



City of Kingsburg

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

Mayor Michelle Roman
Mayor Pro Tem Laura North
Council Member Sherman Dix
Council Member Vince Palomar
Council Member Jewel Hurtado

City Manager Alexander J. Henderson

AGENDA

KINGSBURG CITY COUNCIL REGULAR MEETING

VIA TELECONFERENCE PURSUANT TO EXECUTIVE ORDER N-29-20 ISSUED BY GOVERNOR GAVIN NEWSOM. THE COUNCIL CHAMBER WILL BE OPEN AT 25% CAPACITY (including City Council Members and City Staff) TO THE PUBLIC. PUBLIC WILL ALSO HAVE THE OPTION TO CALL 1 (559) 207-3003 PASSCODE 5821 and 1 (425) 436-6335 PASSCODE 5290024 TO PROVIDE COMMENTS ON AGENDA ITEMS. WRITTEN COMMENTS CAN STILL BE SUBMITTED BY MAIL OR EMAIL TO APALSGAARD@CITYOFKINGSBURG-CA.GOV. THE CUT OFF FOR WRITTEN COMMENTS IS 10/20/2020 at 4:30pm. THEY WILL NOT BE READ OUT LOUD.

Wednesday, October 21, 2020 at 6pm

Invocation to be given by Fr. Greg Beaumont, Holy Family Church, followed by the Pledge of Allegiance led by Mayor Michelle Roman.

6 P.M. REGULAR SESSION MEETING:

- 1. Call to Order and Roll Call**
- 2. Public Comments:** This is the time for any citizen to come forward and address the City Council on any issue within its jurisdiction that is not listed on the Agenda. A maximum of five (5) minutes is allowed for each speaker.
- 3. Approve Agenda:** Action by the Council to approve the agenda or to make modifications. Items that can be added to the agenda is constrained by State law.
- 4. 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. Approval of the Consent Calendar items include recitals reading ordinance(s) by titles(s) only and adoption of recommended action(s) contained in Staff Reports.

- 4.1 **Approval of City Council Minutes:** Approve the minutes from the October 7, 2020 Regular City Council Meeting as prepared by City Clerk Abigail Palsgaard.
- 4.2 **Check Register:** Ratify/approve payment of bills listed on the check register for the period October 1, 2020 through October 14, 2020 as prepared by Accounts Payable Clerk Grace Reyna.
- 4.3 **Waive the second reading and adopt Ordinance No. 2020-003, An Ordinance of the City of Kingsburg Adding Chapter 5.40 of Title 5 of the Kingsburg Municipal Code Creating the Kingsburg Downtown Business Improvement District with the following recital constituting reading the title of the Ordinance:**
- “AN ORDINANCE OF THE CITY OF KINGSBURG ADDING CHAPTER 5.40 OF TITLE 5 OF THE KINGSBURG MUNICIPAL CODE CREATING THE KINGSBURG DOWNTOWN BUSINESS IMPROVEMENT DISTRICT”**
- 4.4 **Adopt Resolution No. 2020-059- Nelson/Westar Consent and Election to Annex Real Property to the Existing Community Facility District 2017-01-** Staff Report Prepared by City Clerk Abigail Palsgaard.
- 4.5 **Adopt resolution No. 2020-060 approving the final map for Tract 6242 accepting on behalf of the public the streets and easements as offered on the map in accordance with the terms of the dedications and authorize the City Manager to execute the Subdivision Agreement on behalf of the City, subject to review as to form by the City Attorney-** Staff Report prepared by City Engineer David Peters.
- 4.6 **Award the Senior Center Improvements –CDBG Project No. 19391to Arts Construction Company, Inc. in the amount of \$149,000.00 contingent upon concurrence from Fresno County-** Staff Report prepared by City Engineer David Peters.
- 4.7 **Accept and file the FY2019/2020 Development Impact Fee Annual Report-** Staff Report by Finance Director Alma Colado.

5. Regular Calendar

- 5.1 **Public Service Recognition Award Presentation – Joey Frankmore, Fire Department** Presentation by Mayor Michelle Roman.
- 5.2 **Fire Department Promotions of Engineer/Paramedic Joey Frankmore and Engineer/Paramedic Kenneth Crabb-** Presentation by Fire Chief Daniel Perkins.
- 5.3 **Forgivable Loan Program – Gold Standard Mortgage Application -** Staff Report by City Manager Alexander Henderson.
Possible Action(s):
- a. Presentation by City Manager Alexander Henderson
 - b. Council Discussion
 - c. Action as Deemed Necessary
- 5.4 **Crime Statistics Report for the Month of September 2020 and General Police Department Update-** Crime Statistics Report prepared by Kingsburg Police Department Records Supervisor Corina Padilla.

Possible Action(s):

- a. Presentation by Police Chief Neil Dadian
- b. Council Discussion
- c. Informational- No Action Necessary

5.5 Coronavirus Disease 2019 (COVID-19)/ Economic Impact Update - Staff Report by City Manager Alexander Henderson.

Possible Action(s):

- a. Presentation by City Manager Alexander Henderson
- b. Council Discussion
- c. Action as Deemed Necessary

5.6 Small Business Grant Application Update- Staff Report by City Manager Alexander Henderson.

Possible Action(s):

- a. Presentation by City Manager Alexander Henderson
- b. Council Discussion
- c. Action as Deemed Necessary

6. Council Reports and Staff Communications

- 6.1** Community Services Commission
- 6.2** Public Safety Committee
- 6.3** Chamber of Commerce
- 6.4** Economic Development
- 6.5** Finance Committee
- 6.6** Planning Commission
- 6.7** South Kings Groundwater Sustainability Agency Joint Powers Authority (SKGSA)
- 6.8** City Manager's Report
-T-Mobile Update

7. Other Business that may come properly before the City Council

8. Future Agenda Items

These items will be added to a future agenda with direction from Council.

- 8.1 Resolution of support for SR 99/Mountain View Interchange. (City Manager)
- 8.2 Madsen Trail Project update. (City Manager/Engineer)
- 8.3 Code Enforcement Update. (Councilmember Dix)

9. Adjourn Kingsburg City Council Regular Meeting

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the City Clerk's office, during normal business hours. In addition, such writings and documents may be posted on the City's website at www.cityofkingsburg-ca.gov.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the office of the City Clerk (559) 897-6520. Notification 48 hours prior to a meeting will enable the City to make reasonable arrangements to ensure accessibility to that meeting [28 CFR 35 .102.35.104 ADA Title II].

I hereby certify, under penalty of perjury under the laws of the State of California that the foregoing Agenda was posted at the front entrance of City Hall not less than 72 hours prior to the meeting. Dated this 16th day of October, 2020.

Abigail Palsgaard, City Clerk

**KINGSBURG CITY COUNCIL
REGULAR MEETING MINUTES
OCTOBER 7, 2020**

Invocation was given by Pastor Mark Thompson, Kingsburg First Baptist Church, followed by the Pledge of Allegiance lead by Mayor Michelle Roman.

6:00 P.M. REGULAR SESSION MEETING

Call to Order and Roll Call: Mayor Michelle Roman called the Regular Meeting of the Kingsburg City Council to order at 6:02 P. M.

Council Members present: Jewel Hurtado, Vince Palomar, Laura North, Sherman Dix, and Mayor Michelle Roman.

Staff Present: City Manager Alexander Henderson, City Attorney Michael Noland, City Clerk Abigail Palsgaard, and Public Works Director Daniel Galvez.

Staff present via teleconference: City Engineer Dave Peters.

Public Comments: John Johnson stated that he would like to be kept in the loop concerning the 2275 Plumas Street abandoned cars issue.

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

Consent Calendar: Council Member North asked that Item No. 4.5 be pulled.

A motion was made by Council Member Dix, seconded by Council Member Palomar, to approve the Items appearing on the Consent Calendar except Item No. 4.5. The motion carried by unanimous voice vote.

- 4.1 Approval of City Council Minutes:** Approve the minutes from the September 16, 2020 Regular City Council Meeting as prepared by City Clerk Abigail Palsgaard.
- 4.2 Check Register:** Ratify/approve payment of bills listed on the check register for the period September 10, 2020 through September 30, 2020 as prepared by Accounts Payable Clerk Grace Reyna.
- 4.3 Adopt Resolution 2020-058-** A Resolution of The City Council of The City of Kingsburg Declaring a Building Department Equipment Surplus - Staff Report prepared by City Clerk Abigail Palsgaard.
- 4.4 Reject All Bids on Senior Center Improvements Project CDBG No. 19391-** Staff Report prepared by City Engineer David Peters.
- 4.5 PULLED**
- 4.6 Approve the Fire Department's entering into the new IGT Reimbursement Consultation Contract with HMA -** Staff Report prepared by Fire Chief Daniel Perkins.
- 4.7 Affirm Mayor Roman's appointment of Council Member Laura North as the City Council Liaison and Council Member Jewel Hurtado as the Alternate to the Kingsburg District Chamber of Commerce.**

4.8 Affirm Mayor Roman's appointment of Council Member Jewel Hurtado as the City Council Liaison and Council Member Laura North as the Alternate to the Community Service Commission.

Pulled Consent Calendar Item No. 4.5 - Approve Cooperative Agreement between FCTA and the City of Kingsburg related to right-of-way acquisition reimbursement and authorize the City Manager to sign the agreement on the behalf of the City- Staff Report prepared by City Engineer David Peters.

Council Member North asked about what properties are in the right-of-way for this project. City Engineer Dave Peters said that there are 4 properties at Stroud and Golden State/Simpson. The project is to realign Stroud so it T's in at a 90-degree angle. One is being donated by the County. The cost of the others is still in negotiation, so he does not have an exact number. He thinks the \$100,000 should cover it. Council Member North asked what happens if it goes over? Mr. Peters said that we will ask FCTA for a higher reimbursement. Council Member North asked if we have reached out to all the landowners? Mr. Peters said yes, and he believes they are all in support of the project.

A motion was made by Council Member North, seconded by Council Member Dix, to approve Consent Calendar Item No. 4.5 as stated above. The motion carried by unanimous voice vote.

REGULAR CALENDAR

PUBLIC HEARING - BUSINESS IMPROVEMENT DISTRICT (BID) PROTEST HEARING

Open Public Hearing – Mayor Roman opened the public hearing at 6:12 P. M.

Presentation by City Manager Alexander Henderson – Mr. Henderson reviewed the history and timeline of getting to the Public Hearing for the BID.

City Council Discussion – At 6:15 P M. Mayor Roman opened for Council Discussion -None.

Public Comment – At 6:16 P. M. Mayor Roman opened for Public Comment.

Leslie Carpenter, owner of Berman's Flowers, stated that she is for the BID.

Close Public Comment – At 6:18 P. M. Mayor Roman closed Public Comment.

Continued City Council Discussion – Council Member Dix stated that he is in support of the BID and excited to see what will be accomplished. He stated that he is glad to see this go through. Council Member Palomar asked how many businesses have protested. City Clerk Abigail Palsgaard said just one, which makes us at .02%

Close Public Hearing – At 6:19 P. M. Mayor Roman closed the Public Hearing.

Report on Percentage of Protests Received – City Clerk Abigail Palsgaard reported that we received one written protest at .02%

A motion was made by Council Member North, seconded by Council Member Hurtado, to waive the first reading and introduce Ordinance No. 2020-003, An Ordinance of the City of Kingsburg Adding Chapter 5.40 of Title 5 of the Kingsburg Municipal Code Creating the Kingsburg Downtown Business Improvement District and pass to a second reading with the following recital constituting reading the title of the Ordinance:

“AN ORDINANCE OF THE CITY OF KINGSBURG ADDING CHAPTER 5.40 OF TITLE 5 OF THE KINGSBURG MUNICIPAL CODE CREATING THE KINGSBURG DOWNTOWN BUSINESS IMPROVEMENT DISTRICT”.

The motion carried by unanimous voice vote.

Linnaea Villas (Senior Housing at Sierra and Madsen) Update. - Oral Report by Michael Duarte, Fresno Housing Authority

Mr. Michael Duarte, representing Fresno Housing Authority, reported that the project is 60% completed. Hopefully the first residents will be in by March 2021. We opened an interest list today. He reviewed opening dates and rates.

Council Member Dix asked when the Madsen Avenue improvements will be completed. Mr. Duarte stated that they hope to have it done by March. City Manager Henderson stated that if Madsen is still closed for realignment, there will still be fire access off Sierra Street and 24th Avenue.

Council Member North asked about the number of subsidized units. Mr. Duarte said 34-35 units. 5 at market rate, the rest at 60-80% income. Total is 46 units.

Coronavirus Disease 2019 (COVID-19)/Enforcement Statistics- Staff Report by City Manager Alexander Henderson

City Manager Alexander Henderson stated that we moved to the red tier last week. Hair salons, places of worship, movie theaters, and many other impacted businesses can open indoors at 25% capacity. The School District has received a waiver for K-6. If we stay in the red tier for another week, then grades 6-8 and 12-14 can go back to school. The County is no longer giving out daily reports. As of 10/2 Kingsburg had a total of 429 cases with 6 active cases. For enforcement we have made 11 official contacts with business owners driven by residents' complaints. We provided the business owner with information and PPE. We do know Fresno County sent 2 compliance letters. This activity was done separate from the City. Neither letters had monetary fines.

Council Member North said that she wanted to clarify that we are not actively going out to find businesses, it is resident based. Also, that the City has not called OSHA or any strike team. It is not anything that Council has asked directed staff to do. Mr. Henderson said that is correct. Council Member Dix asked that Mr. Henderson give us updates on the model for recovery and where we stand.

Mr. Henderson stated that Sales Tax from service stations is down 32%, restaurants down 19.2%, heavy industry up 174%, and food markets up 41.9%. He stated that, according to our tax consultant, it could be 2 years until we completely recover.

Council discussed potential Prop 13 impacts, the State's tier system and if complaints from residents are consistent. City Manager Henderson said there has not been a complaint since the end of September.

Council discussed the hard position businesses owners are who have try to enforce masks and maybe lose customers or have someone who cannot because of medical history. Council clarified that we are not the primary enforcement agency and that Council will continue to support local businesses.

Fresno County CARES Act Allocation - Staff Report by City Manager Alexander Henderson

City Manager Alexander Henderson reviewed how Council has directed staff to spend funds so far. Recently Kingsburg has received an additional \$134,000. Staff is asking for direction on how to spend the funds. Business grants can be expanded both in amount and the number. This is informational at this time. Council does not have to decide tonight.

Mayor Roman asked if we could expand the grant deadline if we pledge more funds? Mr. Henderson said that we can expand the deadline. Council Member Hurtado asked, if we postpone the deadline, would it push out the original applicant's payment date? Council Member Dix said that we can award the \$3,000 and then give whoever applies again the \$3,000. Council Member North asked if businesses can use the funds on PPE. Mr. Henderson said yes.

Council discussed opening up the guidelines to allow for businesses that opened after 2018 but then had to close or were otherwise impacted. Mayor Roman said that if the City prioritized the first money well, then we can use most of the secondary money for the grants. Council Member Hurtado said that she also supports the PPE and the Food Programs. Does it go to KCAPS? Mr. Henderson said that we have been allocated \$55,000 CDBG funds that is Covid related and will go towards the senior meals program. CDBG Funds are limited to the Senior Center. KCAPS has had CARE funds so we are working to make sure everyone is working together. Council Member Dix stated that being able to give funds to small businesses is usually difficult. It is a good time to take advantage of it. Council Member North said that she would support permanent outdoor dining options. Council Member Dix said that we could offer reimbursement for businesses that have spent money on outdoor dining. He also suggested paying back Business License fees. City Attorney Michael Noland said that we can look at that, but he is not sure if we can specifically reimburse since it is the cost of doing business in town. Council Member Palomar asked if all 18 businesses that applied will qualify? Mr. Henderson said that Economic Development Consultant Jolene Polyack is doing the calculations and he thinks they all will be eligible. Council Member Dix suggested carving out \$100,000 of the additional funds. Mr. Henderson said that we can have the grant closing on 10/16 and at the 10/21 meeting we can report how many people have applied and Council can choose to adjust grant qualifications and amounts if they would like. Council Member Dix stated that he would like to put \$15,000 towards outdoor dining costs, maybe \$1,500 each. Mr. Henderson said that flat grants are better so the City does not have to hold and track down receipts. Council gave direction to bring back the discussion with the grant application numbers at the next meeting.

18th Avenue Proposed Crosswalk Removal- Staff Report by Director of Public Works Daniel Galvez

Director of Public Works Daniel Galvez explained that the High School crosswalk is unsafe due to the its location and signage. Council Member Dix asked about the flashing cross walks. Council Member North said that she is concerned about kids jay walking without a crosswalk. She doesn't want to remove it until the 18th Ave./Tulare Street crosswalk is put in. City Manager Alexander Henderson said that the reason this is in front of you is because the High School has asked for this and they said they will have staff directing students to the crosswalk. Council Member North asked if we could limit parking around Tulare Street so kids park at the High School. Council Member Dix said that it would be hard to get STOP signs in this town. Council discussed the safety concern. Staff said that discussion about pedestrian crossings is a larger issue. Council gave direction to move forward with the public hearing.

Council Reports and Staff Communications

Community Services Commission – Council Member North reported that it has not met.

Public Safety Committee- Council Member Palomar reported that it is meeting on 10/26.

Chamber of Commerce – Council Member Hurtado reported that it has not met. She stated that she will be on the CSC and Council Member North as the Chamber liaison.

Economic Development Committee – Council Member Dix reported that it has not met. Dala Dollar signs have gone up.

Finance Committee – Council Member Dix reported that it has not met.

Planning Commission – Council Member North reported that the meeting was canceled.

South Kings Groundwater Sustainability Agency Joint Powers Authority (SKGSA) – Council Member North reported that it has not met

City Manager's Report – City Manager Alexander Henderson reported that we have done public outreach with property owners for the west side sidewalk project from Tulare to Stroud on 18th. The City Engineer met with the property owners and it went well. He reported that at 2275 Plumas Street, 3 vehicles were towed from the public street. He said that it is much more sensitive to go onto private property. We are working on that. We must notice the property owner and the vehicle owners.

Other Business that may come properly before the City Council

Council Member North asked about a comment that was sent. City Manager Alexander Henderson said that we reached out and Chief Dadian asked to meet with him in the past and he declined.

Council Member Hurtado asked if there are projects by Reagan School on Rafer and Orange? Public Works Director Daniel Galvez said that we had some trees removed by the sidewalks by the well site and installed sidewalks.

Council Member Palomar stated that the Crawfish Night Out was well planned. It was nice and the Chamber did a great job. Council Member North agreed that the Chamber did a great job. Council Member Dix commented that people enjoyed it.

Future Agenda Items:

These items will be added to a future agenda with direction from Council.

Council Member Dix stated that he would like to reach out to people we have given awards. He would also like an update on the new housing development off Kamm. He would like a rehash of the NKSP to see if it is being followed. He said that he has heard a lot about weeds in town. He would like an update on that. He would also like a routine economic update.

Council Member North asked for a T-Mobile update. City Manager Alexander Henderson said that they have sent everything to the City. They are working with the City Attorney on parking and an easement agreement for them and adjacent property owners. They have resubmitted new elevation plans for Site Plan Review.

Adjourn Kingsburg City Council Regular Meeting – Mayor Michelle Roman adjourned the meeting at 7:50 P. M.

Submitted by:

Abigail Palsgaard, City Clerk

Accounts Payable

Checks by Date - Summary by Check Date

User: gracer
Printed: 10/15/2020 11:47 AM



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

Check No	Vendor No	Vendor Name	Check Date	Check Amount
78393	3815	ACCUSOX	10/02/2020	240.45
78394	3806	ADVENTIST HEALTH - REEDLEY	10/02/2020	569.13
78395	3006	AIRGAS NCN	10/02/2020	176.22
78396	4330	ALBERTSON-WIGH PROPERTIES	10/02/2020	5,000.00
78397	4339	ALW ENTERPRISES, INC.	10/02/2020	1,947.43
78398	3891	AMERICAN BUSINESS MACHINES	10/02/2020	8.00
78399	3020	ANGELICA TEXTILES SERVICES COR	10/02/2020	181.61
78400	4307	AT & T MOBILITY	10/02/2020	480.62
78401	3029	AT&T CALNET 3	10/02/2020	31.36
78402	3030	AT&T MOBILITY	10/02/2020	1,176.75
78403	3035	BAUER COMPRESSORS, INC.	10/02/2020	1,891.07
78404	3054	BSK ASSOCIATES	10/02/2020	280.00
78405	4337	CAL FIRE	10/02/2020	968.00
78406	3056	CAL STATE TERMITE AND PEST	10/02/2020	460.00
78407	3057	CALIFORNIA BUILDING STANDARDS	10/02/2020	275.40
78408	3059	CALIFORNIA FORENSIC INSTITUTE	10/02/2020	400.00
78409	3704	CANON FINANCIAL-EQUIPMENT SAL	10/02/2020	766.00
78410	3067	CARDMEMBER SERVICE	10/02/2020	22,662.83
78411	3069	CASCADE FIRE EQUIPMENT	10/02/2020	8,525.95
78412	3831	ADAM CASTANEDA	10/02/2020	35.00
78413	3074	CENTRAL SANITARY SUPPLY	10/02/2020	122.14
78414	3079	CENTRAL VALLEY SWEEPING, INC.	10/02/2020	12,180.00
78415	3101	CITY OF SANGER	10/02/2020	2,802.50
78416	3119	COOK'S COMMUNICATIONS CORP.	10/02/2020	22,323.92
78417	4340	DAWSON-MAULDIN, LLC	10/02/2020	213,892.50
78418	3468	LISA DELGADO	10/02/2020	15.00
78419	3144	DEPARTMENT OF CONSERVATION	10/02/2020	387.88
78420	3971	ATTN: Bicycle Registration DEPARTMEN	10/02/2020	15.00
78421	3149	DOOLEY ENTERPRISES, INC.	10/02/2020	1,925.04
78422	4336	EAGLE TOWING & TRANSPORT	10/02/2020	212.00
78423	4229	EBA&M CORPORATION	10/02/2020	2,080.00
78424	3158	ENER POWER	10/02/2020	3,846.00
78425	3163	EXCELLANCE, INC.	10/02/2020	132.57
78426	3184	FRESNO CITY COLLEGE-Business Offic	10/02/2020	73.00
78427	3187	FRESNO COUNTY DEPT OF COMM. HI	10/02/2020	2,092.00
78428	3206	GLACIER REFRIGERATION AND AIR	10/02/2020	5,976.59
78429	4242	GOLDEN STATE SNACKS	10/02/2020	174.30
78430	3994	GUARDIAN	10/02/2020	6,686.50
78431	3222	HENRY SCHEIN, INC.	10/02/2020	3,122.54
78432	3224	HI-TECH EMERGENCY VEHICLE SVC	10/02/2020	26,239.23
78433	3999	IRON MOUNTAIN	10/02/2020	81.06
78434	3534	JACK'S REFRIGERATION, INC.	10/02/2020	11,868.00
78435	4328	KINGS BODY SHOP	10/02/2020	2,968.23
78436	3887	KINGS INDUSTRIAL OCC. MED CTR., 1	10/02/2020	4,980.98
78437	3686	KINGSBURG AUTO CARE	10/02/2020	92.00
78438	3253	KINGSBURG CHAMBER OF COMMERCE	10/02/2020	2,500.00
78439	4335	KRAZAN & Associates, Inc.	10/02/2020	2,395.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
78440	3267	KULOW BROS.	10/02/2020	751.24
78441	3268	LAUTZENISER'S STATIONERY, INC	10/02/2020	407.16
78442	3275	LIEBERT, CASSIDY, WHITMORE	10/02/2020	1,710.00
78443	3277	LINCOLN AQUATICS	10/02/2020	3,969.89
78444	3282	MAACO COLLISION REPAIR	10/02/2020	3,316.68
78445	3293	MID VALLEY DISPOSAL	10/02/2020	103,795.29
78446	4243	MIWALL CORPORATION	10/02/2020	1,119.75
78447	3299	MUNICIPAL CODE CORPORATION	10/02/2020	641.69
78448	3300	MuniServices/Avenu	10/02/2020	2,500.00
78449	3307	NELSON'S ACE HARDWARE	10/02/2020	1,333.21
78450	3308	NELSON'S POWER CENTER	10/02/2020	174.59
78451	3315	P G & E	10/02/2020	35.69
78452	3450	ABIGAIL PALSGAARD	10/02/2020	35.00
78453	3329	POLYACK MARKETING	10/02/2020	3,300.00
78454	3334	PROFESSIONAL PRINT & MAIL, INC	10/02/2020	495.02
78455	3537	SECOND CHANCE ANIMAL SHELTER	10/02/2020	1,750.00
78456	3903	SHADOW LOCKSMITH	10/02/2020	126.50
78457	3369	SILVAS OIL COMPANY, INC.	10/02/2020	4,048.94
78458	4142	SPARKLETTS	10/02/2020	81.77
78459	3380	STATE OF CALIFORNIA-D O J	10/02/2020	407.00
78460	4028	SUPERIOR POOL CARE	10/02/2020	2,600.00
78461	4334	TELSTAR	10/02/2020	39,866.00
78462	3216	THE SENTINEL	10/02/2020	174.56
78463	3411	UNION PACIFIC RAILROAD COMPANY	10/02/2020	5,304.50
78464	4338	UNITEDHEALTHCARE	10/02/2020	44.61
78465	3464	UNITY IT, LLC	10/02/2020	59.50
78466	3416	VERIZONWIRELESS	10/02/2020	593.08
78467	3419	VIKING CLEANING SERVICE	10/02/2020	3,611.02
78468	4327	VILLAGE MALL INVESTMENT, LLC	10/02/2020	2,210.15
78469	3493	VILLAGE TIRE SALES	10/02/2020	639.96
78470	3448	CHRISTINA WINDOVER	10/02/2020	35.00
78471	3430	WONG, ANDY & BETTY	10/02/2020	2,600.00
Total for 10/2/2020:				562,997.60
ACH	3231	ICMA RETIREMENT CORPORATION - V	10/09/2020	661.63
ACH	3470	Internal Revenue Service - ACH	10/09/2020	46,954.89
ACH	3471	Employment Development Department - A	10/09/2020	7,506.80
ACH	3472	CalPERS - ACH	10/09/2020	34,881.43
ACH	3475	Empower	10/09/2020	3,015.00
ACH	3476	CHILD SUPPORT STATE DISBURSEME	10/09/2020	471.22
Total for 10/9/2020:				93,490.97
Report Total (85 checks):				656,488.57

1 applies to businesses located within the District and which are required to pay a business license fee
2 (“District Assessment”). Business within the District not required to pay a business fee will be assessed
3 an annual fee of One Hundred Dollars (\$100.00). The Advisory Board as defined in Section 5.40.100
4 may recommend to the City Council adjustments to the District Assessment and the City Council shall
5 have the authority to adjust the amount of the District Assessment by resolution of the City Council.

6 **5.40.060 Definitions and Classifications.**

7 The definitions and classifications of businesses shall be determined by the definitions and
8 classifications set forth in Chapters 5.04 and 5.08 of this Title 5 as the same apply to businesses within
9 the District.

10 **5.40.070 Collection of District Assessments.**

11 The collection of the District Assessments imposed by this chapter shall be made at the same
12 time and in the same manner as the ordinary business license fees pursuant to the provisions of Chapters
13 5.04 and 5.08 of this Title 5 and shall be due and payable and subject to the same penalties for
14 delinquencies as provided in Chapters 5.04 and 5.08 of this Title 5 as the same applies to businesses
15 paying a regular business license fees.

16 **5.40.080 Enforcement of Provisions.**

17 It shall be the duty of the City Clerk for the city or his/her appointee to enforce the provisions of
18 this chapter by any lawful means.

19 **5.40.090 District Services.**

20 The services (collectively “District Services”) to be initially provided by the District are as
21 follows:

22 (a) Marketing and branding services to attract residents and visitors while stabilizing and
23 improving the downtown environment and experience.

24 (b) Marketing strategies and programing to freshen the existing Swedish Village image will be
25 developed as part of the overall District program. Strategies will build off existing strength of current
26 business and developing amenities in the dining sector. Image and marketing efforts will aim to support
27 business retention as well as encouraging both residents and visitors to explore downtown Kingsburg.

1 Business recruitment efforts that support the Swedish Village concept will be developed in conjunction
2 with the City's Economic Development Committee.

3 (c) Traditional and non-traditional marketing activities and products will be explored including
4 an interactive website and electronic communications tools, strong public and media relations efforts to
5 communicate ongoing positive changes in the downtown marketplace, and printed products including
6 periodic market reports and updates, maps and brochures that provide users with information about the
7 amenities downtown Kingsburg has to offer. In addition, programming and promotional events to
8 activate downtown will be developed as part of an overall image and marketing campaign.

9 The Advisory Board as defined in Section 5.40.100 may recommend to the city council changes to the
10 District Services and the city council shall have the authority to change the District Services by resolution
11 of the city council.

12 **5.40.100 Advisory Board - Budget.**

13 For the purpose of advising the city council and making recommendations regarding the
14 operation of the District, the services performed by the District and the methods and ways in which the
15 revenue derived from the levy of the District Assessments imposed by this chapter shall be used within
16 the scope of the services set forth in Sections 5.10.090 of this chapter, and to perform such other powers
17 and duties as the city council may determine, the Kingsburg Downtown Business Improvement District
18 Advisory Board ("Advisory Board") is created. The Advisory Board shall consist of seven (7) members
19 appointed by a majority vote of the city council for a term of one (1) year. The Advisory Board members
20 shall be persons who own businesses within the District that pay District Assessments as provided by
21 this chapter. Annually, the Advisory Board shall present an annual budget to the city council for review
22 and approval. The proposed budget shall include an estimate of income and expenditures by the
23 Advisory Board to carry out the purposes of the District.

24 **5.40.110 Regular and Additional Revenues - Deposits.**

25 The District Assessments shall be deposited in the Kingsburg Downtown Business Improvement
26 District Fund ("Fund") to be created by the city. All expenses of the District shall be paid only from
27 District Assessments deposited in the Fund.

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5.40.120 Disestablishment.

The City Council may disestablish the District by adopting an ordinance after holding a public hearing on disestablishment in accordance with the provisions on Section 36550 of the California Streets and Highway Code as amended. Upon disestablishment of the District, any remaining revenues derivate from the levy of District Assessments shall be refunded to the owners of the businesses located and operating in the District in accordance with the provisions of Section 36551 of the California Streets and Highway Code as amended.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Kingsburg duly called and held on the 21st day of October, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED _____
Mayor Michelle Roman

ATTEST: _____
City Clerk Abigail Palsgaard

STATE OF CALIFORNIA)
COUNTY OF FRESNO)ss
CITY OF KINGSBURG)

I, **ABIGAIL PALSGAARD**, City Clerk of the City of Kingsburg, do hereby certify the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Kingsburg on the 7th day of October, 2020, and it was duly passed and adopted at a regular meeting of said City Council of the City of Kingsburg on the 21st day of October, 2020.

Dated: _____

Abigail Palsgaard, City Clerk



Meeting Date: 10/21/2020
Agenda Item: 4.4

CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor Roman & City Council
REPORT FROM: Abigail Palsgaard, City Clerk **REVIEWED BY:** AH
AGENDA ITEM: Annexation No. 2020-02 (Weststar and Nelson) to Community Facilities District No. 2017-01 for Public Services
ACTION REQUESTED: ___ Ordinance Resolution Motion ___ Receive/File

EXECUTIVE SUMMARY

The enclosed plats show the location of the following properties to be added to the Community Facilities District (CFD) No. 2017-01 for Public Services:

Annexation 2020-02 For APN 393-123-28 and 393-123-29

The owners of the above properties were conditioned to annex to a Community Facilities District as a condition of the Tentative Map, building permit, or conditional Use Permit approval. Resolution No. 2017-023 adopted by City Council on June 7, 2017 authorizes the City to annex to CFD 2017-01 properties, which will be assessed only for eligible public services, without further public hearings or formal elections upon receipt of written consent from the owners.

RECOMMENDED ACTION BY CITY COUNCIL

- 1. Adopt Resolution No. 2020-059 certifying and adding the above properties to CFD No. 2017-01.

POLICY ALTERNATIVE(S)

- 1. Council could choose to not make action at this time.

FINANCIAL INFORMATION

<u>FISCAL IMPACT:</u>	
1. Is There A Fiscal Impact?	<u>Yes</u>
2. Is it Currently Budgeted?	<u>N/A</u>
3. If Budgeted, Which Line?	<u>N/A</u>

PRIOR ACTION/REVIEW

On June 7, 2017 City Council adopted Resolution 2017-023 authorizing the City to annex properties to CFD 2017-01.

ATTACHED INFORMATION

- 1. Resolution No. 2020-059 certifying and adding the above properties to CFD No. 2017-01.
- 2. Map outlining the location of APN 393-123-28 and 393-123-29.

Recording Requested by:)
)
City of Kingsburg)
)
and When Recorded, Mail to:)
)
City of Kingsburg)
1401 Draper Street)
Kingsburg, CA 93631)

(Exempt from Recording Fees – Govt Cod Sec. 27383)

RESOLUTION 2020-059

**AMENDMENT TO THE NOTICE OF SPECIAL TAX LIEN
(NOTICE OF ANNEXATION NO. 2020-02)**

ANNEXATION No. 2020-02

**CITY OF KINGSBURG
COMMUNITY FACILITIES DISTRICT No. 2017-01
(PUBLIC SERVICES DISTRICT)**

Recorded June 14, 2017 - Fresno County Recorder#: 2017-0073962

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code and Section 53339.8 of the Government Code, the undersigned City Clerk of the City of Kingsburg, acting for and on behalf of the legislative body of the CITY OF KINGSBURG, COMMUNITY FACILITIES DISTRICT NO. 2017-01 (Public Services District), COUNTY OF FRESNO, STATE OF CALIFORNIA, HEREBY GIVES NOTICE that a lien is hereby imposed to secure payment of a special tax which the City Council of the City of Kingsburg, County of Fresno, State of California, acting in its capacity as the legislative body of such Community Facilities District is authorized to annually levy for the following purpose:

To finance increased demand for public services resulting from new development within the District.

The special tax is authorized to be levied on the property described in "Exhibit A" attached hereto (the "Annexed Property") which has been annexed to the District, which has now been officially formed, and the lien of the special tax is a continuing lien, which shall secure each annual levy of the special tax and which shall continue in force and effect until the special tax obligation is prepaid, permanently satisfied and cancelled in accordance with law or until the special tax ceases to be levied and an notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Government Code.

The rate and method of apportionment of the authorized special tax, a copy of which is attached hereto as Exhibit "B", as supplemented by the Supplement No. 1 and made a part hereof is as shown on the attached, referenced and incorporated Exhibit "C"; and the special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in case of delinquency as is provided for ad valorem taxes; provided, however, as applicable, the legislative body of the District may, by resolution, establish and adopt an alternative or supplemental collection procedure as necessary.

Notice is further given that upon the recording of this notice in the office of the County Recorder, the obligation to pay the special tax levy shall become a lien upon the Annexed Property in accordance with Section 3115.5 of the Streets and Highways Code.

Reference is made to the following:

1. Exhibit A: Consent and Election To Annex Real Property To An existing Community Facilities District
2. Exhibit B: Community Facilities District No. 2017-01 Rate and Method of Apportionment
3. Exhibit C: Title Report/Owner's Names and APNs

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the following designated person:

City Manager Alexander Henderson
City of Kingsburg
1401 Draper Street
Kingsburg, CA 93631
(559) 897-5821

NOW THEREFORE, BE IT RESOLVED: That Resolution 2020-028 is approved.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Kingsburg duly called and held on the ___ day of October 2020, by the following vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSTAIN: Council Member(s):
ABSENT: Council Member(s):

Abigail Palsgaard, City Clerk

STATE OF CALIFORNIA)
COUNTY OF FRESNO)ss
CITY OF KINGSBURG)

I, Abigail Palsgaard, City Clerk of the City of Kingsburg, do hereby certify the foregoing Resolution was duly passed and adopted at a regular meeting of said City Council held on the ___ day of October 2020.

Dated:

Abigail Palsgaard, City Clerk

**CONSENT AND ELECTION TO ANNEX REAL PROPERTY TO AN EXISTING
COMMUNITY FACILITIES DISTRICT**

**CITY OF KINGSBURG
COMMUNITY FACILITIES DISTRICT NO. 2017-01
(PUBLIC SERVICES DISTRICT)**

TO: CITY COUNCIL OF THE CITY OF KINGSBURG IN ITS CAPACITY AS THE
LEGISLATIVE BODY OF THE ABOVE ENTITLED COMMUNITY FACILITIES
DISTRICT:

1. The undersigned is the owner (the "Owner"), or the duly authorized representative of the Owner, of the real property as described in Exhibit A attached hereto and incorporated herein by reference (the "Property"), and in such capacity, possesses all legal authority necessary to execute this Consent and Election as and on behalf of the Owner in connection with the annexation of the Property to the District (as defined below).

The Owners are:
APN 393-123-28
Gary W Nelson Trustee
13496 E. Kamm Avenue
Kingsburg, CA 93631

APN 393-123-28
K.PROP. LLC, A California Limited Liability Company
David C. Crinklaw, Managing Member
13837 S. Zediker
Kingsburg, CA 93631

2. The Owners are aware of and understands the following:

A. The City of Kingsburg has conducted proceedings pursuant to the "Mello-Roos Community Facilities Act of 1982", (Government Code Section 53311 and following) (the "Act") to form a community facilities district known and designated as COMMUNITY FACILITIES DISTRICT NO. 2017-01 (PUBLIC SERVICES DISTRICT) (the "District") to finance the increased demand for public services (the "Services") resulting from new development within the District. The services to be financed by the CFD comprise services ("Services") authorized to be financed pursuant to Section 53313 and 53313.5 of the Government Code. CFD 2017-01 shall finance Services only to the extent they are in addition to those provided in the territory of CFD 2017-01 before the CFD was created and such Services may not supplant services already available within CFD 2017-01 when the CFD was created.

