



**City Council  
Successor Redevelopment Agency  
Financing Authority  
Housing Authority**

**AGENDA**

**Wednesday**

**Regular**

**Closed Session 5:00 p.m.  
Regular Session 6:00 p.m.**

**October 19, 2016**

**City Hall  
100 West California Avenue  
Ridgecrest CA 93555**

**(760) 499-5000**

**Peggy Breeden, Mayor  
James Sanders, Mayor Pro Tempore  
Lori Acton, Vice Mayor  
Eddie B. Thomas, Council Member  
Mike Mower, Council Member**

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CITY OF RIDGECREST  
Telephone 760 499-5000  
FAX 499-1500

100 West California Avenue, Ridgecrest, California 93555-4054

**NOTICE AND CALL OF SPECIAL CLOSED SESSION MEETING OF THE  
RIDGECREST CITY COUNCIL / SUCCESSOR REDEVELOPMENT AGENCY/  
FINANCING AUTHORITY/HOUSING AGENCY**

**TO THE MEMBERS OF THE RIDGECREST CITY COUNCIL / SUCCESSOR  
REDEVELOPMENT AGENCY/FINANCING AUTHORITY / HOUSING AGENCY AND CITY  
CLERK:**

**PUBLIC NOTICE** that a **SPECIAL CLOSED SESSION MEETING** of the Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Agency is hereby called to be held on **Wednesday, October 19, 2016, at 5:00 p.m.**, in the **Council Chambers Conference Room**, 100 W. California Avenue, Ridgecrest, California.

Said **SPECIAL CLOSED SESSION MEETING** shall be for the purpose of:

- GC54956.9 (d) (4) Conference with Legal Counsel – Potential Litigation – City Of Ridgecrest v. County Of Kern
- GC54956.9 (d) (4) Conference with Legal Counsel – Potential Litigation – City Of Ridgecrest v. Southern California Edison
- GC54956.9 (d) (4) Conference with Legal Counsel – Potential Litigation – Public Disclosure Of Potential Litigant Would Prejudice The City Of Ridgecrest
- GC54956.9 (d) (4) Conference with Legal Counsel – Existing Litigation – William Johnson v. City of Ridgecrest; USDC Eastern District of Cal. Case No. 1:15-CV-01540 JLT
- GC54956.9 (d) (4) Conference with Legal Counsel – Existing Litigation – City Of Ridgecrest v. Matasantos; Sacramento County Superior Court Case No. 34-2013-80001438
- GC54956.9 (d) (4) Conference with Legal Counsel – Existing Litigation – City Of Ridgecrest v. Cohen; Sacramento County Superior Court Case No. 34-2015-80002045

Dated: October 13, 2016

Peggy Breeden, Mayor / Chair

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Dated: October 13, 2016



Rachel J. Ford, CMC, City Clerk



LAST ORDINANCE NO. 16-01  
LAST RESOLUTION CITY COUNCIL NO. 16-113

## **CITY OF RIDGECREST**

### **CITY COUNCIL REDEVELOPMENT SUCCESSOR AGENCY HOUSING AUTHORITY FINANCING AUTHORITY**

#### **AGENDA**

Regular Council  
Wednesday October 19, 2016

#### **CITY COUNCIL CHAMBERS CITY HALL**

100 West California Avenue  
Ridgecrest, CA 93555

**Closed Session – 5:00 p.m.**  
**Regular Session – 6:00 p.m.**

This meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other handicaps may be requested of the City Clerk (499-5002) five working days in advance of the meeting.

In compliance with SB 343. City Council Agenda and corresponding writings of open session items are available for public inspection at the following locations:

1. City of Ridgecrest City Hall, 100 W. California Ave., Ridgecrest, CA 93555
2. Kern County Library – Ridgecrest Branch, 131 E. Las Flores Avenue, Ridgecrest, CA 93555
3. City of Ridgecrest official website at <http://ci.ridgecrest.ca.us>

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF AGENDA**

**PUBLIC COMMENT – CLOSED SESSION**

**CLOSED SESSION – 5:00 p.m.**

- GC54956.9 (d) (4) Conference with Legal Counsel – Potential Litigation – City Of Ridgecrest v. County Of Kern
- GC54956.9 (d) (4) Conference with Legal Counsel – Potential Litigation – City Of Ridgecrest v. Southern California Edison
- GC54956.9 (d) (4) Conference with Legal Counsel – Potential Litigation – Public Disclosure Of Potential Litigant Would Prejudice The City Of Ridgecrest
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**REGULAR SESSION – 6:00 p.m.**

- Pledge Of Allegiance
- Invocation

**CITY ATTORNEY REPORT**

- Closed Session
- Other

**PRESENTATIONS**

1. Presentation Of A Proclamation Honoring Ed Waldheim

**Council**

**PUBLIC COMMENT**

**COUNCIL ANNOUNCEMENTS**

## CONSENT CALENDAR

2. Proposed Action To Approve Two Resolutions Declaring The City's Intention And Initiating Proceedings To Annex Territory (Annexation No. 2016-2) To The Ridgecrest Landscaping And Lighting District No. 2012-1; And To Levy And Collect Annual Assessments Related Thereto Commencing Fiscal Year 2017/2018, Pursuant To The Provisions Of Part 2 Of Division 15 Of The California Streets And Highways Code; And Calling For A Property Owner Protest Proceeding, To Submit To The Qualified Property Owners The Question Of Levying Such Assessments And Establishing An Assessment Range Formula For Said Annexation Territory Pursuant To The Provisions Of The California Constitution, Article XIID  
Culp
3. Proposed Action To Approve Draft Minutes Of The Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Minutes Dated October 5, 2016  
Ford

## DISCUSSION AND OTHER ACTION ITEMS

4. Discussion And Proposed Action To Provide Direction To The City's Representative On The Board Of The Indian Wells Valley Groundwater Authority (IWVGA) Regarding Proposed Operational Documents Breeden

## COMMITTEE REPORTS

*(Committee Meeting dates are subject to change and will be announced on the City website)*

### City Organization and Services Committee

Members: Peggy Breeden; Mike Mower  
Meeting: 4<sup>th</sup> Wednesday each month at 5:00 p.m. as needed  
Location: Council Conference Room B

### Infrastructure Committee

Members: Jim Sanders; Mike Mower  
Meeting: 4<sup>th</sup> Thursday each month at 5:00 p.m. as needed  
Location: Council Conference Room B

### Parks, Recreation, and Quality of Life Committee

Members: Eddie Thomas; Lori Acton  
Meeting: 1<sup>st</sup> Tuesday each month at 12:00 p.m. as needed  
Location: Kerr-McGee Center Meeting Rooms

### ❖ Ad Hoc Youth Advisory Council

Members: Eddie Thomas  
Meeting: 2<sup>nd</sup> Wednesday of each month, 12:00 p.m. as needed  
Location: Kerr-McGee Center Meeting Rooms

**Activate Community Talents and Interventions For Optimal Neighborhoods Task Force (ACTION)**

Members: Eddie Thomas; Lori Acton  
Meeting: Biannually 3<sup>rd</sup> Tuesday of the month at 4:00 p.m. as needed  
Location: Kerr McGee Center Meeting Rooms

**Ridgecrest Area Convention And Visitors Bureau (RACVB)**

Members: Lori Acton and Eddie Thomas  
Meetings: 1<sup>st</sup> Wednesday Of The Month, 8:00 A.M.  
Next Meeting: To Be Announced

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

**CITY MANAGER REPORT**

**FUTURE AGENDA ITEMS**

**MAYOR AND COUNCIL COMMENTS**

**ADJOURNMENT**



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**A PROCLAMATION OF  
THE CITY OF RIDGECREST, CALIFORNIA**

**Honoring Regional Activist Ed Waldheim**

**WHEREAS**, Ed Waldheim has been the voice, heart, and soul of outdoor recreation on public lands for several decades riding his motorcycle daily on designated desert trails around Ridgecrest and California City to compile work lists for trail maintenance crews employed by Friends of Jawbone in partnership with the BLM, and;

