positive representation of the area.
- Increased sense of pride in ownership of property within the Annexation resulting from well-maintained improvements associated with the properties.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the Annexation through well-maintained surroundings and amenities.
- An enhanced sense of pride within the neighborhoods and communities and increased business opportunities as a result of enhanced surroundings community pride.

B. Annexation and Specific Areas of Improvement

This Annexation is a residential subdivision consisting of 34 lots on over nine (9.75) acres. Improvements include maintenance and provision of street lighting within and surrounding the Annexation area consisting of 8 street lights.

Plans and Specifications for the improvements within the Annexation are voluminous and are not bound in this report but by this reference are incorporated and made a part of this report. The Plans and Specifications are on file in the office of the City Clerk and the City Engineer where they are available for public inspection. The parcels identified as being within the Annexation share in both the cost and the benefits of the improvements. The costs associated with the improvements are equitably spread between the benefiting parcels within the Annexation. Only parcels that receive benefit from the improvements are assessed, and each parcel is assessed in proportion to the estimated special benefit received.

The following table shows a description of the Annexation within the District along with the related tract number, total equivalent benefit unit count, and the number of proposed parcels:

Annexation Description	Tract Number	EBU	Parcels at Build-out
Annexation No. 14	6094	34	34

Note: One parcel, APN 394-080-01, will split out into 34 residential lots.

III. METHOD OF APPORTIONMENT

BACKGROUND

The Landscaping and Lighting Act of 1972 provides that assessments may be apportioned upon the assessable lots or parcels of land within a district or annexation in proportion to the estimated benefits to be received by each lot or parcel from the improvements. In addition, Proposition 218 requires that a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. The Proposition provides that only special benefits are assessable, and the City must separate the general benefits from the special benefits conferred on a parcel. A special benefit is different from a general benefit in that it is a particular and distinct benefit over and above general benefits. General benefits are conferred on the public at large, including real property within the district. The general enhancement of property value does not constitute a special benefit.

SPECIAL BENEFIT

Each and every parcel within the Annexation receives a particular and distinct benefit from the improvements over and above general benefits conferred by the improvements.

First, the improvements were conditions of approval for the creation or development of the parcels. In order to create or develop the parcels, the City required the original developer to install and guarantee the maintenance of street lighting facilities to serve the parcels. Therefore, each and every parcel within the Annexation could not have been developed in the absence of the installation and promised maintenance of these facilities.

In addition, the improvements continue to confer a particular and distinct special benefit upon parcels within the Annexation because of the nature of the improvements. The proper maintenance of street lighting facilities specially benefit parcels within the Annexation by reducing property-related crimes (especially vandalism) against properties in the Annexation through the provision of well-lit areas. Finally, the proper maintenance of street lighting structures improves the attractiveness of the properties within the Annexation and provides a positive visual experience each and every time a trip is made to or from the property.

GENERAL BENEFIT

Because the street lighting facilities are located immediately adjacent to properties within the Annexation, and is maintained solely for the benefit of the properties within the Annexation, any benefit received by properties outside of the Annexation is merely incidental, it is estimated that the general benefit

portion of the benefit received from the improvements for any district is less than one (1) percent of the total benefit. Nonetheless, the City has agreed to contribute a percentage of the total cost of the improvements for the Annexation to ensure that no property is assessed in excess of the reasonable cost of the proportional special benefit conferred on that property.

APPORTIONMENT

Pursuant to the 1972 Act, the costs of the maintenance of the improvements may be apportioned by any formula or method that fairly distributes the net amount to be assessed among the assessable benefit units in proportion to the estimated benefits to be received by each parcel from the improvements. The benefit formula used within the Annexation may vary. The formula used for the Annexation reflects the composition of the parcels, and the improvements and services provided, to accurately proportion the costs based on estimated special benefit to each parcel.

Each parcel in the Annexation is assigned a weighting factor known as an Equivalent Benefit Unit (EBU). Annexation No. 14 will consist of a total of 34 residential parcels. There are a total of 34 EBU, 1 EBU per residential parcel, as each residential parcel benefits equally from the Annexation improvements. If the plans change and the parcels are developed into non-residential parcels, the EBU will be calculated as 6 per acre.