For a full and complete description of the public services, reference is made to the final CFD Report, a copy of which is on file in the Office of the City Clerk. For all particulars, reference is made to said CFD Report.

B. The City has also undertaken proceedings pursuant to Article 3.5 of the

Act to provide for the future annexation of certain territory, including the Property, to the District. On June 7, 2017, the City held a public hearing as required by the Act, to consider the future annexation of such territory, including the Property, to the District. Notice of such hearing was given in the form and manner as required by law. A protest to such future annexation was not received from 50% or more of the registered voters, or six (6) registered voters, whichever is more, residing in the territory proposed to be annexed in the future or the owners of one-half or more of the area of land in the territory proposed to be annexed in the future. At the conclusion of such public hearing, the legislative body of the City did approve and provide for the annexation in the future upon the unanimous approval of the owner or owners of each parcel or parcels at the time that such parcel or parcels are annexed, without additional hearings.

THE UNDERSIGNED DOES HEREBY CERTIFY UNDER PENALTY OF PERJURY AS FOLLOWS:

2. The Owners consents and elects to and expressly approves annexation of the Property to the District and the authorization for the levy of the Special Tax within the Property without further public hearing and without an election conducted pursuant to the provisions of Government Code Section 53339.7 and Article 2 of the Act and the Elections Code of the State of California. Owner agrees and intends that such consent and approval constitutes Owner's election to annex the Property to the District and to approve the authorization for the levy of the Special Tax within the Property.
3. The Owners waives any right, which the Owner may have to make any protest or complaint or undertake any legal action challenging the validity of the proceedings of the City or the District to authorize the future annexation of the Property to the District or the authorization for the levy of the Special Tax within the Property, any necessity, requirement, right or entitlement for further public hearing or election pertaining to the annexation of the Property to the District and the levy of the Special Tax within the Property.
4. The Owners specifically authorizes the levy of the Special Tax on the Property pursuant to the rate and method of apportionment set forth in Exhibit B to pay for the authorized Public Services.

EXECUTED this 13TH day of October, 2020, in KINGSBURG, California



Gary W Nelson Trustee

Note:

1. Signatures of property owner(s) or representatives must be notarized.
2. Proof of Authorization to sign is required for Corporations, Partnerships, Limited Liability Companies, Trusts, etc.

EXECUTED this 13TH day of October, 2020, in KINGSBURG, California



David C. Crinklaw, Managing Member

Note:

1. Signatures of property owner(s) or representatives must be notarized.
2. Proof of Authorization to sign is required for Corporations, Partnerships, Limited Liability Companies, Trusts, etc.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

NOTARY ACKNOWLEDGMENT

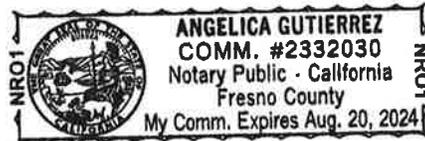
STATE OF CALIFORNIA)
COUNTY OF FRESNO)

On OCT. 13, 2020, before me, Angelica Gutierrez Notary Public, personally appeared Gary W Nelson who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Angelica Gutierrez
Notary Public



(This area for official notaries seal)

Exhibit A

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

NOTARY ACKNOWLEDGMENT

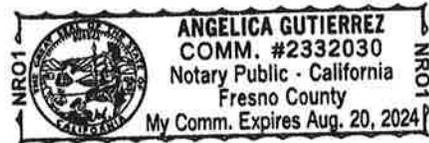
STATE OF CALIFORNIA)
COUNTY OF FRESNO)

On Oct. 13 2020, before me, Angelica Gutierrez, Notary Public, personally appeared David C. Crinklaw who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public



(This area for official notaries seal)

Exhibit A

RECORDING REQUESTED BY
Old Republic Title Company
Escrow No.: 1411013483
APN #: 393-123-28
WHEN RECORDED MAIL TO

Original

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Certification of Trust
[California Probate Code Section 18100.5]

The Undersigned being of legal age, declares under penalty of perjury:

1. Declarant(s) certifies the existence of the following described Trust and states that he/she/they are all of the current Trustees.

Name of Trust: The Gary W. Nelson Living Trust of 1992 under Declaration of Trust
Date of Trust: July 30, 1992
Trustor/Settlor(s) Gary W. Nelson
Original
Trustee(s) Gary W. Nelson

2. Declarant(s) state(s) that the Trust is in full force and effect and has not been revoked, terminated, or otherwise amended in any manner which would cause the representations in this Certification to be incorrect. The name(s) of all persons who have any power to revoke the Trust are:
Gary W. Nelson

3. Declarant(s) state(s) that the following named Trustee(s) is/are fully empowered to act for said Trust and is/are properly exercising his/her/their authority under said Trust in negotiating for, contracting for, and executing the document(s) attached hereto, or set forth below, and that no Trustee(s) other than the following named Trustees are necessary under the Trust to sign said document(s):

Name of Trustee(s) Authorized to Sign: Gary W. Nelson

Nature of Document(s): Escrow Documents, Grant Deed and Exchange Documents

4. Declarant(s) state(s) that to the best of his/her/their knowledge, there are no claims, challenges of any kind or causes of action alleged, contesting or questioning the validity of the Trust or the Trustee's authority to act for the Trust.

5. This Declaration is prepared and executed pursuant to California Probate Code Section 18100.5

Signed under penalty of perjury, this 14th Day of September, 2020

X Gary W. Nelson TE.
(Signature)

Gary W. Nelson
(Name - Type or Printed)

(Signature)

(Name - Type or Printed)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of FRESNO

On 9/13/2020 before me, ANGELICA GUTIERREZ a Notary Public, personally appeared GARY W. NELSON who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature: Angelica Gutierrez
Name: ANGELICA GUTIERREZ
(Typed or Printed)

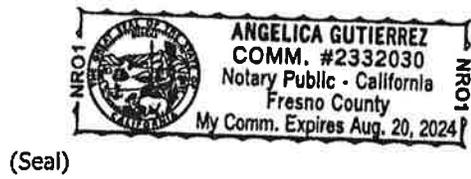


Exhibit A



State of California Secretary of State

L

25 pnr

STATEMENT OF INFORMATION (Limited Liability Company)

Filing Fee \$20.00. If this is an amendment, see instructions.

FILED Secretary of State State of California MAR 23 2015

IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

1. LIMITED LIABILITY COMPANY NAME

K. PROP, LLC

21/20/PC This Space For Filing Use Only

File Number and State or Place of Organization

2. SECRETARY OF STATE FILE NUMBER 200510610097

3. STATE OR PLACE OF ORGANIZATION (If formed outside of California) CALIFORNIA

No Change Statement

4. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no Statement of Information has been previously filed, this form must be completed in its entirety. [] If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 15.

Complete Addresses for the Following (Do not abbreviate the name of the city. Items 5 and 7 cannot be P.O. Boxes.)

Table with 4 columns: Item Number, Address, City, State, ZIP Code. Rows include Principal Office, Mailing Address, and California Office.

Name and Complete Address of the Chief Executive Officer, if Any

Table with 5 columns: Item Number, Name, Address, City, State, ZIP Code. Row for David C. Crinklaw.

Name and Complete Address of Any Manager or Managers, or if None Have Been Appointed or Elected, Provide the Name and Address of Each Member (Attach additional pages, if necessary.)

Table with 5 columns: Item Number, Name, Address, City, State, ZIP Code. Rows for David C. Crinklaw and two blank rows.

Agent for Service of Process If the agent is an individual, the agent must reside in California and item 13 must be completed with a California address, a P.O. Box is not acceptable. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and item 13 must be left blank.

Table with 4 columns: Item Number, Name, Address, City, State, ZIP Code. Rows for Agent Name and Agent Address.

Type of Business

14. DESCRIBE THE TYPE OF BUSINESS OF THE LIMITED LIABILITY COMPANY REAL ESTATE

15. THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT. 3/17/15 DAVID C. CRINKLAW MANAGER DATE TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM TITLE SIGNATURE

Exhibit A

CERTIFICATION OF ADEQUACY OF CONSENT
AND ELECTION TO ANNEX REAL PROPERTY
TO AN EXISTING COMMUNITY FACILITIES DISTRICT

ANNEXATION NO. 2020-02

The undersigned is the duly appointed CITY CLERK for the proceedings relating to the annexation of property to the District.

On the _____ day of _____, 2020, at KINGSBURG, California.

Abigail Palsgaard, CITY CLERK
CITY OF KINGSBURG
STATE OF CALIFORNIA

CONSENT AND ELECTION TO ANNEX REAL PROPERTY TO AN EXISTING COMMUNITY FACILITIES DISTRICT

CITY OF KINGSBURG COMMUNITY FACILITIES DISTRICT No. 2017-01 (PUBLIC SERVICES DISTRICT)

ANNEXATION No. 2020-02

EXHIBIT A

393-123-28 & 393-123-29

ASSESSOR'S PARCEL NUMBER(S)

CITY OF KINGSBURG COMMUNITY FACILITIES DISTRICT NO. 2017-01 (PUBLIC SERVICES DISTRICT)

SHEET 1 OF 1

ANNEXATION MAP NO. 2020-02 OF
CITY OF KINGSBURG
COMMUNITY FACILITIES DISTRICT NO. 2017-01
(PUBLIC SERVICES DISTRICT)
COUNTY OF FRESNO
STATE OF CALIFORNIA

Reference is hereby made to that certain map entitled "Proposed Boundaries of City of Kingsburg Community Facilities District No. 2017-01 (Public Services District), County of Fresno, State of California," recorded on May 4, 2017, under Document No. 2017-0025094, in Book 44, Pages 91 and 92 of Maps of Assessment and Community Facilities Districts, in the office of the County Recorder of the County of Fresno, State of California, which this Annexation Map affects.

Reference is hereby made to the Assessor maps of the County of Fresno for a description of the lines and dimensions of these parcels.

LEGEND
 - - - - - Boundaries of Annexation Map No. 2020-02 of City of Kingsburg Community Facilities District No. 2017-01 (Public Services District), County of Fresno, California
 _____ Assessor Parcel Line

Prepared by DTA

(1) Filed in the office of the Clerk of the City of Kingsburg this _____ day of _____, 2020.

Abigail Palsgaard,
Clerk of the City of Kingsburg,
California

(2) I hereby certify that the within map showing the proposed boundaries of Annexation Map No. 2020-02 of City of Kingsburg Community Facilities District No. 2017-01 (Public Services District), County of Fresno, State of California, was approved by the City Council of the City of Kingsburg at a regular meeting thereof, held on this _____ day of _____, 2020, by its Resolution No. _____.

Abigail Palsgaard,
Clerk of the City of Kingsburg,
California

(3) Filed this _____ day of _____, 2020, at the hour of _____ o'clock _____ m, in Book _____ of Maps of Assessment and Community Facilities Districts at Page _____ and as Instrument No. _____ in the office of the County Recorder in the County of Fresno, State of California.

Paul Dicos, CPA
Assessor-Recorder, County of Fresno
By _____ Deputy
Fee _____
Exempt recording requested,
per CA Government Code §6103

**COMMUNITY FACILITIES
DISTRICT REPORT**

City of Kingsburg

**Community Facilities District
No. 2017-01
(Public Services District)**

May 11, 2017

Newport Beach
San Jose
San Francisco
Riverside
Dallas
Houston

**COMMUNITY FACILITIES DISTRICT REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982**

**CITY OF KINGSBURG
COMMUNITY FACILITIES DISTRICT NO. 2017-01
(PUBLIC SERVICES DISTRICT)**

Prepared for

**CITY OF KINGSBURG
1401 Draper Street
Kingsburg, California 93631**

Prepared by

**DAVID TAUSSIG & ASSOCIATES, INC.
1302 Lincoln Avenue, Ste 204
San Jose, California 95125**

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APPENDICES

- | | |
|-------------------|----------------------------------|
| Appendix A | Rate and Method of Apportionment |
| Appendix B | CFD No. 2017-01 Boundary Map |

I. INTRODUCTION

WHEREAS, the City of Kingsburg (hereinafter referred to as the “City”) did, pursuant to the provisions of the “Mello-Roos Community Facilities Act of 1982,” being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (hereinafter referred to as the “Act”), and specifically Section 53321.5 thereof, expressly order the filing of a written “Report” with the legislative body of the proposed City of Kingsburg Community Facilities District No. 2017-01 (Public Services District), County of Fresno, State of California, hereinafter referred to as:

“CFD No. 2017-01”; and,

WHEREAS, the Council has determined that the establishment of the Community Facilities District is consistent with and follows the Local Goals and Policies concerning the use of the Act that have been adopted by the City and are now in effect; and

WHEREAS, the City Council of the City of Kingsburg approved the Resolution of Intention to establish CFD No. 2017-01, to authorize the levy of a Special Tax to finance certain Authorized Services within CFD No. 2017-01, and to request the preparation of a CFD Report to demonstrate the following:

- 1) A brief description of the Authorized Services by type which will be required to adequately meet the needs of CFD No. 2017-01;
- 2) An estimate of the fair and reasonable cost of providing the Authorized Services and an estimate of the incidental expenses related thereto; and

WHEREAS, the matters and information set forth in this report constitute a compilation of information otherwise on file and available for review by the Council at the date of adoption of Resolution 2017-017 on May 3, 2017.

NOW, THEREFORE, the City Clerk of the City of Kingsburg (the “City Clerk”), the authorized representative of the City, and the appointed responsible officer directed to prepare the CFD Report (the “Report”) or cause the Report to be prepared pursuant to the provisions of the Act, does hereby submit this Report.

II. PROJECT DESCRIPTION

CFD No. 2017-01 (Public Services District) encompasses approximately 61.70 gross acres of land in the City of Kingsburg located generally north of Klepper Street and generally south of East Caruthers Avenue, west of South Madsen Avenue, and generally east of Golden State Boulevard. A map showing this territory is provided as Appendix B of this report.

A Future Annexable Area has also been identified on the map, within which future residential and non-residential property will be able to annex into the CFD on a parcel by parcel basis.

Within the CFD, a Special Tax shall be levied only on new development as set forth in the Rate and Method of Apportionment (“RMA”), attached herewith as Appendix A.

III. DESCRIPTION AND ESTIMATED COST OF SERVICES

A. Description of Proposed Public Services

A community facilities district *may* finance any one or more of the following types of services: police protection services; fire protection and suppression services; ambulance and paramedic services; recreation program services, library services, maintenance services for elementary and secondary school sites and structures, operation and maintenance of museums and cultural facilities; maintenance of parks, parkways (including street lights), and open space; flood and storm protection services, including the operation and maintenance of storm drainage systems and sandstorm protection systems; and services with respect to the removal or remedial action cleanup of hazardous substances. The proposed community facilities district shall provide and finance Public Services, including but not limited to (i) the costs of contracting services, (ii) the maintenance and servicing of police, fire, and emergency response, parks and open space, alley maintenance, street lighting and landscape maintenance, maintenance or upkeep of related facilities, equipment, vehicles, apparatus, and supplies (iii) the salaries and benefits of staff that directly provide such services, and (iv) overhead costs associated with providing such services within the CFD.

The Authorized Services, as defined in the Rate and Method of Apportionment, Appendix A, may be financed only to the extent that such services are in addition to those services provided in the City prior to implementation of the Community Facilities District.

Again, CFD No. 2017-01 shall only finance the above listed services only to the extent that they are in addition to existing services provided within the boundaries of CFD No. 2017-01 before creation of the CFD and such Authorized Services may not supplant services already available within CFD No. 2017-01 at creation of said CFD. The Special Taxes required to finance the related annual costs of those public services will be apportioned as described in the Rate and Method of Apportionment of the Special Tax for CFD No. 2017-01.

B. Estimated Costs of Proposed Public Services

The intent of the CFD is to fund the anticipated revenue shortfall in providing the Authorized Services listed above. The maximum special taxes that could be levied presently would be \$594 per Dwelling Unit for Single Family Residential Property, \$396 per Dwelling Unit for Multi-Family Residential Property, \$0.20 per Sq. Ft. of Non-Residential Floor Area for Retail and Office Property, and \$0.07 per Sq. Ft. of Non-Residential Floor Area for Industrial and Institutional Property; however, this amount is subject to annual escalation. The actual amount to be levied will be determined by the City Council on an annual basis. It is anticipated that the cost of administering the CFD in its earlier years will be approximately \$5,000 per year.

IV. BONDED INDEBTEDNESS AND INCIDENTAL EXPENSES

A. Projected Bond Sales

CFD No. 2017-01 is not authorized to sell bonds.

B. Incidental Expenses to be Included in the Annual Levy of Special Taxes

Pursuant to Section 53340 of the Act, the proceeds of any Special Tax may only be used to pay, in whole or part, the cost of providing public facilities, services, and incidental expenses. As defined by the Act, incidental expenses include, but are not limited to, the cost of planning and designing public facilities to be financed, including the cost of environmental evaluations of those facilities. As there is no intention or authorization for CFD No. 2017-01 to sell bonds, the incidental expenses to be funded through Special Taxes shall be limited to the costs associated with the creation of the CFD, determination of the amount of Special Taxes, collection of Special Taxes, payment of Special Taxes, or costs otherwise incurred in order to carry out the authorized purposes of the CFD. While the actual cost of administering CFD No. 2017-01 may vary, it is anticipated that the amount of Special Taxes that can be collected will be sufficient to fund the CFD's annual administrative expenses.

V. RATE AND METHOD OF APPORTIONMENT

Pursuant to Section 53325.3 of the Act, the tax imposed in a CFD “is a special tax and not a special assessment, and there is no requirement that the tax be apportioned on the basis of benefit to any property.” The Special Tax “may be based on benefit received by parcels of real property, the cost of making facilities or authorized services available to each parcel, or other reasonable basis as determined by the legislative body,” although the Special Tax may not be apportioned on an ad valorem basis pursuant to Article XIII A of the California Constitution. The adopted Rate and Method of Apportionment (“RMA”), attached herewith as Appendix A, provides information sufficient to allow each property owner within CFD No. 2017-01 to estimate the maximum annual Special Tax he or she will be required to pay.

The RMA requires that all Assessor’s Parcels within CFD No. 2017-01 be categorized as Developed Property, Undeveloped Property, Property Owner Association Property, or Public Property. The principal assumption inherent in the calculation of Special Taxes as defined in the RMA is that the level of budgetary shortfall impacting the City is the *primary* result of new development within the City. These determinations are based on an evaluation of the City’s recurring costs and revenues. No Special Taxes will be levied on Undeveloped Property, Property Owner Association Property, or Public Property.

Each Fiscal Year, the Special Tax levy shall be calculated in an amount sufficient to cover the costs required to meet the financial needs for the proposed Authorized Services, but not to exceed the maximum Special Tax for Developed Property. The maximum Special Tax necessary to cover the public service shortfall generated by one (1) Single Family and Multi-Family Residential Dwelling Unit is \$594 and \$396, respectively, for the 2017-18 Fiscal Year. The maximum annual Special Tax that can be levied within the CFD on Developed Property shall increase annually by the greater of the change in the Blended Consumer Price Index during the twelve (12) months ending in December of the Fiscal Year prior to the Fiscal Year in which the Special Tax is being levied, or four percent (4.00%). Commencing with Fiscal Year 2017-18 and for each following fiscal year, the City Council shall levy the annual special tax proportionately for each Assessor’s Parcel of Developed Property at up to 100% of the applicable maximum special tax, until the amount of special taxes equals the special tax requirement.

In order to establish the Maximum Special Tax rates for CFD No. 2017-01 as set forth in the Rate and Method of Apportionment, David Taussig & Associates, Inc. has relied on information regarding land-use types, geographic location, and Taxable Property provided to it by others. David Taussig & Associates, Inc. has not independently verified such data and disclaims responsibility for the impact of inaccurate data, if any, on the Rate and Method of Apportionment for CFD No. 2017-01, including the inability to meet the financial obligations within CFD No. 2017-01.

VI. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT

The boundaries of CFD No. 2017-01 include all land on which the Special Taxes may be levied. A reduced scale map showing the boundaries of CFD No. 2017-01 is provided as Appendix B. A full scale map is on file with the Fresno County Recorder's Office and was recorded on May 4, 2017 at 11:03 am in the Fresno County Recorder's Office at Book 44 of Maps of Assessment and Community Facilities Districts at Page 91-92 (Instrument No. 2017-0055084), and there has been no change in the boundaries of the Community Facilities District since its formation, nor is any contemplated here.

VII. GENERAL TERMS AND CONDITIONS

A. Substitution of Services

The description of the Authorized Services, as set forth herein, is general in their nature. The final nature and location of the specific services to be funded by the CFD will be determined by the City Council. The actual services funded may show substitutes, in lieu or modifications to the proposed services that benefit the CFD, and any such substitution shall not be a change or modification in the proceedings as long as the services provided are of a type substantially similar to that as set forth in this Report.

B. Appeals and Interpretations

Any landowner or resident who feels that the amount of the Special Tax levied on his Assessor's Parcel is in error may submit a written appeal to the CFD Administrator. The CFD Administrator shall review the appeal and if the CFD Administrator concurs, the amount of the Special Tax levied shall be appropriately modified through an adjustment to the Special Tax levy in the following Fiscal Year. No refunds shall be given. Interpretations may be made by the Council by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in the Rate and Method of Apportionment for CFD No. 2017-01.

APPENDIX A

**CITY OF KINGSBURG
COMMUNITY FACILITIES DISTRICT NO. 2017-01
(PUBLIC SERVICES DISTRICT)**

RATE AND METHOD OF APPORTIONMENT

**RATE AND METHOD OF APPORTIONMENT FOR
CITY OF KINGSBURG
COMMUNITY FACILITIES DISTRICT NO. 2017-01
(PUBLIC SERVICES DISTRICT)
CITY OF KINGSBURG, COUNTY OF FRESNO, STATE OF CALIFORNIA**

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels of Taxable Property in City of Kingsburg Community Facilities District No. 2017-01 (Public Services District), City of Kingsburg, County of Fresno, State of California ("CFD No. 2017-01") and collected each Fiscal Year commencing in Fiscal Year 2017-18, in an amount determined by the City Council through the application of the appropriate Special Tax for "Developed Property," as described below. All of the real property in CFD No. 2017-01, unless exempted by law or by the provisions hereof, shall be taxed for these purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2017-01: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special Taxes (whether by the City or otherwise); the costs to the City, CFD No. 2017-01, or any designee thereof of complying with CFD No. 2017-01 or obligated persons disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs to the City, CFD No. 2017-01, or any designee thereof related to an appeal of the Special Tax; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2017-01 for any other administrative purposes of CFD No. 2017-01, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Assessor's Parcel" or "Parcel" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by Assessor's Parcel number.

"Authorized Services" means those services eligible to be funded by CFD No. 2017-01, as defined in the Resolution of Formation and authorized to be financed by CFD No. 2017-01 pursuant to Section 53313 and Section 53313.5 of the Act. CFD No. 2017-01 shall finance Authorized Services only to the extent that they are in addition to those provided in the territory of CFD No. 2017-01 before the CFD was created and such Authorized

Services may not supplant services already available within CFD No. 2017-01 when the CFD was created.

“Blended Consumer Price Index” means the sum of the Los Angeles Urban Consumer Price Index and the San Francisco Urban Consumer Price Index, divided by two (2).

“Building Permit” means a permit issued by the City or other governmental agency for the construction of a residential or non-residential building on an Assessor’s Parcel.

“CFD Administrator” means an official of CFD No. 2017-01, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

“CFD No. 2017-01” means City of Kingsburg Community Facilities District No. 2017-01 (Public Services District), City of Kingsburg, County of Fresno, State of California.

“City” means the City of Kingsburg, California.

“City Council” means the City Council of the City.

“County” means the County of Fresno.

“Developed Property” means, for each Fiscal Year, all Assessor’s Parcels for which a Building Permit was issued after January 1, 2017 and on or before May 1 of the Fiscal Year preceding the Fiscal Year for which the Special Taxes are being levied.

“Dwelling Unit” means a building or portion thereof designed for and occupied in whole or part as a residence or sleeping place, either permanently or temporarily, by one (1) family and its guests, with sanitary facilities and one (1) kitchen provided within the unit. Boarding or lodging houses, dormitories, and hotels shall not be defined as Dwelling Units unless the land use permit specifies a residential use.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Industrial and Institutional Property” means all Non-Residential Property, other than Retail and Office Property.

“Los Angeles Urban Consumer Price Index” means, for each Fiscal Year, the Consumer Price Index published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the Los Angeles – Anaheim – Riverside Area, measured as of the month of December in the calendar year which ends in the previous Fiscal Year. In the event this index ceases to be published, the Los Angeles Urban Consumer Price Index shall be another index as determined by the CFD Administrator that is reasonably comparable to the Los Angeles Urban Consumer Price Index.

“Maximum Special Tax” means, for each Fiscal Year, the maximum Special Tax, determined in accordance with Section C, below, that can be levied on any Assessor’s Parcel.

“Multi-Family Residential Property” means, all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for purposes of constructing a Dwelling Unit that shares an inside wall with another Dwelling Unit, and consists of more than two (2) Dwelling Units, including, but not limited to, triplexes, condominiums, and apartment units.

“Non-Residential Floor Area” means the total building square footage of the non-residential building(s) or the non-residential portion of a building with both residential and non-residential areas located on an Assessor’s Parcel of Developed Property, measured from outside wall to outside wall, exclusive of overhangs, porches, patios, carports, or similar spaces attached to the building but generally open on at least two (2) sides. The determination of Non-Residential Floor Area shall be made by reference to the Building Permit(s) issued for such Assessor’s Parcel and/or to the appropriate records kept by the City’s Building Division, as reasonably determined by the CFD Administrator.

“Non-Residential Property” means any and each Assessor’s Parcel of Developed Property for which a Building Permit permitting the construction of one or more non-residential units or facilities, including Retail and Office Property or Industrial and Institutional Property, has been issued by the City or some other governmental agency.

“Property Owner Association Property” means, for each Fiscal Year, any Assessor’s Parcel within the boundaries of CFD No. 2017-1 that is owned by or irrevocably offered for dedication to a property owner association, including any master or sub-association, not including any such property that is located directly under a residential or non-residential structure.

“Proportionately” means that the ratio of the actual annual Special Tax levy to the Maximum Special Tax is equal for all Assessor’s Parcels of Developed Property.

“Public Property” means, for each Fiscal Year, (i) any property within the boundaries of CFD No. 2017-01 that is owned by or irrevocably offered for dedication to the Federal government, the State, the City, or any other public agency; provided however that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act, as such section may be amended or replaced, shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2017-01 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

“Rate and Method of Apportionment” or **“RMA”** means this Rate and Method of Apportionment of Special Tax.

“Resolution of Formation” means the resolution forming CFD No. 2017-01.

“Retail and Office Property” means, all Non-Residential Property that is or will be: (i) for retail purposes consisting of one or more commercial establishment(s) that sell general merchandise, hard goods, food and beverage, personal services, and other items directly to consumers, including but not limited to restaurants, bars, entertainment venues, health clubs, laundromats, dry cleaners, repair shops, storage facilities, and parcel delivery shops, and (ii) for office space in which professional, banking, insurance, real estate, administrative, or in-office medical or dental activities are conducted.

“San Francisco Urban Consumer Price Index” means, for each Fiscal Year, the Consumer Price Index published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the San Francisco – Oakland – San Jose Area, measured as of the month of December in the calendar year that ends in the previous Fiscal Year. In the event this index ceases to be published, the San Francisco Urban Consumer Price Index shall be another index as determined by the CFD Administrator that is reasonably comparable to the Consumer Price Index for the San Francisco – Oakland – San Jose Area.

“Single Family Residential Property” means all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for purposes of constructing one (1) single-family residential Dwelling Unit.

“Special Tax” or “Special Taxes” means the special tax or special taxes to be levied in each Fiscal Year on each Assessor’s Parcel of Developed Property to fund the Special Tax Requirement.

“Special Tax Requirement” means that amount to be collected in any Fiscal Year for CFD No. 2017-01 to pay for certain costs as required to meet the needs of the CFD in that Fiscal Year. The costs to be covered shall be the direct costs for (i) Authorized Services, including the establishment of reserves for future costs of Authorized Services, (ii) Administrative Expenses, and (iii) an amount to cover anticipated delinquencies for the payment of the Special Tax, based on the delinquency rate for the preceding Fiscal Year; less (iv) a credit for funds available to reduce the annual Special Tax levy, if any, as determined by the CFD Administrator. Under no circumstances shall the Special Tax Requirement include debt service payments for debt financings by CFD No. 2017-01.

“State” means the State of California.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of CFD No. 2017-01 which are not exempt from the Special Tax pursuant to law or Section E below.

“Undeveloped Property” means, for each Fiscal Year, all property not classified as Developed Property, Property Owner Association Property, or Public Property.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, all Assessor's Parcels within CFD No. 2017-01 shall be classified by the CFD Administrator as Developed Property, Undeveloped Property, Property Owner Association Property, or Public Property, and shall be subject to annual Special Taxes in accordance with this Rate and Method of Apportionment as determined by the CFD Administrator pursuant to Sections C and D below. The CFD Administrator's allocation of property to each type of Land Use Class shall be conclusive and binding. However, only Developed Property shall be subject to annual Special Taxes in accordance with the Rate and Method of Apportionment as determined pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

a. Maximum Special Tax

The Maximum Special Tax for Fiscal Year 2017-18 for Developed Property is shown below in Table 1. Under no circumstances shall a Special Tax be levied on additions to existing Dwelling Units.

TABLE 1

**Maximum Special Taxes for Developed Property
For Fiscal Year 2017-18
Community Facilities District No. 2017-01**

Land Use Class	Land Use	Fiscal Year 2017-2018 Maximum Special Tax
1	Single Family Residential Property	\$594 per Dwelling Unit
2	Multi-Family Residential Property	\$396 per Dwelling Unit
3	Retail and Office Property	\$0.20 per Sq. Ft. of Non-Residential Floor Area
4	Industrial and Institutional Property	\$0.07 per Sq. Ft. of Non-Residential Floor Area

b. Multiple Land Use Classes

In some instances, an Assessor's Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax that can be levied on an Assessor's Parcel shall be the sum of the Maximum Special Taxes that can be levied for all Land Use Classes located on that Assessor's Parcel.

c. Increase in the Maximum Special Tax

On each July 1, commencing on July 1, 2018, the Maximum Special Tax for Developed Property shall be increased annually by the greater of the change in the Blended Consumer Price Index during the twelve (12) months prior to December of the previous Fiscal Year, or four percent (4.00%).

2. **Undeveloped Property**

No Special Taxes shall be levied on Undeveloped Property.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2017-18 and for each following Fiscal Year, the City Council shall levy the annual Special Tax Proportionately for each Assessor's Parcel of Developed Property at up to 100% of the applicable Maximum Special Tax, until the amount of Special Taxes equals the Special Tax Requirement.

E. EXEMPTIONS

In addition to Undeveloped Property being exempt from annual Special Taxes, no Special Tax shall be levied on Public Property or Property Owner Association Property. However, should an Assessor's Parcel no longer be classified as Public Property or Property Owner Association Property, such Assessor's Parcel shall, upon each reclassification, no longer be exempt from Special Taxes.

F. APPEALS AND INTERPRETATIONS

Any landowner or resident may file a written appeal of the Special Tax on his/her property with the CFD Administrator, provided that the appellant is current in his/her payments of Special Taxes. During the pendency of an appeal, all Special Taxes previously levied must be paid on or before the payment date established when the levy was made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination. If the CFD Administrator agrees with the appellant, the CFD Administrator shall eliminate or reduce the Special Tax

on the appellant's property and/or provide a refund to the appellant. If the CFD Administrator disagrees with the appellant and the appellant is dissatisfied with the determination, the appellant then has thirty (30) days in which to appeal to the City Council by filing a written notice of appeal with the clerk of the City, provided that the appellant is current in his/her payments of Special Taxes. The second appeal must specify the reasons for the appellant's disagreement with the CFD Administrator's determination. The CFD Administrator may charge the appellant a reasonable fee for processing the appeal.

The City may interpret this Rate and Method of Apportionment for purposes of clarifying any ambiguity and make determinations relative to the annual administration of the Special Tax and any landowner or resident appeals. Any decision of the City will be final and binding as to all persons.

G. MANNER OF COLLECTION

The annual Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the City may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary or otherwise advisable to meet its financial obligations for CFD No. 2017-01, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

H. FUTURE ANNEXATIONS

It is anticipated that additional properties will be annexed to CFD No. 2017-01 from time to time. As each annexation is proposed, an analysis may be prepared to determine the annual cost for providing Authorized Services to such parcels. Based on this analysis, any parcels to be annexed, pursuant to California Government Code Section 53339 *et seq.* will be assigned the approximate Maximum Special Tax rates when annexed and included in Exhibit A.

I. TERM OF SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to meet the Special Tax Requirement, unless no longer required to pay for Authorized Services as determined at the discretion of the City.

APPENDIX B

**CITY OF KINGSBURG
COMMUNITY FACILITIES DISTRICT NO. 2017-01
(PUBLIC SERVICES DISTRICT)**

BOUNDARY MAP

SHEET 1 OF 2

PROPOSED BOUNDARIES OF
CITY OF KINGSBURG
COMMUNITY FACILITIES DISTRICT NO. 2017-01
(PUBLIC SERVICES DISTRICT)
COUNTY OF FRESNO
STATE OF CALIFORNIA

The CFD Future Annexation Area is co-terminous
with the City of Kingsburg Sphere of Influence as of
January 4, 2017.

Reference is hereby made to the Assessor maps of
the County of Fresno for a description of the lines
and dimensions of these parcels.

Assessor Parcels within
City of Kingsburg
Community Facilities District No. 2017-01
(Public Services District):
394-021-14
393-123-26
393-123-27

(1) Filed in the office of the Clerk of the City of
Kingsburg this 3rd day of MAY, 2017.

Abigail Palsgaard
Abigail Palsgaard, Clerk of the City of Kingsburg,
California

(2) I hereby certify that the within map showing the
proposed boundaries of City of Kingsburg
Community Facilities District No. 2017-01 (Public
Services District), County of Fresno, State of
California, was approved by the City Council of the
City of Kingsburg at a regular meeting thereof,
held on this 3rd day of
MAY, 2017, by its Resolution No.
2017-017.

Abigail Palsgaard
Abigail Palsgaard, Clerk of the City of Kingsburg,
California

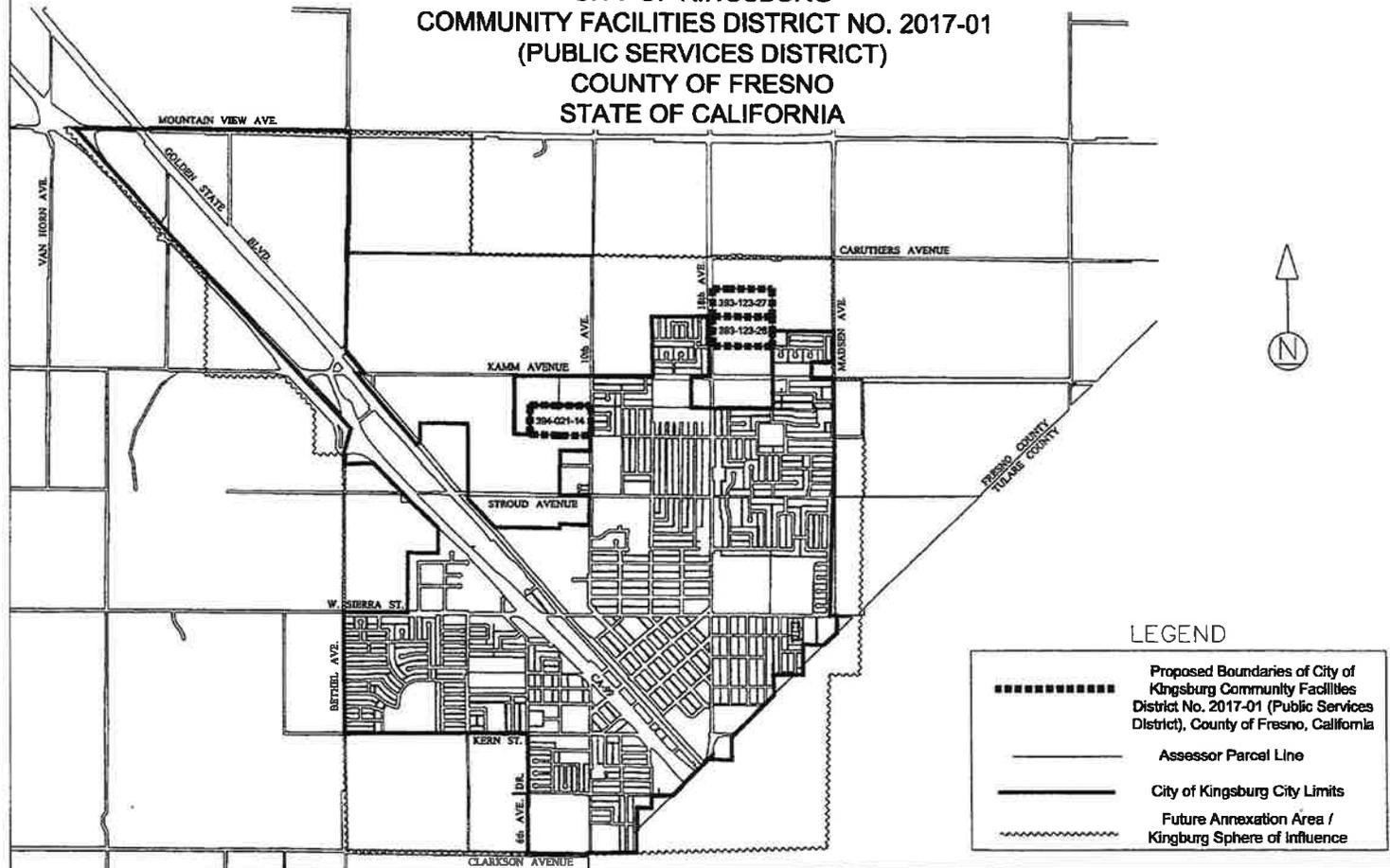
(3) Filed this 4th day of May, 2017, at
the hour of 11:02 o'clock Am, in Book
44 of Maps of Assessment and
Community Facilities Districts at Page
91-92 and as Instrument No.
2017-0055024 in the office of the County
Recorder in the County of Fresno, State of
California.