**WHEREAS**, Ed was a Founder for numerous Friends groups, including Friends of Jawbone, Friends of El Mirage, and Friends of Dumont Dunes, and under the umbrella of the California Trail Users Coalition: Partnership for Johnson Valley, Stewards of the Sequoia National Forest, Stewards of the Sierra National Forest, Friends of the Clear Creek Management Area, Friends of Forest Hill, Azusa Canyon Off Road Association, Central Coast Motorcycle Association, Friends of Temblors, and;

**WHEREAS**, Ed was Inducted into the Off-road Motorsports Hall of Fame in 2005, and into the AMA Motorcycle Hall of Fame in 2007 and received numerous awards and recognition including BLM National Volunteer of the Year, multiple Letters of Commendation from BLM; AMA Motorcycling Advocate Lifetime Achievement Award; OHMVRD Golden Helmet Award; CORVA Off roader of the Year to name a few, and;

**WHEREAS**, Ed has been instrumental in obtaining funding and support for various projects including construction of visitors' centers BLM's Jawbone and El Mirage OHV areas; Organizer of quarterly OHV Leadership meetings across the state, including the BLM Desert District; Longtime collaborator among the Public Lands Roundtable of Ridgecrest; organized clubs for Optimist International, and is well known nationally for his work organizing large family RV events for Sports Coach Owners International club, particularly their annual New Year's Day Rose Parade gathering which has organized for the past 35 years. When Indian Wells Valley Optimist Club and California City Optimist Club started to wane, he revitalized the groups to what they are today.

**NOW THEREFORE BE IT PROCLAIMED**

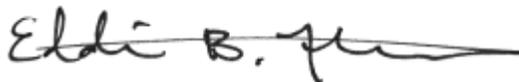
The City Council of the City of Ridgecrest does hereby recognize, honor, and thank Ed Waldheim for his selfless contributions to preserving our local desert recreational trails and pathways for the benefit.

***Proclaimed this 19<sup>th</sup> Day of October 2016***

  
***Peggy Breeden, Mayor***

  
***James Sanders***  
***Mayor Pro Tem***

  
***Lori Acton***  
***Vice Mayor***

  
***Eddie B. Thomas***  
***Council Member***

  
***Mike Mower***  
***Council Member***

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/  
FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

**SUBJECT:**

LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT ANNEXATION OF TENTATIVE PARCEL MAP 11790, (WALMART SITE) AND SURROUNDING BENEFITTED COMMERCIAL PROPERTIES.

**PRESENTED BY:**

Loren Culp – Assistant Public Works Director/City Engineer

**SUMMARY:**

Pursuant to RMC, Section 19-2.3h. TPM 11790, (Walmart site), is required to provide a maintenance district to cover the cost of operating and maintaining street lighting and landscaping. Additionally as a condition of development, area benefitted developers are required to annex their development into the existing City of Ridgecrest Landscaping and Lighting District No. 2012-1. This initial action by the City Council initiates the annexation process and declares the City's intention to levy assessments for TPM 11790 and benefitted properties generally located in proximity to Bowman Road and S. China Lake Boulevard area (New Walmart area). This action also preliminarily adopts the Engineer's Report and sets the time and place for the public hearing on this issue.

Pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 the California Streets and Highways Code, and Article XIII D of the California Constitution, an Assessment Ballot will be delivered to the owners of record of the properties within the annexation territory. These ballots will be the property owner's opportunity to support or oppose the annexation and the levy of assessments.

The total annual maximum assessment amount being balloted for Annexation No. 2016-2 is \$42,600.75 (\$27,227.65 for Zone 02 and \$15,373.10 for Zone 03). The total assessment proposed for Fiscal Year 2017/2018 is \$36,043.96 (\$20,827.99 for Zone 02 and \$15,215.97 for Zone 03). These assessments if approved will be submitted to the County and collected on the property tax bills for Fiscal Year 2017/2018. Per the RMC, Section 19-2.3h the Walmart TPM is required to pay all costs for after acceptance of the facilities but prior to the time the assessment can be put upon the tax bill for a duration not to exceed one year. The City would be responsible for all costs from the end of the one year until the assessment is funded for by approximately January of 2018.

The new assessments do not fund any portion of the flood control facilities irrigation system and plantings. The flood control facilities require a Special Benefit Assessment District proceedings and serve a regional benefit vs. project specific benefits.

**FISCAL IMPACT:**

1. If annexation is unsuccessful all costs for operation and maintenance will be the City's responsibility.
2. If annexation is successful Walmart pays O & M costs for the first year.
  - a) City pays for General Benefit Expenses of O & M at \$1,239 per year.
  - b) City also fronts the O&M cost from the end of the developers one year period until the district is funded approximately January of 2018.
  - c) The City would be reimbursed for fronting the O&M costs in the January 2018 tax payment.

Reviewed by Finance Director

**ACTION REQUESTED:** Adopt the following Resolutions:

1. No. 16-XX, Initiating proceedings for City of Ridgecrest Landscape and Lighting District No. 2012-1, Annexation No. 2016-2;
2. No. 16-XX, Preliminarily approving the Engineer's Report in connection with Annexation No. 2016-2; and declaring the City's intention to levy assessments, conduct the required protest ballot proceeding and setting a time and place for the public hearing.

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested:

Submitted by: Loren E. Culp  
(Rev. 02/13/12)

Action Date: October 19, 2016

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## RESOLUTION 16-XX

### INITIATING PROCEEDINGS FOR THE ANNEXATION OF TERRITORY (ANNEXATION NO. 2016-2) TO THE RIDGECREST LANDSCAPING AND LIGHTING DISTRICT NO. 2012-1; AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2017/2018, PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

**WHEREAS**, the City Council through previous resolutions has established and levied annual assessments for the Ridgecrest Landscaping and Lighting District No. 2012-1 (hereinafter referred to as the "District"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (hereinafter referred to as the "Act") that provides for the collection of assessments by the County of Kern on behalf of the City of Ridgecrest to pay the maintenance and services of improvements and facilities related thereto, and

**WHEREAS**, the City Council desires to initiate proceedings for the annexation of territory identified as Annexation No.2016-2 generally located south of Bowman Road, north of College Heights Boulevard, west of Sunland Street and areas along S. China Lake Boulevard (hereafter referred to as the "Annexation Territory"), pursuant to *Chapter 2 Article 2* of the Act; and the establishment of the proposed maximum annual assessment related thereto; and the levy and collection of annual assessments against lots and parcels of land within the Annexation Territory commencing in fiscal year 2017/2018 for the landscaping and lighting improvements and services that will provide special benefits to the properties within the Annexation Territory pursuant to *Chapter 4 Article 2* of the Act and the California Constitution Article XIID, and

**WHEREAS**, the City Council has retained Willdan as the Assessment Engineer of Work, for the purpose of assisting with the annexation of the territory to the District, the establishment of annual assessments, and to prepare and file an Engineer's Report with the City Clerk in accordance with the Act.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby resolves as follows:

1. Recitals: The above recitals are true and correct.
2. Engineer's Report: The City Council hereby orders the Assessment Engineer to prepare and file with the City Clerk an Engineer's Report concerning the annexation of territory to the District; the improvements and services connected therewith and the proposed levy of annual assessments beginning in the fiscal year commencing July 1, 2017 and ending June 30, 2018, in accordance with *Chapter 3 Section 22623* of the Act. Said Engineer's Report shall contain a description of the improvements and services, an estimate of the costs financed by the levy of

the assessments, the properties benefiting from the improvements and the method of apportioning the assessments connected with the annexation of said territory to the District.