The total number of EBUs in the Annexation is divided into the total Balance to Levy for the Annexation to establish the Levy per EBU (Rate). The Rate is then multiplied by the parcel’s individual EBU to establish the parcel’s levy amount.

The following formula is used to arrive at a levy amount for parcels in the Annexation:

Total Balance to Levy in the Annexation / Total EBUs in the Annexation = Levy per EBU in the Annexation

Parcel’s EBU x Levy per EBU = Parcel’s Levy Amount

The following is a sample levy calculation for a parcel in the Annexation.

Property Type	Total Balance to Levy	TOTAL EBU	=	Levy per EBU	×	Parcel EBU	=	Parcel Levy
Single Family Residential	\$965.94	34	=	\$28.41	×	1 EBU per lot	=	\$28.41

Commencing with fiscal year 2016/2017, the amount of the assessment for the Annexation is proposed to increase each year, based upon the Consumer Price Index, All Urban Consumers, for the Fresno County Area (“CPI”), as determined

by the United States Department of Labor, Bureau of Labor Statistics, or its successor. The Engineer shall compute the percentage difference between the CPI for February of each year and the CPI for the previous February, and shall then adjust the existing assessment by an amount not to exceed such percentage for the following fiscal year. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the Engineer shall use the revised index or a comparable system as approved by the City Council for determining fluctuations in the cost of living.

IV. ANNEXATION BUDGET

A. Description of Budget Items

The following describes the services and costs that are funded through the Annexation shown in the Annexation Budget.

Maintenance Costs

Electricity - Utility costs for electricity required to run irrigation systems, street lighting, and ornamental lighting for landscaped areas.

Water - Utility costs for water required to irrigate landscaped areas.

Maintenance - Includes the contracted labor, material and equipment required to properly maintain the landscaping, irrigation systems and entry monuments within the Annexation. The improvements within the Annexation are maintained and serviced on a regular basis. The frequency and specific maintenance operations required within the Annexation are determined by City staff, but are generally scheduled weekly.

Fertilizer – Costs for annual fertilizing of landscaped areas.

Graffiti Removal - This item includes repairs that are generally unforeseen and may not be included in the yearly maintenance contract costs. This includes repair of damaged amenities due to vandalism.

Concrete and Sprinkler Repairs - These items include repairs that are generally unforeseen and may not be included in the yearly maintenance contract costs. This may include repair of damaged amenities due to vandalism, storms, earthquakes, etc. Also included may be planned upgrades that provide a direct benefit to the Annexation.

Incidental Expenses

Administration and Overhead Allocation - The cost to particular departments and staff of the City for providing the coordination of Annexation services and operations, response to public concerns and education, as well as procedures associated with the levy and collection of assessments. This item also includes the costs of contracting with professionals to provide any additional administrative, legal, or engineering services specific to the Annexation including any required notices, mailings, or property owner protest ballot proceedings.

Balance to Levy - This is the total amount to be levied to the parcels within the Annexation. The Balance to Levy represents the total direct and administration

costs. This dollar amount represents the funds that are to be collected for that fiscal year from the property owners.

Equivalent Benefit Unit (EBU) - The Equivalent Benefit Unit (EBU) is a numeric value calculated for each parcel based on the parcel's land use and size as compared to a single family resident. The EBU shown in the Annexation budget represents the sum of the parcel EBU's that receive benefit from the improvements.

Levy per EBU - The amount levied for each Equivalent Benefit Unit (EBU). For a more detailed explanation, please refer to the Method of Apportionment.

The Act provides that the estimated costs of the improvements shall include the total cost of the improvements for the entire fiscal year 2016/2017 including incidentals, which may include reserves to operate the Annexation.

The Act also provides that the amount of any surplus, deficit, or contribution be included in the estimated cost of improvements. The net amount to be assessed on the lots or parcels within the Annexation is the total cost of installation, maintenance, and servicing with adjustments either positive or negative for reserves, surpluses, deficits, and/or contributions.

The following page is the estimated costs of the Annexation.