Paul Dictos, CPA
Assessor-Recorder, County of Fresno
By Rayne Rodriguez
Deputy
Fee \$ 10.00

Exempt recording requested,
per CA Government Code §6103

SHEET 2 OF 2

PROPOSED BOUNDARIES OF
CITY OF KINGSBURG
COMMUNITY FACILITIES DISTRICT NO. 2017-01
(PUBLIC SERVICES DISTRICT)
COUNTY OF FRESNO
STATE OF CALIFORNIA





7451 North Remington Ave. #102
Fresno, CA 93711
(559) 440-9249 Fax: (559) 447-1643

PRELIMINARY REPORT

Our Order Number 1411013738G-DB

K PROP, LLC
13837 S. Zediker Ave.
Kingsburg, CA 93631

Attention: JERRY W. SILVA

When Replying Please Contact:

Donna Brown
(559) 440-9249

Property Address:

Tract 6242 Kings Estates Phase 2, Kingsburg, CA 93631
[Unincorporated area of Fresno County]

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE COMPANY, as issuing Agent of Old Republic National Title Insurance Company, hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in Exhibit I attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the Homeowner's Policy of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit I. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit I of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of September 21, 2020, at 8:00 AM

OLD REPUBLIC TITLE COMPANY
For Exceptions Shown or Referred to, See Attached

OLD REPUBLIC TITLE COMPANY
ORDER NO. 1411013738G-DB

The form of policy of title insurance contemplated by this report is:

CLTA Standard Coverage Policy -1990. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

Fee

Title to said estate or interest at the date hereof is vested in:

Gary W. Nelson, Trustee of the Gary W. Nelson Living Trust of 1992 under Declaration of Trust dated July 30, 1992, as to APN 393-123-29 and K Prop, LLC, a California limited liability company as to APN 393-123-28

The land referred to in this Report is situated in the unincorporated area of the County of Fresno, State of California, and is described as follows:

Lot 163 of Kingsburg Colony, in the County of Fresno, State of California, as per Map recorded May 21, 1889, in Plat Book 4 Page 33, Fresno County Records, and that portion of the South half of the Southeast quarter of the Southwest quarter of Section 14, Township. 16 South, R. 22E., Mount Diablo Base and Meridian, lying East of the County Road running North and South across the East end thereof.

Together with that portion of Mendocino Avenue that would pass by operation of law pursuant to that certain Order of Vacation recorded August 3, 1994 under Recorder's Serial Number 94121758, Fresno County Records.

APN: 393-123-28 and 393-123-29

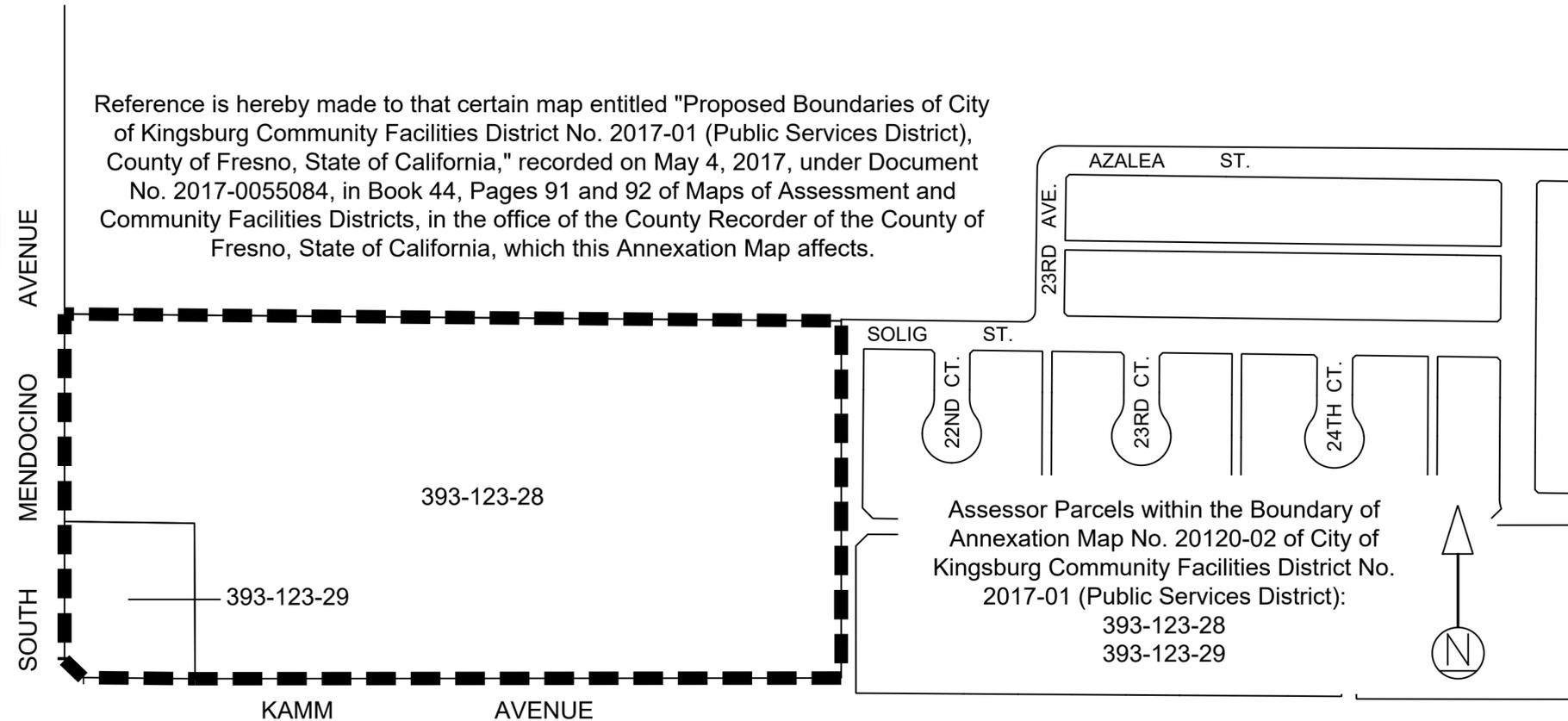
At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and special, for the fiscal year 2020 - 2021, a lien, but not yet due or payable.
2. Taxes and assessments, general and special, for the fiscal year 2019 - 2020, as follows:

Assessor's Parcel No	:	393-123-28	
Code No.	:	006-052	
1st Installment	:	\$900.32	Marked Paid
2nd Installment	:	\$900.32	Marked Paid
Land Value	:	\$69,671.00	
Imp. Value	:	\$88,149.00	

ANNEXATION MAP NO. 2020-02 OF CITY OF KINGSBURG COMMUNITY FACILITIES DISTRICT NO. 2017-01 (PUBLIC SERVICES DISTRICT) COUNTY OF FRESNO STATE OF CALIFORNIA

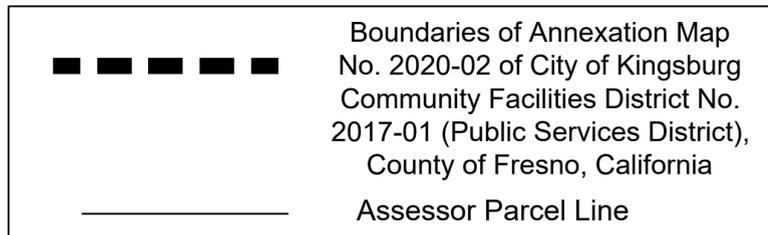
Reference is hereby made to that certain map entitled "Proposed Boundaries of City of Kingsburg Community Facilities District No. 2017-01 (Public Services District), County of Fresno, State of California," recorded on May 4, 2017, under Document No. 2017-0055084, in Book 44, Pages 91 and 92 of Maps of Assessment and Community Facilities Districts, in the office of the County Recorder of the County of Fresno, State of California, which this Annexation Map affects.



Assessor Parcels within the Boundary of Annexation Map No. 20120-02 of City of Kingsburg Community Facilities District No. 2017-01 (Public Services District):
393-123-28
393-123-29

Reference is hereby made to the Assessor maps of the County of Fresno for a description of the lines and dimensions of these parcels.

LEGEND



Prepared by DTA

(1) Filed in the office of the Clerk of the City of Kingsburg this ____ day of _____, 2020.

Abigail Palsgaard,
Clerk of the City of Kingsburg,
California



(2) I hereby certify that the within map showing the proposed boundaries of Annexation Map No. 2020-02 of City of Kingsburg Community Facilities District No. 2017-01 (Public Services District), County of Fresno, State of California, was approved by the City Council of the City of Kingsburg at a regular meeting thereof, held on this ____ day of _____, 2020, by its Resolution No. _____.

Abigail Palsgaard,
Clerk of the City of Kingsburg,
California



(3) Filed this ____ day of _____, 2020, at the hour of ____ o'clock __m, in Book _____ of Maps of Assessment and Community Facilities Districts at Page _____ and as Instrument No. _____ in the office of the County Recorder in the County of Fresno, State of California.

Paul Dictos, CPA
Assessor-Recorder, County of Fresno
By _____
Deputy
Fee _____

Exempt recording requested,
per CA Government Code §6103



Meeting Date: 10/21/2020
Agenda Item: 4.5

CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor & City Council

REPORT FROM: David Peters, City Engineer

REVIEWED BY: AP

AGENDA ITEM: Final Tract Map 6242

ACTION REQUESTED: Ordinance Resolution Motion Receive/File

EXECUTIVE SUMMARY

The applicant, West Star Construction, a California Corporation, is proposing to develop a 59 lot residential subdivision the east side of 18th Avenue, north of Kamm Avenue. Prior to beginning the construction of the project, the City Council must approve the final subdivision map and authorize the City Manager to enter into the subdivision agreement.

A tentative subdivision map was approved by the City of Kingsburg for this project in November 2018. The applicant has complied with the conditions of approval of the tentative tract map and has paid development fees in accordance with City fee resolutions.

The subdivision is zoned residential, and complies the North Kingsburg Specific Plan and the City's General Plan.

RECOMMENDED ACTION BY CITY COUNCIL

1. *Adopt resolution No. 2020-060 approving the final map for Tract 6242 accepting on behalf of the public the streets and easements as offered on the map in accordance with the terms of the dedications.*
2. *Authorize the City Manager to execute the Subdivision Agreement on behalf of the City, subject to review as to form by the City Attorney.*

POLICY ALTERNATIVE(S)

1. Council could choose to deny approval of the final map if findings could be made that the map is not in substantial conformance with the tentative map or the conditions of approval of the tentative map.

REASON FOR RECOMMENDATION/KEY METRIC

1. Staff has determined that the map is in substantial conformance with the tentative map and the conditions of approval.

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|-----------|
| 1. Is There A Fiscal Impact? | <u>No</u> |
| 2. Is it Currently Budgeted? | N/A |
| 3. If Budgeted, Which Line? | N/A |

PRIOR ACTION/REVIEW

Tentative Tract Map 6242 was previously approved by the City Council.

BACKGROUND INFORMATION

The applicant, West Star Construction, a California Corporation, is proposing to develop a 59 lot residential subdivision the east side of 18th Avenue, north of Kamm Avenue. Prior to beginning the construction of the project, the City Council must approve the final subdivision map and authorize the City Manager to enter into the subdivision agreement.

A tentative subdivision map was approved by the City of Kingsburg for this project in November 2018. The applicant has complied with the conditions of approval of the approved tentative map. A subdivision agreement has been prepared for the development because the off-site improvements have not yet been constructed. The subdivision agreement requires that the applicant post bonds or instruments of security with the City in order to guarantee the construction of the improvements, which they have done. The subdivision agreement also sets forth the development fees that the applicant must pay the City prior to the delivery of the final map to the County Recorder.

The applicant has submitted the public improvement plans and the final map to the City, which have been reviewed and approved by the City Engineer. The Council must accept the final map unless they can site deficiencies in the final documents.

The applicant has paid development fees as described above and in accordance with City fee resolutions. These fees will provide for review costs by the City and other capital improvement requirements.

The subdivision is zoned residential, and complies with the North Kingsburg Specific Plan and the City's General Plan.

ATTACHED INFORMATION

1. Resolution No. 2020-060
2. Final Map 6242
3. Subdivision Agreement

Recording Requested by:)
)
City of Kingsburg)
)
and When Recorded, Mail to:)
)
City of Kingsburg)
1401 Draper Street)
Kingsburg, CA 93631)

RESOLUTION NO. 2020-060

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF KINGSBURG
APPROVING TRACT 6242

WHEREAS, the Subdivision Agreement for Tract 6242, has been approved and executed by the developer, West Star Construction., a California Corporation and

WHEREAS, all required City fees have been paid and bonds furnished to guarantee the construction and warranty of the required subdivision improvements; and

WHEREAS, the presence of the City Engineer's and Planning Commission Secretary's signatures on the final tract map indicates that the final map substantially conforms to the tentative tract map previously approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED:

That the City Council of the City of Kingsburg hereby approves the Final Map for Tract 6242, subject to final approval by the City Engineer, with any and all conditions which were imposed at the time of approval of the tentative map and;

BE IT FURTHER RESOLVED:

That the City Council of the City of Kingsburg hereby authorizes the City Manager to execute the Subdivision Agreement for Tract 6242, on behalf of the City, subject to review as to form by the City Attorney, and review as to content by the City Engineer.

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 21st day of October 2020, by the following vote:

Ayes: Councilmembers:
Noes: Councilmembers:
Absent: Councilmembers:
Abstain: Councilmembers:

Abigail Palsgaard, City Clerk
City of Kingsburg

OWNER'S STATEMENT

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

GARY W. NELSON, TRUSTEE OF THE GARY W. NELSON LIVING TRUST OF 1992 UNDER DECLARATION OF TRUST DATED JULY 30, 1992

BY: GARY W. NELSON, TRUSTEE _____ DATE _____

K PROP, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: DAVID C. CRINKLAW, MANAGING MEMBER _____ DATE _____

NOTARY ACKNOWLEDGMENT:

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

STATE OF CALIFORNIA
COUNTY OF _____
ON _____ BEFORE ME,
_____ NOTARY PUBLIC,

PERSONALLY APPEARED _____

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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

WITNESS MY HAND.

PRINT NAME _____

SIGNATURE _____

COUNTY OF _____

MY COMMISSION EXPIRES _____

MY COMMISSION NUMBER _____

NOTARY ACKNOWLEDGMENT:

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

STATE OF CALIFORNIA
COUNTY OF _____
ON _____ BEFORE ME,
_____ NOTARY PUBLIC,

PERSONALLY APPEARED _____

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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

WITNESS MY HAND.

PRINT NAME _____

SIGNATURE _____

COUNTY OF _____

MY COMMISSION EXPIRES _____

MY COMMISSION NUMBER _____

TRACT NO. 6242

BEING A DIVISION OF A PORTION OF SECTION 14, TOWNSHIP 16 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN IN THE CITY OF KINGSBURG, COUNTY OF FRESNO, STATE OF CALIFORNIA

SURVEYED AND PLATTED IN JUNE, 2020 BY DIXON & ASSOCIATES, INC.

CONSISTING OF 2 SHEETS SHEET 1 OF 2



SURVEYOR'S STATEMENT

THE SURVEY FOR THIS MAP WAS MADE BY ME OR UNDER MY DIRECTION AND IS TRUE AND COMPLETE AS SHOWN.

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF K. PROP, LLC IN JUNE, 2020. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE ONE YEAR OF THE DATE THIS MAP IS RECORDED, OR ANY TIME EXTENSION APPROVED BY THE CITY ENGINEER. THE MONUMENTS ARE OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

AARON D. SPRAY _____ P.L.S. 9484 _____ DATE _____

CITY ENGINEER'S STATEMENT

I, DAVID PETERS, KINGSBURG CITY ENGINEER, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP, AND THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE APPROVED TENTATIVE MAP, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE HAVE BEEN COMPLIED WITH.

DAVID M. PETERS _____ R.C.E. 52685 _____ DATE _____
CITY ENGINEER

CONSULTING LAND SURVEYOR'S CERTIFICATE

ON BEHALF OF THE CITY OF KINGSBURG, I STEVEN F. REY, AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

STEVEN F. REY _____ P.L.S. 8047 _____ DATE _____

CITY CLERK'S STATEMENT

I HEREBY CERTIFY THAT THE COUNCIL OF THE CITY OF KINGSBURG, BY RESOLUTION NO. _____ ADOPTED ON _____, APPROVED THE WITHIN MAP AND ACCEPTED ON BEHALF OF THE PUBLIC ALL PARCELS OF LAND AND EASEMENTS OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION, AND APPROVED THE ABANDONMENT OF THOSE PUBLIC STREETS AND/OR PUBLIC EASEMENTS NOT SHOWN ON THE MAP AND NOTED AS ABANDONED BY THE FILING OF THE MAP.

ABIGAIL PALSGAARD, CLERK

BY: _____ DEPUTY _____ DATE _____

CITY PLANNING COMMISSION SECRETARY STATEMENT

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN CONFORMS TO AND IS IN COMPLIANCE WITH THE APPROVED TENTATIVE MAP AND THE REQUIREMENTS IMPOSED BY THE KINGSBURG CITY PLANNING COMMISSION AS A CONDITION TO THE ACCEPTANCE OF THE FINAL MAP.

MARY COLBY _____ DATE _____
SECRETARY OF THE KINGSBURG CITY PLANNING COMMISSION

LEGAL DESCRIPTION

LOT 163 OF KINGSBURG COLONY, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AS PER MAP RECORDED MAY 21, 1889, IN PLAT BOOK 4 PAGE 33, FRESNO COUNTY RECORDS, AND THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP. 16 SOUTH, R. 22E., MOUNT DIABLO BASE AND MERIDIAN, LYING EAST OF THE COUNTY ROAD RUNNING NORTH AND SOUTH ACROSS THE EAST END THEREOF.

TOGETHER WITH THAT PORTION OF MENDOCINO AVENUE THAT WOULD PASS BY OPERATION OF LAW PURSUANT TO THAT CERTAIN ORDER OF VACATION RECORDED AUGUST 3, 1994 UNDER RECORDER'S SERIAL NUMBER 94121758, FRESNO COUNTY RECORDS.

THIS PROPERTY IS SUBJECT TO THE FOLLOWING

- 1. ANY SPECIAL TAX WHICH IS NOW A LIEN AND THAT MAY BE LEVIED WITHIN THE COMMUNITY FACILITIES DISTRICT NO. 2017-01, A NOTICE OF WHICH WAS RECORDED AS FOLLOWS: INSTRUMENT ENTITLED : ANNEXATION MAP NO. 2019-02 CITY OF KINGSBURG COMMUNITY FACILITIES DISTRICT NO. 2017-01 (PUBLIC SERVICES DISTRICT) BY : THE CITY OF KINGSBURG RECORDED : SEPTEMBER 5, 2019 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2019-100566
- 2. RIGHTS OF THE PUBLIC, COUNTY AND/OR CITY, IN AND TO THAT PORTION OF SAID LAND LYING WITHIN THE LINES OF MENDOCINO AVENUE AND EAST KAMM AVENUE.
- 3. ANY EASEMENTS OR LESSER RIGHTS WHICH MAY BE CLAIMED AS TO A PORTION OF SAID LAND BY THE OWNERS OR USERS, INCLUDING ANY RIGHTS INCIDENTAL THERETO WHICH MAY BE ASCERTAINED BY MAKING INQUIRY OF SUCH OWNERS OR USERS, OF : POWER POLES AND LINES AFFECTS : THE SOUTHERLY AND WESTERLY PORTIONS AS DISCLOSED BY : OFF RECORD INFORMATION
- 4. MATTERS AS CONTAINED OR REFERRED TO IN AN INSTRUMENT, ENTITLED: CERTIFICATE OF COMPLETION MENDOCINO-KAMM NORTHWEST REORGANIZATION RECORDED : MAY 2, 2018 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2018-0051932 NOTE: REFERENCE IS MADE TO SAID INSTRUMENT FOR FULL PARTICULARS.
- 5. STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT ACKNOWLEDGING RIGHT-TO-FARM LAW FOR TRACT NO. 6242, RECORDED _____, 2020 AS DOCUMENT NO. 2020-_____, OFFICIAL RECORDS OF FRESNO COUNTY.
- 6. AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING INSTRUMENT : EASEMENT GRANTED TO : PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION FOR : ELECTRICAL FACILITY RECORDED : DECEMBER 15, 2000 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2000-0153713

RECORDER'S STATEMENT

DOCUMENT NO. _____ FEE \$ _____
FILED THIS _____ DAY OF _____, 20 _____, AT _____ M. IN VOLUME _____
OF PLATS, AT PAGES _____, FRESNO COUNTY RECORDS, AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY

PAUL DICTOS, C.P.A.,
FRESNO COUNTY RECORDER

BY: _____
DEPUTY COUNTY RECORDER

DIXON & ASSOCIATES, INC.
LAND SURVEYING
620 DEWITT, #101
CLOVIS, CALIFORNIA, 93612
PH: (559)297-4200 FAX: (559)297-4272

**CITY OF KINGSBURG
SUBDIVISION AGREEMENT**

TRACT NO. 6242

THIS SUBDIVISION AGREEMENT ("AGREEMENT") is made and entered into this ____ day of _____, 2020, by and between K Prop, LLC, a California Limited Liability Company ("SUBDIVIDER"), and the City of Kingsburg, a Charter City ("CITY").

RECITALS

A. The SUBDIVIDER has presented to the CITY a final map of the proposed subdivision of certain real property located within the city limits of the CITY, and more particularly described in the Final Map and identified as Tract No. 6242 ("Subdivision"). The real property is to be developed pursuant to approved improvement plans for Tract 6242 by the City Engineer. SUBDIVIDER has requested that the CITY accept and approve the Final Map and the dedications delineated and shown on the Final Map for the use and purposes specified thereon and to otherwise approve the Final Map in order that the same may be recorded as required by law.

B. The CITY requires as a condition precedent to the acceptance and approval of the Final Map, the dedication of the streets and public improvements and easements as delineated and shown on the Final Map, and deems the same as necessary for the public use, and requires and deems as necessary for the public use that any and all streets, public improvements and easements delineated and shown on the Final Map shall be improved by the construction thereof and the installation of the improvements specified in this Agreement.

C. Certain public improvements are required to be made by SUBDIVIDER in accordance with the approved tentative map of the Subdivision and have not yet been completed. Section 66462 of the California Government Code provides, as a condition precedent to the approval of the Final Map, that the City shall require the SUBDIVIDER to enter into an agreement to complete said public improvements.

D. Section 16 of the Kingsburg Municipal Code, requires the SUBDIVIDER to enter into an agreement with the CITY to perform and complete the work and matters as hereinafter described in this Agreement, in conformance with Section 16 inclusive of the Kingsburg Municipal Code, which Sections by this reference are incorporated into this Agreement made a part hereof.

NOW THEREFORE, it is hereby agreed as follows:

1. Improvements. SUBDIVIDER shall construct and install all public improvements in the Subdivision as identified in the approved improvement plans by the City Engineer and as specified on the Final Map in accordance with all of the requirements and standards as set forth in the approval or conditional approval of the tentative map of the Subdivision, the Kingsburg Municipal Code, all applicable laws, codes and regulations as determined by the City Engineer and the terms and conditions of this Agreement (collectively "Work"). In accordance with Section 16 of the Kingsburg Municipal Code, all of the Improvements shall be completed no later than twelve (12) months after the recording of the Final Map and commencement of construction. The SUBDIVIDER shall notify the City Engineer in writing two weeks (14 calendar days) prior to the commencement of construction activities. The City Engineer will then document in writing

the beginning of the construction period. Request to extend the time for completion of the Improvements must be in written form and received by the CITY not less than thirty (30) days prior to expiration of said twelve (12) month period and shall include facts to support the extension of time for completion as required by the City Engineer. Only the City Council shall have the authority to extend such time period. The extension period shall not exceed three (3) months.

Within thirty (30) days after the SUBDIVIDER notifies the City Engineer that the required Work has been completed, the City Engineer shall inspect such Work and, if the Work has been performed in the required manner and in accordance with this Agreement, the Final Map, the Kingsburg Municipal Code and all other applicable laws, codes and regulations, the City Engineer shall advise the City Council that the public improvements are ready for acceptance by the CITY.

2. Inspection. The CITY shall inspect all work in accordance with Section 16 of the Kingsburg Municipal Code, including the SUBDIVIDER'S conformance with the CITY's standard specifications and any and all applicable conditions, standards or requirements, including, without limitation, all conditions, standards or requirements identified at the preconstruction conference held prior to commencing the Work.

As part of the inspection process, SUBDIVIDER shall retain, at its sole cost and expense, a materials testing company to perform any testing or retesting of the Work as required by the City's Department of Public Works and/or Building Official. The materials testing firm must be approved by the CITY before any testing or retesting begins. The City's Inspector shall designate the locations for compaction tests, and shall observe all testing procedures. In addition to street areas, compaction testing shall be performed in building pad areas.

The SUBDIVIDER'S Engineer shall check the grade of all streets prior to surfacing and shall, prior to surfacing, provide written confirmation to the City's Department of Public Works that the street grades conform to the approved grades. In the case of asphalt concrete surfacing, the SUBDIVIDER'S Engineer shall, prior to surfacing, set grade stakes and shall be in attendance at the time all surfacing is performed.

SUBDIVIDER shall construct all required improvements in accordance with the applicable improvement plans and specifications. Where concrete curbs and gutters are required and where driveway approaches are not constructed at the time curbs and gutters are constructed, the curb and gutter shall be continuous.

CITY shall schedule a preliminary final inspection and a deficiency list shall be compiled and submitted to the SUBDIVIDER for correction. Upon completion of all corrections or additional work as outlined by the deficiency list, the SUBDIVIDER shall certify, in writing, that all corrections have been completed and request a final inspection. Upon finding that all items have been corrected and receipt of as-built improvement plans, the Subdivision shall be placed on the City Council agenda for acceptance.

The completion of corrections indicated by the deficiency list shall not relieve the SUBDIVIDER from the responsibility of correcting any deficiency not shown on the deficiency list that may be subsequently discovered. Should the CITY require payment of additional engineering and inspection fees and costs for improvements constructed after the stated date of completion, the SUBDIVIDER must pay said additional fees and costs prior to acceptance by the City Council of the improvements.

3. Costs and Fees. The SUBDIVIDER shall be responsible for all costs and expenses associated with the Work, including, without limitation, the costs identified in the Improvement Cost Estimate attached hereto and made a part hereof and identified as Exhibit "A" to this Agreement. SUBDIVIDER agrees to all amounts identified on Exhibit "A" and agrees to pay when due, all amounts identified on Exhibit "A", including, without limitation, all CITY engineering and inspection fees.

4. Security. SUBDIVIDER agrees to furnish security, which complies with Section 66499 et. seq. of the California Government Code, and in such amounts as are required by the CITY, to guarantee the faithful performance of this Agreement including, without limitation, the construction of the Improvements and completion of the Work, and to guarantee payment to contractors, subcontractors, laborers, material men and other persons involved in the performance of the Work. In the sole discretion of the CITY and with the written authorization of the CITY, the sureties provided by the SUBDIVIDER may be released in whole or in part in the following manner:

(a) Faithful performance sureties, not in excess of ninety percent (90%) of the estimated costs of the individual items of the Improvements and Work, may be released, or the required surety amounts may be reduced, as work is satisfactorily completed and accepted by the CITY.

(b) Forty-five (45) days after recordation of the Notice of Completion for the Subdivision, the sureties securing the payment to contractors and subcontractors, and to persons furnishing labor, materials, or equipment, may be released if claims including, without limitation, stop notices, have not been filed.

(c) Twenty-Five percent (25%) of the total faithful performance surety, retained as the public improvement warranty, may be released one year after the Notice of Completion for the SUBDIVISION has been recorded. In the alternative, SUBDIVIDER shall provide CITY with new warranty security of not less than twenty-five percent (25%) of the Improvement Cost Estimate identified in Exhibit "A" hereto, which security shall have a term of one (1) year from the date of recordation of the Notice of Completion for the Subdivision.

In accordance with Section 16 of the Kingsburg Municipal Code, the SUBDIVIDER shall furnish, in writing, proof of adequate security deposit to all utility companies for the installation of electricity, gas, telephone, cable television and any other utility which charges are not part of the Improvement Cost Estimate set forth in Exhibit "A".

No final map shall be signed by the City Engineer or recorded until all improvement securities required by Section 16 of the Kingsburg Municipal Code and this Agreement have been received and approved by the CITY. The form of securities shall be one or the combination of forms as approved by the CITY.

5. Liability. As a condition precedent, and prior to commencement of the Work to be performed pursuant to this Agreement, SUBDIVIDER shall furnish the CITY with a certificate of insurance with a separate endorsement evidencing the following insurance coverages:

Commercial and general liability insurance with a combined single limit of not less than Two Million Dollars (\$2,000,000.00) per occurrence. Such insurance shall include products/completed operations liability, owners and contractors protective blanket contractual

liability, personal injury liability, broad form property damage coverage and explosion, collapse and underground hazard coverage. The insurance shall name the CITY, its appointed and elected officials, officers, employees and agents and Peters Engineering Group as additional insureds; and be primary with respect to any insurance or self-insurance programs maintained by the CITY, and shall protect them from claims for personal injury, death or property damage suffered by third persons or by officers, employees, agents or independent contractors of the SUBDIVIDER, and arising out of or in any way connected with the Work which is the subject of this Agreement. Such policy or policies of insurance shall specifically provide that the CITY shall receive at least thirty (30) days prior to written notice of any cancellation of such policy or policies. Any such notice shall be sent to the attention of the City Engineer. Notwithstanding an inconsistent statement in the insurance policy or certificate or subsequent endorsement attached thereto, the CITY shall be insured or named as an additional insured covering the Work which is the subject of this Agreement, whether liability is attributable to the SUBDIVIDER or to the passive or active negligence of the CITY. The insurance shall be in effect on the date of this Agreement and shall expire no sooner than one year after the date of recordation of the Notice of Completion for the Subdivision. The cost of providing all required insurance shall be borne solely by the SUBDIVIDER.

All such insurance shall provide coverage for SUBDIVIDER's obligations of indemnification as set forth in paragraph 6 of this Agreement.

The expiration or proposed cancellation of any such insurance policy or policies, for any reason whatsoever, shall constitute a material breach of this Agreement.

6. Indemnification. SUBDIVIDER hereby agrees to and shall protect, indemnify, defend and hold harmless the CITY and all officials, officers, agent, representatives and employees and Peters Engineering Group from and against any and all liability, loss, claims, expenses, or damages of whatsoever kind or character, including attorneys fees and costs of all types, in any way arising out of, or in any way related, directly or indirectly to the Work to be performed pursuant to this Agreement or the acts or omissions of the SUBDIVIDER, SUBDIVIDER'S independent contractors, employees, representatives, agents and invitees, and the passive or active negligent acts or omissions of the CITY or its officials, officers, employees, contractors, representatives, and agents while acting within the scope of their duties and regarding, in any way, the Work to be performed pursuant to this Agreement. These indemnification and hold harmless provisions shall be in full force and effect regardless of whether or not there is insurance policies covering the applicable damages, claims, or liability. This indemnification shall be binding upon the SUBDIVIDER whether or not there are any allegations of fault, negligence or liability of the parties indemnified hereunder and shall survive the completion of construction of the Improvements and completion of the Work.

SUBDIVIDER agrees that the use of any and all public streets and improvements, which are part of the Subdivision, shall be, at all times prior to the final acceptance by the CITY, the sole and exclusive risk of the SUBDIVIDER.

7. Permits and Compliance. Should SUBDIVIDER be required to perform any Work within any public rights-of-way or easements, which are located beyond the Subdivision limits, including work located adjacent to said subdivision, SUBDIVIDER shall satisfy any and all requirements necessary to obtain an encroachment permit from the CITY or any other agency.

The SUBDIVIDER shall install underground, all gas main services, telephone, cable television, and electrical lines, and all electrical transformers, splice boxes, pull boxes, and other existing facilities providing service to within the limits of this Subdivision.

SUBDIVIDER agrees to make all financial arrangements with Pacific Gas and Electric, Southern California Gas, Comcast Cable, AT&T, and any other applicable utility company, to guarantee the installation of all utilities and services to the Subdivision. Copies of all agreements and written evidence of these financial arrangements shall be furnished to the CITY along with a composite underground utility plan prior to beginning construction of the Improvements related to the subdivision.

SUBDIVIDER shall make arrangements for the relocation of all overhead and underground public utility facilities along the frontages or that interfere with the construction of the Improvements or is required as a condition of approval. The SUBDIVIDER shall be responsible for the full cost of relocating such utilities and facilities.

The SUBDIVIDER shall repair any damage to public streets or other public property or improvements, which results from, or is incidental to, the construction of the Improvements, or in lieu of making such repairs, the SUBDIVIDER shall pay to the CITY the full cost of such repairs.

Building permits for individual lots of the Subdivision will be issued in accordance to 16.42.040 of the Municipal Code

In accordance with Section 16 of the Kingsburg Municipal Code, construction methods and materials for all Improvements shall conform to the standard plans and specifications of the CITY. Construction shall not commence until required improvements plans have been approved by the City Engineer and payment of all fees have been received by the CITY.

The Improvements shall be constructed in accordance with all applicable street, plumbing, building, electrical and zoning codes and any other applicable codes, rules or regulations of the CITY and the State of California.

The SUBDIVIDER shall require contractors and subcontractors to provide and maintain barricades and warning signs to protect and warn the public of construction hazards. Traffic control shall conform to a traffic control plan approved by the City Engineer. If in the opinion of the City Engineer, proper barricades and warning signs are not being provided, the Contractor will be required to immediately stop work until proper traffic control is provided and approved by the City Engineer.

The SUBDIVIDER shall require all contractors and subcontractors to conform to the applicable provisions of the California Occupational Safety and Health Act ("OSHA"). On site inspection of the work will be requested of OSHA officials and all work subject to this Agreement shall immediately stop if, in the opinion of the City Engineer, any such work is being performed in violation of OSHA, or when appropriate safety measures are not being utilized for the Work.

SUBDIVIDER shall be responsible for obtaining an NPDES permit for construction sites in excess of one acre, and shall develop a dust control plan and erosion control plan to mitigate soil migration from the Subdivision. SUBDIVIDER shall be responsible for soil and erosion control throughout the one-year warranty period called for in this Agreement. The SUBDIVIDER shall sweep the streets and alleys within the subdivision periodically throughout the one-year warranty period, at a minimum frequency of once per month.

The SUBDIVIDER and its contractors and subcontractors shall pay for any materials, provisions and other supplies used in, upon, for, or about the performance of the Work, and for any and all work or labor associated therewith and for all amounts due under the worker's compensation and the unemployment insurance acts and all other applicable laws or regulations of the State of California or the United States with respect to such work or labor, including, without limitation, as required by Section 3200 of the California Labor Code and Section 4200 of the California Government Code.

The SUBDIVIDER shall provide and plant one street tree per lot at a location approved by the City's Building Official. The trees shall be planted at the time the dwelling unit on the lot is occupied and shall be selected from a street tree list provided by the CITY. Trees shall be furnished with root barriers and watered via a City approved irrigation system for each lot.

The SUBDIVIDER shall install streetlights in the Subdivision. A streetlight plan shall be submitted to the City Engineer for review and approval. Streetlights shall be furnished and installed in accordance with CITY, PG&E and Caltrans' standards. The street lighting system shall become the property of the CITY upon completion and acceptance of the work, without further consideration to SUBDIVIDER. SUBDIVIDER'S contract with PG&E ("PG&E" Contract") for the furnishing of electrical power to the Subdivision shall specifically state that all streetlights shall become the property of the City. Each street light shall be furnished with an electrical pull box and grounding rod. The SUBDIVIDER shall number the street light poles in accordance with PG&E requirements. The PG&E Contract shall identify a maintenance rate schedule for the streetlights of LS2C. All street light boxes shall be equipped with an approved anti-theft device.

Fencing improvements shall be constructed in accordance with City Standards, with appropriate fencing offsets to be provided for sanitation and garbage collection service to each lot, including allowance for approved number and/or style of garbage cans, green waste, and recycling containers. Fencing improvements shall be constructed in such a manner as to eliminate any dirt strip between the fence and the adjacent alley. Where framing improvements face the alley, the SUBDIVIDER shall construct a concrete mow strip in accordance with City standards between the fence and the alley paving.

The SUBDIVIDER shall furnish to the CITY a set of reproducible as-built plans for all street improvements ("Street Plans"). The Street Plans shall be original ink on vellum or mylar media. The Street Plans shall include the location of all underground utilities, finished grades for all curb returns and building pads. The SUBDIVIDER'S engineer shall provide a copy of the tract, in digitized format (AutoCAD 2020 or equivalent format as approved by the City Engineer) to the City prior to final acceptance of the Improvements and Work by the City.

Prior to commencement of any work within the right-of-way not included in the improvement plans, or any work performed within an existing maintained road, a permit must be obtained from the City Public Works Department. Said permit may, amongst other things, specify alternate schedules for completion of the work within existing rights-of-way. The purpose of these alternate schedules shall be to minimize the impacts on adjacent residents and traffic during the construction period. The conditions of the permit may require the contractor to provide written notification to the adjacent property owners about the work, including a listing of emergency telephone numbers.

In the event an extension is granted to the time within which all work is to be completed on this subdivision as provided herein, the SUBDIVIDER hereby agrees that he will comply with all the applicable improvement standards in effect at the time of said extension.

The grading on the lots shall conform to the grades shown on the Grading Plan and Improvement Plans. SUBDIVIDER shall hold the CITY harmless from any damages that may result from flooding of any structures on the finished lots.

Prior to the acceptance of the work and release of the security on this tract, the SUBDIVIDER shall provide to the CITY a certification from his engineer that all work performed within this tract conforms with the approved plans and the recommendations contained in the Project Geotechnical/Soils Report. A certification shall also be furnished by the SUBDIVIDER'S Engineer that all utility trenches have been uniformly compacted to the percentages specified in the City Standards.