3. Proposed Improvements: The proposed improvements and services designated and to be maintained by the City in connection with the special benefit received by parcels of land within the Annexation Territory, include but are not limited to the maintenance, operation and incidental expenses related to the landscaped areas within the public right-of-ways, easements or public areas, public street lighting and traffic signal associated with the parcels of land within the Annexation Territory. These improvements may include, but are not limited to turf, ground cover, shrubs and plants, natural vegetation, trees, irrigation and drainage systems, masonry walls or other fencing, hardscapes, monuments, electrical energy, lighting fixtures, poles, meters, conduits, electrical cable and associated appurtenant facilities. The maintenance and servicing of these improvements generally include, but are not limited to all materials, equipment, utilities, labor and incidental expenses including administrative expenses required for the annual operation of the District as well as the performance of periodic repairs, replacement and expanded maintenance activities as needed. The Engineer's Report prepared in connection with the Annexation Territory shall provide a more detailed description of the improvements and services to be provided and for which properties are to be assessed.
4. Annexation Territory: The City Council hereby finds that proposed territory within the Annexation Territory consists of all lots, parcels and subdivisions of land that will receive special benefits from the improvements to be provided, which consists of approximately eighty-three acres (83.08 acres) comprised of eleven (11) parcels or portion thereof generally located south of Bowman Road, north of College Heights Boulevard, west of Sunland Street and areas along S. China Lake Boulevard that are identified on the Kern County Assessor's Parcel Number (APN) Maps as Book 509, Page 020, Parcels 21, 22 and a portion of 46; and Book 343, Page 351, Parcels 01, 02, 03, 06, 07, 08, 34, and 35.
5. Assessments: The City Council hereby determines that in order to provide the improvements described in section 3 of this resolution, it is necessary to levy and collect assessments against the lots and/or parcels within the Annexation Territory commencing in fiscal year 2017/2018 and said assessments shall be outlined and described in the Engineer's Report and imposed pursuant to the provisions of the Act and the California Constitution Article XIID.

\*\*\*\*\*

The foregoing Resolution \_\_\_\_\_ was adopted by the City Council of the City of Ridgecrest on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:            COUNCIL MEMBERS:  
NOES:            COUNCIL MEMBERS:  
ABSENT:        COUNCIL MEMBERS:  
ABSTAIN:       COUNCIL MEMBERS:

\_\_\_\_\_  
Peggy Breeden, Mayor

ATTEST:

\_\_\_\_\_  
Rachel J. Ford, CMC, City Clerk

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## RESOLUTION 16-XX

**DECLARING THE CITY'S INTENTION TO ANNEX TERRITORY (ANNEXATION NO. 2016-2) TO THE RIDGECREST LANDSCAPING AND LIGHTING DISTRICT NO. 2012-1; AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO COMMENCING FISCAL YEAR 2017/2018, PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE; AND CALLING FOR A PROPERTY OWNER PROTEST PROCEEDING, TO SUBMIT TO THE QUALIFIED PROPERTY OWNERS THE QUESTION OF LEVYING SUCH ASSESSMENTS AND ESTABLISHING AN ASSESSMENT RANGE FORMULA FOR SAID ANNEXATION TERRITORY PURSUANT TO THE PROVISIONS OF THE CALIFORNIA CONSTITUTION, ARTICLE XIID**

**WHEREAS**, the City Council, pursuant to provisions of the Landscaping and Lighting Act of 1972 being Part 2, Division 15 of the California Streets and Highways Code (hereinafter referred to as the "Act"), did by previous Resolution, initiate proceedings for the annexation of territory identified as Annexation No.2016-2 (hereafter referred to as the "Annexation Territory") consisting of approximately eighty-three acres (83.08 acres) comprised of eleven (11) parcels or portion thereof identified on the Kern County Assessor's Parcel Number (APN) Maps as Book 509, Page 020, Parcels 21, 22 and a portion of 46; and Book 343, Page 351, Parcels 01, 02, 03, 06, 07, 08, 34, and 35 that will receive a special benefit from specific landscaping and lighting improvements on S. China Lake Boulevard between College Heights Boulevard and the channel north of Bowman Road; the landscaping and lighting improvements on Bowman Road from Sunland Street (east of S. China Lake Boulevard) to a point approximately 550 feet west of S. China Lake Boulevard; and street lighting improvements on Silver Ridge Street, south of Bowman Road; and

**WHEREAS**, the City Council desires to annex the territory of land comprising the Annexation Territory to the District; and to establish such territory as Zone No. 02 and Zone 03 within said District, and to levy and collect new assessments against the lots and parcels of land within the Annexation Territory to pay the cost and expenses related to the special benefits received from the maintenance and operation of the landscaping and lighting improvements connected therewith commencing in fiscal year 2017/2018; and,

**WHEREAS**, the Assessment Engineer of Work has prepared and filed an Engineer's Report in connection with the Annexation Territory and the levy of annual assessments connected therewith commencing in fiscal year 2017/2018 (beginning July 1, 2017 and ending June 30, 2018) with the City Clerk pursuant to Section 22623 of the Act, and said report has been presented to the City Council, and is incorporated herein by reference, and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby resolves as follows:

1. Recitals: The above recitals are true and correct.
2. Engineer's Report, Content: The Engineer's Report as presented, consists of the following:
  - 2a.) The Plans and Specifications which describe the boundaries of the Annexation Territory, the Zones therein (Zone 02, being the new Walmart properties, and Zone 03

being the remaining parcels within the Annexation Territory) and the improvements associated therewith that provide special benefits to the parcels therein.

- 2b.) The Method of Apportionment that details the method of calculating proportional special benefit and the annual assessment obligation for each affected parcel.
  - 2c.) The Estimate of Costs including the calculation of the assessments and the estimated annual funding (Budget) required for the annual maintenance, servicing, and operation of the landscaping and lighting improvements and specifically the costs associated with the improvements determined to be of special benefit to parcels within the Annexation Territory establishing the proposed maximum assessment and the assessment for fiscal year 2017/2018.
  - 2d.) The Assessment Range Formula (Annual Inflationary Adjustment) to be applied to the proposed Maximum Assessment per Equivalent Benefit Unit in subsequent fiscal years. The proposed Maximum Assessments including the Assessment Range Formula shall be presented to the property owner(s) of record in a protest ballot proceeding pursuant to the California Constitution Article XIID.
  - 2e.) An Annexation Diagram outlining the boundaries of the Annexation Territory.
  - 2f.) An Assessment Roll containing the proposed maximum assessment and levy of assessment for fiscal year 2017/2018 for each Assessor Parcel Number within the Annexation Territory.
3. Engineer's Report, Approval: The Engineer's Report is hereby approved on a preliminary basis as submitted or amended by direction of this City Council, and is hereby ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.
  4. Intention: The City Council hereby declares its intention to annex the territory within Annexation No. 2016-2 to the Ridgecrest Landscaping and Lighting District No. 2012-1 pursuant to *Chapter 2 Article 2* of the Act, and to establish said Annexation Territory as benefit zones (Zones) within said District pursuant to *Section 22574* of the Act; and to levy and collect annual assessments against parcels of land within the Annexation Territory commencing with fiscal year 2017/2018 in accordance with the Act and the provisions of the California Constitution Article XIID. The territory being annexed to the District as part of these proceedings shall subsequently be designated as Zone 02 and Zone 03 of the District.

The City Council further declares its intention to conduct a public hearing regarding this annexation of territory to the District and the levy of assessments pursuant to the provisions of the Act and the California Constitution Article XIID and thereby calls for a property owner protest balloting proceeding related thereto. The City Council finds that the public's best interest requires such action and levy of assessments.

5. Annexation Territory: The City Council hereby finds that proposed territory within the Annexation Territory consists of all lots, parcels and subdivisions of land that will receive special benefits from the improvements to be provided, which consists of approximately eighty-three acres (83.08 acres) comprised of eleven (11) parcels or portion thereof generally located south of Bowman Road, north of College Heights Boulevard, west of Sunland Street and areas along S. China Lake Boulevard that are identified on the Kern County Assessor's Parcel Number (APN) Maps as Book 509, Page 020, Parcels 21, 22 and

a portion of 46; and Book 343, Page 351, Parcels 01, 02, 03, 06, 07, 08, 34, and 35; and that this Annexation Territory includes all properties that will receive special benefits from the improvements to be provided.