B. Annexation Budget

Fiscal Year 2016/2017 Annexation Budget

Budget Items	Amount
Maintenance Costs	
Electricity	\$861
Water	0
Maintenance	0
Fertilizer	0
Graffiti Removal	40
Sprinkler Repair	0
Concrete Repair	<u>0</u>
Maintenance Costs (Subtotal)	\$901
Incidental Expenses	
Administration and Overhead Allocation	<u>65</u>
Incidental Expenses (Subtotal)	\$65
Total Maintenance and Incidental Costs (TOTAL BALANCE TO LEVY)	\$966
DISTRICT STATISTICS	
Total Equivalent Benefit Units (EBU)	34
FY 2015/2016 Proposed (Maximum) Levy per EBU	\$28.41

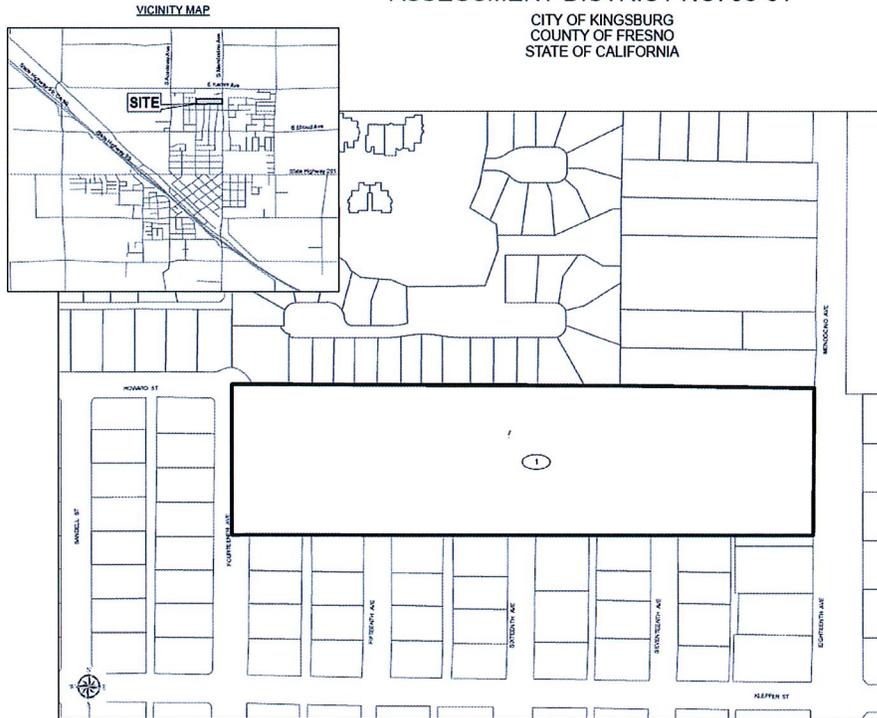
V. ANNEXATION DIAGRAM

The property within the District consists of the land within and associated with the development located on the Southeast corner of Howard Street and 14th Avenue.

This property is in Fresno County Assessor's Parcel Map in Book 394; Page 080, Parcel 01, and by reference this map and lines and dimensions described therein are made part of this Report. The following diagram displays the property within and associated with the Annexation, as the same existed at the time this Report was prepared. The combination of this map and the Assessment Roll contained in this Report constitute the Assessment Diagram for this Annexation.

ANNEXATION MAP NO. 14 ASSESSMENT DISTRICT NO. 93-01

SHEET 1 OF 1



FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY
OF _____ 2016.

CITY CLERK
CITY OF KINGSBURG

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE FRESNO COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.
THE FRESNO COUNTY ASSESSOR'S MAP SHALL COVER FOR ALL DETAIL CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NO.
1	394-080-01

Legend

-  Annexation 14 Boundary
-  Parcel Boundary

WILLDAN
Financial Services
27348 VIA INDIANA #100
TAYLOR, CA 95290
(561) 887-3300

VI. ASSESSMENT ROLL

APN	EDU	2016/2017 Maximum Assessment	2016/2017 Assessment
394-080-01	34	\$965.94	\$965.94

Parcel identification for each lot or parcel within the Annexation shall be the parcel as shown on the Fresno County Assessor Parcel Maps and/or the Fresno County Secured Tax Roll for the year in which this Report is prepared.

Non-assessable lots or parcels may include undeveloped government-owned land, public utility owned property, land principally encumbered with public right-of-ways or easements, and dedicated common areas. These parcels will not be assessed.