The SUBDIVIDER shall cause to be placed by authorized persons all survey monuments and lot corners as shown on the final map prior to acceptance of the subdivision by the CITY. A deposit shall be provided to the City to guarantee this installation.

Prior to the acceptance of the Work and release of the security, the SUBDIVIDER shall provide to the CITY a certification from its engineer that all work and the construction and installation of all Improvements conform with the approved plans for the Subdivision and the recommendations contained in the Preliminary Soils Reports. A certification shall also be furnished by the SUBDIVIDER'S engineer that all utility trenches have been uniformly compacted to the percentages specified in the City Standards.

8. Other Conditions. The SUBDIVIDER shall annex the Subdivision to the City's Lighting and Landscape Maintenance District for the provision of maintenance of the street lights and landscaping within the public right-of-way. The SUBDIVIDER shall provide a signed and notarized covenant and consent for annexation of the Subdivision to the Lighting and Landscape Maintenance District. The SUBDIVIDER shall notify every potential buyer of lots within the Subdivision that the Subdivision is part of a Lighting and Landscape Maintenance District. The SUBDIVIDER shall provide the City with a signed copy of such notice indicating acceptance of the notice by the buyer.

9. Scheduling. It shall be the responsibility of the SUBDIVIDER to coordinate all Work performed by its contractors and subcontractors, such as scheduling the sequence of operations and the determination of liability of one contractor or subcontractor operation delays another. In no case shall representatives of the CITY be placed in the position of making decisions that are the responsibility of the SUBDIVIDER. It shall further be the responsibility of the SUBDIVIDER to give the City Engineer written notice not less than fourteen (14) calendar days in advance of the actual date on which work is to be started. Failure on the part of the SUBDIVIDER to notify the City Engineer may cause delay for which the SUBDIVIDER shall be solely responsible.

10. Soil and Dust Control Provisions. The SUBDIVIDER is responsible for arrangement for and payment of all CITY required soil tests at locations as determined by the City Engineer. Payment for said tests shall be made directly by the SUBDIVIDER to the certified testing firm of the SUBDIVIDER'S choice.

Adequate dust control shall be maintained by the SUBDIVIDER on all streets and areas, including, without limitation, undeveloped lots within the Subdivision and all streets outside of the Subdivision, from the time Work is first commenced until all work is completed. "Adequate dust control" as used herein shall mean the sprinkling of the streets with water or approved dust palliative with sufficient frequency to prevent the scattering of dust by wind or the activity of vehicles and equipment onto any street area or private property adjacent to the Subdivision. Whenever, in the opinion of the City Engineer, adequate dust control is not being maintained on any street or streets, or other areas of the Subdivision, the City Engineer shall give notice to the SUBDIVIDER to comply with these provisions, or, at the election of the City Engineer, notice may be mailed to the SUBDIVIDER at his address on file with the City Engineer. If, within twenty-four (24) hours after personal service or within forty-eight (48) hours after mailing of notice, the SUBDIVIDER has not commenced to maintain adequate dust control or at any time thereafter fails to maintain adequate dust control, the City Engineer may, without further notice of any kind, cause any street or streets to be sprinkled with water or an approved dust palliative as may be deemed necessary by the City Engineer to eliminate the scattering of dust. Such dust control shall be performed by equipment and personal of the CITY or by contract as the City Engineer shall determine, and the SUBDIVIDER agrees to pay to CITY, upon receipt of the billing therefore, the entire cost to the CITY of such dust control.

When the surfacing on any existing street is disturbed, SUBDIVIDER shall immediately replace the surfacing with temporary surfacing and permanently pave the existing street within fourteen (14) calendar days thereafter. All streets shall be maintained in a safe and passable condition at all times between the commencement of construction of Improvements and final completion thereof.

11. Reimbursement. If the City Municipal Code provides SUBDIVIDER with the right to receive cash reimbursement or Development Impact Fee credit because of the construction of certain Improvements or the oversizing thereof, SUBDIVIDER must request payment of the cash reimbursement or preparation of a reimbursement agreement, whichever is applicable, or the Development Impact Fee credit. Such request must be made in writing and received by the City Engineer prior to the date of final acceptance of all Improvements by Kingsburg City Council. SUBDIVIDER agrees that should it fail to make such written request by the date identified herein, SUBDIVIDER forever waives its right to request and receive any reimbursement, reimbursement agreement or Development Impact Fee credit.

All such requests for reimbursement shall be prepared and submitted in accordance with City requirements and include the following:

- i. One complete copy of all awarded bid for Work that is the subject of SUBDIVIDER's reimbursement request, together with a copy of any other unsuccessful bids the SUBDIVIDER received (the SUBDIVIDER is not required to obtain more than one bid) and documentation sufficient, as determined by the CITY, to demonstrate that the unit costs for both reimbursable and non-reimbursable work items of similar scope are identical;
- ii. Completed "Requested Reimbursement Schedule";
- iii. Completed, reproducible as-built drawings;
- iv. Certification, signed by the SUBDIVIDER, its engineer, and its contractor attesting that the Work and Improvements are complete and that no future reimbursement claims will be forthcoming; and

- v. If the awarded bid was significantly higher than the customary unit cost for a specific item or at the request of the City, the developer shall submit a written narrative explaining why the awarded bid was used and why the SUBDIVIDER should be reimbursed at a rate higher than the customary rate.

Tract 6242 includes the following improvements that will be eligible for reimbursement after construction of the improvements and dedication of property on which those improvements have been constructed.

- i. Storm drainage basin property value (amount paid by Subdivider)
- ii. Basin fencing and mow strip
- iii. 645 lineal feet of 36" diameter storm drainage pipe
- iv. Type 'D' FMFCD outfall structure
- v. 100 feet lineal feet of 12" diameter irrigation pipeline & outfall
- vi. 48" diameter irrigation metering manhole

If the basin property is not dedicated prior to acceptance of the tract, SUBDIVIDER shall enter into a maintenance and covenant agreement with the City of Kingsburg to ensure the drainage basin property will be maintained, unaltered and available to retain storm water generated by the subdivision.

12. Prevailing Wage Laws, Rules and Regulations. SUBDIVIDER shall comply with and shall require all contractors to comply with all prevailing wage laws, rules and regulations applicable to the Subdivision, the Work and the Improvements. Unless otherwise advised in writing by the CITY, SUBDIVIDER shall be solely responsible for making any and all decisions regarding the payment of prevailing wages for any portion or aspect of the Subdivision, Work or Improvements, including, without limitation, any form of reimbursement by the CITY to the SUBDIVIDER or any contractor. Further, SUBDIVIDER will be solely responsible for the payment of any claims, fines, penalties, reimbursements, payments or any other actions that may be initiated against SUBDIVIDER, any contractor, or the CITY as a result of failure to pay prevailing wages.

SUBDIVIDER shall defend, indemnify and hold harmless the CITY, its officials, officers, employees, representatives, agents, attorneys, and Peters Engineering Group from and against any and all claims, damages, losses, judgments, liabilities, expenses and other costs, including, without limitation, litigation costs and attorney's fees arising out of, resulting from or in any way in connection with any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision, the Work or the Improvements. SUBDIVIDER's obligation to defend, indemnify and hold the CITY harmless specifically includes, but is not limited to, any suit or administrative action against the CITY which claims a violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision, Work or Improvements.

SUBDIVIDER's obligations to defend, indemnify and hold the CITY, its officials, officers, employees, representatives, agents, attorneys, and Peters Engineering Group harmless as set forth herein, shall include, but shall not be limited to, staff time, copying costs, court costs, the costs of any judgments or awards against the CITY for damages, losses, litigation costs or

attorney fees arising out of any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision, Work or Improvements and costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of any such proceeding or suit.

The CITY may, at any time, require the SUBDIVIDER to reimburse the CITY for costs that have been, or which the CITY reasonably anticipates will be, incurred by the CITY during the course of any action. SUBDIVIDER shall reimburse the CITY within thirty (30) days of receipt of an itemized written invoice from the CITY. Failure of the SUBDIVIDER to timely reimburse the CITY shall be considered a material breach of this Agreement. All of the provisions of this paragraph 12 shall survive the completion of construction of the Improvements and completion of the Work.

13. Sole and Only Agreement. This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the matters set forth herein and contains all of the covenants and agreements between the parties regarding such matters. Each party to this Agreement acknowledges that no representations, inducements, promises or agreements, orally or in writing, have been made by any party or anyone acting on behalf of any party which are not embodied in this Agreement and no other agreement, statement or promises shall be valid or binding.

14. Invalidity. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall nevertheless continue in full force and effect without being impaired or invalidated in any way.

15. Attorneys' Fees. If an action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, costs and necessary disbursements in addition to any other reasonable relief to which he may be entitled. With respect to any suit, action or proceeding arising out of or related to this Agreement, or the documentation related hereto, the parties hereby submit to the jurisdiction and venue of the Superior Court in the County of Fresno, State of California for any proceeding arising hereunder.

16. Successors and Assigns. The covenants and agreements contained in this Agreement shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of the parties hereto. This Agreement shall not be assigned by SUBDIVIDER without the express prior written consent of CITY, which consent may be withheld in the sole and absolute discretion of CITY.

17. Governing Law. This Agreement shall be construed and governed pursuant to the laws of the State of California.

18. Time of the Essence. Time is of the essence of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the ___ day of _____, 2020.

CITY OF KINGSBURG

SUBDIVIDER

KINGSBURG CITY MANAGER

K Prop, LLC
a California Limited Liability Company

By: _____
Alex Henderson

By: _____
David Crinklaw, Managing Member

APPROVED AS TO CONTENT:

ATTEST:

By: _____
David Peters, PE
City Engineer, City of Kingsburg

By: _____
Abigail Palsgaard
City Clerk, City of Kingsburg

EXHIBIT "A"

IMPROVEMENT COST ESTIMATE

Estimated construction costs used in this Agreement are increased for projected inflation computed to the estimated mid-point of construction.

ESTIMATED
CONSTRUCTION COST

Site Preparation

Construction of all rough grading, fencing, and wall improvements as shown on the approved improvement plans and in accordance with City Standards and Specifications.

\$ 150,975

Sanitary Sewer System

Construction of all sanitary sewerage facilities as shown on the approved improvement plans in accordance with City Standards and Specifications.

\$ 147,570

Storm Drainage System

Construction of underground cross drains, storm sewerage conductor, and disposal facilities as shown on the approved improvement plan in accordance with City Standards and Specifications.

\$ 215,370

Water System

Install all water mains, hydrants, services and appurtenances as shown on the approved Improvement Plans in accordance with City Standards and Specifications.

\$ 262,426

Dry Utilities

Install all gas, electric, telephone, cable, street lights, and other dry utilities as shown on the approved Improvement Plans in accordance with City and Utility Standards and Specifications.

\$ 330,000

Street & Alley Construction

Construct Type "B" asphalt concrete surfacing, Class 2 aggregate base, curb and gutter, sidewalk, wheelchair ramps, drive approaches, and valley gutter as shown on the approved Improvement Plans in accordance with City Standards and Specifications.

\$ 1,197,775

Total Estimate Construction Costs =

\$ 2,304,116

SECURITY REQUIREMENTS

Performance	\$ <u>2,304,116.00</u>
Labor and Material	\$ <u>1,152,058.00</u>
Warranty	\$ <u>576,029.00</u>
Monumentation Security	\$ <u>10,000.00</u>

Subdivision Fee Schedule.

Fees are subject to change based on current fee schedule at the time of fee payment.

Charges payable prior to time of approval of Final Map and acceptance of Subdivision Agreement by the City Council. Fees Based on 19.54 Acres / 60 SFU.

Final Tract Map Fee (\$1,200 + \$25/lot)	\$ <u>2,700.00</u>
Plan Check & Inspection Fee ¹	\$ <u>60,000.00</u>
Storm Drainage Fees (\$3,656/Acre)	\$ <u>71,438.24</u>
Capital Facilities Fees* (\$11,018.25/SFU)	\$ <u>661,095.00</u>
Rec Area Acquisition & Improvement* (\$1,428/SFU)	\$ <u>85,680.00</u>
Sewer Connection Fee* (\$/1,141SFU)	\$ <u>68,460.00</u>
SUBTOTAL	\$ <u>949,373.24</u>
Less Previously Paid Fees	\$ <u>19,055.00</u>
Less Fees Requested for Deferral	\$ <u>815,235.00</u>
BALANCE DUE	\$ <u>115,083.24</u>

Notes:

¹ Fee shown is an additional deposit based upon an estimate. Actual fee to be calculated after subdivision is constructed and prior to acceptance by City Council. Surplus fee deposit will be refunded. In the event initial deposit does not cover the calculated fee, an additional deposit will be required prior to acceptance of the subdivision improvements.

* Fee's may be deferred until time of issuance of Building Permit



Meeting Date: 10/21/2020
Agenda Item: 4.6

CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor Roman & City Council
REPORT FROM: David Peters, City Engineer **REVIEWED BY:** AP
AGENDA ITEM: Award Senior Center Improvements- CDBG Project No. 19391
ACTION REQUESTED: Ordinance Resolution Motion Receive/File

EXECUTIVE SUMMARY

The City solicited bids from contractors for the Senior Center Improvements -CDBG Project No. 19391. On October 9, 2020, the City received five bids for the project ranging from \$149,000.00 to \$279,317.40. The low bid was submitted by Arts Construction Company, Inc. from Fresno, California in the amount of \$149,000.00, which possesses an active Class B Contractors license in the State of California

The bid information is currently being reviewed by Fresno County Staff, who administer the CDBG funding. The City anticipates that Fresno County Staff will approve the bid award.

RECOMMENDED ACTION BY CITY COUNCIL

1. Award the Senior Center Improvements -CDBG Project No. 19391 to Arts Construction Company, Inc. in the amount of \$149,000.00 contingent upon concurrence from Fresno County.

POLICY ALTERNATIVE(S)

Council could choose to reject all bids.

REASON FOR RECOMMENDATION/KEY METRIC

1. Ensure Financial Security

FINANCIAL INFORMATION

FISCAL IMPACT:

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

FINANCIAL SUMMARY

Project is funded by Community Development Block Grant funds and local match funds budgeted in FY 2019-2020.

PRIOR ACTION/REVIEW

None

BACKGROUND INFORMATION

The City solicited bids from contractors for the Senior Center Improvements –CDBG Project No. 19391. The project will install a solar panel system with battery back-up on the Senior Center, and install new flooring within the common area. On October 9, 2020, the City received five bids for the project ranging from \$149,000.00 to \$279,317.40. The low bid was submitted Arts Construction Company, Inc. from Fresno, CA in the amount of \$149,000.00. Due to an administrative issue, the first set of bids for the project were rejected. The initial bidding effort resulted in a low bid amount of \$157,000.00. The project scope of work was not changed between the first and second bidding. There was an \$8,000.00 cost savings resulting from the re-bid of the project.

ATTACHED INFORMATION

1. Bid Summary

CITY OF KINGSBURG - Senior Center Improvements CDBG Project #19391

BID SUMMARY 10/09/2020

						#1			#2			#3
Engineer's Estimate						Arts Construction	Rakkar Development & Construction		Heritage General			
BASE BID SCHEDULE												
Item No.	Quantity	Unit	Item Description	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	
1	1	LS	Mobilization (\$10,000 Maximum)	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00	\$4,000.00	\$4,000.00	
2	4,510	SF	Laminate Hardwood Flooring (F)	\$5.00	\$22,550.00	\$24,000.00	\$24,000.00	\$6.00	\$27,060.00	\$30,067.00	\$30,067.00	
3	1	LS	20kW Photovoltaic System	\$145,000.00	\$145,000.00	\$50,000.00	\$50,000.00	\$55,000.00	\$55,000.00	\$89,320.00	\$89,320.00	
4	1	LS	10 kW Battery Backup System	\$15,000.00	\$15,000.00	\$30,000.00	\$30,000.00	\$41,040.00	\$41,040.00	\$38,280.00	\$38,280.00	
5	1	LS	Miscellaneous Facilities	\$5,000.00	\$5,000.00	\$25,000.00	\$25,000.00	\$2,900.00	\$2,900.00	\$833.00	\$833.00	
6	1	LS	Supplemental Work	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	
TOTAL BASE BID					\$207,550.00	\$149,000.00	\$151,000.00	\$177,500.00				

#4

						GC Builders						
BASE BID SCHEDULE												
Item No.	Quantity	Unit	Item Description	Unit Price	Total Amount							
1	1	LS	Mobilization (\$10,000 Maximum)	\$10,000.00	\$10,000.00							
2	4,510	SF	Laminate Hardwood Flooring (F)	\$5.74	\$25,887.40							
3	1	LS	20kW Photovoltaic System	\$72,800.00	\$72,800.00							
4	1	LS	10 kW Battery Backup System	\$14,000.00	\$14,000.00							
5	1	LS	Miscellaneous Facilities	\$141,630.00	\$141,630.00							
6	1	LS	Supplemental Work	\$15,000.00	\$15,000.00							
TOTAL BASE BID					\$279,317.40							



Meeting Date: 10/21/2020
Agenda Item: 4.7

CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor Roman & City Council

REPORT FROM: Alma Colado, Finance Director

REVIEWED BY: AH

AGENDA ITEM: Development Impact Fee Report

ACTION REQUESTED: Ordinance Resolution Motion Receive/File

EXECUTIVE SUMMARY

The Mitigation Fee Act (Government Code Section 66006 et. seq.) requires local agencies to submit an annual report detailing the status of development impact fees. The annual report must be made available to the public within 180 days after the close of the fiscal year, and must be presented to the City Council at least 15 days after it is made available to the public. The Development Impact Fee Annual Report for Fiscal Year ending June 30, 2020 is enclosed herein as Attachment "A".

With the passage of Proposition 13 in 1978 and the resulting decline in local government revenues, local governments have increasingly relied on impact fees in order to mitigate the impacts created by new development. Development impact fees are collected to finance the design, construction and acquisition of facilities and equipment necessary to accommodate future development.

In response to the growing use of impact fees, the state Legislature passed AB 1600 in 1987, the California Mitigation Fee Act, setting forth standards and procedures for how impact fees are imposed, collected and expended. The Mitigation Fee Act requires local governments to segregate and place development impact fees collected in special funds. Those funds are held to finance the construction of the specific facilities for which the fee was imposed. The Mitigation Fee Act also requires local governments to prepare annual reports detailing the status of development impact fees until the funds collected are expended.

The enclosed Development Impact Fees Annual Report provides information on the amount of development impact fees collected and expended, and the interest earned on unexpended funds from July 1, 2019 through June 30, 2020. The City of Kingsburg has nine types of development impact fees. They are:

Water System Development Fee:

Funds the water supply, treatment, and distribution facilities needed to provide potable domestic water and to meet fire flow requirements for new development.

Traffic Capital Facility Fee:

Funds transportation improvements that include arterial streets, intersections, and traffic signals to accommodate new development.

Public Safety Fee:

Funds the acquisition of land for Police and Fire facilities, the upgrade of existing facilities, and the purchase of vehicles and equipment to accommodate new development.

Combined Recreation Fee:

Funds the acquisition of land and building for playing fields, open spaces, corridor development, and facility improvements to accommodate new development.

For this year, it should be noted that this fund was used as a pass-through account for the Athwal Park improvements as funded via a number of sources, including the majority coming from the Kingsburg Tri-County Health Care District.

General Government Fee:

Fund the acquisition of land for City Hall, Public Works yard and Library facilities, and the upgrade of existing facilities to accommodate new development.

Sewer Connection Systems Fee:

Funds the connection systems required to provide sanitary sewer service to new development.

Storm Drain System Systems Fee:

Funds drainage facilities for flood control and water management to accommodate new development.

Traffic Impact Zone Fee:

Funds improvements to streets, signals, and ramps due to the development in the K-Mart benefit area.

Park & Recreation

Funds new facilities for park and recreation activities to serve development.

The annual report provides the public with the requisite information as to the status and use of impact fees collected for fiscal year ending June 30, 2020 in compliance with the Mitigation Fee Act.

RECOMMENDED ACTION BY CITY COUNCIL

1. Council review and accept public comment regarding the FY2019/2020 Development Impact Fee Annual Report and file the subject report with the Office of the City Clerk.

POLICY ALTERNATIVE(S)

N/A

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|---------------|
| 1. Is There a Fiscal Impact? | <u>Yes</u> |
| 2. Is it Currently Budgeted? | <u>Yes</u> |
| 3. If Budgeted, Which Line? | <u>Varies</u> |

ATTACHED INFORMATION

1. Development Impact Fee Report for FY 2019/20

**CITY OF KINGSBURG
DEVELOPMENT IMPACT FEE REPORT
FISCAL YEAR 2019-20**

TRAFFIC CAPITAL FACILITY FEE FUND 210-9601

Beginning Fund Balance, July 1, 2019		\$ 895,822.00
adjustment to beg fund bal		\$ -
		<u>\$ 895,822.00</u>
 Revenues:		
Interest Earnings		\$ -
Development Impact Fees		\$ 442,130.00
Total Revenue		<u>\$ 442,130.00</u>
 Expenditures:		
Professional Services		\$ 2,874.00
Transfer to Other Funds		\$ -
Capital Expenses		\$ -
Update ADA Transition Plan		\$ 18,750.00
Total Expenditures		<u>\$ 21,624.00</u>
 Ending Fund Balance, June 30, 2020		
		<u>\$ 1,316,328.00</u>

Professional services for Feasibility Study-SR 99 Mendocino Ave & SR 99 Mt View Avenue interchanges
Engineering fees for update ADA transition plan.

**CITY OF KINGSBURG
DEVELOPMENT IMPACT FEE REPORT
FISCAL YEAR 2019-20**

SPECIALIZED RECREATION FUND 210-9606

Beginning Fund Balance, July 1, 2019	\$ 665,032.00
Revenues:	
Interest Earnings	\$ -
Development Impact Fees	<u>\$ 759,612.00</u>
Total Revenue	<u><u>\$ 759,612.00</u></u>
Expenditures:	
Servicing Fees	\$ -
Transfer to Other Funds	\$ -
Park Improvements	<u>\$ 691,624.00</u>
Total Expenditures	<u><u>\$ 691,624.00</u></u>
Ending Fund Balance, June 30, 2020	<u><u>\$ 733,020.00</u></u>

Park improvement for Athwal recreation space.

**CITY OF KINGSBURG
DEVELOPMENT IMPACT FEE REPORT
FISCAL YEAR 2019-20**

WATER SYSTEM FUND 210-9608

Beginning Fund Balance, July 1, 2019	\$ 802,269.00
adjustment to beg fund bal	\$ -
	<u>\$ 802,269.00</u>
Revenues:	
Interest Earnings	\$ -
Development Impact Fees	\$ 220,354.00
Total Revenue	<u>\$ 220,354.00</u>
Expenditures:	
Professional Services	\$ -
Transfer to Other Funds	\$ -
Capital Expenses	\$ -
Total Expenditures	<u>\$ -</u>
Ending Fund Balance, June 30, 2020	<u>\$ 1,022,623.00</u>

New development growth impact on the cost of new water facilities.

**CITY OF KINGSBURG
DEVELOPMENT IMPACT FEE REPORT
FISCAL YEAR 2019-20**

GENERAL GOVERNMENT FUND 210-9691

Beginning Fund Balance, July 1, 2019	\$ 733,161.00
adjustment to beg fund bal	\$ -
	<u>\$ 733,161.00</u>
 Revenues:	
Interest Earnings	\$ -
Development Impact Fees	\$ 213,600.00
Total Revenue	<u>\$ 213,600.00</u>
 Expenditures:	
Transfer to Other Funds	\$ -
Municipal Service Fees	\$ 22,489.00
Capital Expenses	\$ -
Total Expenditures	<u>\$ 22,489.00</u>
 Ending Fund Balance, June 30, 2020	 <u>\$ 924,272.00</u>

Tulare fees for General Plan Initiation, General Plan Amendment and Research fee.

**CITY OF KINGSBURG
DEVELOPMENT IMPACT FEE REPORT
FISCAL YEAR 2019-20**

SEWER CONNECTION SYSTEMS FUND 211-9100

Beginning Fund Balance, July 1, 2019	\$ 1,076,945.00
adjustment to beg fund bal	\$ -
	\$ 1,076,945.00

Revenues:

Interest Earnings	\$ -
Development Impact Fees	\$ 128,168.00
Total Revenue	\$ 128,168.00

Expenditures:

Servicing Fees	\$ -
Transfer to Other Funds	\$ -
Capital Expenses	\$ -
Total Expenditures	\$ -

Ending Fund Balance, June 30, 2020	\$ 1,205,113.00
---	------------------------

New development growth impact for the expansion of sewer facilities and oversized lines.

**CITY OF KINGSBURG
DEVELOPMENT IMPACT FEE REPORT
FISCAL YEAR 2019-20**

STORM DRAIN SYSTEMS FUND 212-9100
--

Beginning Fund Balance, July 1, 2019	\$ 169,093.00
adjustment to beg fund bal	\$ -
	<u>\$ 169,093.00</u>
Revenues:	
Interest Earnings	\$ -
Development Impact Fees	\$ 11,131.00
Total Revenue	<u>\$ 11,131.00</u>
Expenditures:	
Servicing Fees	\$ -
Interest	\$ -
Capital Expenses	\$ -
Total Expenditures	<u>\$ -</u>
 Ending Fund Balance, June 30, 2020	 <u>\$ 180,224.00</u>

New development impact for the expansion of storm drain system facilities.

**CITY OF KINGSBURG
DEVELOPMENT IMPACT FEE REPORT
FISCAL YEAR 2019-20**

TRAFFIC IMPACT ZONE FUND 216-9100
--

Beginning Fund Balance, July 1, 2019	\$13,411.00
adjustment to beg fund bal	\$ -
	<u>\$13,411.00</u>
Revenues:	
Interest Earnings	\$0.00
Development Impact Fees	<u>\$0.00</u>
Total Revenue	<u><u>\$0.00</u></u>
Expenditures:	
Servicing Fees	\$0.00
Capital Expenses	<u>\$0.00</u>
Total Expenditures	<u><u>\$0.00</u></u>
Ending Fund Balance, June 30, 2020	<u><u>\$13,411.00</u></u>

New development impact for the expansion of streets, signals and ramps.

**CITY OF KINGSBURG
DEVELOPMENT IMPACT FEE REPORT
FISCAL YEAR 2019-20**

PARK & RECREATION FUND
NEIGHBORHOOD PARK 214-8100
COMMUNITY 214-8200

Beginning Fund Balance, July 1, 2019	\$268,205.00
adjustment to beg fund bal	\$ -
	<u>\$268,205.00</u>
 Revenues:	
Interest Earnings	\$0.00
Development Impact Fees	\$70,992.00
Total Revenue	<u>\$70,992.00</u>
 Expenditures:	
Servicing Fees	\$0.00
Capital Expenses	\$1,506.00
Total Expenditures	<u>\$1,506.00</u>
 Ending Fund Balance, June 30, 2020	<u>\$337,691.00</u>

Dedication plaque Athwal park.



City of Kingsburg

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

Michelle Roman
Mayor

Laura North
Mayor Pro Tem

COUNCIL MEMBERS
Sherman Dix
Vince Palomar
Jewel Hurtado

Alexander J. Henderson
City Manager

October 21, 2020

Joey Frankmore, Engineer/Paramedic
Kingsburg Fire Department

Dear Joey,

I'm writing you to offer congratulations on your nomination and award for the employee recognition program with the City of Kingsburg. Kingsburg is a wonderful community that is maintained through the hard work of our citizens, volunteers, and employees.

Please accept congratulations from the City Council and myself. We sincerely thank you for the hard work in keeping our community a safe place to live, work and play. Having dedicated individuals such as yourself gives Kingsburg an invaluable asset, especially when it involves the quality life of our residents and visitors.

You were nominated for your dedication to the Citizens of Kingsburg and the Kingsburg Fire Department. You have worked through the ranks from becoming a Fire Explorer while attending Kingsburg High School fourteen years ago to Reserve, Professional Firefighter/Paramedic and currently becoming the Department's first Engineer/Paramedic. By now overseeing the Fire Explorers, among many assignments, you are now giving back to the future of the Kingsburg Fire Department.

We know you provide excellent service daily with the Fire Department, and your commitment and dedication shows the character you bring to the City every day.

Again, thank you and congratulations.

Respectfully,

Alexander J. Henderson
City Manager



Meeting Date: 10/21/2020
Agenda Item: 5.5

CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor Roman & Council Members
REPORT FROM: Alexander J. Henderson, City Manager; ICMA-CM **REVIEWED BY:** AP
AGENDA ITEM: Forgivable Loan Program – Gold Standard Mortgage Application
ACTION REQUESTED: Ordinance Resolution Motion Receive/File

EXECUTIVE SUMMARY

The City has been consistently aggressive with public-private partnerships that help spur economic development and provide opportunities for long-term investment and improvement. The efforts have included the development of key incentive programs, including:

- 1. 25% reduction in impact fees for all new development
- 2. 50% rebate in City property taxes for new businesses for 36 months
- 3. 50% rebate in City sales tax for new businesses for 36 months
- 4. 21-day streamlined permit review and approval process
- 5. Additional impact fee reduction for new qualifying development in designated Business Improvement Zones (B.I.Z)
- 6. Façade/Alley Public/Private Partnerships Matching Grant Program
- 7. Micro-Grant Public/Private Partnership Matching Grant Program
- 8. Upper Floor Rehabilitation Loan Program

Each of the above programs have been widely used and well received. New development in the business park (Safe Food Alliance, California Controlled Atmosphere) and Light Industrial areas have utilized rebates and the B.I.Z. program. New market-rate apartments have been completed utilizing the Upper Floor Rehab Loan Program to help turn once decades-vacant space into desirable downtown living. Over thirty-five (35) businesses or business owners have taken advantage of the Façade/Alley matching grant program, infusing more than \$750,000 in new private investment into our downtown (this number is higher when considering full tenant improvements outside of façade repairs).

Council has encouraged new development and has sought new ways to help provide incentives that will create new investment, additional jobs and promote the vibrancy of the businesses and community. In early 2019, the council approved the creation of a new incentive fund, which utilized the residual property taxes that once went to the Kingsburg Redevelopment Agency (a full synopsis is available in the background section of this report). The Council designated these residual payments for the specific purpose of partnering with eligible businesses/property owners on projects that have a long-term benefit to the community. This fund is intended to provide flexibility based upon the individual needs of new/expanding business.

Currently, the incentive fund has a fund balance of \$290,609 (\$75,000 has been tentatively approved by staff for another eligible project. Loan documentation has not yet been finalized). In early 2020, council approved a forgivable loan program that would help to provide a consistent method of evaluation for determining which projects should be considered by council. The reason for this is to ensure all projects are evaluated equitably, and to provide a level of accountability as it relates to the utilization of taxpayer monies.

Gold Standard Mortgage Application

In late September, staff received an application request from Ryan Dias, owner of Gold Standard Mortgage. Mr. Dias is also the owner of the former Bank of America Building (1490 Draper St.). Mr. Dias’ request includes the top level, which has been vacant for several years. The original building was constructed in 1906 and served as the Bank of America location for several decades.

Mr. Dias has received approved plans from the city for his planned renovation of the first and second story. Final plans for the basement have yet to be submitted, but the applicant has outlined a desire to bring that space back into use as well.

As part of his application, Mr. Dias has provided a quote for sprinkler installation, as well as full costs associated with his proposed build-out, totaling ~\$1.8M in new investment. He is requesting assistance from the city in the amount of \$300,000. The forgivable loan program guidelines require that any request over the \$75,000 be considered by the Council.

Staff has evaluated the application and have scored the project at 13 out of a possible 17 points (see scoring matrix). While staff also believes the building is best suited to have an elevator to provide flexibility in use, we understand the added cost this adds to the project. Ultimately, the decision to install an ADA elevator is left up to the building owner depending upon intended use. Other requirements, such as ADA restrooms, fire egress improvements and new fire sprinklers are required by building safety code. They are the main reason why the forgivable loan program was created.

Staff is recommending that the council consider utilizing \$200,000 of the RPTTF fund for use on the GSM application given it is for two separate stories and could potentially house several tenants. In addition, it would bring a significant building in our downtown up to code with regards to fire/access standards. This amount will help defer costs associated with the installation of fire sprinklers, as well as ADA restrooms.

RECOMMENDED ACTION BY CITY COUNCIL

- 1. *Staff recommends approval of up to \$200,000 in a reimbursable forgivable loan, to be secured based upon the guidelines as provided in the approved program.*

POLICY ALTERNATIVE(S)

- 1. Council could choose to provide a loan for a different amount than recommended by staff.

STRATEGIC INITIATIVE

- 1. Promote Sustainable Development
- 2. Increase Retail Opportunities
- 3. Ensure Financial Stability

FINANCIAL INFORMATION

FISCAL IMPACT:

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

PRIOR ACTION/REVIEW

Council created the residual incentive fund in January 2019. The revenues are now allocated separately in the city budget. In February 2020, council approved the forgivable loan program to help define eligible projects. To date, one application has been approved by staff (tentatively).

BACKGROUND INFORMATION

RDA History

Prior to 2011, California law allowed local governments to create redevelopment agencies that assisted in the economic redevelopment of various areas. RDAs served a form of tax increment financing. Cities could use the funds to help attract businesses to depressed areas, cleanup contamination, and make improvements to public areas to promote quality of life. In 2011, the California legislature passed AB 26, which essentially dissolved these agencies throughout the state. Their powers were ultimately vested into successor agencies, which were required to fulfill all outstanding obligations of the RDA.

After the dissolution of RDAs, the property taxes once that once went to the Kingsburg RDA are now placed in a county-wide Redevelopment Property Tax Trust Fund (RPTTF). The state recognized that RDA successor agencies are still required to fulfill financial obligations that were entered into prior to the dissolution of redevelopment. The City has an approved "Last and Final Recognized Obligation Payment Schedule (ROPS)" from the Department of Finance. As such, we receive an apportionment from the RPTTF to fulfill those obligations. If funds remain in the RPTTF after payments are made for each successor agency's ROPS, they are considered to be residual RPTTF funds, and are distributed proportionally to the taxing entities that would have received revenues from the former RDA project areas. The percentage of residual payments that Kingsburg receives can vary each year, with the past two years averaging 21.2%.

Forgivable Loan Program

Each community has a different set of challenges when it comes to successful development. For Kingsburg, our centuries-old buildings provide historical value and ambiance, but also provide a challenge when attempting to bring them up to modern-day building code standards.

The program was designed to assist property owners with gap financing alternatives that promote the long-term economic sustainability for the City of Kingsburg. The Kingsburg City Council has designated "residual property tax funding," to be utilized on development and/or rehab projects that would otherwise not occur. It is intended to maintain flexibility when considering potential improvement projects and their long-term benefit to a viable, diverse local economy. In order to streamline the application process and to provide clarity with regards to 'pre-approved' improvements, the following are proposed to be considered permitted (by right) improvements, with application approval made by staff:

1. ADA Improvements (path of travel and restroom);
2. Life Safety Improvements (Seismic and Fire suppression); these must be supported by plans provided by a respective licensed contractor/agent.
3. Utility improvements required in order to accommodate a business that provides increased sales and/or property tax. Applicant must show deficiency exists and is required (for example: transformer upgrades required by PG&E).

These types of improvements are often 'required' and can prohibit property owners from making necessary changes to a building, given the capital required to update older buildings and the expected return on investment through rental revenue. For example, a property owner may make the decision to not convert an existing space into a restaurant given the capital investment required (commercial kitchen, ADA restrooms, fire sprinklers). This program would help remove those barriers. In addition, these types of 'permitted' improvements add to the life safety and/or quality of life components of our downtown. Improving this infrastructure will assist with future rental opportunities as well as safe-guarding against a catastrophic loss due to fire or another natural event.

All other proposed funding applications would be evaluated by staff and require city council consideration before funding is approved.

Additional highlights of the program include:

- City Assistance – City will provide a 50/50 match for qualified improvements up to \$75,000. Amounts requested over \$75,000 will be considered by the City Council. Matching funds can be from private investment.

- Example: A building owner is contributing \$75,000 for sprinkler and structural building repairs. They can request funding for ADA improvements. **For determining the 50/50 match, all building improvements will be considered as a whole as opposed to per improvement.**
- Per Property Limit - Up to \$75,000 per property (unless council approves a larger amount).
- Program Budget – The RPTTF residual amount is dependent upon property tax collection. Currently, approximately \$150,000 is collected annually. Council can discontinue this program at any time.
- Property owner must be willing to keep the space for commercial use for a minimum of ten years after loan approval. The loan will be forgiven on a pro-rata percentage each year the space is kept in compliance.

The eligible area for proposed program is the Central Commercial Corridor.

Perhaps most importantly, the program calls for accountability measures that an applicant would have to abide by in order to participate. This includes a loan to value ration of no more than 80%, as well as securing the loan through a promissory note.

In addition, the program operates as a reimbursement program, meaning the loan will only commence if the project has been approved and the improvement has been completed and satisfactorily approved by staff. This provides additional security that the loan funds will be used for its intended purpose.

ATTACHED INFORMATION

1. Forgivable Loan Program Guidelines
2. Gold Standard Mortgage (GSM) Scoring Matrix
3. Gold Standard Mortgage (GSM) Application – Cover Letter
4. GSM Construction Quote
5. GSM Fire Sprinkler Quote

**CITY OF KINGSBURG
ECONOMIC DEVELOPMENT INCENTIVE**

**DEVELOPMENT BASED FORGIVABLE LOAN
PROGRAM GUIDELINES**



**PROGRAM PROPOSAL:
DEVELOPMENT BASED FORGIVABLE LOAN PROGRAM**

Overview

This program is designed to assist property owners with gap financing alternatives that promote the long-term economic sustainability for the City of Kingsburg. The Kingsburg City Council has designated “residual property tax funding,” to be used for new development and/or rehab projects that would otherwise not occur without such funding. Prior to 2011, California law allowed local governments to create redevelopment agencies (“RDAs”) that assisted in the economic redevelopment of various areas. RDAs provided a form of tax increment financing. Cities could use the funds to help attract businesses to depressed areas, cleanup contamination, and make improvements to public areas to promote quality of life. In 2011, the California legislature passed AB 26, which essentially eliminated these agencies throughout the state. Limited RDA powers were transferred to successor agencies, which were required to fulfill all outstanding obligations of the RDA.