6. Improvements: The proposed improvements and services designated and to be maintained by the City in connection with the special benefit received by parcels of land within the Annexation Territory, include but are not limited to the maintenance, operation and incidental expenses related to the landscaped areas within the public right-of-ways, easements or public areas (park), and public street lighting associated with the parcels of land within the Annexation Territory and District. These improvements may include, but are not limited to turf, ground cover, shrubs and plants, natural vegetation, trees, irrigation and drainage systems, masonry walls or other fencing, hardscapes, monuments, electrical energy, lighting fixtures, poles, meters, conduits, electrical cable and associated appurtenant facilities. The maintenance and servicing of these improvements generally include, but are not limited to all materials, equipment, utilities, labor and incidental expenses including administrative expenses required for the annual operation of the District as well as the performance of periodic repairs, replacement and expanded maintenance activities as needed. The Engineer's Report prepared in connection with the Annexation Territory provides a more detailed description of the improvements and services to be provided and for which properties shall be assessed and by reference that Engineer's Report is made part of this Resolution.
7. Assessments: The City Council hereby determines that to provide the improvements described in section 6 of this resolution, it is necessary to levy and collect assessments against lots and parcels within the Annexation Territory commencing in fiscal year 2017/2018. The Engineer's Report referred to in section 2 of this resolution establishes the proposed maximum assessments for the Annexation Territory including the annual inflationary adjustment to the maximum assessment rates; and the assessments necessary to provide for the annual operation, administration, services and maintenance of the improvements for fiscal year 2017/2018.
8. Compliance with the Constitution: Pursuant to California Constitution Article XIIIID, an assessment ballot proceeding is hereby called on the matter of confirming the proposed new assessments for the Annexation Territory. The ballots and notices so authorized shall be distributed by first class mail to the property owners of record as of the last County equalized roll, and each property owner may return the ballot by mail or in person to the City Clerk not later than the conclusion of the public hearing for this matter pursuant to the provisions of the California Constitution Article XIIIID.
9. Mailed Notice and Ballot: The City Council hereby authorizes and directs the City Clerk or their designee to prepare and mail notice of the Public Hearing; and in the same or separate mailing, mail the property owner protest ballot(s) to the subject property owner regarding the proposed levy of assessments and the assessment range formula outlined in the Engineer's Report, for return receipt prior to the date and time of the public hearing set forth in this resolution.
10. Public Hearing: The City Council hereby declares its intention to conduct a Public Hearing concerning the Annexation Territory, the improvements, and the levy of assessments and in accordance with *Section 22624 (e)* and *22625* of the Act, notice is hereby given that on

Wednesday, December 7, 2016 at 6.00 P.M., the City Council will hold a Public Hearing for the Annexation Territory and the levy and collection of assessments related thereto commencing in fiscal year 2017/2018, or as soon thereafter as feasible. The Public Hearing will be held in the City Council Chambers, located at 100 West California Avenue, Ridgecrest, at the time so fixed. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

11. Determination of Majority Protest: The property owner protest ballot proceeding conducted for the Annexation Territory shall constitute the property owner’s approval or rejection of the annual levy of assessments and assessment range formula. The property owner may return the ballot by mail or in person to the City Clerk not later than the conclusion of the Public Hearing on Wednesday, December 7, 2016. After the close of the Public Hearing, pursuant to Section 4, Sub-Section 4 (e) of the California Constitution, the City shall tabulate the ballots returned to determine if majority protest exists. The ballots shall be weighted according to the proportional financial obligation of the affected property. Majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment.

Any interested person may file a written protest with the City Clerk prior to the conclusion of the hearing, or having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection, and protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. At the public hearing, all interested persons shall be afforded the opportunity to hear and be heard.

12. Notice: The City Clerk is hereby authorized and directed to give notice of such Public Hearing as provided by law.

\*\*\*\*\*

The foregoing Resolution \_\_\_\_\_ was adopted by the City Council of the City of Ridgecrest on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:            COUNCIL MEMBERS:  
NOES:            COUNCIL MEMBERS:  
ABSENT:        COUNCIL MEMBERS:  
ABSTAIN:       COUNCIL MEMBERS:

\_\_\_\_\_  
Peggy Breeden, Mayor

ATTEST:

\_\_\_\_\_  
Rachel J. Ford, CMC, City Clerk



**CITY OF RIDGECREST**  
**Engineer's Report**  
**Landscaping and Lighting District No. 2012-1**  
**Annexation No. 2016-2**

**Commencing Fiscal Year 2017/2018**

**Intent Meeting: October 19, 2016**  
**Public Hearing: December 7, 2016**

**CITY OF RIDGECREST**  
**100 W CALIFORNIA AVE**  
**RIDGECREST, CA 93555**

**OCTOBER 2016**

**PREPARED BY**

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# **ENGINEER'S ANNEXATION REPORT AFFIDAVIT**

**Ridgecrest Landscaping and Lighting District No. 2012-1**

**Annexation No. 2016-2**

**Fiscal Year 2017/2018**

**City of Ridgecrest,**

**County of Kern, State of California**

As part of the Resolution of Intention packet presented for the consideration of the Ridgecrest City Council, this Report and the enclosed budgets, diagrams, and descriptions outline the proposed annexation of territory ("Annexation No. 2016-2") to the Ridgecrest Landscaping and Lighting District No. 2012-1 for Fiscal Year 2017/2018 as the same existed at the time this Report was prepared and the establishment of annual assessments related thereto commencing in Fiscal Year 2017/2018. Said annexation includes all lots and parcels of land identified on the Kern County Assessor's Parcel Maps as Book 509, Page 020, Parcels 21, 22 and a portion of 46; and Book 343, Page 351, Parcels 01, 02, 03, 06, 07, 08, 34, and 35.

Reference is hereby made to the Kern County Assessor's Parcel Maps for a detailed description of the lines and dimensions of each parcel within Annexation No. 2016-2. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

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

Jim McGuire  
Principal Consultant

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

Richard Kopecky  
R.C.E. # 16742

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## Introduction

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### Overview

In Fiscal Year 2012/2013, the City of Ridgecrest, County of Kern, State of California (the "City"), under the provisions of the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code* (the "1972 Act") and in compliance with the substantive and procedural requirements of the *California State Constitution, Articles XIID* (the "California Constitution") established the assessment district designated as the:

### **Ridgecrest Landscaping and Lighting District No. 2012-1**

Pursuant to the provisions of the 1972 Act and in compliance with the substantive and procedural requirements of the California Constitution, the City has annually levied special benefit assessments within the Ridgecrest Landscaping and Lighting District No. 2012-1 (the "District"), has subsequently annexed territories to the District pursuant to Chapter 2, Article 2 of the 1972 Act, and for Fiscal Year 2017/2018 the City Council proposes to annex to the District additional improvements and territory within the City, located near the intersection of S. China Lake Boulevard and Bowman Road and designated herein as:

### **Annexation No. 2016-2**

The City Council proposes to annex to the District the territory within Annexation No. 2016-2, and collect annual assessments on the County tax rolls commencing in fiscal year 2017/2018, to provide funding for the ongoing special benefit costs and expenses required to service, maintain and operate the landscaping and street lighting improvements within the public right-of-ways associated with and resulting from the development and planned development of properties within Annexation No. 2016-2. The specific plans and specifications of the improvements to be maintained are on file in the Public Works Department of the City of Ridgecrest and by reference these plans and specifications are made part of this Report.

To adequately provide and fund the landscaping and street lighting improvements within the public right-of-ways that are considered special benefits to properties within Annexation No. 2016-2, the City Council has determined that it is appropriate and in the public's best interest to annex the properties within Annexation No. 2016-2 to the District and to levy annual assessments on the properties therein to fund the estimated special benefit improvement costs including, but are not limited to the regular annual maintenance and servicing of the improvements; incidental expenditures related to the operation and administration of the District; and the collection of funds for operational reserves, capital improvement expenditures, and periodic repairs or rehabilitation projects as authorized by the 1972 Act.

The word "parcel," for the purposes of this Report, refers to an individual property assigned its own Assessment Number (Assessor's Parcel Number "APN") by the Kern County Assessor's Office. The County Auditor/Controller uses Assessment Numbers and specific District Fund Numbers, to identify on the tax roll, properties assessed for special district assessments. Each parcel within Annexation No. 2016-2 shall be assessed proportionately for only those improvements for which the parcel receives a special benefit.