A listing of parcels within the Annexation, along with the proposed assessment amounts, will be submitted to the City Clerk and by reference is made part of the final Report.

Upon approval of the Engineer's Report and confirmation of the assessments, the assessment information will be submitted to the County Auditor/Controller and included on the property tax roll in fiscal year 2016/2017. If the parcels or assessment numbers within the Annexation and referenced in this Report are re-numbered, re-apportioned, or changed by the County Assessor's Office after approval of the Report, the new parcel or assessment numbers with the appropriate assessment amount will be submitted to the County Auditor/Controller. If the parcel change made by the County includes a parcel split, parcel merger, or tax status change, the assessment amount submitted on the new parcels or assessment numbers will be based on the method of apportionment and levy amount approved in this Report by the City Council.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

08/03/2016

V4gi



July 25, 2016

Mr. Alexander J. Henderson, City Manager
City of Kingsburg
1401 Draper Street
Kingsburg, CA 9363

Dear Mr. Henderson:

RE: Kingsburg's 5th Cycle (2015-2023) Adopted Housing Element

Thank you for submitting the Kingsburg's housing element adopted March 16, 2016 which was received for review on April 27, 2016. Pursuant to Government Code (GC) Section 65585(h), the Department is reporting the results of its review.

The Department is pleased to find the adopted housing element in full compliance with State housing element law (GC, Article 10.6). The adopted element was found to be substantially the same as the revised draft element the Department's February 1, 2016 review determined met statutory requirements.

The City, in coordination with Fresno Council of Governments (Fresno COG), elected to collectively prepare a multi-jurisdictional housing element (MJHE) for the fifth-cycle housing element update. The Department commends the City for working with other participating jurisdictions during the housing element update process to form a singular and flexible document that works for each jurisdiction individually, while providing consistency and a higher level of uniformity for the region.

Please note the City of Kingsburg now meets specific requirements for State funding programs designed to reward local governments for compliance with State housing element law. For example, the Department's Housing Related Parks Program includes housing element compliance as a threshold requirement. Please see the Department's website for specific information about this and other State funding programs at http://www.hcd.ca.gov/hpd/hrc/plan/he/loan_grant_hcompl011708.pdf.

For your information, on January 6, 2016, HCD released a Notice of Funding Availability (NOFA) for the Mobilehome Park Rehabilitation and Resident Ownership Program (MPRRP). This program replaces the former Mobilehome Park Resident Ownership Program (MPROP) and allows expanded uses of funds. The purposes of this new program are to loan funds to facilitate converting mobilehome park ownership to park residents or a qualified nonprofit corporation, and assist with repairs or accessibility upgrades meeting specified criteria. This program supports housing element goals such as encouraging a variety of housing types, preserving affordable housing, and

assisting mobilehome owners, particularly those with lower-incomes. Applications are accepted over the counter beginning March 2, 2016 through March 1, 2017. Information is available on the Department's website at: <http://www.hcd.ca.gov/financial-assistance/mobilehome-park-rehabilitation-resident-ownership-program/index.html> .

Please be aware, some other elements of the general plan must be updated on or before the next adoption of the housing element. The safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management (GC Section 65302(g)). Also, the land-use element must address disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long established "legacy" communities) based on available data, including, but not limited to, data and analysis applicable to spheres of influence areas pursuant to GC Section 56430. The Department urges the City to consider these timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

Among other things, Programs 11 and 12 are essential to providing a variety of housing choices and addressing constraints and necessary to comply with housing element law. As a result, the City should monitor and report on the status of these and other Programs through the annual progress report, required pursuant to GC Section 65400. If these Programs are not completed in a timely manner, then the element should be amended to identify alternatives or necessary action for completion.

The Department encourages the City to continue its engagement process with the public during implementation of the housing element. In addition, continued collaboration with jurisdictions that participated in the MJHE will help the City in addressing local housing issues that have an impact throughout the region.

The Department appreciates the hard work Ms. Holly Owen, Contract Planner, and Ms. Veronica Tam, the City's consultant, provided throughout the course of the housing element review. The Department wishes the City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to GC Section 65400. If the Department can provide assistance in implementing the housing element, please contact Tom Brinkhuis, of our staff, at (916) 263-6651.

Sincerely,


Glen A. Campora
Assistant Deputy Director