After the elimination of RDAs, the property taxes that once went to the Kingsburg RDA are now placed in a county-wide Redevelopment Property Tax Trust Fund (“RPTTF”). The state recognized that RDA successor agencies are still required to fulfill financial obligations that were entered into prior to the elimination of RDAs. The City has an approved “Last and Final Recognized Obligation Payment Schedule (ROPS)” by the California Department of Finance. As such, the City receives an apportionment from the RPTTF to fulfill the ROPS obligations. If funds remain in the RPTTF after payments are made for the ROPS obligations for each successor agency, the remaining funds are considered residual RPTTF funds and are distributed proportionally to the taxing entities that would have received tax revenues from the former RDA project areas. The City’s share of RPTTF funds will be used to fund this loan program. The program will operate as follows:

- City Assistance – City will provide a 50/50 match for qualified improvements up to \$75,000. Amounts requested over \$75,000 will be considered by the City Council. Matching funds can be from private investment.

Example: A building owner is contributing \$75,000 for sprinkler and structural building repairs. They can request funding for ADA improvements. For determining the 50/50 match, all building improvements will be considered as a whole as opposed to per improvement.

- Per Property Limit - Up to \$75,000 per property (unless council approves a larger amount).
- Program Budget – The RPTTF residual amount is dependent upon property tax collection. Currently, approximately \$150,000 is collected annually. Council can discontinue this program at any time.
- Property owner must be willing to keep the space for commercial use for a minimum of ten years after loan approval. The loan will be forgiven on a pro-rata percentage each year the space is kept in compliance.

Location

The property must be located within the Central Commercial District Corridor as identified on the attached map (“Corridor Map”).

Approved Projects

It is the desire of the City Council to maintain flexibility when considering potential improvement projects and their long-term benefit to a viable, diverse local economy. In order to streamline the application process and to provide clarity with regards to 'pre-approved' improvements, the following shall be considered permitted improvements, with application approval made by staff.

1. ADA Improvements (e.g. path of travel and restroom)
2. Life Safety Improvements (e.g. Seismic and Fire suppression); these improvements must be approved by the City.
3. Utility improvements required in order to accommodate a business that provides increased sales and/or property tax. Applicant must show deficiency exists and is required (for example: power upgrades required by PG&E).

Procedures

- Applicants must apply before Project construction begins (demolition may begin earlier) and will have twelve months to complete the Project after the application approval date.
- Projects must score a minimum of 10 points out of 17 to be eligible for consideration for the program.
- Property owners must submit an application and supporting documentation as required by the City.
- On a monthly basis, applications will be reviewed and evaluated based on the attached scoring criteria as may be amended from time to time by the City. If multiple Projects are submitted in one month, Projects will be ranked in scoring order from highest to lowest score. Projects that receive the most points will be approved for funding. Once the annual fund balance for the program is exhausted, funding will be unavailable until the next annual budget. If funds are budgeted for the next budget year, any approved but unfunded applications will be funded first to extent budget funds are available for the program. If two applications are received in the same month and receive the same amount of points and there is limited funding, funds will be awarded to the applicant that is first to have its application approved by the City.

Property Owner Qualifications

- Applicants and affiliated persons and/or entities for this program must not be delinquent in obligations to pay loans, fines, liens, or other obligations to the City of Kingsburg, as determined by the City.
- All other properties owned by applicant in Kingsburg must be in good standing and must be in compliance with all applicable Laws, as determined by the City.

Property Qualifications

- Eligible properties are properties used solely for retail or commercial uses . Owner will be required to maintain retail or commercial uses for a minimum of 10 years after completion of all improvements to the property.
- New construction is eligible if all other program requirements are met.

- Only owners of properties may apply under the program. Owners may make an application for more than one property.
- The property must be in area identified on the Corridor Map.
- Facades visible from the public right of way must be in improved condition and comply with all applicable Laws. City funding under this program may not be used to improve facades, unless specifically approved by the City Council. Facades must be in a condition that does not detract from or change the architectural character of the building. When feasible, the original design of the facade should be restored so that it is contextually appropriate with the age and character of the building. Applicants may also participate in the City’s Façade/Alley improvement program, if eligible funding exists.
- The property must comply with all applicable Laws on the completion of the rehabilitation. The City will inspect the property to ensure compliance. The City will evaluate on a case-by-case basis an application for rehabilitating only a portion of the building as part of the submitted project. The use of green construction methods and energy efficient design is encouraged.
- The property must be in compliance with applicable City zoning regulations.
- The City has the right to inspect the property annually for a period of ten (10) years after completion to confirm appropriate uses and the building complies with all applicable Laws.

Rehabilitation Process

- Certified architectural drawings must be provided to the Building/Planning Department as part of the application process. When applicable, the Project should submit for Site Plan Review to ensure compliance with city standards (per municipal code).
- All applicable state and local permits must be acquired, and associated documentation must be supplied to the Building/Planning Department.
- Funding is provided on a reimbursement basis, contingent upon receipt of required documentation. Progress draws are allowed once a month for no less than 10% of the total amount of the program loan. A 10% retainage on all draws will be paid at the completion of the Project after the project receives an unconditional Certificate of Occupancy.
- All work must be completed by contractors licensed by the State of California. Contractors and subcontractors must also hold a City of Kingsburg business license and be in good standing under such license prior to the commencement of work.

Funding Terms/Scope of Work

- The City will fund up to 50% of the total cost to finance City approved improvements based on funding availability (not to exceed \$75,000) for eligible expenses).
- Loans will be documented as follows:
 - The Loan will be evidenced by a secured promissory note (“**Promissory Note**”) and a first deed of trust (“**Deed of Trust**”) prepared by the City. If the Deed of Trust will not be

a first Deed of Trust recorded against title to the property, eligibility to participate in the program will be determined by the City on a case-by-case basis.

- Annual Promissory Note payments will be forgiven so long as the property owner complies with all provisions of the Development Agreement, Promissory Note and Deed of Trust and the property continues to be used solely for retail/commercial uses for a period of ten (10) years.
 - The loan to value ratio for all debt secured by the property on the date of recordation of the Deed of Trust shall be no greater than 80%, which must be supported by an appraisal approved by the City prior to funding. If a loan to value ratio greater than 80% is proposed, outside collateral sufficient to provide 80% loan to value ratio will be required. Personal guarantees may be required for additional collateral and will be evaluated on a case-by-case basis
 - Proposed improvement costs will be evaluated based upon submitted quotes for work, as well as City staff estimates and comparisons to construction costs of similar projects.
 - The applicant and applicant's construction and development team must have capacity to complete the project as demonstrated by past projects.
 - A title company is selected by the City shall issue a lender's policy of title insurance to the City insuring the Deed of Trust as a first Deed of Trust recorded against title to the Property (or a junior lien approved by the City). The applicant shall pay all escrow fees, cost of the lender's policy of title insurance, recording fees and associated fees and costs.
- Non-compliance with program requirements includes but is not limited to, failing to comply with all applicable Laws, including, without limitation, City property maintenance requirements, failing to timely pay all real property taxes and assessments; default under any lien, encumbrance or deed of trust recorded against title to the property; failing to complete the project within the timeline approved by the City and failure to maintain the space for commercial purposes.
 - The City and the property owner will execute a development agreement ("**Development Agreement**") that will outline the requirements and conditions of program performance, including timelines and scope of work. A property owner's breach of any provision of the Development Agreement shall constitute a breach under the Promissory Note and Deed of Trust.
 - The City will inspect the property and identify all Law violations. All violations must be corrected new development or Rehab specifications and plans will be reviewed and approved by the City. All work must be performed in accordance with all applicable Laws.
 - The Promissory Note and Deed of Trust will contain a due on sale provision requiring the payment of the remaining principal balance of the Promissory Note if the property is sold prior to the expiration of the ten (10) year term of the Promissory Note. However, the City will consider waiving enforcement of the due on sale provision and transferring the loan to a new owner if the prospective new owner and the property after sale, satisfies the program requirements outlined in this document. Any request by the property owner for the City's waiver of the due on sale provision must be made in writing and delivered to the City at least forty-five (45) days prior to

close of escrow along with a copy of any Purchase Agreement, Escrow Instructions and related documents and any other documents requested by the City. The new owner must agree to allow the City to continue inspections throughout the entire ten (10) year term of the Promissory Note, and must execute a Program Assumption Agreement in a form acceptable to the City, specially assuming all obligations of the prior owner of the property under this Program, the Development Agreement, the Promissory Note and the Deed of Trust.

Eligibility

- All property owners in the designated area on the Corridor Map are eligible to apply. A conflict of interest may exist if an applicant or the applicant's immediate family is an employee, agent, consultant, officer or elected or appointed official to the City of Kingsburg, or if the applicant is an entity and its owners, shareholders, members or partners are any of the above-identified persons:
- If a conflict of interest exists, as determined by the City, the applicant must identify the potential conflict and, if applicable, recuse themselves from any vote or consideration of a proposed loan application.

SCORING CRITERIA

City funds as percentage of total improvement costs	50%	1
	>25% to 49.9%	2
	25% or less	3
Scale of renovation	Improvements will benefit a building that has 80-100% occupancy/lease but promotes new potential diversified commercial uses.	1
	Improvements will benefit a building that has 50%-80% currently leased/occupied commercial tenants.	2
	Improvements will benefit a building that has less than 50% currently leased/occupied commercial tenants.	3
Contributing building	The façade of the building needs restoration but will not be restored as part of the project	0
	The building façade is currently being restored or will be restored as part of the overall improvements.	2
Conversion	After renovation, non-intensive commercial activity, i.e. storage space, will remain inactive on the retail level	0
	Loan funds will be used to finance improvements related to the conversion to active commercial space.	2
Proposed Use	Improvements will upgrade existing commercial use of office/professional occupancy	1
	Improvements will upgrade existing commercial use of retail/restaurant occupancy	2
	Improvements will upgrade <i>convert</i> existing commercial use to retail/restaurant occupancy	3
Quality of Life Components	Project does not include any quality of life components.	0
	Project incorporates shared space or outdoor use (outdoor dining, etc.) that promotes activity.	2
Life Safety Improvements	Loan request is not for life safety related improvements.	0
	Loan request is for life safety related improvements.	2

APPENDIX “A”
PROGRAM UNDERWRITING GUIDELINES

Feasibility Analysis:

Project Viability

- Documentation of sufficient funding, including City funds, to cover all costs identified in the project’s sources and uses form
- Information on past projects of similar scope to demonstrate applicant has ability to complete the project

Project Readiness

- Other funds are committed or will be committed within a reasonable period after application for rehab funds.
- Site control
 - Fee simple title at time of application and all times thereafter.
 - If not owned, must have enforceable right or option to purchase at time of application.
- Financial Analysis
 - Development Feasibility
 - Project development costs as provided by applicant reviewed by City staff to determine if reasonably based on similar projects and City staff estimates of cost
 - Operational Feasibility
 - Project cash flow from operations or renovations of the building
 - Project must show positive retail/commercial net cash flow for a period of 10 years operating costs must be reasonable
 - Underwriting - Project falls within the underwriting criteria established by the City in this Appendix “A” as amended from time to time

SUMMARY OF FEASIBILITY GUIDELINES

DEVELOPMENT

Criteria	Ranges-Limits
Maximum City Assistance	Up to 50% of total development cost. Maximum total loan is \$75,000.
Collateral Requirements	Loan to value ratio no more than 80% If greater than 80% outside collateral to provide 80% loan to value ratio may be required
Construction Hard Costs	Minimum 75%
Developer fee (percent of Total Development Cost, not including developer fee)	Maximum 15%

SCORING CRITERIA

City funds as percentage of total improvement costs	50%	1	3
	>25% to 49.9%	2	
	25% or less	3	
Scale of renovation	Improvements will benefit a building that has 80-100% occupancy/lease but promotes new potential diversified commercial uses.	1	3
	Improvements will benefit a building that has 50%-80% currently leased/occupied commercial tenants.	2	
	Improvements will benefit a building that has less than 50% currently leased/occupied commercial tenants.	3	
Contributing building	The façade of the building needs restoration but will not be restored as part of the project	0	2 (complete)
	The building façade is currently being restored or will be restored as part of the overall improvements.	2	
Conversion	After renovation, non-intensive commercial activity, i.e. storage space, will remain inactive on the retail level	0	2
	Loan funds will be used to finance improvements related to the conversion to active commercial space.	2	
Proposed Use	Improvements will upgrade existing commercial use of office/professional occupancy	1	1
	Improvements will upgrade existing commercial use of retail/restaurant occupancy	2	
	Improvements will upgrade <i>convert</i> existing commercial use to retail/restaurant occupancy	3	
Quality of Life Components	Project does not include any quality of life components.	0	
	Project incorporates shared space or outdoor use (outdoor dining, etc.) that promotes activity.	2	
Life Safety Improvements	Loan request is not for life safety related improvements.	0	2
	Loan request is for life safety related improvements.	2	

7/31/2020
 AH

Five Sprinklers

13/17



To: The City of Kingsburg,

I am requesting financial assistance for the building renovation at 1480 & 1490 Draper Street through the economic development incentive program. I am very excited about this project and believe it will be a big focal point of Kingsburg.

1480 Draper (top story)

I plan on renting out that space to potential business owners. I have some amazing potential renters that would attract people to downtown Kingsburg throughout the year. The one the most I am excited about is the California Interscholastic Federation (CIF) where coaches and athletic directors throughout the state will visit.

1490 Draper (main story/mezzanine)

GSM will be occupying most of this building. We will be able to consolidate our operations to the Kingsburg location as well as give us the room to continue to grow. There will be a few offices that will be rented out to an insurance company as well as a financial planner. All businesses will go hand in hand with GSM, along with the title company right next door. We will be expanding the mezzanine to give us office space both above and ground floor.

Basement

We will be adding an additional entrance/exit to the basement. This will give us an option to possibly add a venue and add to the ambiance of the nightlife in Kingsburg. We plan on finishing the basement out after the first 2 floors are completed and occupied. We are exploring all options such as a "speak easy", wine bar/piano bar, etc. We are having a lot of fun exploring the ideas.

Renovations

I have attached a few bids with this letter to show the amount of money that will be put into this building. One of the major costs for this project will be the elevator installation. I have tried my best to avoid putting this in. I have met with city management, my architects and the 3rd party company that is hired by the city to approve the plans that are permitted multiple times. It has been deemed that the elevator will be a necessity for me to complete and occupy the building. This is an estimated \$300,000+ cost for the equipment and building the shaft through all levels to allow us to be ADA compliant and appease the means of egress by all parties. I have even looked into a lift to help save money,





but they will not reach all 4 exits. While doing research on lifts, I have not met anyone that has been happy with them and they have all seemed to regret putting them in. Below is a list of other improvements that will be required of me to install.

List of some of the improvements:

- Fire Sprinklers on all floors
- Fire alarm system to alert each floor during the event of a fire
- I am adding 4 to 5 new ADA bathrooms to this building.
- Multiple new conforming stairways to allow safe pathways to vacate the premises in an emergency event.

The bids I have attached are from the fire sprinkler company that completed the new Corsaro's building and the contractor bid was from Ardent general who worked on the Bitwise building in Fresno as well as built the football field at KHS. The fire sprinkler bid does not include any unforeseen hookup/ plumbing charges to connect the main. I have also received bids from 2 other contractors that came in higher than Ardent.

This building is an ideal candidate for this program. When scoring it based off of the link in the system, I believe it scores a 14 out of 17 possible points. I am requesting \$300,000 to help with these necessary improvements. The work that will be done on the mandatory improvements will be well over \$600,000 cost. If a detailed cost of the fire alarm, sprinkler hookup, ADA bathrooms, conforming stairways are needed, I will gladly provide them. The elevator and sprinkler install will already be over the \$450,000 mark.

I am very excited to bring every inch of this building back to life for Kingsburg. Being built in 1906, it played a huge part of our town actually getting established in 1908. B of A decided to idle most of the building when doing their remodels in the mid 1900's. I am excited and hopeful to bring it back to its full potential. To give our community something they are proud of while contributing to downtown business and nightlife growth. Please consider my request to help make this possible. Thank you for your time.

Sincerely,

R. Ryan Dias



ARDENT GENERAL



Build-Out **Gold Standard**

Proposal Summary

ATTENTION :
RYAN DIAS

Date Submitted :
07.15.2020

TO :
GOLD STANDARD MORTGAGE

Address :
**937 Sierra St.
Kingsburg, CA 93631**

Ardent General, Inc. is pleased to present our proposal for the T.I. of an existing historical building in Kingsburg, CA. Enclosed you'll find our summarized assessment of your project. We look forward to the possibility of working with you to make this a success.

50k - PIP/Reinforcement
40k - SMF

Proposal

Our proposal includes all Labor, Materials, Taxes, and Equipment required to complete work, based on our site investigation and permit set of plans dated 5/26/2020.

 **\$1,767,150**

Total cost of this project is determined based on historical data on projects performed of similar scope and size, our site investigation, and permit set of plans. There are options to drive down the cost if desired. Please note that this will consist of alternate finish selections, which would impact the overall aesthetics. Price figured bringing the building up to code, building out all new offices per plan, MEP retrofit, all new finishes, roofing modifications, addition of 4-Stop elevator, exterior wall cleaning, fire sprinkler water tie-in & patch.

Upon acceptance, Ardent General, Inc. will provide a detailed scope and breakout for the project costs and its clarifications. Ardent General, Inc. reserves the right to adjust final pricing dependent on final construction documents or owner changes based on final selections.

INCLUDED FEES

 **\$45,167**

GENERAL REQUIREMENTS

- Proposal figured as Private Wage, we are NON-UNION
- Proposal is valid for 30 days from date of quote
- Figures coordination and guidance with CLM Group and assistance with the permit process
- Includes standard (1) year warranty
- Temporary facilities and utilities (i.e. dumpsters, restrooms, cleaning, equipment, safety, etc.)

 **\$125,401**

OVERHEAD & PROFIT

- General Liability, workman's comp, and auto liability 1mm / 2mm standard, and excludes builders risk.
- Includes Procore web-based project management software for project team, including owners, stakeholders & AEC
- Working hours planned as standard M - F 7a.m. - 3:30p.m.
- General Supervision & Office management

Exclusions

- Any demolition except for elevator requirements
- Signage other than code required
- Any work at City easment or outside of building
- Furniture, fixtures, appliances, and tenant provided items
- Floor leveling, grinding, and sealing for vapor remediation
- Damage to unforeseen/unmarked services
- Bond Costs, specialty insurance, and/or additional named requirements which exceed Ardent General requirements
- Upgrade of MSB and panels; figured new breakers
- Any work in the gray area of the second floor not in contract
- Patching & Repair of decorative plaster in ground floor

ARDENT GENERAL

This proposal may be withdrawn if it is not accepted within 30 days from the date noted on the cover page. We appreciate the opportunity and look forward to a successful project.

To accept this proposal, please sign in the space below, and return via email specified below.

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal for which i agree to pay the amount mentioned in the proposal and by the terms set above.

Owner Signature: _____

Date: _____

CONTACT INFORMATION



2960 N. Burl Ave.
Fresno, CA 93727



Matt Grabowski
matt@ardentgeneral.com



(559) 492-3969



Nick Gonzalez
nick@ardentgeneral.com



M S FIRE PROTECTION, INC.

P.O. Box 2339 – Fresno, CA 93745 – (559) 485-4400 Fax 485-4402 – License #986234 - Since 1992

-BID PROPOSAL-

BID DATE: 7/09/20

CONTRACTOR: **Gold Standard Mortgage**
937 Sierra St.
Kingsburg, CA. 93631

PHONE & FAX: 559-419-9277 / 559-419-9025

CONTACT: Ryan Dias

JOB NAME & LOCATION: **Gold Standard Retrofit (B of A)**
1490 Draper
Kingsburg, CA 93631

BID PRICE: **\$145,114.00**

SCOPE OF WORK / INCLUSIONS:

1. Provide design, permit, labor, and material to install a wet system of automatic fire sprinklers per NFPA 13 to the existing 15,880 sq ft, three-story building & Basement.
2. Building to be designed and installed per NFPA 13 and local codes.
3. New heads in ceilings to be chrome, semi-recessed or 401, located 1'x1' in ceiling tile.
4. Main piping to be "black" steel, Eddy Flow pipe (or equal) with welded outlets and grooved fittings. Branchline piping to be "black" steel, Eddythread pipe (or equal) with threaded ductile iron fittings. Piping will be installed exposed in all areas.
5. Underground price included:
 - a. (1) 6" Detector Check Valve (in vault)
 - b. Approximately 40' of 6" C900 piping to 6" AFF
 - c. Sawcut and replace sidewalk and pavement.
 - d. Permit fees.
 - e. Riser is figured to be on South east side of building connecting to main in Smith St.

EXCLUSIONS / CLARIFICATIONS:

1. All underground. Our point of connection to be at 6" above finished floor.
2. Fire extinguishers, hose valves, painting of pipe, freeze protection (insulation, heat wire, etc.), dry/wet chemical system, electrical wiring, fire alarm system, central station monitoring.
3. Any fees associated with obtaining autocad files or water flow information needed for our design.
4. Any possible sprinkler system shut down fees or fire watch fees.
5. A clean and clear floor will be needed for us to perform our work. Any debris or equipment will be removed by others.
6. Prevailing, overtime and/or holiday pay wages.
7. Work to be performed during normal work hours (7 am-3:30 pm).

8. Any patching, painting, or otherwise that may need to be touched up or repaired as a result of our piping installation is excluded.
9. Structural calculations. It is the responsibility of others to prove that the existing structure is adequate to support the additional weight of the fire sprinkler system.
10. Bond.
11. Price is good for 30 days.

Thank you for the opportunity to submit this proposal. We look forward to working with you on this project.

M S Fire Protection, Inc.

Richard Sever Jr.

President

To accept bid, please print, sign, and fax back.

Print Name: _____ *Date:* _____

Title: _____

Signature: _____



CITY OF KINGSBURG

POLICE DEPARTMENT

1300 California Street, Kingsburg, CA 93631 (559) 897-4418

Neil Dadian
Chief of Police

To: Mayor & City Council
From: Corina Padilla
Date: October 14, 2020
Subject: September Crime Statistics & Prevention Update

- Part I Crimes increased by three.
- Other Offenses increased by eight.
- Traffic collisions increased by two.
- The number of arrests increased by 15.
- Traffic citations increased by two.
- COVID 19 – No calls for service.

We continue to use Facebook, Kingsburg PD mobile application, Twitter, and NIXLE as situations warrant in order to keep our citizens informed.

Kingsburg Police Department
2020 Crime and Activity Report

Part 1 Crimes	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Murder	0	0	0	0	0	0	0	0	0				0
Rape	0	0	0	0	0	0	0	0	0				0
Robbery	0	0	0	0	0	0	0	0	2				2
Aggravated Assaults	1	1	0	1	3	0	0	0	1				7
Burglary	7	4	3	3	1	2	3	2	5				30
Theft	13	10	9	6	8	7	8	8	3				72
Auto Theft	1	2	2	3	1	4	5	0	2				20
Total	22	17	14	13	13	13	16	10	13	0	0	0	131

Arson	0				0								
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Other Offenses:

Vandalism	5	4	6	7	5	7	4	8	3				49
Simple Assault	5	5	4	1	3	4	1	4	5				32
Sex Offense	0	0	2	0	1	2	1	1	2				9
Child Abuse	2	0	0	0	0	0	0	0	0				2
Narcotic Violations	2	1	1	1	2	0	2	0	2				11
Other Felonies	2	5	3	2	1	3	1	0	5				22
Other Misdemeanors	17	16	12	8	8	7	5	11	15				99
Totals	33	31	28	19	20	23	14	24	32				224

Other Statistics:

Incident Reports	24	25	29	26	24	25	36	34	31				254
Traffic Collision- Fatal	0	0	0	0	0	0	0	0	0				0
Traffic Collision- Injury	1	1	2	2	4	3	0	0	1				14
Traffic Collision- No Injury	6	5	4	2	3	8	6	6	7				47
Total	31	31	35	30	31	36	42	40	39				315
Calls for Service	690	773	782	693	684	659	693	662	655				6291

Arrests

Felony Adults	10	2	6	3	9	2	4	0	3				39
Misdemeanor Adults	7	7	7	7	6	7	11	5	16				73
Felony Juveniles	2	2	0	0	0	0	0	0	0				4
Misdemeanor Juveniles	0	1	0	0	0	0	0	0	1				2
Total	19	12	13	10	15	9	15	5	20				118

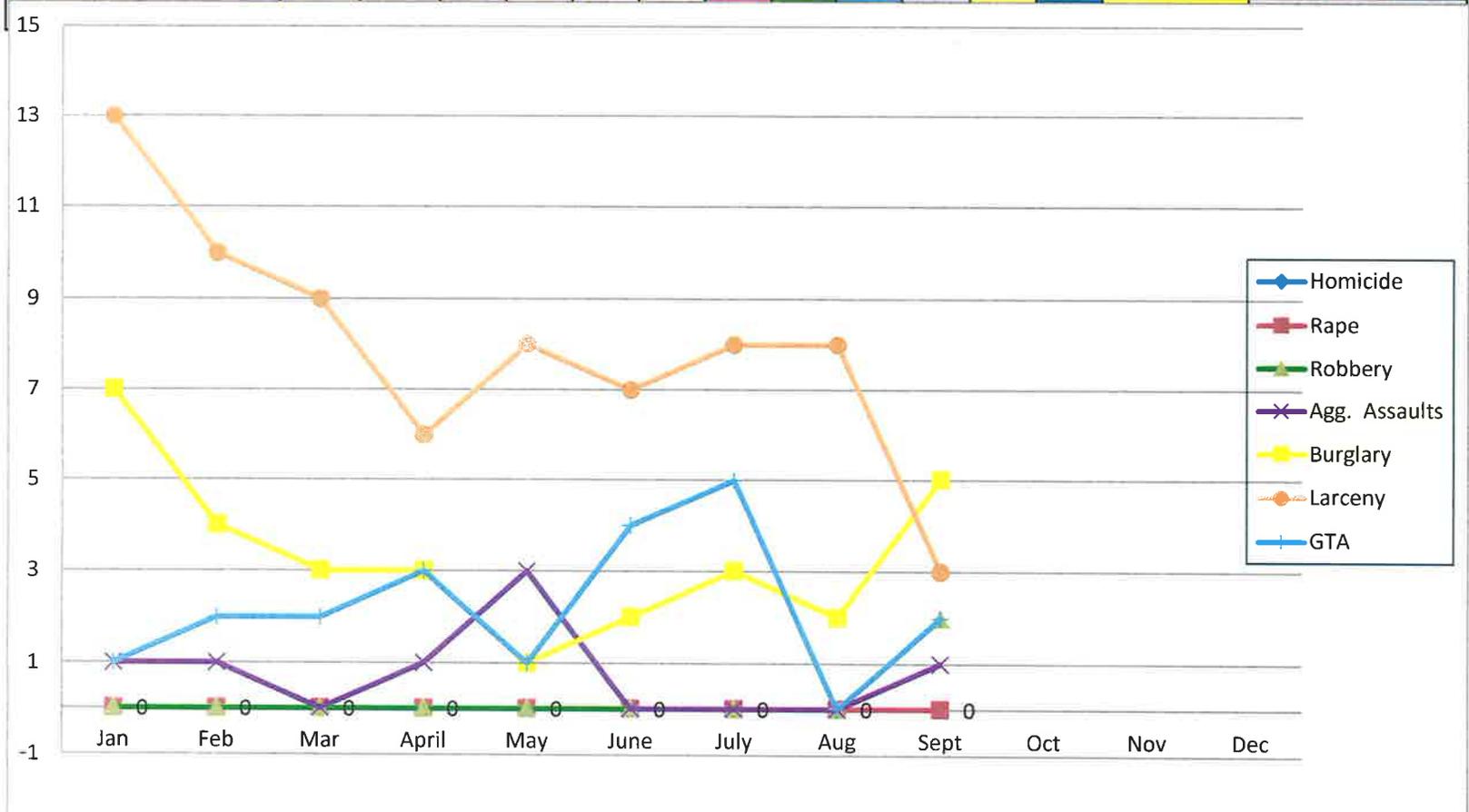
Traffic Citation Total	19	30	40	3	15	14	11	18	20				170
Motorcycle Hours	2	98	80	0	0	0	0	0	0				180

Volunteer Hours:

Public Safety Volunteer	15.5	20.5	28	0	0	8	36.25	10	19.5				137.8
Police Intern	0	15	132	96	0	0	0	0	0				243
Total	15.5	35.5	160	96	0	8	36.25	10	19.5				380.8
Total Facebook Likes	4776	4786	4834	4856	4861	5059	5088	5126	5200				
Total Twitter Followers	109	112	116	120	132	142	149	154	156				
Total App Subscribers	1212	1216	1221	1229	1232	1234	1241	1324	1329				

**Kingsburg Police Department
2020 Part I Crimes**

Part I Crimes	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Monthly % Change
Homicide	0	0	0	0	0	0	0	0	0				0	0%
Rape	0	0	0	0	0	0	0	0	0				0	0%
Robbery	0	0	0	0	0	0	0	0	2				2	200%
Agg. Assaults	1	1	0	1	3	0	0	0	1				7	100%
Burglary	7	4	3	3	1	2	3	2	5				30	150%
Larceny	13	10	9	6	8	7	8	8	3				72	-63%
GTA	1	2	2	3	1	4	5	0	2				20	200%
2020 Total	22	17	14	13	13	13	16	10	13	0	0	0	131	30%

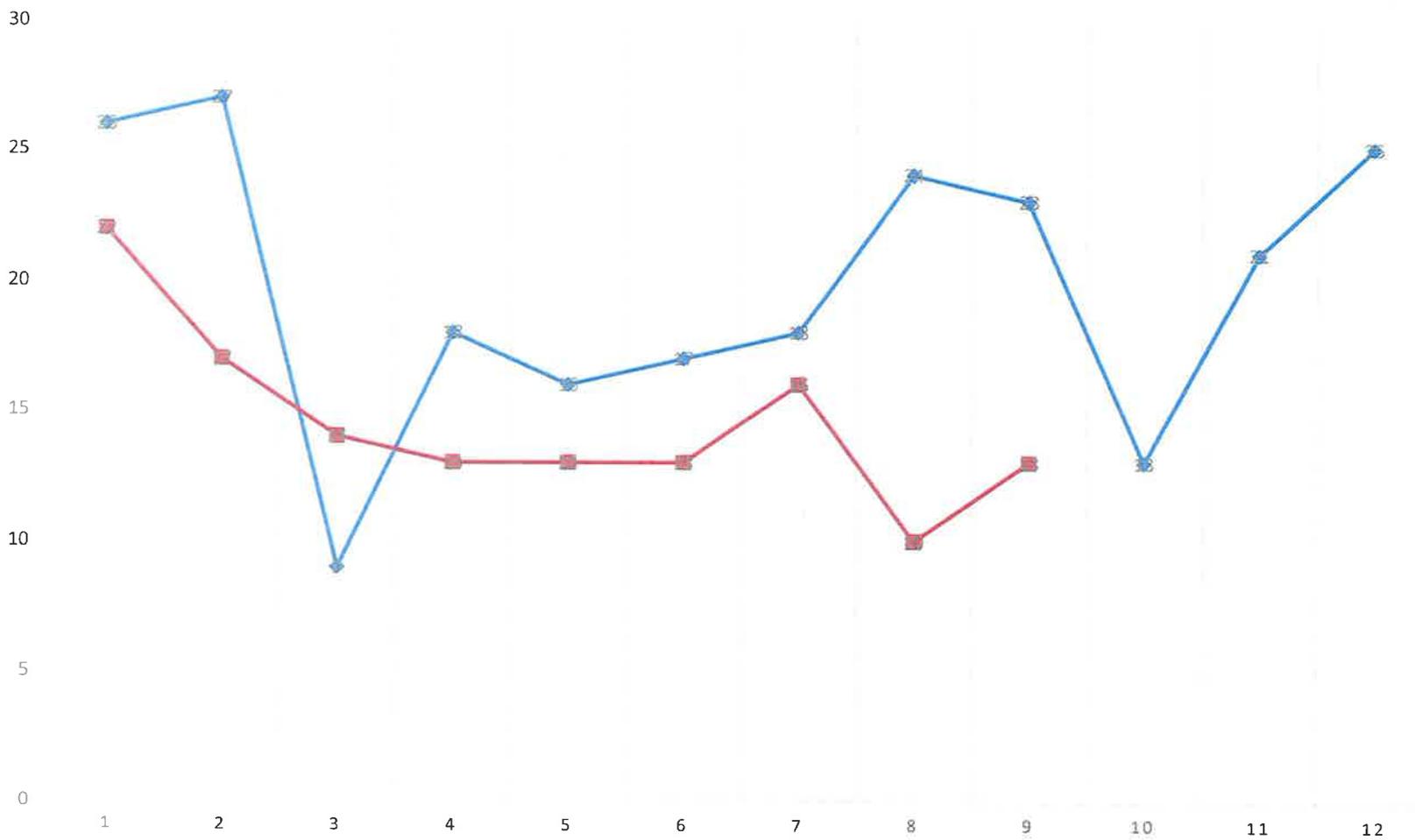


**Kingsburg Police Department
2020 Part I Crimes**

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	2019-2020
2019 Total	26	27	9	18	16	17	18	24	23	13	21	25	178	%Change
2020 Total	22	17	14	13	13	13	16	10	13				131	-26.00%

2019/2020 PART I COMPARISON

—◆— 2019 Total —■— 2020 Total



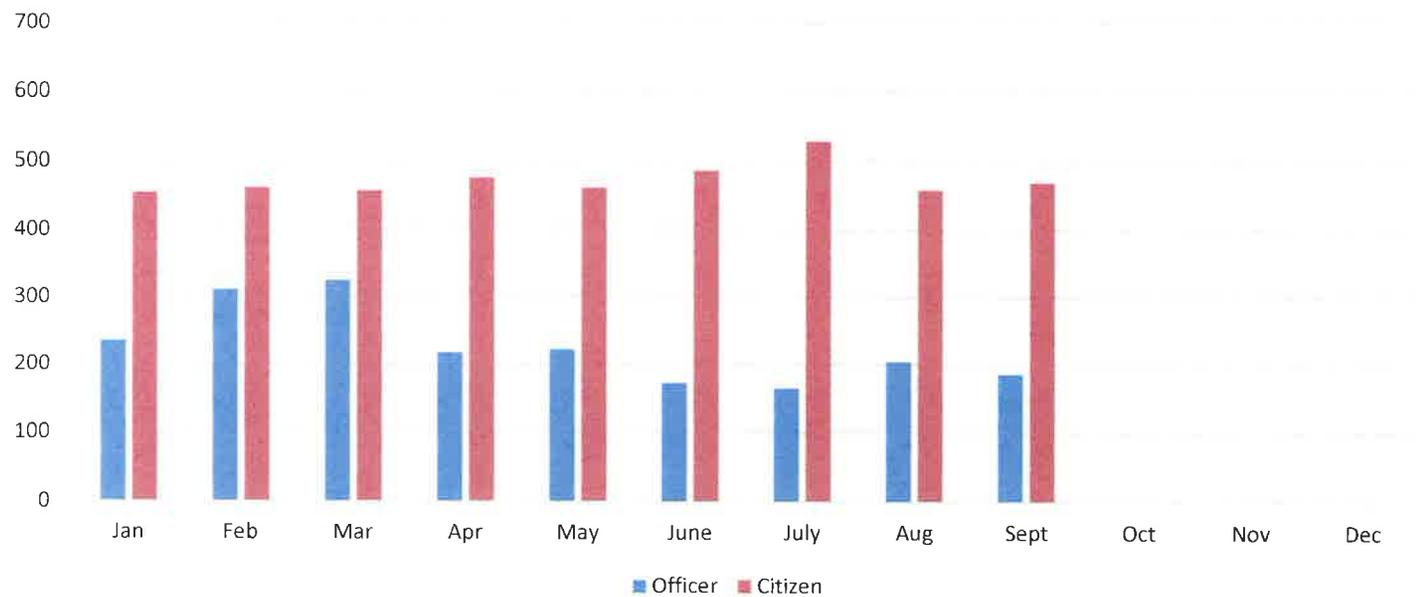
Kingsburg Police Department

2020

Calls for Service

Initiated	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Monthly %
Officer	235	311	325	217	222	173	165	204	186	0	0	0	2038	-9%
Citizen	455	462	457	476	462	486	528	458	469	0	0	0	4253	2%
TOTAL	690	773	782	693	684	659	693	662	655	0	0	0	6291	-1%
Average Calls per Day	22	27	25	23	22	22	22	21	22					

2020 Calls for Service





Meeting Date: 10/21/2020
Agenda Item: 5.3

CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor Roman & City Council

REPORT FROM: Alexander J. Henderson, ICMA-CM

REVIEWED BY: MN

AGENDA ITEM: COVID-19 Update

ACTION REQUESTED: Ordinance Resolution Motion Receive/File

EXECUTIVE SUMMARY

NOTE: This information is the best available as of posting on Friday, October 16. The rapidly changing nature of this pandemic means information may not be accurate with current events.

On March 23, the city council declared a local state of emergency. Staff continues to monitor and follow public health experts' advice. Fresno County remains in the Red (Substantial) Tier based upon the State's COVID-19 Blueprint for a Safer Economy. Of note is the High School began in-person instruction on Thursday, October 15 with the elementary school planning to begin in-person on Monday, October 19.

As mentioned on October 7, the County has shifted their method of reporting. The previous reports were preliminary data that could change once all information was aggregated. The County has reverted to utilizing their dashboard for the most recent information. Please be aware that the dashboard merges active cases and "cases closed by MIT criteria" "Lost to Follow-Up", "Unable to Locate" under the same category of under investigation since those cases are technically still open until the County can officially verify and close the cases.