## Ballot Proceedings

Pursuant to the provisions of Article XIID, Section 4 of the California Constitution, the City shall conduct a property owner protest ballot proceeding ("Ballot Proceeding") for the proposed levy of new assessments as described in this Report. In conjunction with this Ballot Proceeding, the City Council will conduct a noticed public hearing to consider public testimonies, comments, and written protests regarding the annexation of the parcels with Annexation No. 2016-2 and the establishment of the proposed new assessments for Annexation No. 2016-2. Upon conclusion of the public hearing, property owner protest ballots received will be opened and tabulated to determine whether majority protest exists as defined in Article XIID of the California Constitution.

*"A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property."*

After completion of the ballot tabulation, the City Council will confirm the results of the balloting. If majority protest exists for the proposed assessments, further proceedings to annex the parcels with Annexation No. 2016-2 to the District and implementation of the new assessments shall be abandoned at this time. If tabulation of the ballots indicate that majority protest does not exist for the proposed new assessments and the assessment range formula presented and described herein, the City Council may adopt this Report (as submitted or amended); approve the assessment diagram (Annexation Diagram) contained herein; order the annexation of the parcels within Annexation No. 2016-2 to the District and the improvements to be made; and confirm the new assessments as outlined in this Report.

The new assessments as approved, may be levied and collected on the County tax rolls commencing in Fiscal Year 2017/2018 together with the assessments for other properties in the District. For fiscal year 2017/2018 and each subsequent fiscal year, an engineer's annual levy report for the District shall be prepared and presented to the City Council to address any proposed changes to the District, including Annexation No. 2016-2, as well as any proposed changes to the improvements, budgets and assessments for that fiscal year. The City Council shall hold a noticed public hearing regarding these matters prior to approving and ordering the levy of annual assessments.

If in any fiscal year, the proposed annual assessments for parcels with the District and Annexation No. 2016-2, exceed the maximum assessments described herein, such an assessment would be considered a new or increased assessment and must be confirmed through a mailed property owner protest ballot proceeding for the affected parcels before that new or increased assessment may be imposed.

This Report has been prepared in connection with the annexation of parcels within Annexation No. 2016-2 to the District for Fiscal Year 2017/2018, pursuant to a resolution of the City Council and consists of five (5) parts:

### Part I — Plans and Specifications:

Contains a general description of the District and zones of benefit ("Zones"), and specifically addresses the improvements and services that provide special benefits to the parcels within Annexation No. 2016-2. The detailed plans and specifications for the landscaping and lighting improvements for the District and Annexation No. 2016-2 are on file in the Public Works Department of the City of Ridgecrest and by reference are made part of this Report.

## **Part II — Method of Apportionment**

Outlines the special and general benefits associated with the improvements to be provided within Annexation No. 2016-2 and the basis upon which the estimated costs to provide such improvements has been apportioned to each parcel of land therein in proportion to the special benefits to be received.

## **Part III — Estimate of Costs**

Identifies the estimated annual funding costs (Budget) required for the maintenance and operation of the landscaping and lighting improvements including, but not limited to, annual maintenance and service expenses, utility costs, related incidental expenses, and fund balances authorized by the 1972 Act. This estimate of costs specifically identifies those costs associated with the special benefit to parcels and establish the initial maximum assessment for Fiscal Year 2017/2018 to be approved by the property owner(s) of record within the District as part of the Ballot Proceeding. This section also identifies and outlines an Assessment Range Formula (inflationary adjust) that provides for an annual adjustment to the maximum assessment rate that establishes limits on future assessments, but also provides for reasonable cost adjustments due to inflation.

## **Part IV — Annexation Diagram**

A diagram showing the boundaries of Annexation No. 2016-2 and the parcels that receive special benefits from the improvements to be provided and maintained as part of the District and the zones of benefit established herein. The lines and dimensions of each lot, parcel, and subdivision of land contained in this diagram are inclusive of all parcels listed in "Part V – Assessment Roll" of this Report and the corresponding County Assessor's Parcel Maps for said parcels as they existed at the time this Report was prepared and shall include all subsequent subdivisions, lot-line adjustments, or parcel changes therein. Reference is hereby made to the Kern County Assessor's maps for a detailed description of the lines and dimensions of each lot and parcel of land within the District.

## **Part V — Assessment Roll**

A listing of the proposed assessment amounts for parcel within Annexation No. 2016-2. The "Balloted Maximum Assessment" amount for each parcel represents that parcel's maximum assessment amount for fiscal year 2017/2018 and is based on the parcel's calculated proportional special benefit as outlined in "Part II — Method of Apportionment", and calculated assessment rate established by the budget in "Part III — Estimate of Costs". The assessment amount identified as the "FY 2017/2018 Assessment" represent the anticipated assessment amounts to be levied and collected on the County Tax Rolls for fiscal year 2017/2018. The actual assessment amounts to be levied and collected for fiscal year 2017/2018 shall be finalized, approved and adopted by the City Council together with the assessments for other properties in the District as part of the annual assessment process for fiscal year 2017/2018.

## Part I — Plans and Specifications

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### Description of the District

The annual assessments to be levied on properties within Annexation No. 2016-2 and the District provide a source of funding to support the continued operation and maintenance of local street lighting and/or landscaping improvements that provide a particular and distinct benefit (special benefit) to those properties. The improvement plans and specifications for Annexation No. 2016-2 as well as those plans and specifications associated with the existing developments and the zones of benefit ("Zones") within the District are on file in the office of the City Public Works Department and by reference these plans and specifications are made part of this Report. Each Fiscal Year, the City establishes the District assessments based on the estimated costs associated with the annual maintenance, operation, and servicing of the improvements that provide special benefit to properties therein. The cost of the improvements determined to be of special benefit and assessed on properties within the District may include the estimated expenditures for regular annual maintenance and repairs, incidental expenses related to the operation and administration of the District, deficits or surpluses from prior years, revenues from other sources, and the collection of adequate funds for operational reserves or periodic expenditures including installments collected for long-term improvement projects. Each parcel is assessed proportionately for only those improvements, services, and expenses for which the parcel receives a special benefit.

### Original District

**Tract 6740** consists of 67 residential lots located on the west side of College Heights Boulevard and north of Kendall Avenue. This residential subdivision was the first development established as Landscaping and Lighting District No. 2012-1 in Fiscal Year 2012/2013 to provide for the ongoing maintenance and operation of the landscaping and street lighting installed in connection with and for the special benefit of the lots and parcels therein. This residential development is part of Zone 01.

### Subsequent Annexations

**Tracts 6775 and 6700** were annexed to the District at the same time in in Fiscal Year 2016/2017. These residential subdivisions collectively include 129 planned single-family residential lots (76 residential lots in Tract 6775 and 53 residential lots in Tract 6700) along with a neighborhood park and storm drain basin which are located on the west side of College Heights Boulevard adjacent to and north of Tract 6740 and south of Springer Avenue. Based on the similar improvements to be installed in connection with these developments and eventual shared improvements and benefit with Tracts 6740, these developments were annexed into the District as part of Zone 01. Because these two tract were not fully subdivided and the associated improvements had not been constructed at the time of annexation, the tracts were initially and temporarily established as Sub-Zones to ensure each parcel within Zone 01 would be proportionately assessed for the improvements (existing and new) until all improvements were installed. Once all the improvements are installed and accepted for maintenance, the Sub-Zone designations will be abandoned.

## Annexation No. 2016-2 (Annexation Territory)

As directed by the City Council, this Report addresses the proposed annexation of territory (Annexation No. 2016-2) to the District for Fiscal Year 2017/2018, consisting of the lots, parcels and subdivisions of land that will receive a particular and distinct benefit from specific landscaping and lighting improvements on S. China Lake Boulevard between College Heights Boulevard and the channel north of Bowman Road; the landscaping and lighting improvements on Bowman Road from Sunland Street (east of S. China Lake Boulevard) to a point approximately 550 feet west of S. China Lake Boulevard; and street lighting improvements on Silver Ridge Street, south of Bowman Road.