Economic Impacts

Per Council's request, staff will be providing an updated presentation that follows our initial outline of COVID-19 related economic impacts to Kingsburg. While we continue to monitor the long-term effects, we do have some preliminary information from the last several months.

Economic Development Updates

Staff has also provided an updated economic development report. Our last update was on August 19, so we have included progress on those projects as well as any new information.

RECOMMENDED ACTION BY CITY COUNCIL

1. *Informational only.*

POLICY ALTERNATIVE(S)

1. N/A

STRATEGIC GOAL(S) MET:

1. Improve Community Communication

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|---------------|
| 1. Is There A Fiscal Impact? | <u>Yes</u> |
| 2. Is it Currently Budgeted? | <u>Varies</u> |
| 3. If Budgeted, Which Line? | <u>Varies</u> |

ATTACHED INFORMATION

1. COVID-19 Updated Economic Impact Presentation
2. Economic Development Update



City of
KINGSBURG

VISIT
ONE OF
THE **5** U.S.
TOP 5 U.S.
FINALISTS
FOR SEASON TWO
OF THE SMALL
BUSINESS
REVOLUTION
COME



COVID-19 ECONOMIC IMPACT

UPDATE: OCTOBER 21, 2020

KNOWN AND UNKNOWN

Known

- US faced recession starting in March (31.7% economic contraction in Q2)
- Economists believe recession is over (ending in June/July)
- Federal Funds have assisted with local expenditures related to pandemic (CARES Act, CDBG)
- Q2 impacts locally (sales, TOT, etc.)

Unknown

- Shape/length of recovery – some economists predict a sharp Q3 recovery
- How recession and recovery impact different sectors (K-shaped recovery)
- Q4 and beyond (leveling off)
- Stimulus impact & Business failures

COVID-19: CALIFORNIA TIMELINE AS IT RELATES TO BUDGETARY IMPACTS

- Day 1: January 25, 2020 – first case of COVID-19 in California
- Day 40: March 4 - Among several local emergencies, California Declares first emergency and condemns price gouging.
- Day 49: March 13: Schools close across State. President Trump declares a National Emergency.
- Day 52: March 16 – Newsom asks restaurants to do take-out only.
- Day 55: March 19 – Statewide shelter-in-place order issued.
- Day 63: March 27 – CARES Act relief bill signed.
- Day 66: March 30 – Newsom order provides 90-day extension in state and local taxes, including sales tax
- Day 69: April 2 - State is also allowing small businesses to defer payment of sales and use taxes of up to \$50,000, for up to 12 months per Newsom EO.

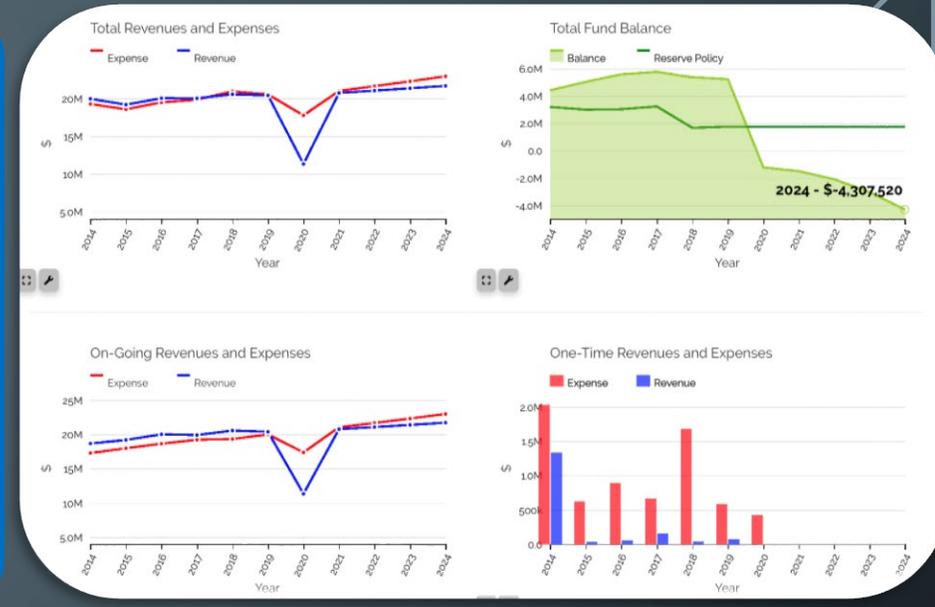
"V" shaped recovery

- Rebound is swift, but not easy
- Short-term, quick fixes could bridge the gap to recovery



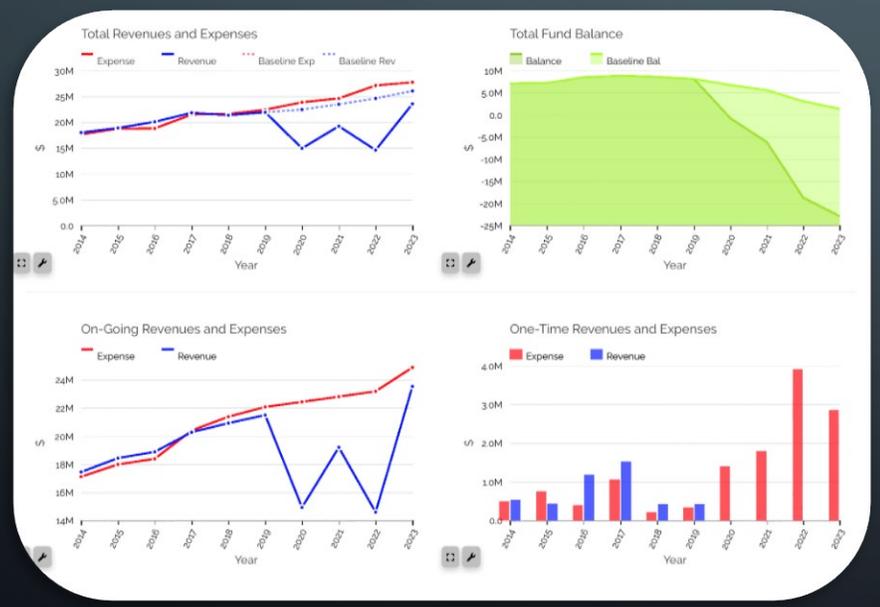
BIG "V" RECOVERY

- Downturn is deeper, but bounceback is rapid
- Short-term bridge strategies apply



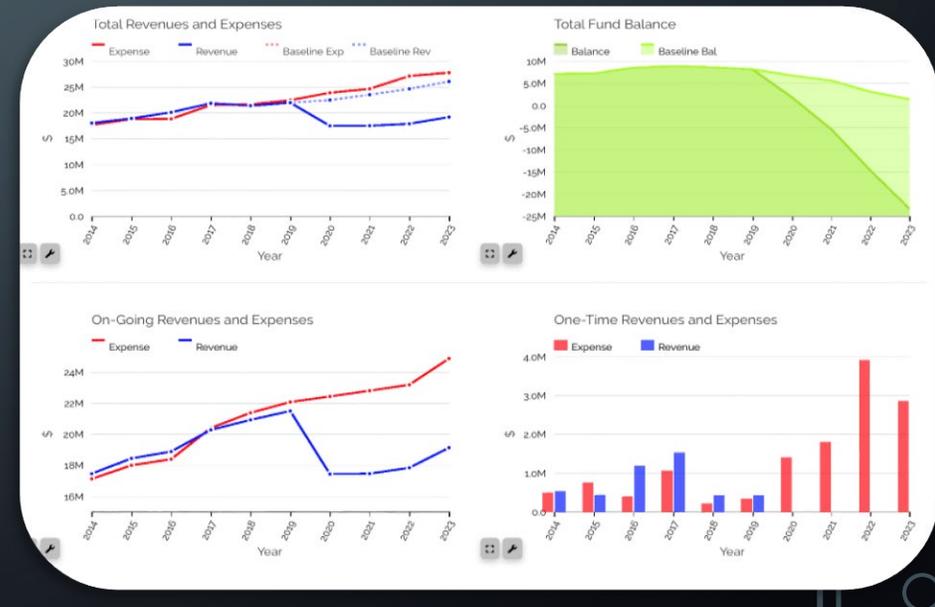
"W" recovery

- A short-term recovery, but a return of infection in fall
- Longer-term strategies to endure and transform



"L" recovery

- Recovery is stalled by deeper economic woes
- Long-term transformation strategies needed asap



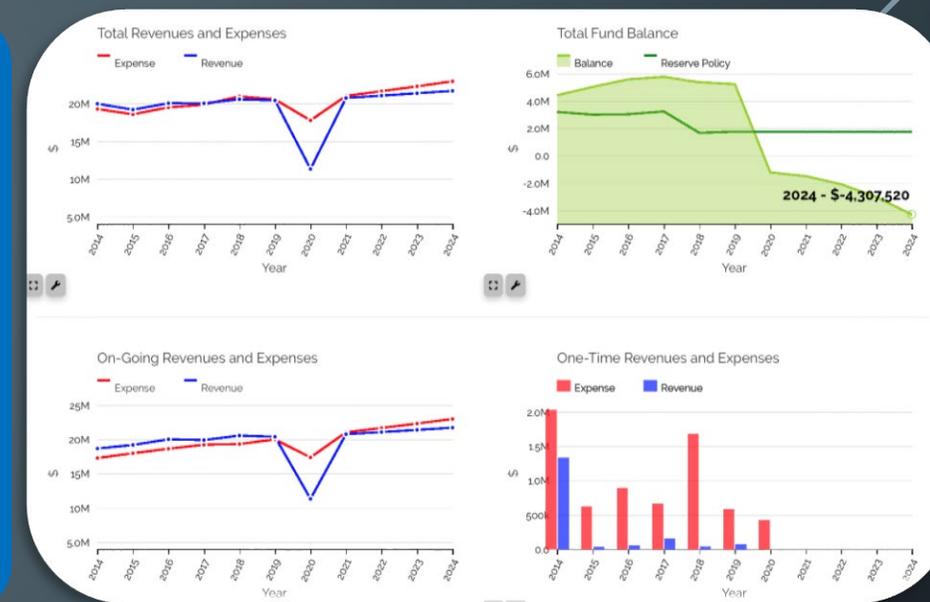
“L” recovery

- Recovery is stalled by deeper economic woes
- Long-term transformation strategies needed asap



BIG “V” RECOVERY

- Downturn is deeper, but bounceback is rapid
- Short-term bridge strategies apply



“K” recovery

- A short-term recovery, but a return of infection in fall
- Longer-term strategies to endure and transform

- A K-shaped recovery is somewhere between a V and an L
- In the ongoing US recession, industries like technology, retail, and software services have recovered from the industry and begun rehiring, while the travel, entertainment, hospitality, and food-services industries have continued to decline past March levels.
- US Chamber of Commerce's president, Suzanne Clark wrote in her early-September blog post that the financial-services sector had already recovered 94% of its pre-pandemic employment, while the leisure and entertainment industries had brought back only 74% of their former workers.

THE CITY'S REVENUES/SERVICES THAT WE'RE REVIEWING FOR GREATEST IMPACT:

- Sales Tax (including Measure E Public Safety)
- Transient Occupancy Tax (Hotel Bed Tax)
- Building Permit/Fees (predicated on overall development activity)
- Special Revenues; Local Road Funding (predicated on fuel sales/tax)
- Recreation Fees (After School Recreation, Pool, Park Reservations, etc.)

- Property taxes could see an impact with failure/inability to pay.

GENERAL FUND – FUND BALANCE HISTORY

GENERAL FUND ENDING FUND BALANCE



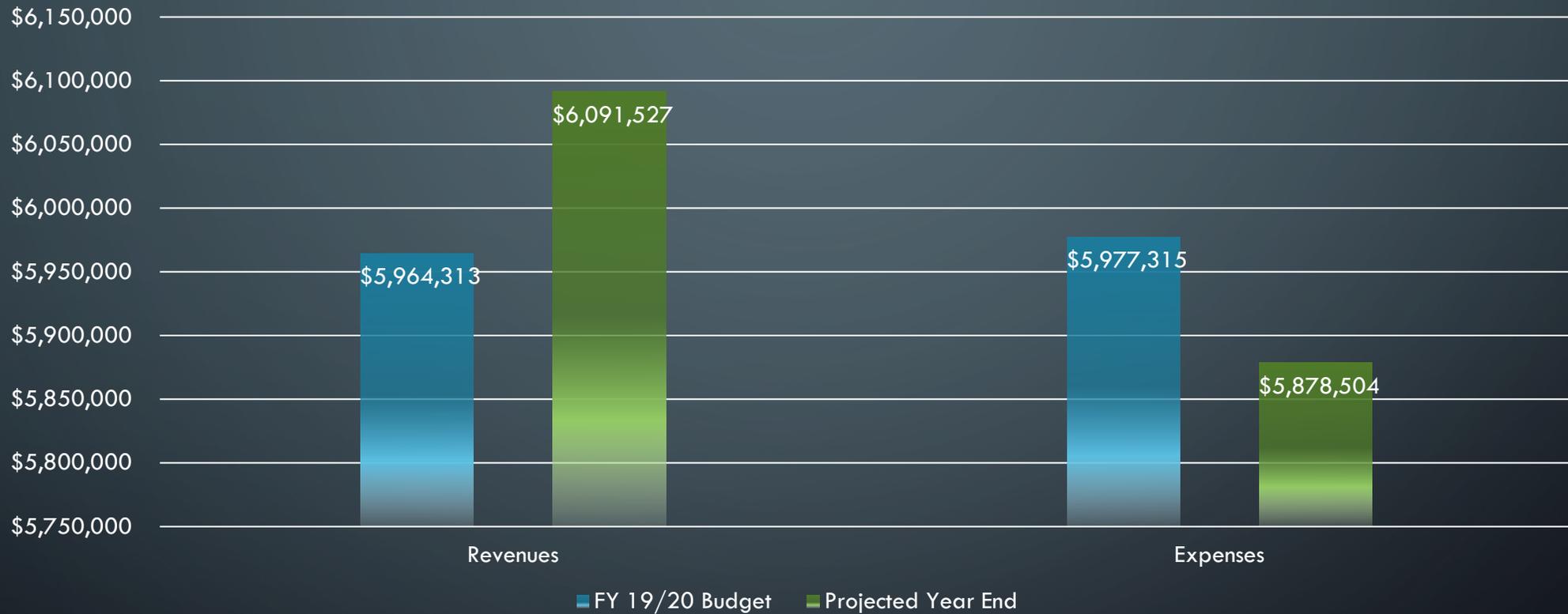
NOTE 1: Council transferred unallocated fund surplus over 20% to three designated funds. This includes CalPERS UAL, Economic Stabilization and Equipment Reserve funds.

NOTE 2: 2019 is the audited financials number. The amount over 20% reserve has, per policy, been swept into designated accounts as listed above.

NOTE 3: Current policy is to have 20% in emergency reserves. 20% is the "After Transfer Amount"

GENERAL FUND – FY2020 REVENUES & EXPENDITURE PROJECTIONS

BUDGET VS. PROJECTIONS



NOTE 1: Revenue increase largely attributed to high development activity.

NOTE 2: Expenditures mostly in line with budget, with some savings due to program reductions related to COVID-19.

NOTE 3: Projected surplus of \$213,000 (likely closer to \$25,000 with transfer adjustments).

COVID-19 BUDGET IMPACT: MILD (FY20)

- Assumptions:
 - Stay-at-home order lifted by the end of May/early June. *Saw an opening/closing of certain sectors.*
 - Non-essential businesses allowed to open *All businesses currently open (with modifications)*
 - Travel is less restrictive. Allows for less of an impact on hotel stays (TOT) (mostly FY21) *Hospitality/travel industry still lagging in terms of recovery.*
 - Recovery is more “V” or “v” shaped. *Still being interpreted (K-shape theory) as well as prognostication of big V in Q3.*
- **GOAL:** *Weather the current storm; examine impacts and cover revenue losses through expenditure reduction & higher than anticipated revenues from earlier in the FY.*

► Expenditure Reduction FY20

- No travel or conferences through end of FY20
- Freeze on non-essential hiring
- Freeze on equipment purchases not already ordered (capital items)
- Revenue-neutral programs shut-down and those employees laid off (After School Rec, Summer Rec, Lifeguards, etc.)

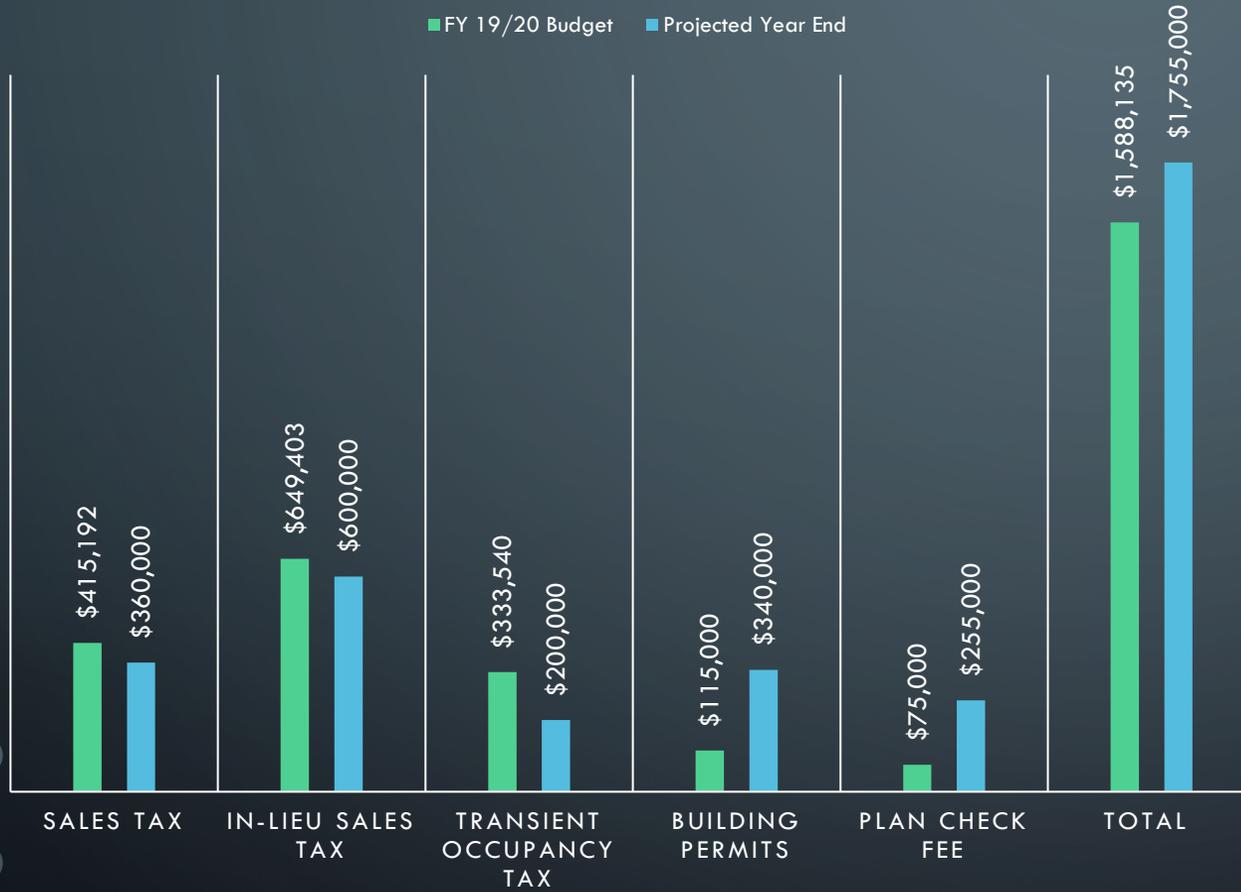
► Kingsburg Impact (FY20)

- No immediate recommendations outside of reductions already in place
- Our GF revenue loss related to COVID-19 was generally offset by expenditure reduction and revenue increases in other areas.

COVID-19 BUDGET IMPACT: MILD (FY20)

CITY OF KINGSBURG

FY 19/20 Budget Projected Year End



- Sales Tax expected to be -9% less than budgeted (Actual amounts were sales tax reductions of 9.54% for full YoY receipts).
- TOT – initial numbers show reductions of 50-60% in room rentals in March. FY20 has nearly 3 quarters of full collection (originally trending higher). (Q2 total reduction was 40%)
- Building/Plan Check Fees – linked to both residential home and commercial development. They are offset by staff and consultant expenditures through plan review, inspections, etc.

COVID-19 BUDGET IMPACT: MODERATE (FULL PANDEMIC AND FY21)

- Assumptions:

- Stay-at-home order extended through August/September 2020 Certain orders still in place.
- Recovery is more “V” or “W” shaped. Potential for K-shape or Big V (Overall 2020 GDP expected to contract 3-4%)

■ **GOAL: Reduce overall expenditures to avoid utilizing large amounts of fund balance or inter-fund transfers. Maintain core services and minimize business losses.**

▶ Impacts

- Sales Tax Reductions extended for 6 months of total impact (March-Sept); likely see 15% reduction from previous year (~\$150,000)
 - Q2 sales tax numbers down ~18%, with 28% reduction in June alone. Total is -\$70k for Q2 only.
 - Q3 numbers (July – Sept.) not yet available for sales tax.
- Likelihood of more businesses closing and/or deferring tax payments (3 business closures to date)
- TOT suffers 80-90% reduction for full six months(March-Aug); Likely continued 50% reduction in Q4 from economy lag. City suffers 50% loss in TOT revenue from previous year (loss of ~\$185,000)
 - Q2 TOT down 40%
 - Q3 TOT numbers have not yet been received. K-shaped impact on hospitality industry?
- Revenue-neutral programs shut-down and employees laid off. GF subsidy lower; loss of public programs (After School Rec.)

COVID-19 BUDGET IMPACT: MODERATE

Total Revenue loss \$250,000 - \$400,000 (8% of GF budget)

Reduction Options (Still some unknowns in terms of long-term recovery)

- Council adopted a “slimmed down” FY21 budget that incorporated some loss assumptions while maintaining staffing with no increased costs.
- We have deferred several capital projects that are not priority until after 1/1/2021
- Disaster Relief funding has assisted with costs experienced and allowed us to supplement our normal budgeting for certain expenditures (Senior Meals, Public Safety expenses, etc.)
- Discontinue discretionary programs, travel and conference budgets through 2020; reexamine in late 2020 for second half of FY. Many are not being held currently.

COVID-19 BUDGET IMPACT: SEVERE

- Assumptions:

- Stay-at-home order extends through the rest of 2020 (in current or similar form)
- Unemployment lingers/exceeds 25%
- Ripple effect of prolonged jobs loss, business closures & less commercial activity (housing slows/stops) *Not an issue currently.*
- Recovery is more “L” or “W” shaped. *Could see a more localized issue with K-shape recovery (additional small business loss). Unknown once initial recovery is realized.*

■ **GOAL: Provide essential core services; avoid depletion of emergency reserves.**

- ▶ Impacts

- Sales Tax Reductions impact half fiscal year; likely see 40% reduction from previous year (~\$400,000)
- Businesses closing and/or deferring tax payments; 40% of existing sales tax receipts are eligible for deferral (creates cash flow problem)
- TOT suffers 80-90% reduction for Q3 & Q4 (July-Aug); City suffers 75% loss in TOT revenue from previous year (loss of ~\$250,000)
- 2020-2021 Property tax payments could see reduction, adding to loss of revenue
- Building/Permit Fees expected to decline -20%; (~\$80,000)
- Revenue-neutral programs shut-down and employees laid off. GF subsidy lower; loss of public programs (After School Rec full year)

COVID-19 BUDGET IMPACT: SEVERE

Total Revenue loss \$750,000 - \$1,000,000 (19% of GF budget)

- View this as less likely based upon current trends.

Reduction Options

- Defer any capital impacts for remainder of FY21.
- Discuss MOU delays in approved increases with bargaining groups set to begin 1/1/21 (KPSEA only)
- Discontinue discretionary programs, travel and conference budgets.
- Consider transfers of waterfall and special tax funds to help cover immediate losses.

NON-GF POTENTIAL IMPACTS

- Water Enterprise Fund

- Revenues and expenditures are in line with budgeted projections for FY20
- Examined April payments for both 2019 & 2020 (April 2020 down 5%)
- Have less delinquencies in 2020 compared to same month last year.
- Currently have suspended any water shut-offs (total accounts that would qualify = 10% increase over 2019)
- Limited information (one month only) on potential long-term impacts.
- Healthy Fund balance (~\$8mm; TCP treatment capital improvements paid in both FY20 & FY21.)

NON-GF POTENTIAL IMPACTS

- Ambulance Enterprise Fund
 - Revenues finished higher than budgeted projections for FY20
 - EMS calls for service are up 6% YoY.
 - Received ~\$12,000 from CARES Act for Medicare services provided.
 - Additional \$159,000 in CARES Act funds (portion used for PPE, Public Safety)

GENERAL FUND – RESERVE POLICY

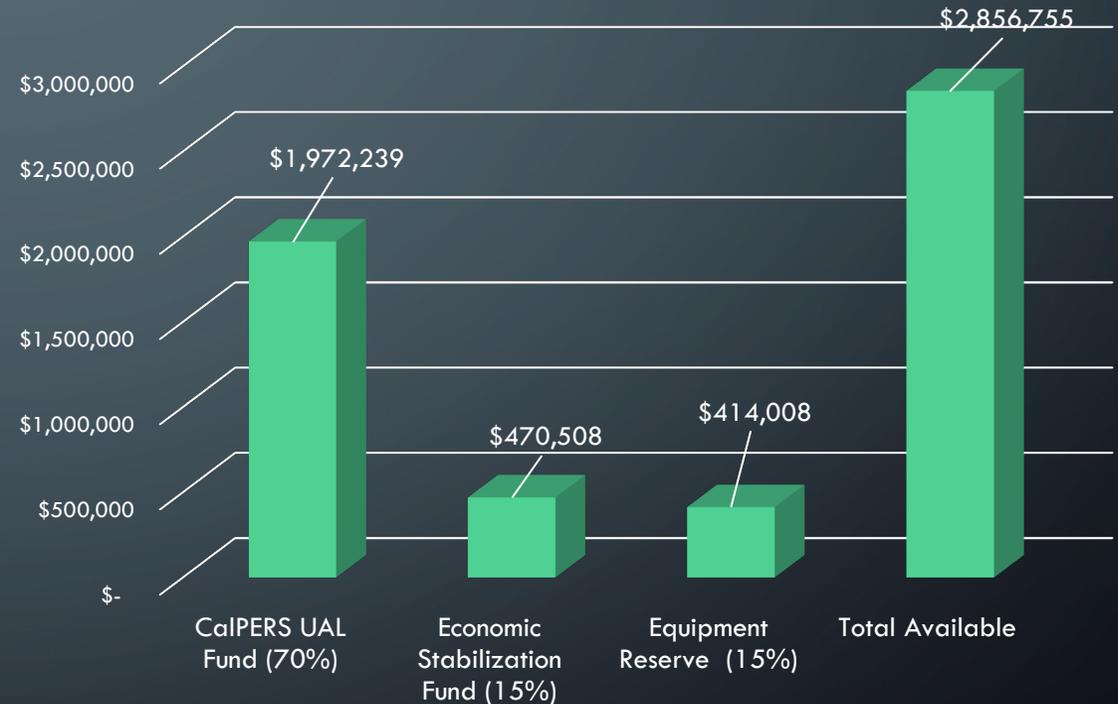
Minimum Fund Balance Policy (20%)

- Amount needed for short-term operating.

Waterfall Policy:

- All surpluses be deposited into a reserve to maintain fund at 20% of operating expenditures
- Operational surplus over 20% deposited into three funds:
 - 70% to CalPERS UAL
 - 15% to Economic Stabilization
 - 15% to Equipment Reserve (For capital equipment)

Waterfall Fund Balances



NOTE 1: City made \$850,000 in CalPERS ADP payments in Oct. 2019. Amount shown here shows the current balance of all three funds (after surplus amounts swept)
NOTE 2: 2020-2021 surplus sweep is not completed until audited financials are completed. Amounts shown include utilization from adopted FY21 budget.

COVID-19 FY21 BUDGET – GOING FORWARD

- Council FY21 adopted budget took account for revenue loss and reduced YoY expenditures while maintaining programming, including capital outlay and economic development incentives.
 - Incentives have been well utilized in early portion of FY21 (local private investment continues)
- Continue to monitor Q3 and Q4 economic indicators (TOT, Sales Tax, Permitting Activity) to remain as flexible as possible.
- Continue to promote expenditure reduction in line with adopted FY2021 budget.
- Utilize disaster relief funding to ensure employee safety (PPE, etc.) and critical programming for underserved populations can continue.
- Examine the use of reserve funds (Economic Stabilization) as needed or to support incentive programs.

ECONOMIC DEVELOPMENT PROJECTS

October 21, 2020

COMMERCIAL

Kingsburg Business Park

- Several lots are in escrow with a 12/31/20 closing date.
- A property owner on W. Ventura Street has submitted preliminary plans for comments.
- Valley Health team had a site plan review on July 14, 2020 for the construction of their new 15,964 sf. facility (located on Sierra St.).
- California Controlled Atmosphere estimates completing the second building on their property by the end of the year. The 4,800 sf. building is already fully leased.

T-Mobile

- Held initial Site Plan Review meeting – staff is compiling all comments for conditions of approval.
- They continue to work with neighboring businesses on potential parking agreements. Final site has not been established yet.
- Traffic study for the project is also underway.

Swedish Mill

- There is a potential tenant working on plans for a refurbishing. The tenant estimates completion by Mid-December 2020.

K Corporate Center

- Digital signs have been installed. 58,000 sf expansion project has begun. Three tenants have been secured. There is 21,000 sf warehouse and 2800 office space remaining. Staff has submitted several leads to the owner for potential tenants.

Global Unmanned Spray System (GUSS)

- In the process of completing their second building located at 2545 Simpson Street. The new building is 8,000 sf.

Huenstein Property (Sierra & Simpson Streets)

- Adventist Health is under construction (15,914 sf. building) with an estimated opening of April 2021.
- Grocery Outlet is under construction (17,800 sf. building) with an estimated opening of early 2021. They are also constructing a new left-hand turn pocket on Simpson St.
- The middle lot, the only remaining parcel, is currently in escrow with a December closing date. The buyer is working on securing a tenant.

*New development on this lot will include addition of pedestrian sidewalks and ornamental lighting along the frontage.

Downtown Corridor

- The owner of Stone Plaza is preparing to begin construction. A new incentive agreement has been established. The owner is currently working on potential tenants for the first floor. Staff has sent two viable leads. The upstairs will be apartments.
- The Village Mall is fully occupied. Fool's Craft Cider is manufacturing and will open when the indoor ban is lifted. Looking to improve façade and signage with the façade improvement program.
- Magosh Brewery is under construction with an anticipated opening of mid-October. Current work includes underground utilities inside the building (outdoor connections have been made).
- Former Woods Building – the front end has been leased to Corsaro's Family Pizza. Tenant improvements have begun with a November 1, 2020 opening planned.
- Heritage Co. Boutique has opened in the space recently vacated by Revival23 at 1369 Draper Street.
- Former Bank of America Building – the owner is obtaining construction bids and considering potential incentives, including the forgivable loan program. They have already completed façade improvements and participated in the façade improvement matching grant program.
- Deli Casa – expanding outdoor dining options in the rear of the building, including updated gate/fencing. Owner purchased property next door and is cleaning it up (may pursue building expansion or parking).
- Olson Bros Building – London Properties* purchased the building from the Villines Family. The office space is approximately 4,800 sf. There are two suites with entrances from the alley. One suite will be for medical spa. The other will be used for storage at this time.
- Alley improvements are currently underway in conjunction with the London Property and Magosh projects. Includes new pavement and landscape planters to transition to pedestrian friendly space.

*London's current property in the Save Mart Shopping Center will be used for a Gold Standard Mortgage expansion.

COVID-19 Business Adjustments

- Several businesses have modified their operations in order to stay in business. At least eight restaurants and one barber have moved their seating outdoors in order to remain operational including: Los Pepes, Deli Casa, Kingsburg Barber Shop, Las Tres Casuelas, Fugazzis, Mi Riconzito, Di Ciccios, Denny's and Kady's Kitchen.
- There have been two businesses who plan on staying closed permanently, Firecrest and Revival 23. Both spaces have potential new tenants/buyers at this time.
- Only one commercial development project, located at California and Williams Streets, has been placed on hold due to COVID-19. That project is anticipated to start up again in the future.

RESIDENTIAL

Summerlyn Residential Development

- Builder is working on phase 2 of home construction. 77 building permits have been issued (some in 2019).
- They have submitted preliminary park improvement plans which include basketball court, playground, splash pad, green space and walking path. Plans are under review.
- Road 16 (Madsen Ave.) will be widened and the bridge reconstructed this year (must wait for CID water run to end).

Kings Estates Residential Development

- Two lots remain to be sold. 54 building permits have been issued (some in 2019).
- Will be first subdivision to participate in newly established community facilities district.
- Development includes a neighborhood park. Final amenities being reviewed.
- Work on 18th Ave is complete. Developer to finish CID irrigation line repair and additional work on Kamm Ave.

TTM 6151/6167 Residential Development

- Development north of Kamm Ave, east of 18th Ave. Tentative tract maps have been approved. Initial submittals for TM6151 are underway.

Linnaea Village Senior Living Development

- On-site and off-site infrastructure improvements are underway.
- Project includes the realignment of Madsen Ave. to match intersection north of 201.
- Involves coordination with CID, Caltrans, SKF, and Tulare Co.
- Project has projected occupancy in the first quarter of 2021.

OVERALL BUILDING PERMIT ACTIVITY

(Jan. 1 – June 30)

- 2019 Residential: 181 permits issued
- 2020 Residential: 265 permits issued

- 2019 Commercial: 21 permits issued
- 2020 Commercial: 37 permits issued



Meeting Date: 10/21/2020
Agenda Item: 5.4

CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor Roman & City Council
REPORT FROM: Alexander J. Henderson, ICMA-CM **REVIEWED BY:** MN
AGENDA ITEM: Small Business Grant Update/CARES Act
ACTION REQUESTED: Ordinance Resolution Motion Receive/File

EXECUTIVE SUMMARY

On September 2, City Council authorized the city to report the use of Kingsburg’s CARES Act allocation for eligible expenses, including a small business relief grant program. The original program set aside \$60,000 for \$3,000 individual grants for eligible businesses. The first round of applications were due by Friday, October 16.

As of the finalization of this packet we have 24 businesses that have applied. Staff will complete final evaluations on Monday, October 19 and update the packet with final information. Recently, the Fresno County Board of Supervisors allocated \$3 million of their CARES Act dollars to the incorporated cities of Fresno County (excluding City of Fresno, who received their own allocation). The County allocated the funds based upon a formula consisting of population and COVID cases (see attachment #2). For Kingsburg, it means we are eligible for an additional ~\$134,000.

While Fresno County has not put any caveats on how the funds are spent (leaving it to each individual jurisdiction), all cities still required to follow the federal guidelines as it relates to CARES Act funds.

During the council’s regular meeting on October 7, they expressed a desire to utilize the County’s allocation for increased business support. There was also discussion about adding funding to help offset costs for those who have expended funds on outdoor dining. In order to streamline reviews, staff suggests adding a component to the existing application that would increase a grant amount by an additional \$1,500 for those that have spent funds on outdoor dining.

Staff will provide recommendations on funding totals once all applications are evaluated. This will include options for a second round of funding as well.

Based upon previous conversations, Council may also wish to consider modifications to future application cycles, including:

- Open funding up to eligible non-profits;
- Open funding up to those with less than one-year of business in Kingsburg
- Increase eligible businesses who have modified their business for outdoor dining to receive an additional \$1,500.

RECOMMENDED ACTION BY CITY COUNCIL

1. TBD based upon application review.

POLICY ALTERNATIVE(S)

1. NA

STRATEGIC GOAL(S) MET:

1. Improve Community Communication
2. Ensure Financial Stability

FINANCIAL INFORMATION

FISCAL IMPACT:

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

BACKGROUND INFORMATION

On September 2, City Council authorized the city to report the use of Kingsburg’s CARES Act allocation of ~\$159,000 for eligible expenses including:

1. Payroll for Public Health and Safety Employees: (~\$60,000)
 - All public safety personnel expenses are considered eligible from March 1, 2020 – December 30, 2020
2. Small Business Assistance (~\$60,000)
 - Costs for a small business grant program, including the actual grant costs and the administrative costs of the program
 - Costs for any assistance provided to reimburse the costs of business interruption caused by required closures
 - Costs to assist small business with complying with public health orders such as providing tents for outdoor dining.
3. Public Health Expenses (~\$20,000)
 - Costs for acquisition and distribution of medical and protective supplies, including sanitizing products, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency
 - Costs for disinfection of public areas and other facilities, in response to the COVID-19 public health emergency
 - Costs of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions
4. Personal Protective Equipment (PPE) (~\$10,000)
 - Costs for acquisition and distribution of PPE
 - Costs to create a reserve of PPE
5. Food Programs (~\$5,000)
 - Costs for establishing and operating a food bank
 - Costs for food delivery to residents, including senior citizens and other vulnerable populations

A reminder, the funds must be spent by December 30, 2020. There are other areas of potential eligibility for the city to utilize the funds in order to be flexible.

- Budgeted Personnel and Services Diverted to a Substantially Different Use

- Improve Telework Capabilities of Public Employees
- Administrative Expenses

The program is being administered on a reimbursement basis by the County (see letter from Auditor-Controller/Treasurer-Tax Collection Oscar Garcia).

ATTACHED INFORMATION

1. Small Business Grant Application

Small Business Emergency Economic Relief Grant Program For City of Kingsburg Businesses Impacted by COVID-19

KINGSBURG SMALL BUSINESS GRANT PROGRAM

To mitigate the impact of COVID-19 on Kingsburg businesses and their employees, the City of Kingsburg (City) will commit up to \$60,000 in CARES Act funds to create a temporary Small Business Emergency Economic Relief Fund to assist local businesses negatively impacted by COVID-19.