Annexation No. 2016-2 totals approximately eighty-three acres (83.08 acres) and is comprised of eleven (11) parcels or portion thereof identified on the Kern County Assessor's Parcel Number (APN) Maps as Book 509, Page 020, Parcels 21, 22 and a portion of 46; and Book 343, Page 351, Parcels 01, 02, 03, 06, 07, 08, 34, and 35, which includes:

- 36.75 acres that is zoned and identified by the City as "Planned Multi-Family Residential" properties including parcels 343-351-01 through 343-351-03 and 343-351-06 through 343-351-08;
- 5.86 acres that is identified as a "Vacant Non-Residential" property. This acreage being the portion of parcel 509-020-46 (14.32 acres) which is northeast College Heights Boulevard and northwest of Bataan Avenue. Parcel 509-020-46 is actually segregated into three lots by College Heights Boulevard and Bataan Avenue;
- 12.12 acres that is identified as "Developed Non-Residential" properties including parcels 509-020-21 and 509-020-22 located on the southwest corner of S. China Lake Boulevard and Bowman Road;
- 28.35 acres that is identified as "Developed Non-Residential" properties including parcels 343-351-34 and 343-351-35 (the new Walmart project) located on the southeast corner of S. China Lake Boulevard and Bowman Road.

## Overall District Improvements

The purpose of this District and subsequent annexations including Annexation No. 2016-2, is to provide funding for the continued maintenance, operation and servicing of the local landscaping and/or lighting improvements within street right-of-ways, easements, open spaces, parks, and/or other public areas that provide a particular and distinct benefit (special benefit) to the properties within the District. These local landscaping and lighting improvements are typically installed in connection with and for the benefit of new developments, but may also be otherwise necessary and beneficial to surrounding properties and/or required for the future development of properties to their full and best use. The specific plans, specifications and detailed drawings of the improvements for the District and Annexation No. 2016-2 are not bound in this Report, but are on file in the City's Public Works Department and by reference are incorporated and made a part of this Report.

As authorized by the 1972 Act, the expenses to be funded by the District assessments generally include, but are not limited to all materials, equipment, utilities, labor and incidental expenses including administrative expenses required for the ordinary and usual maintenance, operation, and servicing of the landscaping and lighting improvements and related amenities, facilities or equipment which have been dedicated, conveyed or otherwise authorized for the City to operate, service and maintain, which may include the performance of periodic repairs, replacement and expanded maintenance activities as needed to provide for the growth, health, and beauty of

landscaping and the proper operation and functioning of the street lighting, traffic signals, irrigation systems, park amenities, and any related facilities, materials, equipment, and systems associated with the aforementioned improvements as authorized by the 1972 Act.

Within the District, properties and developments are grouped into various Zones based on the types of improvements and/or specific improvements that provide a special benefit to the properties within the District which are generally include and are summarized as follows:

## Landscaping Improvements

The landscaping improvements associated with the District are considered local improvements that are typically installed in connection with and for the benefit of new developments, but may also be otherwise necessary and beneficial to surrounding properties and/or required for the future development of properties to their full and best use. The landscaping improvements to be funded by the assessments may include, but are not limited to: turf; shrubs and plants; trees; ground cover (both hardscape and vegetation); irrigation systems; related sidewalks, masonry walls or other fencing, entryway monuments or other ornamental structures and signs; and associated appurtenant facilities and services. The various types of landscaping improvements that may be provided in the District can be generally categorized as, but are not limited to:

**“Median Landscaping”**: Irrigated median island landscaping within the public right-of-way located on the street(s) adjacent to the property/development or in close proximity to the property/development on the street(s) used to access the property/development. These improvements, based on their location, typically benefit and are proportionately shared by multiple properties or developments. These landscaped medians typically included some hardscape surface areas such as stamped concrete or pavers or may include a group of median islands with some islands being landscaped and others being entirely hardscape surfaces.

**“Perimeter/Shared Parkway Landscaping”**: Irrigated parkway (side-panel) landscaping within the public right-of-way or dedicated easement located on the perimeter of a development or entryway to the development with a set-back (face of curb to property line) that is on average fifteen feet or less. These parkway landscaping improvements may be associated with a specific development, but are often identified as improvements that are shared by multiple developments with similar improvements.

**“Development Specific Parkway Landscaping”**: Irrigated parkway (side-panel) landscaping within the public right-of-way or dedicated easement located on the street(s) within or at the entryway to a development (typically the internal streets within a residential subdivision), with a set-back (face of curb to property line) that is on average ten feet or less. The extent of such landscape areas can vary significantly from one development to the next, and developments with such improvements may be established as separate Zones or Sub-Zones rather than being grouped with other developments in a previously established Zone with such improvements.

**“Neighborhood Parks and/or Green Spaces”**: Irrigated non-streetscape landscaped area(s) (neighborhood park sites, green space areas or slopes) within or adjacent to a development that is typically less than one acre in size, and/or collectively (if there is more than one improvement location) does not exceed a size that represents more than 250 square feet per benefiting residential unit. These areas may or may not include a few amenities such as benches, picnic tables, trash receptacles, or playground equipment. The extent of such landscape areas can vary significantly from one development to the next, and developments with such improvements may be established as separate Zones or Sub-Zones rather than being grouped with other development in a previously established Zone with such improvements.

**Note:** Each of the above type of landscaping improvements may include improvements installed by and for the benefit of a specific development and/or incorporate improvements (new or existing improvements) that are proportionately shared and benefit more than one property or development. In addition, although most landscaping improvements (particularly parkway landscaping) is typically located directly adjacent to the property or development being assessed (parkway landscaping on the same side of the street), in some cases the improvements (particularly those that may be proportionately shared with another development) may also incorporate landscaping improvements across the street from the development and/or that extend beyond the boundaries of a development.

## Public Street Lighting Improvements

The lighting improvements to be provided by the District are considered local improvements installed for the benefit of specific developments or surrounding properties. The lighting improvements to be funded by the assessments may include, but are not limited to: electrical energy, lighting fixtures, poles, meters, conduits, electrical cable and associated appurtenant facilities associated with street lights, traffic signals, safety lights, park lights or ornamental lighting within the District. Maintenance, operation, and servicing of these lighting improvements may include, but is not limited to the furnishing of electric current or other illuminating agent; as needed maintenance, repair, and replacement of worn out electrical components and light fixtures, including bulbs, ballasts, photoelectric cells, meters, electrical cables; repair or replacement of damaged poles, ground wires, and conduits caused by accidents, vandalism, time, and weather; and monitoring of the Underground Service Alert (USA) network to prevent damage by excavation.

**“Residential Street Lights”:** Street lights located in the public-right-of-way on the street(s) within a residential subdivision or subdivisions; and the spacing, type, and intensity of the street lights is considered to be consistent with City’s standards for such streets.

**“Perimeter/Shared Street Lights”:** Street lights located in the public-right-of-way on the street(s) adjacent to a property or development (not categorized as Residential Street Lights), and/or located on the primary/collector street(s) used to access the property or development (this may include new and/or existing street lights); and the spacing, type, and intensity of the street lights is considered to be consistent with City’s standards for such streets.

Perimeter/shared street lights may include street lights installed by and for the benefit of a specific development and/or street lights (new or existing improvements) that are proportionately shared and benefit more than one property or development. Although most perimeter/shared street lighting improvements are typically located adjacent to the development or property being assessed (on the same side of the street), in some cases the street lights (particularly those that may be proportionately shared with another development) may also include street lights within a median or across the street from the development.

**“Development Specific Street Lights”:** Street lights located in the public-right-of-way on the street(s) adjacent to a property or development that have been specifically installed for that property or development and not considered a shared street light improvement. Such lights are most often located on secondary streets in non-residential areas, but may also be associated with specific residential parcels or developments. The extent, spacing, type, and intensity of these street lights can vary significantly from one development to the next, and developments with such improvements may be established as separate Zones or Sub-Zones rather than being grouped with other developments in a previously established Zone with such improvements.