PROGRAM GUIDELINES

The City is offering up to \$60,000 in grants (funding provided through CARES Act) to businesses with up to 25 full-time equivalent employees for temporary economic relief. Grants up to \$3,000 per business are available until funds are exhausted. Businesses will have to attest that they have been impacted negatively by public health orders or other pandemic related events.

Applications will be accepted from all industries, however those professions most impacted via closures (barbershops, salons, personal care services, etc.) will receive priority.

ELIGIBILITY CRITERIA

Businesses must meet all of the following criteria:

1. Business must be for-profit, physically located and operating in the City of Kingsburg.
2. Have a physical establishment within the City of Kingsburg (no home-based businesses)
3. Independent contractors may be eligible but will receive lower rankings in the scoring matrix.
4. Business must have 25 or less full-time equivalent employees (as of March 15, 2020, prior to COVID-19)
5. Business must be operating for at least 1 year prior to March 15, 2020
6. Business must demonstrate it has been impacted by COVID-19
7. The business continues to operate legally during the COVID-19 crisis (following State/County public health guidelines – no known notices of violations or citations)
8. Business cannot have any outstanding local, state, federal tax liens or judgement
9. Businesses that have not received funding through the CARES Act, such as Payroll Protection, Program loans, will be given priority. (EDD unemployment is not considered assistance for this application)

BUSINESSES MUST MEET ALL OF THE ELIGIBILITY CRITERIA, OTHERWISE WILL BE DEEMED INELIGIBLE TO APPLY. DURING THE PROCESS OF FILLING OUT YOUR APPLICATION, IF YOU HAVE ANY QUESTIONS, PLEASE DO NOT HESITATE TO CONTACT US AT 559-897-5821. THE SCORING CRITERIA USED FOR RANKING APPLICATIONS IS INCLUDED AT THE END OF THIS APPLICATION.

APPLICATION DEADLINE: Friday, October 16, 2020

**APPLICATIONS CAN BE MAILED TO: 1401 DRAPER St. or emailed to
Jolene Polyack at jolene@polyack.com**

1. PLEASE SELECT ALL THAT APPLY TO VERIFY ELIGIBILITY

- I have a for-profit business physically located in the City of Kingsburg
- I have 25 or less full-time equivalent employees
- I have been affected by COVID-19
- I have a current City of Kingsburg business license.
- I have no outstanding local, state, federal tax liens or judgments
- I have been in business in Kingsburg for at least one year as of March 15, 2020
- I have been operating legally under public health orders and received no notices of violations that have not been corrected.

2. BUSINESS INFORMATION

Business Legal Name:		
Business Tax ID#:		
Business Street Address:	Business City:	Zip Code:
Business Phone (include area code):	Business Email:	
Business Structure:		
<input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company		
Number of Full-Time Equivalent Employees as of March 15, 2020. (Employee working 40 hours per week equals 1.0 FTE; Employee working 20 hours per week equals .5 PTE):		
2019 Annual Gross Sales:	Year Business was Established in Kingsburg:	
Business Industry:		
<input type="checkbox"/> Beauty Salon/Barber <input type="checkbox"/> Restaurant/Dining <input type="checkbox"/> Retail <input type="checkbox"/> Health and Wellness		
<input type="checkbox"/> Personal Service <input type="checkbox"/> Other:		

3. OWNER INFORMATION

How many legal business owners?			
<input type="checkbox"/> One	<input type="checkbox"/> Two	<input type="checkbox"/> Three	<input type="checkbox"/> Four or more
Primary Owner Name:			
Primary Owner Street Address:	City:	Zip Code:	State:
Primary Owner Email:	Primary Owner Phone:		
Secondary Owner Name:			
Secondary Owner Street Address:	City:	Zip Code:	State:
Secondary Owner Email:			

4. OTHER INFORMATION

Percentage of Revenue lost in 2020 compared to same timeframe in 2019 (April 1 – June 30)
<input type="checkbox"/> 50%+ decline <input type="checkbox"/> 25% to 49.9% decline <input type="checkbox"/> 25% or less
Other Assistance Already Received related to COVID-19
<input type="checkbox"/> Have received other funding (PPP, SBA Loan, etc.) <input type="checkbox"/> Have Not Received any other assistance
USE OF FUNDS: Funds must be used by Dec. 30, 2020. Please indicate how you will use the funds and how much for each category: Rent, Payroll, Utilities, or Other Fixed Operating Expenses.

Approval Process

Grant applications will be reviewed by a grant committee consisting of City staff on an ongoing basis until all funds are disbursed. Funding decisions will be made within 30 days of receiving a complete application. If the City determines that additional information or supporting documents are needed to review an application, then the application is not considered complete. Funding may be released within two weeks of approval.

GRANT DOCUMENTATION

If selected, please be prepared to provide the following documentation:

1. Either a Business License OR Fictitious Business Name Statement OR Seller's Permit OR Tax Returns reflecting a date prior to **March 15, 2019**
2. W9 Form
3. 590 Form

5. Applicant Declaration

To the best of my knowledge and belief, I certify the information in this application is correct and complete.

I authorize the CITY OF KINGSBURG to make inquiries as necessary to verify the accuracy of the statements made and to determine my creditworthiness.

I authorize CITY OF KINGSBURG to request and obtain additional information pertaining to how the Grant funds were used to benefit the business six (6) months from the date of receipt.

I hereby grant permission to CITY OF KINGSBURG, its programs, and partners the right to use my name, business name, location, photograph, video, audio, and/or written testimonials.

I understand that the media will be utilized in CITY OF KINGSBURG'S marketing and promotional items, included but not limited to its web site, newsletter, press releases, social media, and other mediums of communication.

I understand that CITY OF KINGSBURG and partners have the right to edit, duplicate and disseminate these materials. I waive the rights to inspect or approve the finished product wherein my likeness appears. Additionally, I waive any right to royalties or other compensation arising or related to the use of the media materials (stories, accounts, reflections, etc.).

I declare under penalty of perjury, that the foregoing is true and correct.

Primary Owner Name:	
Signature:	Date:
Secondary Owner Name:	
Signature:	Date:

**CARES ACT – SMALL BUSINESS GRANT
SCORING CRITERIA**

% of revenue lost compared to same timeframe in 2019 (April 1-June 30)	50% decline	3
	>25% to 49.9%	2
	25% or less	1
Number of Employees (FTE)	Independent contractor	1
	1-10	3
	11-25	5
Number of Years of Operation in Kingsburg	1-4	1
	5+	2
Previous COVID related funding received (PPP, SBA Loan, etc.) *EDD is not considered COVID related funding.	Some funding received.	0
	No previous funding received	2
Type of business	Other	1
	Retail (no physical closure experienced)	2
	Retail (w/ closure)/Restaurant	3
	Personal Care (barber shop, salon, other)	4

T-Mobile

KINGSBURG CALL CENTER,



PROJECT TEAM:

ARCHITECT: JPC ARCHITECTS, LLC 909 112th Ave NE SUITE 206 BELLEVUE, WA 98004 425-641-9200 (OFFICE) JASON ROMINE jason@jpcarchitects.com	CITY OF KINGSBURG: CITY OF KINGSBURG BUILDING DEPARTMENT 1401 DRAPER STREET KINGSBURG, CA 93631 559-897-5328 (OFFICE)
ASSOCIATE ARCHITECT: SJA DESIGN GROUP SUSAN JONES susan@sjadesigngroup.com	TENANT: T-MOBILE USA
LANDSCAPE: WOOD ARCHITECTURE 1512 W. MINERAL KING AVENUE VISALIA, CA 93291 559-786-9600 (OFFICE) TYSON CARROLL tyson@woodarchitecture.com GREG MENDONSA greg@woodarchitecture.com	PROPERTY OWNER: ALKABLY, LLC 237 ACADEMY AVENUE SANGER, CA 93667
CIVIL: LORE ENGINEERING INC. 620 DEWITT AVENUE SUITE 101 CLOVIS, CA 93612 559-297-5200 (OFFICE) HAL LORE, PE hal@lore-engineering.com	PROJECT MANAGER: MGAC 250 SOUTH GRAND AVE. 2ND FLOOR LOS ANGELES, CA 90015 213-417-7535 (OFFICE) UZAIR FARUQUI uzair@mgac.com MATT MATESE mmatese@mgac.com
STRUCTURAL: BROOKS RANSOM ASSOCIATES 7415 N. PALM AVENUE SUITE 100 FRESNO, CA 93711 559-449-8444 (OFFICE) DWIGHT DREW dwight@brooksransom.com SCOTT CARTER scott@brooksransom.com	ENVELOPE CONSULTANT: RDH 2101 N. 34TH STREET SUITE 150 SEATTLE, WA 98103 206-324-2272 (OFFICE) JOHN BOLIG jbolig@rdh.com
MECHANICAL/ ELECTRICAL/ PLUMBING: INTERFACE ENGINEERING 601 S. FIGUEROA STREET SUITE 2790 LOS ANGELES, CA 90017 213-694-3434 (OFFICE) EUGENE DE SOUZA eugened@interfaceeng.com	

PROJECT SUMMARY:

PROJECT OVERVIEW
 T-MOBILE, A GLOBAL TELECOMMUNICATIONS LEADER, IS EXCITED TO BRING THEIR NEW CUSTOMER CARE CENTER TO KINGSBURG, CALIFORNIA. THE SITE, PREVIOUSLY OCCUPIED BY K-MART, IS LOCATED AT 333 SIERRA STREET. T-MOBILE, ALONG WITH THE JPC ARCHITECTS DESIGN TEAM, STRIVE TO PROVIDE AN INSPIRING AND WELCOMING NEW ADDITION TO THE COMMUNITY. THE CUSTOMER CARE CENTER WILL BE A NON-RETAIL BUSINESS OPERATIONS CENTER THAT WILL PROVIDE SPACE FOR HUNDREDS OF T-MOBILE CUSTOMER CARE EMPLOYEES.

THE PROJECT FOR T-MOBILE'S NEW KINGSBURG CA CUSTOMER CARE CENTER WILL COMPRISE OF UPGRADES TO THE EXISTING PARKING AND SITE PAVING, A NEW PARKING LOT, EXTERIOR BUILDING IMPROVEMENTS AND A COMPLETE UPGRADE TO THE BUILDING INTERIOR. THE OVERALL SITE WILL BE CAPABLE OF 75 VEHICLES AND WILL INCLUDE FULL SITE LIGHTING AND LANDSCAPING. THE TREE CANOPY IS BEING MAINTAINED IN THE EXISTING PARKING LOT AND NEW TREES AND LANDSCAPING ARE BEING ADDED TO THE EXPANDED SITE PLAN. THE EXISTING BUILDING WILL BE REFRESHED WITH A NEW ENVELOPE DESIGN THAT ACTS TO BOTH REDUCE THE ENVIRONMENTAL IMPACTS OF THE BUILDING AND ENHANCE THE AESTHETICS.

GENERAL SITE DESCRIPTION
 THE APPROXIMATELY 8 ACRE SITE IS LOCATED ON THE NORTH SIDE OF SIERRA STREET, ON THE SITE OF THE FORMER K-MART SHOPPING CENTER. THE EXISTING SITE INCLUDES ASPHALT PAVED SURFACE PARKING, SHADE TREES AND LIGHTING WITH STALLS FOR OVER 300 VEHICLES. THE SITE IS SERVED BY A 4 LANE MAIN ENTRY AND SECONDARY SHARED ENTRY ON THE WEST SIDE OF THE PROPERTY. NEW ASPHALT PAVED PARKING LOTS OFF BARTON COURT AND CRUM COURT ARE BEING ADDED TO SUPPORT ADDITIONAL PARKING NEEDS.

DESIGN PROPOSAL AND OBJECTIVES
 AT T-MOBILE'S KINGSBURG CA CUSTOMER CARE LOCATION, A NEW INTERIOR AND EXTERIOR RENOVATION WILL SET A HIGH STANDARD FOR A WELL-DESIGNED AND ENJOYABLE WORKING ENVIRONMENT THAT ALSO SEEKS TO CONNECT TO THE UNIQUE CHARACTER AND FABRIC OF THE EXISTING SURROUNDING CITY. ALTHOUGH THIS WILL BE A PRIVATE BUSINESS AND NOT A RETAIL LOCATION, THE AIM OF THE PROJECT IS TO BECOME A NEW AND ENGAGED COMMUNITY NEIGHBOR AND NOT A STAND ALONE BUILDING.

FOR THE EXTERIOR FAÇADE RENOVATION, T-MOBILE'S PROPOSED NEW DESIGN HAS DRAWN FROM THE CITY'S ESTABLISHED FORM BASED CODE, ALL WHILE CREATING AN INSPIRING, FORWARD-THINKING, AND BRAND APPROPRIATE PRESENCE FOR THE COMPANY. THE DESIGN TEAM PULLED KEY COMPONENTS FROM SWEDISH ARCHITECTURAL EXPRESSIONS IN THE FORM BASED CODE INCLUDING BUT NOT LIMITED TO:

- BREAKING LONG MASSES TO READ AS A SERIES OF BUILDINGS AND MORE PEDESTRIAN FRIENDLY.
- USE OF A GALLERY (PERGOLA) ALONG FRONTAGE.
- SIMPLE AND REGULAR RHYTHM OF OPENINGS.
- VERTICALLY PROPORTIONED WINDOWS.
- USE OF DEEP AWNINGS AT WINDOWS AND DOORS.
- LIGHTING MOUNTED BETWEEN WINDOWS.
- HEAVY LINE OF FOUNDATION "WATER TABLE" OF STONE OR CAST STONE.
- SECONDARY WALL MURAL.

THE ENTRY AXIS POINTS FOR THIS SITE OFF OF SIERRA STREET PLACES THE PRIMARY EMPLOYEE ENTRY POINTS ALONG THE SOUTH AND WEST FAÇADES. THIS CREATES AN OPPORTUNITY TO INCORPORATE A MAIN EMPLOYEE ENTRY UNDER A SHADE PERGOLA THAT WOULD HIGHLIGHT THE T-MOBILE BRANDING AND WAY FINDING. A SECONDARY ENTRY OFF THE WEST FAÇADE WILL SERVE EMPLOYEES FROM THE ADDITIONAL PARKING AREAS. TO PULL FROM THE FORM BASED CODE, ALONG THESE TWO ENTRY FAÇADES THE LONG MASS WILL BE BROKEN TO READ AS SMALLER BUILDINGS WITH A SIMPLE RHYTHM OF NEW VERTICAL WINDOW OPENINGS THAT WILL BE FURTHER DIVIDED BY A RHYTHM OF CHANGING BUILDING SKIN DIRECTION AND COLOR. SHADE AWNINGS WILL PUNCTUATE EACH GROUPING OF WINDOWS AND CHANGE IN STYLE ALONG THE LENGTH OF THE BUILDING. IN ADDITION, DECORATIVE DOWN LIGHTING BETWEEN THE WINDOWS WILL HELP EMPHASIZE A PEDESTRIAN SCALE. THE NORTH AND EAST FAÇADES CONTINUE THIS MATERIAL LANGUAGE TO PROVIDE CONTINUITY TO THE DESIGN AND FURTHER BREAK UP THE LONG MASS.

THE PROPOSED FAÇADE RENOVATION CONSISTS OF A NEW BUILDING SKIN OVER THE EXISTING MASONRY SERVING AS BOTH AN AESTHETIC AND ENVELOPE UPGRADE. A NEW CMU WATER TABLE BASE IS INSTALLED TO PROVIDE A SENSE OF SCALE AND GRROUNDING TO THE OVERALL BUILDING. ABOVE THIS WILL BE INSTALLED LARGE ALUM STOREFRONT WINDOW OPENINGS SURROUNDED BY A CONCEALED FASTENER METAL PANEL SYSTEM. THE PROPOSED METAL SIDING CLADDING PROVIDES A LONG LASTING, DURABLE, AND SUSTAINABLE MATERIAL CHOICE. THE CLEAN LINES OF THE CONCEALED FASTENER PROFILES WILL SUGGEST A WOOD SIDING AESTHETIC. FINALLY, THE EXISTING PARAPET WALL THAT HIDES THE FLAT ROOF WILL BE TRIMMED IN A METAL FASCIA WITH AN ELEGANT AND WELL-PROPORTIONED PROFILE. THESE DETAIL AND MATERIAL ELEMENTS WILL BE USED TO THE BACK TO THE FORM BASED CODE OBJECTIVES.

LOCAL CLIMATE AND SOLAR ORIENTATION WERE ALSO TAKEN INTO CONSIDERATION FOR THE DESIGN OF THE AWNINGS AS WELL AS PLACEMENT OF KEY COMPONENTS SUCH AS THE PRIVATE OUTDOOR DINING COURTYARD AND OTHER AMENITIES SUCH AS A BASKETBALL HALF-COURT. THE COURT'S BACK WALL OF THE EXISTING BUILDING WILL PROVIDE A BACKDROP FOR A WALL MURAL AS INSPIRED BY THE FORM BASED CODE. THE HARDSCAPE PERGOLAS AND METAL SCREENINGS CREATE OPPORTUNITIES FOR GREENERY TO GROW TO FURTHER ENHANCE THE FAÇADES AS WELL AS PROVIDE WELCOMING SHADE FOR THE OCCUPANTS. DECORATIVE LIGHTING INSIDE THE COURTYARD AND GATES WILL FURTHER ENHANCE THE PEDESTRIAN FEEL.

BIKE STORAGE AND LOW EMISSION VEHICLE PARKING WILL SUPPORT THE CITY'S AND THE STATE'S GREEN INITIATIVES. AREAS FOR FUTURE PHOTOVOLTAIC INSTALLATION WILL BE PROVIDED ON THE ROOF FOR POTENTIAL ENERGY PRODUCTION AND SAVING.

JPC ARCHITECTS

T-Mobile -
 KINGSBURG CALL CENTER
 333 SIERRA STREET
 CA-93631

DESIGN: JPC ARCHITECTS
DRAWN: AU, PB, JR, DP
CHECKED: JR
NO.: 19-0457

No	Description	Date
	PRE APPLICATION	05/26/2020
	SPACE PLAN REVIEW	08/17/2020
	SCHEMATIC DESIGN ISSUE	09/09/2020
	PRE APPLICATION REV 1	09/24/2020

SHEET INDEX:

I-0.0	COVER SHEET
I-0.3.0	OVERALL SITE PLAN
I-0.3.1	NORTH MAIN PARKING
I-0.3.2	SOUTH MAIN PARKING
I-0.3.3	CRUM COURT PARKING
I-0.3.4	BARTON COURT PARKING
I-0.4.0	BUILDING ELEVATIONS
I-0.4.1	PARTIAL BUILDING ELEVATION - NORTH
I-0.4.3	PARTIAL BUILDING ELEVATION - EAST
I-0.4.5	PARTIAL BUILDING ELEVATION - SOUTH
I-0.4.7	PARTIAL BUILDING ELEVATION - WEST
L-1.0	LANDSCAPE PLAN

CODE INFORMATION:

PROJECT ADDRESS:	APPLICABLE EDITIONS OF BUILDING CODES:
333 SIERRA STREET KINGSBURG, CA 93631	2019 CALIFORNIA ADMINISTRATIVE CODE - TITLE 24, PART 1
CONSTRUCTION TYPE: III-B FULLY SPRINKLED	2019 CALIFORNIA BUILDING CODE - TITLE 24, PART 2 2019 CALIFORNIA ELECTRICAL CODE - TITLE 24, PART 3 2019 CALIFORNIA MECHANICAL CODE - TITLE 24, PART 4
ZONE: CH - HIGHWAY COMMERCIAL AND HIGHWAY 99 BEAUTIFICATION AREA	2019 CALIFORNIA PLUMBING CODE - TITLE 24, PART 5 2019 CALIFORNIA ENERGY CODE - TITLE 24, PART 6 2019 CALIFORNIA FIRE CODE - TITLE 24, PART 9
OCCUPANCY: B	2019 CALIFORNIA EXISTING BUILDING CODE - TITLE 24, PART 10 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE (CAL GREEN) - TITLE 24, PART 11 2019 CALIFORNIA REFERENCED STANDARDS CODE - TITLE 24, PART 12
TENANT SQUARE FOOTAGE: 90,000 SF	

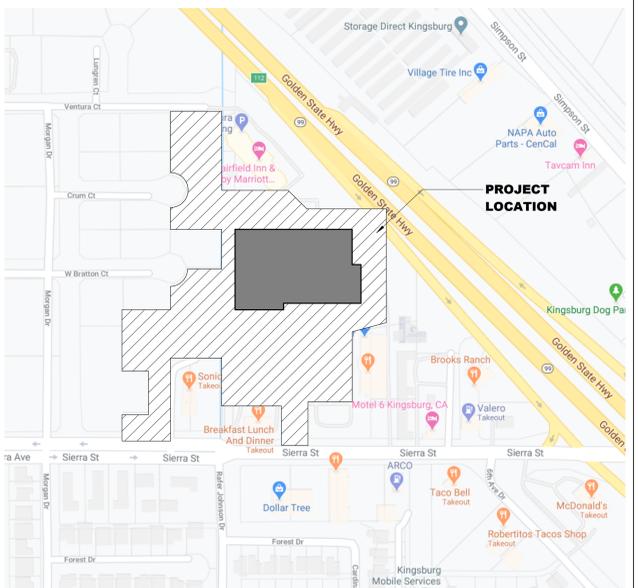
WORK UNDER SEPARATE PERMITS:

<input type="checkbox"/>	FIRE ALARM PERMIT
<input type="checkbox"/>	FIRE SPRINKLER PERMIT

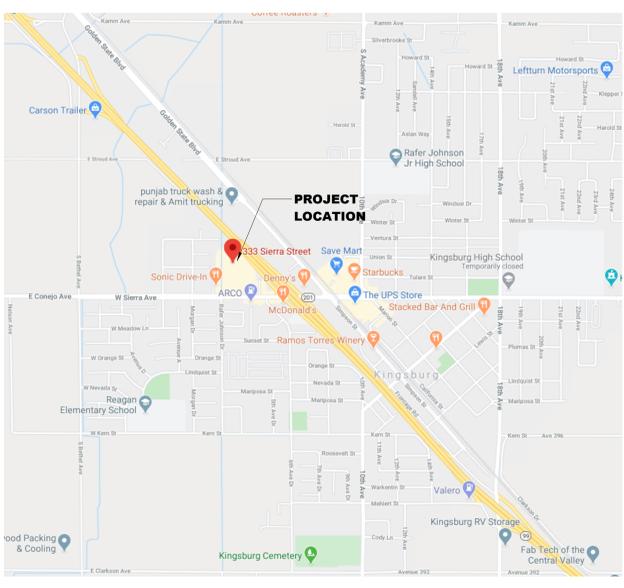
DOCUMENTS FOR WORK UNDER SEPARATE PERMITS OR DEFERRED SUBMITTALS SHALL BE SUBMITTED TO THE REGISTERED DESIGN PROFESSIONAL IN CHARGE (ARCHITECT/ENGINEER OF RECORD) FOR REVIEW PRIOR TO SUBMITTAL TO THE BUILDING OFFICIAL.

NO WORK SHALL PROCEED UNTIL THE DOCUMENTS HAVE BEEN APPROVED BY THE BUILDING OFFICIAL AND PERMIT OBTAINED.

VICINITY MAP:



LOCATION MAP:



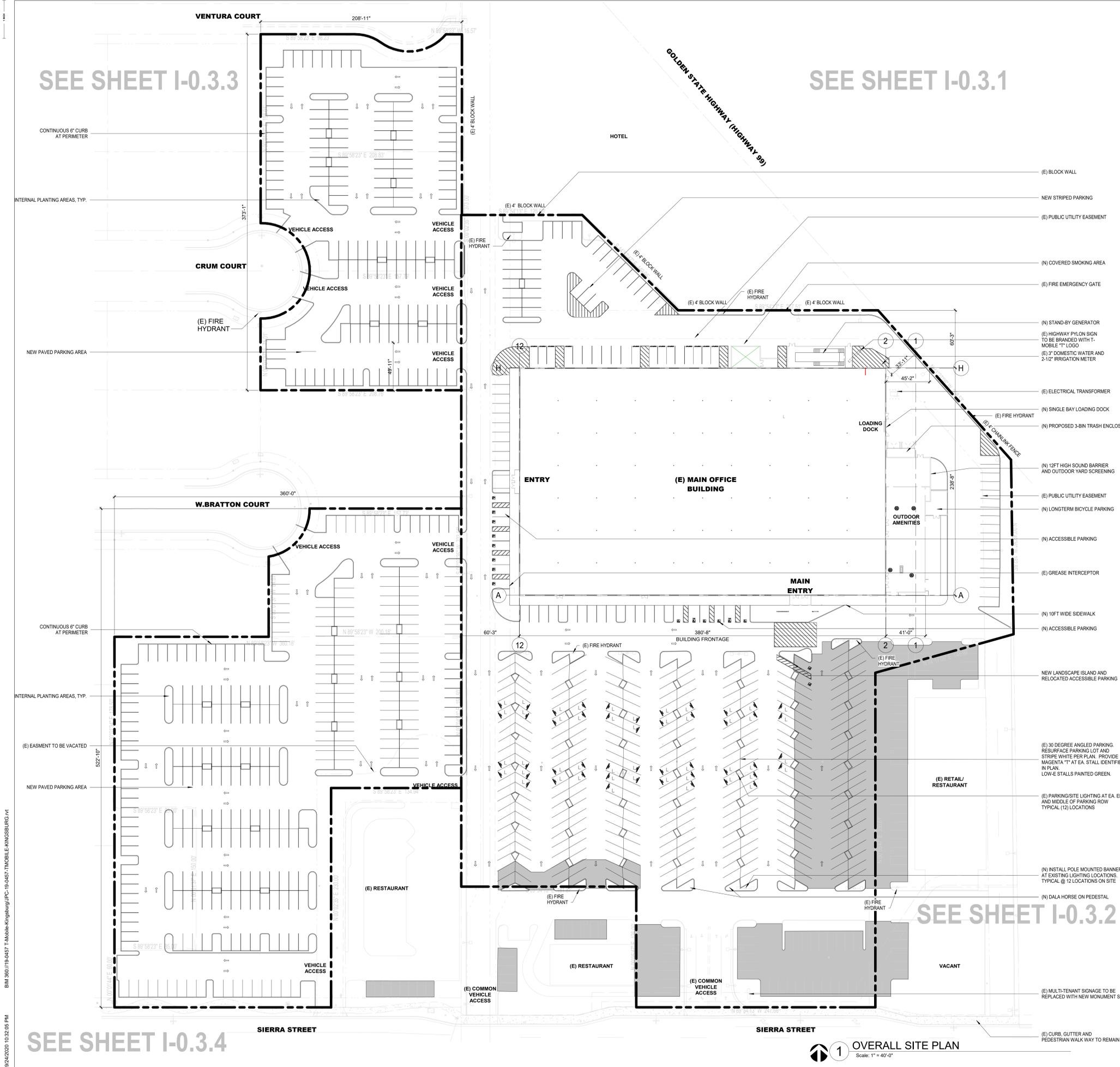
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COVER SHEET

I-0.0

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SEE SHEET I-0.3.3

SEE SHEET I-0.3.1

SEE SHEET I-0.3.2

SEE SHEET I-0.3.4

1 OVERALL SITE PLAN
Scale: 1" = 40'-0"

SITE DATA:

SITE ADDRESS:
33 SIERRA STREET
KINGSBURG, CA 93631

APN & AREAS:
394-042-10 / 7.99± (MAIN SITE)
394-400-19 / 2.21± (BRATTON COURT PARKING)
394-400-11 / 0.58± (BRATTON COURT PARKING)
394-400-20 / 0.00 (BRATTON COURT PARKING)
394-390-14 / 0.55± (CRUM COURT PARKING)
394-390-15 / 0.55± (CRUM COURT PARKING)
394-390-20 / 0.56± (CRUM COURT PARKING)

LEGAL DESCRIPTION:
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF KINGSBURG, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1: APN 394-400-011; 394-390-15; 394-390-15; 394-390-20
LOT 5, 12, 13 AND 18 OF TRACT NO. 5177, IN THE CITY OF KINGSBURG, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 69, PAGE(S) 91, 92, 93 AND 94 OF PLATS, FRESNO COUNTY RECORDS.

PARCEL 2: APN 394-400-19
LOT 1 OF TRACT NO. 5177, IN THE CITY OF KINGSBURG, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 69 PAGE(S) 91, 92, 93 AND 94 OF PLATS, FRESNO COUNTY RECORDS.

EXCEPTING THEREFROM THE SOUTH 230.00 FEET OF THE EAST 135.00 FEET TO SAID LOT 1.
ALSO EXCEPTING THEREFROM THE WEST 85.00 FEET OF THE NORTH 150.00 FEET OF THE SOUTH 210.00 FEET OF LOT 1.

APN: 394-390-20 394-390-15, 394-390-14 394-400-11, 394-400-19

EXISTING SITE ZONE: CH (HIGHWAY COMMERCIAL) AND HIGHWAY 99 BEAUTIFICATION AREA

SITE DRAINAGE:

SITE DRAINAGE WILL BE CONVEYED FROM THE SITE BY SURFACE FLOW OR PIPING TO THE CITY OF KINGSBURG FOR DISPOSAL. ALL DRAINAGE TO BE CONVEYED OFF SITE.

SITE PLAN LEGEND:

- PROPERTY LINE
- SETBACK AND EASEMENT LINE
- RETAIL/ RESTAURANT PARKING
NOT COUNTED AS PART OF T-MOBILE SITE AGREEMENT

SITE PARKING NOTES:

REF: CITY OF KINGSBURG PARKING MANUAL, 2008
REF: KINGSBURG MUNICIPAL CODE, CHAPTER 11B-208
REF: 2019 CALIFORNIA BUILDING CODE, CHAPTER 11B-208
REF: 2019 CALGREEN, CHAPTER 5.101

KINGSBURG PARKING MANUAL
PARKING DESIGN STANDARDS PASSENGER VEHICLE PARKING SPACES
CASE 1 - STANDARD PAINTED STALL (10FT WIDE X 20FT LONG)
CASE 2 - STANDARD STALL W/ CONTINUOUS CONC. CURB (10FT WIDE X 18FT LONG)
CASE 3 - COMPACT PAINTED STALL (9FT WIDE X 19FT LENGTH)
CASE 4 - COMPACT STALL W/ CONTINUOUS CONC. CURB (9FT WIDE X 18FT LONG)

PARKING SPACES TO BE PAINTED W/ MIN. 4" WIDE STRIPE OR CURB
LANDSCAPING AND IRRIGATION REQUIRED. REFER TO LANDSCAPE PLANS.

LIGHTING WITHIN THE PARKING FACILITY SHOULD BE DESIGNED TO PROVIDE MINIMUM AVERAGE LIGHT LEVEL OF 1/2 FOOT CANDLE THROUGHOUT INCLUDING PARKING SPACES, LOADING SPACES, AND PEDESTRIAN AREAS.

2019 CALIFORNIA BUILDING CODE, CHAPTER 11B-208
*FOR THIS CHAPTER, ELECTRIC VEHICLE CHARGING STATIONS ARE NOT CONSIDERED PARKING SPACES.

ACCESSIBLE PARKING STALLS TO BE PROVIDED ARE 2% OF THE TOTAL ACCESSIBLE CAR PARKING STALLS ARE MIN. 9FT WIDE X 18FT LONG
ACCESSIBLE VAN PARKING STALLS ARE MIN. 12FT WIDE X 18FT LONG
60" ACCESSIBLE AISLE BETWEEN STALLS REQUIRED

2019 CALGREEN NONRESIDENTIAL MANDATORY MEASURES, CHAPTER 5.106
SHORT TERM BIKE PARKING IS NOT REQUIRED, DUE TO THE BUILDING NOT GENERATING VISITOR TRAFFIC.

LONGTERM BIKE PARKING IS REQUIRED FOR 5% OF THE NEW VEHICLE PARKING SPACES ADDED AND ARE TO BE COVERED, LOCKABLE ENCLOSURES

DESIGNATED PARKING FOR CLEAN AIR VEHICLES ARE REQUIRED AT 8% OF THE TOTAL NUMBER OF PARKING SPACES. AND STALLS SHOULD BE MARKED AS "CLEAN AIR/ VANPOOL/ EV".

PARKING CALCULATIONS:

KINGSBURG MUNICIPAL CODE 17.52.020 OFF STREET PARKING
PROPOSED PARKING CALCULATION: MANUFACTURING/ SHIFT WORK
1 PARKING STALL REQUIRED PER EACH EMPLOYEE OF THE MAXIMUM WORK SHIFT.
THERE WILL BE 769 TOTAL EMPLOYEES AT MAXIMUM WORK SHIFT. APPROXIMATELY 615 OF WHOM DRIVE VEHICLES TO WORK; THUS 615 PARKING STALLS ARE REQUIRED. 778 STALLS ARE TO BE PROVIDED.

339 PARKING STALLS PROVIDED AT MAIN SITE
148 PARKING STALLS PROVIDED ON CRUM COURT
291 PARKING STALLS PROVIDED ON BRATTON COURT

778 TOTAL PARKING STALLS PROVIDED.
FOR THE PURPOSE OF CALCULATION ADDITIONAL PARKING, THE PREVIOUS (EXISTING) AVAILABLE PARKING FOR THIS SITE WAS 383 TOTAL PARKING STALLS. THUS 389 STALLS ADDED.

REQUIRED PARKING SHOWN ON SITE:
687 STANDARD PARKING STALLS
10 COMPACT PARKING STALLS
19 ACCESSIBLE STALLS (2% OF TOTAL STALLS)
62 [L] LOW EMISSIONS VEHICLE STALLS (8% OF TOTAL STALLS)
20 LONG TERM BIKE PARKING STALLS (5% OF NEW STALLS ADDED)

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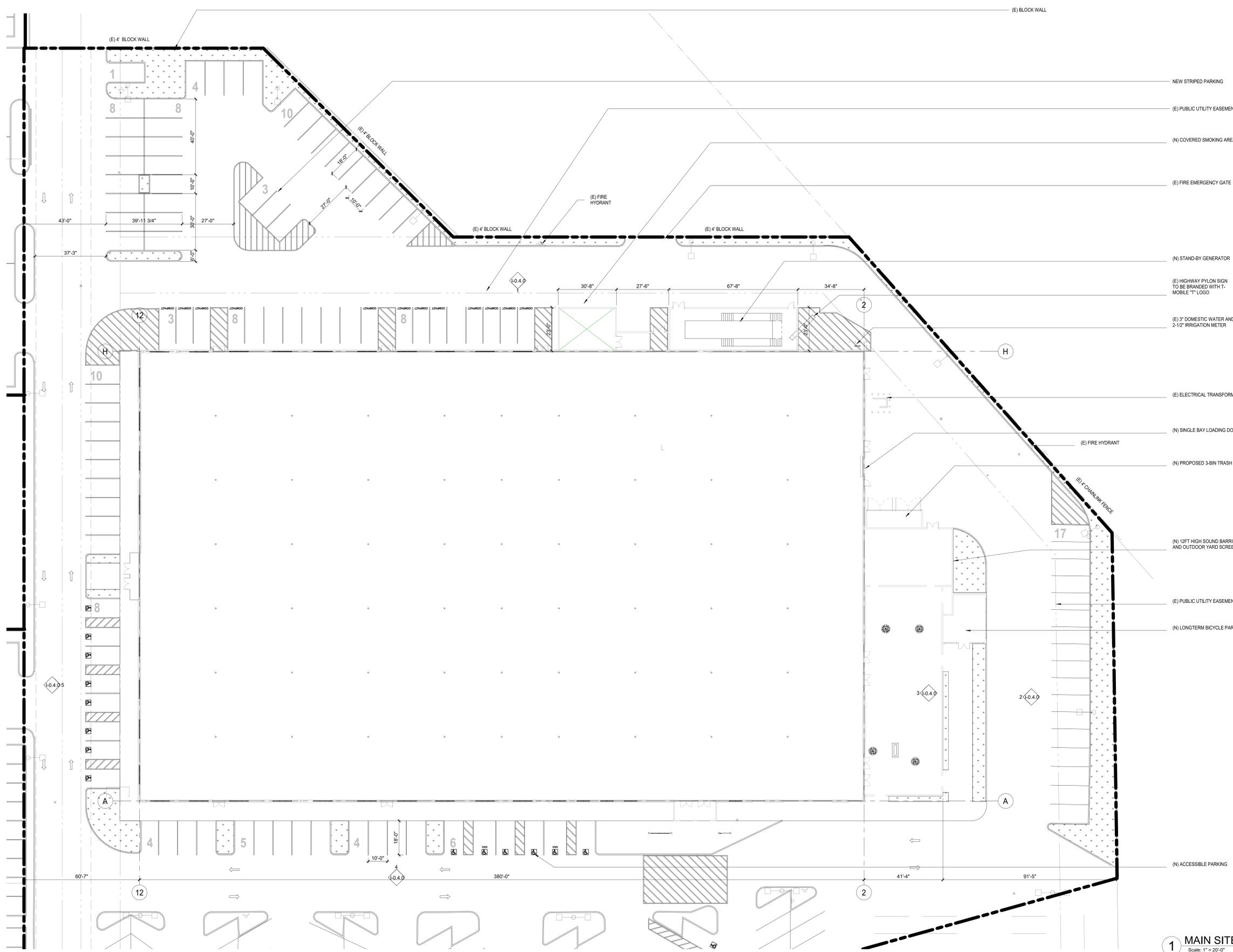
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DRAWN: DP
CHECKED: JR
NO.: 19-0457

No	Description	Date
1	PRE APPLICATION	05/28/2020
2	SPACE PLAN REVIEW	08/17/2020
3	SCHEMATIC DESIGN ISSUE	09/09/2020
4	PRE APPLICATION REV 1	09/24/2020

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SITE PLAN LEGEND:

- PROPERTY LINE
- - - - - SETBACK AND EASEMENT LINE
- RETAIL/ RESTAURANT PARKING
NOT COUNTED AS PART OF T-MOBILE SITE AGREEMENT



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1 MAIN SITE NORTH PARKING
 Scale: 1" = 20'-0"

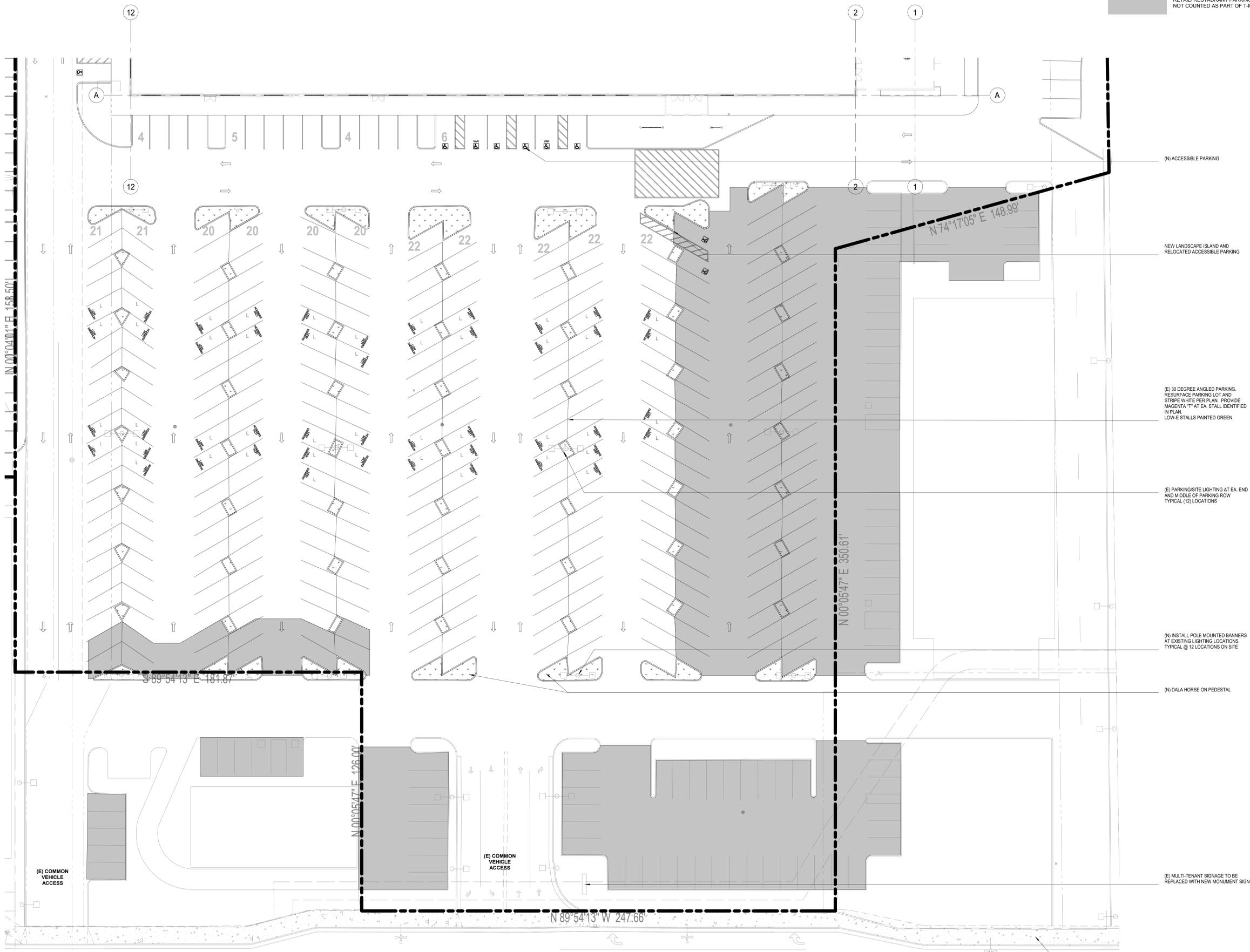
NORTH MAIN PARKING

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(N) ACCESSIBLE PARKING

NEW LANDSCAPE ISLAND AND RELOCATED ACCESSIBLE PARKING

(E) 30 DEGREE ANGLED PARKING. RESURFACE PARKING LOT AND STRIPE WHITE PER PLAN. PROVIDE MAGENTA "T" AT EA STALL IDENTIFIED IN PLAN. LOW-E STALLS PAINTED GREEN.