**“Development Specific Traffic Signals”:** Traffic signals (including associated safety lights) that have been installed specifically for access to a property or development and not necessarily for overall traffic circulation purposes in the area. The location and type of traffic signals installed for a development, and the cost to maintain the improvements will likely vary from one development to the next, and developments with such improvements may be established as separate Zones or Sub-Zones rather than being grouped with other developments in a previously established Zone with such improvements.

**“Intersection Traffic Signals”:** While traffic signals located at intersections are not often not incorporated as part of the District's lighting improvements because they often serve a more regional purposes to address traffic circulation (largely a general benefit), some traffic signals are installed at specific intersections directly as a result of property development, an if not for that development, the traffic signal would not be required. In such cases, all or a portion of the cost to provide the traffic signal may be identified as a special benefit to the surrounding properties.

### Excluded Improvements

Improvements that are not a part of the District improvements include, privately owned street lights and landscaping improvements located on private property and/or areas designated as Homeowner Association or Business Association properties or easements. Such improvements and facilities including street trees shall be provided and maintained by the individual property owners, property management group or association established in connection with the development of properties within the District.

### Zones of Benefit

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing various landscaping and lighting improvements, including the acquisition, construction, installation, maintenance, and servicing of those improvements and related facilities. In addition, to requiring that the cost of those improvements be levied according to benefit, the 1972 Act provides for zones of benefit as follows:

*“The diagram and assessment may classify various areas within an assessment district into different zones where, by reason of variations in the nature, location, and extent of the improvements, the various areas will receive differing degrees of benefit from the improvements. A zone shall consist of all territory which will receive substantially the same degree of benefit from the improvements.”*

As of Fiscal Year 2016/2017, the District was comprised of a single Zone (Zone 01). Upon the successful annexation of the parcels with Annexation No. 2016-2 described in this Report, Zone 02 and Zone 03 will be established in the District. Additional Zones and/or Sub-Zones may be subsequently established within the District to address future annexations of developments and parcels and/or variances in the specific improvements, maintenance, or services to be provided by the District for the special benefit of the developments and parcels that benefit from those improvements.

The following is a brief description of the current and proposed District Zones:

#### Zone 01

Zone 01 may include, but is not limited to developments and parcels that are identified primarily as single-family residential developments, but may also include developments with a mix of single-family residential parcels and multi-family-residential parcels and/or undeveloped residential parcels.

Properties within Zone 01 receive special benefits and proportionately share in the costs associated with the maintenance, operation and servicing of the following types of improvements (as described previously):

- Perimeter/Shared Parkway Landscaping;
- Neighborhood Parks and/or Green Spaces;
- Perimeter/Shared Street Lights;
- Residential Street Lights.

## Zone 02

Zone 02 may include, but is not limited to parcels and developments that are identified primarily as non-residential properties, but may also include multi-family-residential properties, condominium properties, and/or undeveloped properties.

Properties within Zone 02 receive special benefits and proportionately share in the costs associated with the maintenance, operation and servicing of the following types of improvements (as described previously):

- Perimeter/Shared Parkway Landscaping; and/or Median Landscaping;
- Perimeter/Shared Street Lights;
- Development Specific Street Lights;
- Development Specific Traffic Signal(s).

Note: Because the type and extent of the improvements associated with this Zone may vary significantly (specifically traffic signals and development specific street lights), this Zone may be a standalone Zone or require the establishment of Sub-Zones when new developments with similar types of improvements are annexed to the District.

## Zone 03

Zone 03 may include, but is not limited to developments and parcels that are identified as non-residential properties, multi-family-residential properties, condominium properties, and/or undeveloped properties.

Properties within Zone 03 receive special benefits and proportionately share in the costs associated with the maintenance, operation and servicing of the following types of improvements (as described previously):

- Median Landscaping and/or Perimeter/Shared Parkway Landscaping;
- Perimeter/Shared Street Lights.

## Zone Improvements

### Existing District Properties and Improvements

#### *Zone 01 Parcels and Improvements*

**Zone 01 Parcels:** Currently comprises the parcels within Tracts 6740, 6775 and 6700 which collectively include 196 planned single-family residential lots (67 residential lots in Tract 6740, 76 residential lots in Tract 6775, and 53 residential lots in Tract 6700) along with a neighborhood park and storm drain basin.

**Zone 01 Improvements:** The parcels within Zone 01 receive special benefit and are proportionately assessed in whole or in part for improvements that include, but are not limited to the following:

- Approximately 24,467 square feet of Perimeter/Shared Parkway Landscaping located on the west side of College Heights Boulevard between Kendall Avenue and Salt River Drive, and between Salt River Drive and Springer Avenue including the returns at Kendall Avenue and Springer Avenue and the entryway landscaping at the corners of Salt River Drive, but excluding the frontage adjacent to the County open space parcel (510-010-11);
- Approximately 2,723 square feet of Perimeter/Shared Parkway Landscaping located on the north side of Kendall Avenue between College Heights Boulevard and Wild Thorne Drive; and between Wild Thorne Drive and Del Rosa Street. These landscaped areas include the entryway landscaping and easements at the corners of Wild Thorne Drive and Del Rosa Street;
- Approximately 5,015 square feet of Perimeter/Shared Parkway Landscaping located on the south side of Springer Avenue between College Heights Boulevard and the western boundary of Tract 6700;
- Approximately 29,185 square feet of Neighborhood Park or Green Space (park site), including various park facilities and equipment. In addition, there is 49,600 square feet of minimally landscaped drainage basin/sump area. (The drainage basin/sump area is primarily funded through a Drainage Benefit Assessment District, but the landscaping may in part be funded by Zone assessments);
- Approximately seventy-six street lights, including forty-eight (48) Residential Street Lights on the streets within the tracts; and twenty-eight (28) Perimeter/Shared Street Lights located on Kendall Avenue, College Heights Boulevard and Springer Avenue.

As of the writing of the Report, Zone 01 is the only Zone within the District. However, not all the improvements for this Zone have been installed and accepted by the City for maintenance. Tracts 6775 and 6700 have not been fully subdivided and the installation of the related improvements has not been completed. For administrative purposes and to ensure an equitable apportionment of the Zone's annual expenses, each of the three tracts (Tracts 6740, 6775, and 6700) which currently comprise the parcels in Zone 01 have each been temporarily designated as Sub-Zones until the all improvements have been installed.

## Annexation No. 2016-2 Properties and Improvements

As directed by the City Council, this Report addresses the proposed annexation of additional territory to the District for Fiscal Year 2017/2018 (Annexation No. 2016-2). The parcels within Annexation No. 2016-2 shall be levied annual assessments commencing in Fiscal Year 2017/2018 to fund in whole or in part the cost and expenses required to service and maintain the landscaping and lighting improvements along S. China Lake Boulevard, W. Bowman Road, E. Bowman Road, and S. Silver Ridge Street that provide special benefits to those parcels within Annexation No. 2016-2 including, but not limited to the existing improvements within the public right-of-ways on S. China Lake Boulevard between College Heights Boulevard and the channel north of Bowman Road and the new improvements constructed and installed on W. Bowman Road, E. Bowman Road, and S. Silver Ridge Street that are to be installed in connection with the development of the new Walmart on the south side of E. Bowman Road between S. China Lake Boulevard and S. Silver Ridge Street.

In order to establish an appropriate special benefit nexus between the improvements and services provided and the benefits to specific properties, two new Zones shall be established within the District as part of the annexation of parcels within Annexation No. 2016-2 (Zone 02 and Zone 03). Although most of the improvements associated with Annexation No. 2016-2, benefit and are proportionately shared by each of the parcels within Annexation No. 2016-2 depending on their proximity to the improvements, the new traffic signal being installed on E. Bowman Road between S. China Lake Boulevard and Silver Ridge Street as well as the street lights on S. Silver Ridge Street, are being installed and will be operated and maintained specifically for the new Walmart within Annexation No. 2016-2. Therefore, in order to address the difference in proportional special benefits, the two parcels that comprise the new Walmart are identified as Zone 02 and the remaining parcels within Annexation No. 2016-2 are identified as Zone 03.