(E) PARKING/SITE LIGHTING AT EA END AND MIDDLE OF PARKING ROW. TYPICAL (12) LOCATIONS

(N) INSTALL POLE MOUNTED BANNERS AT EXISTING LIGHTING LOCATIONS. TYPICAL @ 12 LOCATIONS ON SITE

(N) DALI HORSE ON PEDESTAL

(E) MULTI-TENANT SIGNAGE TO BE REPLACED WITH NEW MONUMENT SIGN

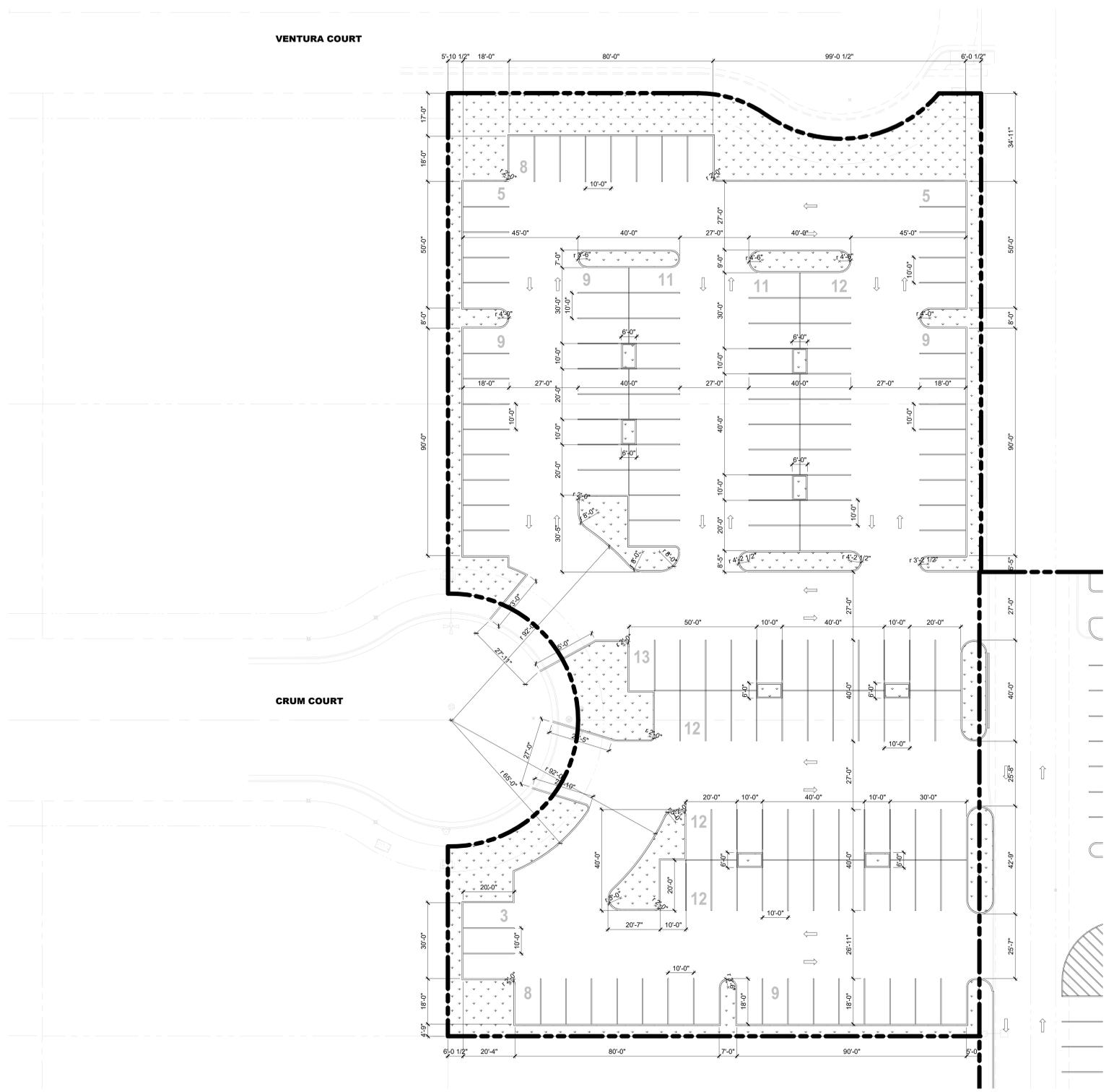
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SITE PLAN LEGEND:

- — — — — PROPERTY LINE
- - - - - SETBACK AND EASEMENT LINE
- RETAIL/ RESTAURANT PARKING
NOT COUNTED AS PART OF T-MOBILE SITE AGREEMENT



1 CRUM COURT PARKING
Scale: 1" = 20'-0"

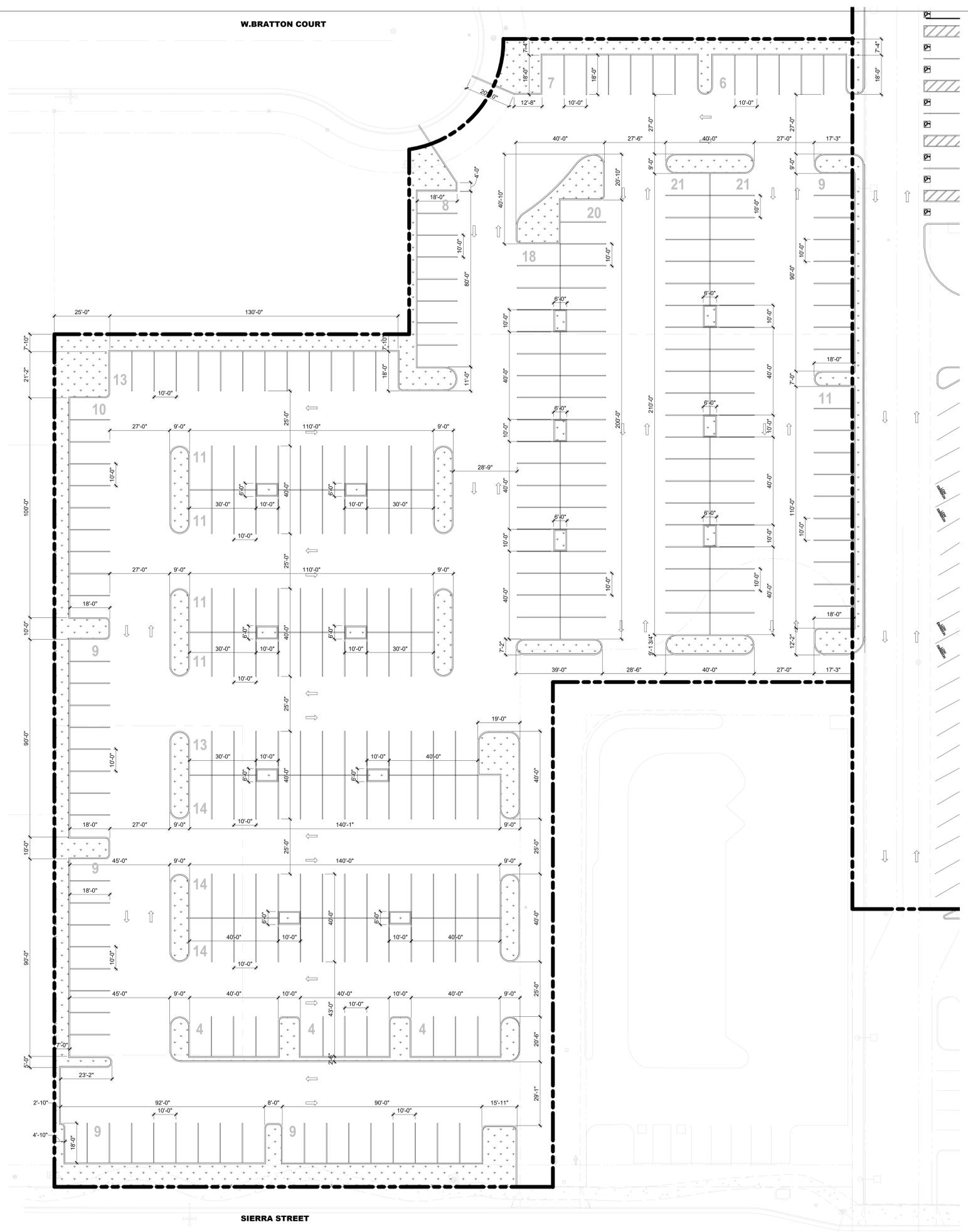
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CRUM COURT PARKING
AREA

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SITE PLAN LEGEND:

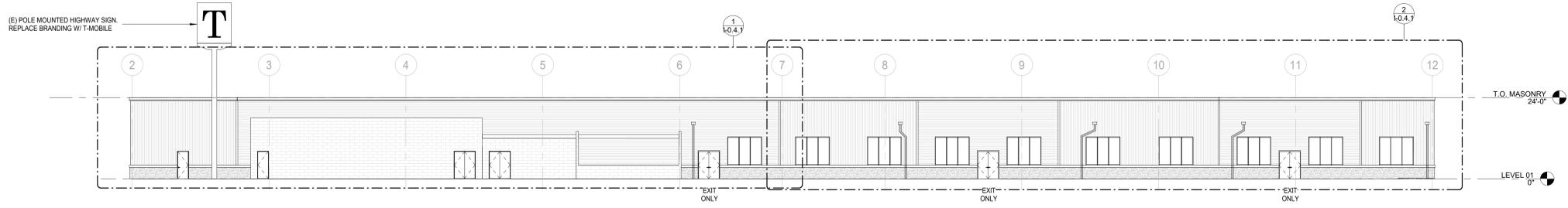
- PROPERTY LINE
- SETBACK AND EASEMENT LINE
- RETAIL/ RESTAURANT PARKING
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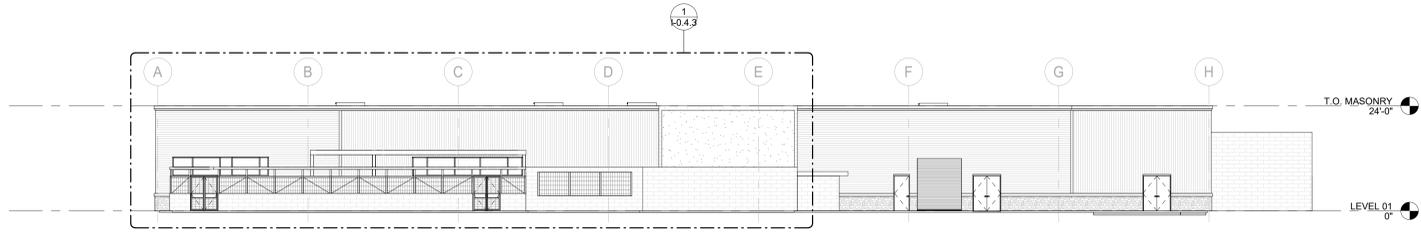
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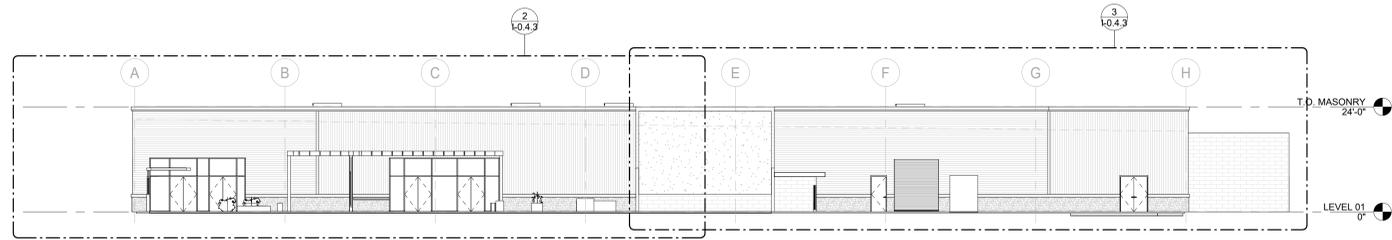
1 BRATTON COURT PARKING
 Scale: 1" = 20'-0"



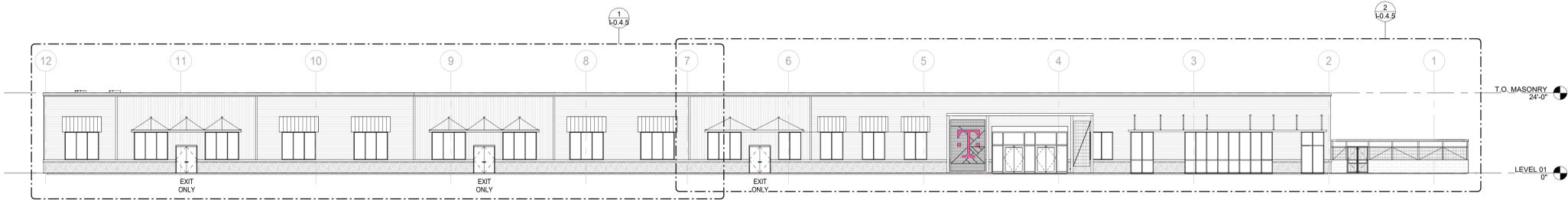
1 NORTH ELEVATION
Scale: 1/16" = 1'-0"



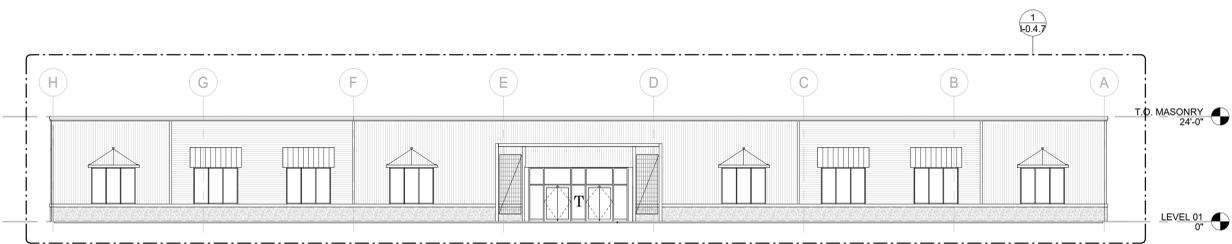
2 EAST ELEVATION AT AMENITY SCREENING
Scale: 1/16" = 1'-0"



3 EAST ELEVATION
Scale: 1/16" = 1'-0"



4 SOUTH ELEVATION
Scale: 1/16" = 1'-0"



5 WEST ELEVATION
Scale: 1/16" = 1'-0"

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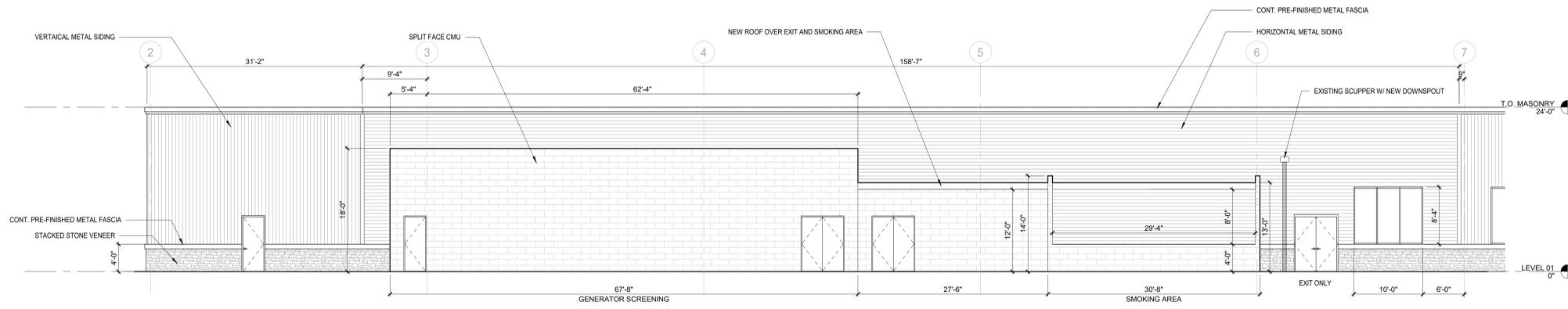
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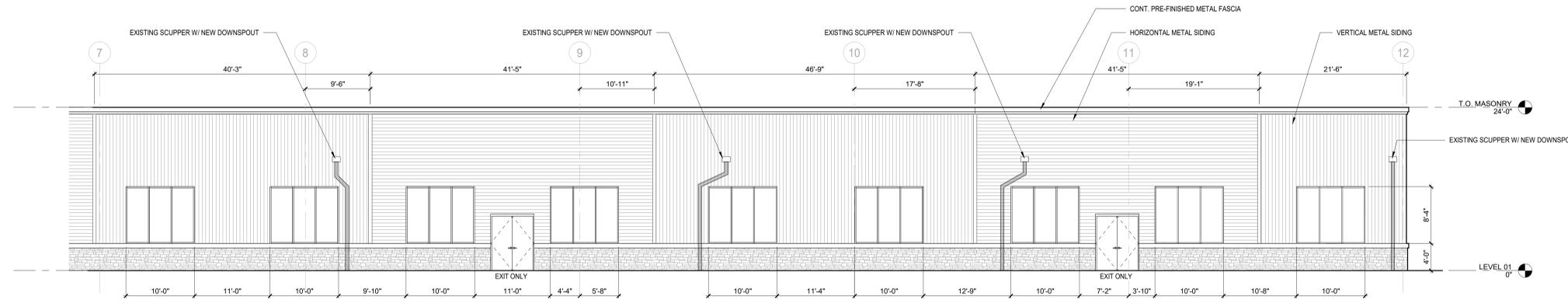
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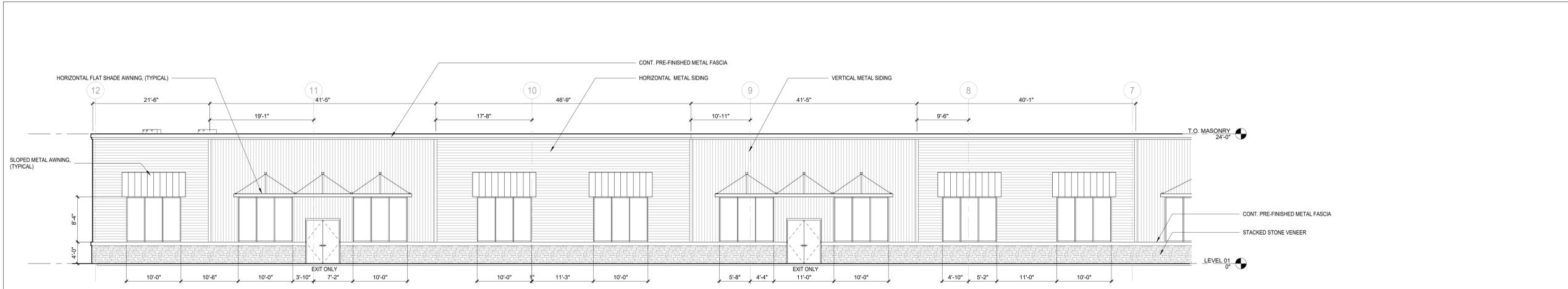


1 ENLARGED NORTHEAST ELEVATION
Scale: 1/8" = 1'-0"

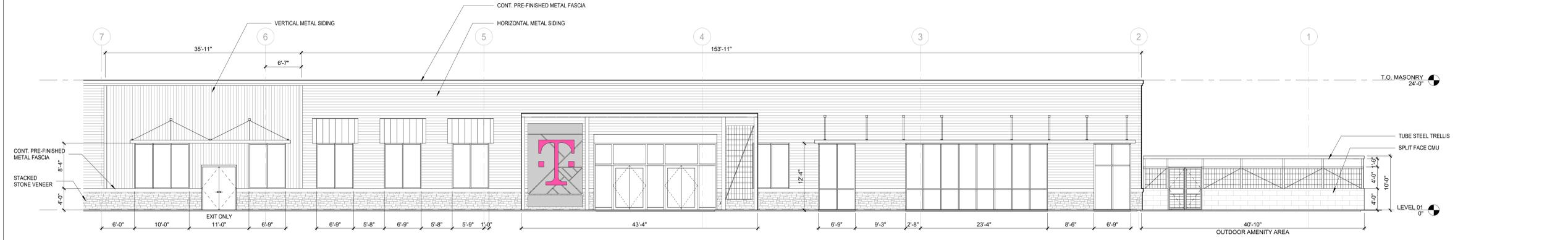


2 ENLARGED NORTHWEST ELEVATION
Scale: 1/8" = 1'-0"

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1 ENLARGED SOUTHWEST ELEVATION
Scale: 1/8" = 1'-0"



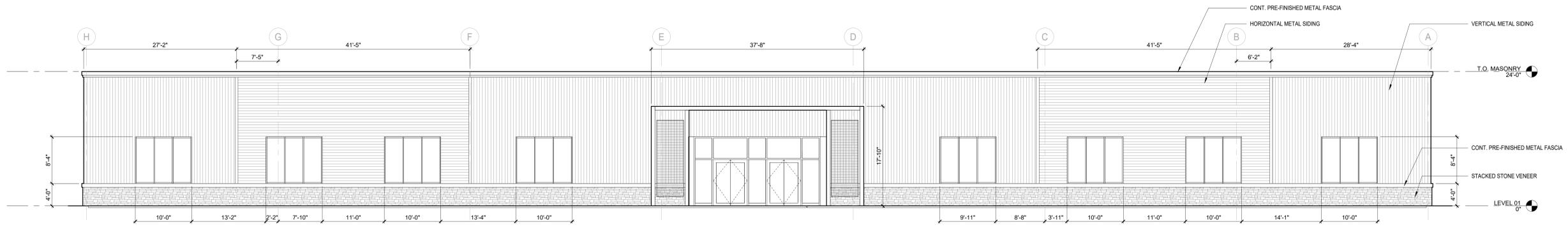
2 ENLARGED SOUTHEAST ELEVATION
Scale: 1/8" = 1'-0"

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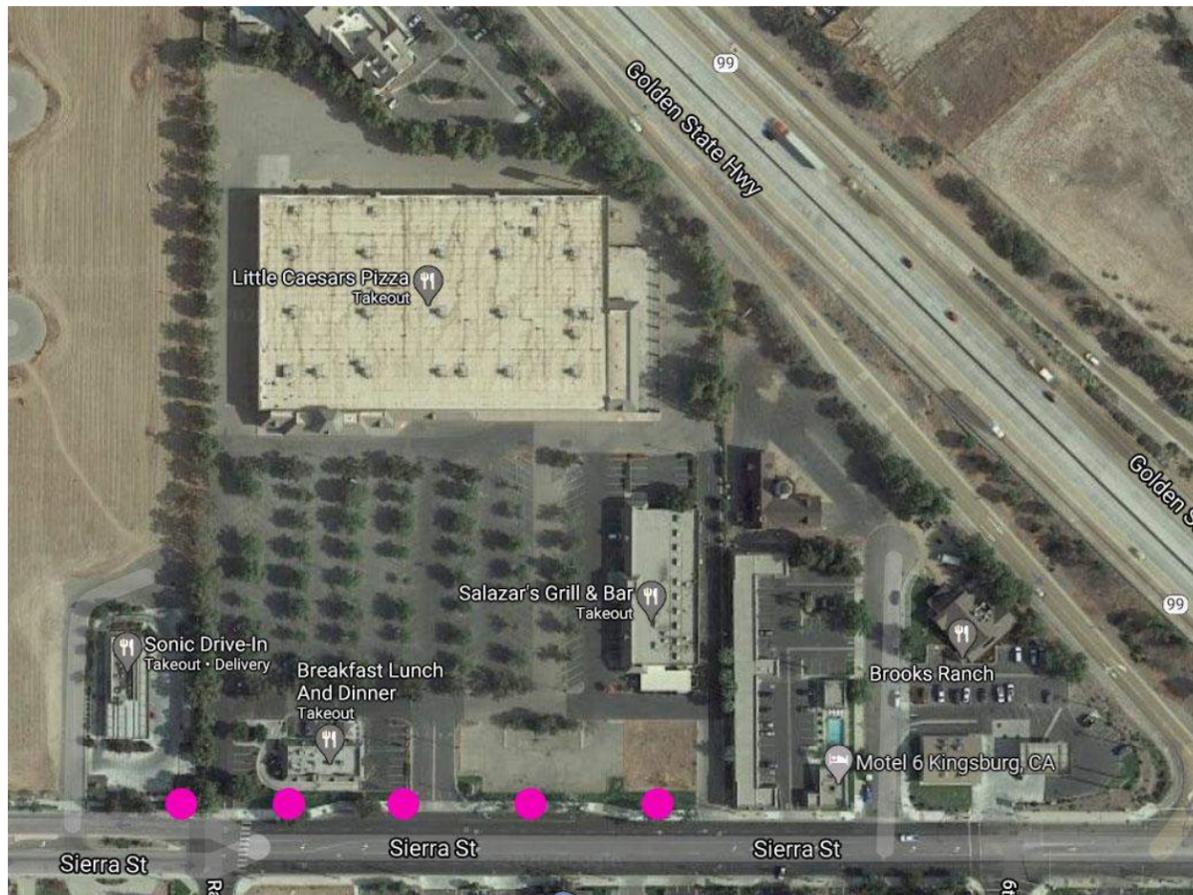
1 ENLARGED WEST ELEVATION
Scale: 1/8" = 1'-0"

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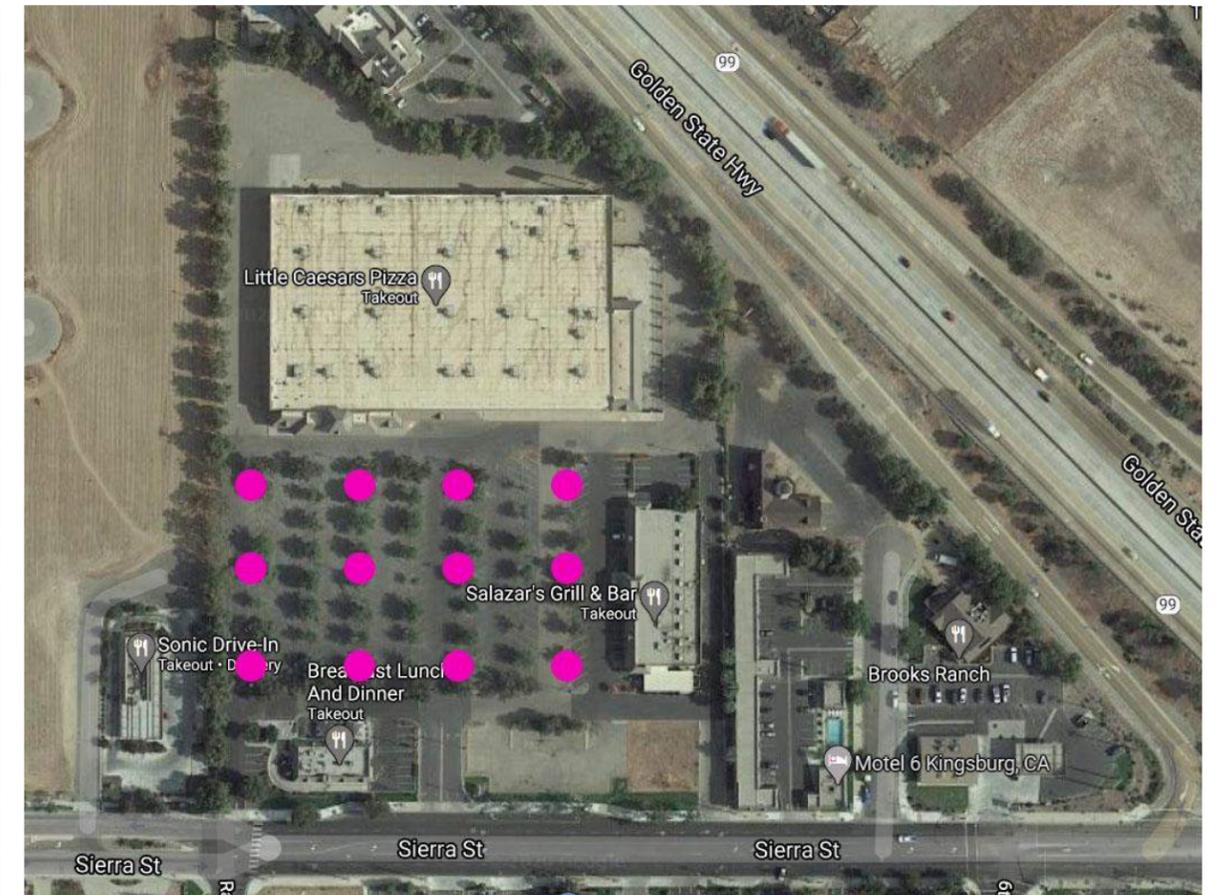
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1	2
3	4



Strategy: Banners at Site Frontage



Strategy: Banners at Site Lighting Locations



Example: Welcome Banners in Kingsburg

BANNERS & FLAGS - SITE LOCATIONS



Example: Welcome Banners in Kingsburg



Proposed Option 1: Swedish Flags



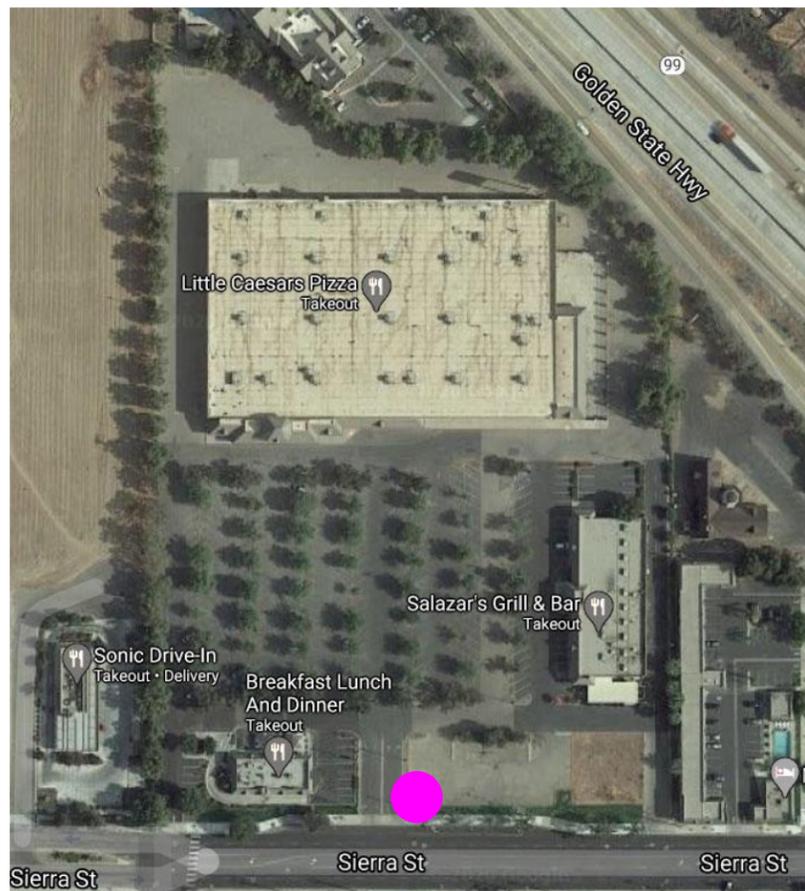
Mock up of Frontage Strategy on Sierra Street



Proposed Option 2: Swedish Icons with T-Mobile Coloring

BANNERS & FLAGS

Concept: New Monument Sign in Existing Location



Existing Monument Sign Location



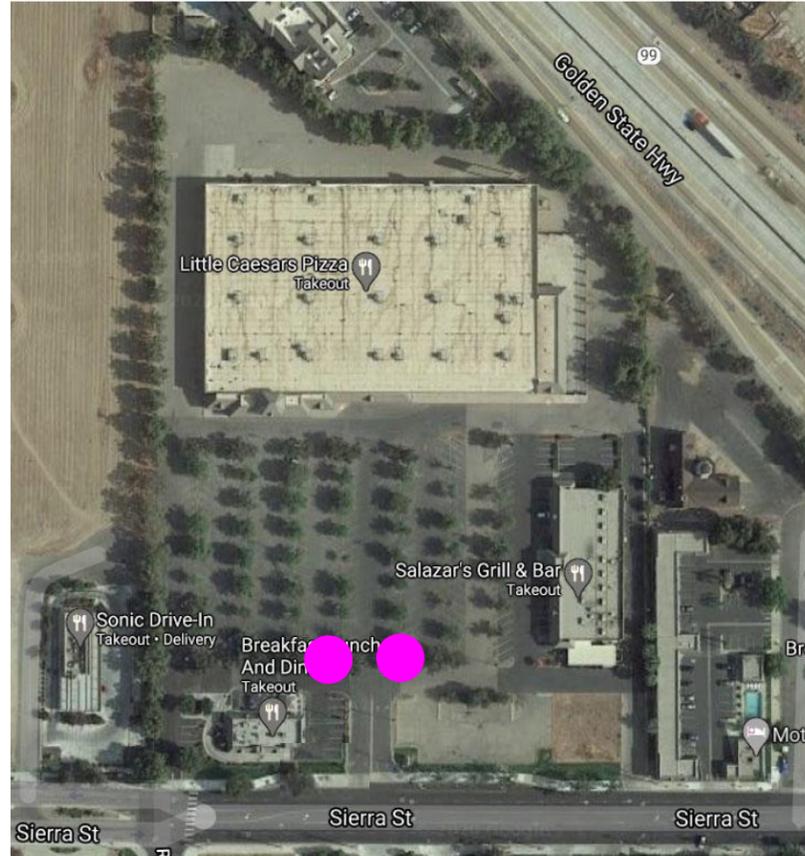
Existing Monument Sign off of Sierra Street



MONUMENT SIGN



Example: World's Largest Dala Horse (Sweden)



Proposed Site Location of Dala Horse Statue on T-Mobile Site

Coloring Suggestion for Dala Horse Statue at T-Mobile, Kingsburg



Example at Kingsburg McDonald's

DALA HORSES