### *Zone 02 Parcels and Improvements*

**Zone 02 Parcels:** Comprises that portion of the parcels within Annexation No. 2016-2 identified as the new Walmart development, which includes Assessor's Parcel Numbers 343-351-34 and 343-351-35.

**Zone 02 Improvements:** The parcels within Zone 02 receive special benefit and are proportionately assessed in whole or in part for improvements that include, but are not limited to the following:

- Approximately 16,620 square feet of median island improvements (a single median island) located on S. China Lake Boulevard between College Heights Boulevard and Bowman Road. These median island improvements include approximately 2,855 square feet of landscaping (irrigated trees and shrubs) and 13,765 square feet of hardscape surfaces. These improvements are proportionately shared by each of the parcels that has street frontage on S. China Lake Boulevard that are part of Annexation No. 2016-2 (Zone 02 and parcels 509-020-21, 509-020-22 and 509-020-46 within Zone 03);
- Approximately 24,430 square feet of perimeter/shared parkway landscaping located between the street and drainage channel on the north side of E. Bowman Road, between S. China Lake Boulevard and Sunland Street. These improvements are proportionately shared by each of the parcels that has street frontage on E. Bowman Road that are part of Annexation No. 2016-2 (Zone 02 and parcels 343-351-01, 343-351-02, 343-351-03, 343-351-06, 343-351-07, and 343-351-08 within Zone 03);

- Approximately 8,285 square feet of median island landscaping (two median islands with irrigated trees and gravel) located on E. Bowman Road, between S. China Lake Boulevard and Silver Ridge Street. These improvements are proportionately shared by each of the parcels that has street frontage on E. Bowman Road that are part of Annexation No. 2016-2 (Zone 02 and parcels 343-351-01, 343-351-02, 343-351-03, 343-351-06, 343-351-07, and 343-351-08 within Zone 03);
- Eighteen (18) LS-1 street lights (perimeter/shared street lights) located on E. Bowman Road, W. Bowman Road, and S. China Lake Boulevard. These lights are proportionately shared by each of the parcels within Annexation No. 2016-2 (Zone 02 and Zone 03). These eighteen street lights include six (6) street lights on S. China Lake Boulevard, two (2) street lights on E. Bowman Road, and ten (10) street lights on W. Bowman Road;
- Five (5) LS-1 street lights (development specific street lights) located on the west side of Silver Ridge Street, south of E. Bowman Road. These street lights are specifically for the new Walmart development and only these two parcels (343-351-34 and 343-351-35) within Annexation No. 2016-2 (Zone 02) receive special benefit and are proportionately assessed;
- One traffic signal located on Bowman Road, between S. China Lake Boulevard and Sunland Street. This traffic signal and related traffic safety lights is specifically for accessing the new Walmart development, and only these two parcels (343-351-34 and 343-351-35) within Annexation No. 2016-2 (Zone 02) receive special benefit and are proportionately assessed.

### ***Zone 03 Parcels and Improvements***

**Zone 03 Parcels:** Comprises that portion of the parcels within Annexation No. 2016-2 identified as:

- The non-residential parcels and/or undeveloped properties within Annexation No. 2016-2 that have frontage along S. China Lake Boulevard (excluding the new Walmart development, Zone 02). These Zone 03 parcels are identified as Assessor's Parcel Numbers 509-020-21, 509-020-22, and a portion of 509-020-46 (that portion of parcel 509-020-46 which is located northeast of College Heights Boulevard and northwest of E. Bataan Avenue);
- The undeveloped properties (future multi-family residential parcels) within Annexation No. 2016-2, that are south of E. Bowman Road (excluding the new Walmart development Zone 02). These parcels are identified as Assessor's Parcel Numbers 343-351-01, 343-351-02, 343-351-03, 343-351-06, 343-351-07, and 343-351-08.

**Zone 03 Improvements:** The parcels within Zone 03 receive special benefit and are proportionately assessed in whole or in part for improvements that include, but are not limited to the following:

- Approximately 16,620 square feet of median island improvements (a single median island) located on S. China Lake Boulevard between College Heights Boulevard and Bowman Road. These median island improvements include approximately 2,855 square feet of landscaping (irrigated trees and shrubs) and 13,765 square feet of hardscape surfaces. These improvements are proportionately shared by each of the parcels that has street frontage on S. China Lake Boulevard that are part of Annexation No. 2016-2 (Zone 02 and parcels 509-020-21, 509-020-22 and 509-020-46 within Zone 03);

- Approximately 4,595 square feet of perimeter/shared parkway landscaping located between the street and drainage channel on the north side of W. Bowman Road, located west of S. China Lake Boulevard to a point approximately 920 feet west of S. China Lake Boulevard. These improvements are proportionately shared by each of the parcels that has street frontage on W. Bowman Road that are part of Annexation No. 2016-2 (parcels 509-020-21 and 509-020-22 within Zone 03);
- Approximately 24,430 square feet of perimeter/shared parkway landscaping located between the street and drainage channel on the north side of E. Bowman Road, between S. China Lake Boulevard and Sunland Street. These improvements are proportionately shared by each of the parcels that has street frontage on E. Bowman Road that are part of Annexation No. 2016-2 (Zone 02 and parcels 343-351-01, 343-351-02, 343-351-03, 343-351-06, 343-351-07, and 343-351-08 within Zone 03);
- Approximately 8,285 square feet of median island landscaping (two median islands with irrigated trees and gravel) located on E. Bowman Road, between S. China Lake Boulevard and Silver Ridge Street. These improvements are proportionately shared by each of the parcels that has street frontage on E. Bowman Road that are part of Annexation No. 2016-2 (Zone 02 and parcels 343-351-01, 343-351-02, 343-351-03, 343-351-06, 343-351-07, and 343-351-08 within Zone 03);
- Eighteen (18) LS-1 street lights (perimeter/shared street lights) located on E. Bowman Road, W. Bowman Road, and S. China Lake Boulevard. These lights are proportionately shared by each of the parcels within Annexation No. 2016-2 (Zone 02 and Zone 03). These eighteen street lights include six (6) street lights on S. China Lake Boulevard, two (2) street lights on E. Bowman Road, and ten (10) street lights on W. Bowman Road.

## Part II — METHOD OF APPORTIONMENT

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### Legislative Authority and Provisions

#### 1972 Act

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, including the acquisition, construction, installation and servicing of landscaping and lighting improvements and related facilities. The 1972 Act requires that the cost of these improvements be levied according to benefit rather than assessed value:

Section 22573 defines the net amount to be assessed as follows:

*“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”*

Section 22574 provides for zones as follows:

*“The diagram and assessment may classify various areas within an assessment district into different zones where, by reason of variations in the nature, location, and extent of the improvements, the various areas will receive differing degrees of benefit from the improvements. A zone shall consist of all territory which will receive substantially the same degree of benefit from the improvements.”*

The formulas used for calculating assessments and the designation of Zones and Sub-Zones as established herein reflect the composition of parcels within the District and the improvements and activities to be provided, and have been designed to fairly apportion the cost of providing those improvements based on a determination of the proportional special benefits to each parcel, consistent with the requirements of the 1972 Act and the provisions of Article XIII D of the California Constitution (Proposition 218).

#### California Constitution

The costs to operate and maintain the District improvements are identified and allocated to properties within each Zone and/or Sub-Zone within the District based on special benefit. The improvements provided and for which properties are to be assessed are identified as local landscaping and lighting improvements and related amenities that were installed in connection with the development of the properties and/or would otherwise be required for the development of properties within each respective Zone and/or Sub-Zone. The District assessments and method of apportionment is based on the premise that these improvements would otherwise not have been required without the development or planned development of those parcels.

Article XIII D Section 2d defines District as follows:

*“District means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service”;*

Article XIII D Section 2i defines Special Benefit as follows:

*“Special benefit” means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute “special benefit.”*

Article XIII D Section 4a defines proportional special benefit assessments as follows:

*“An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.”*

## Benefit Analysis

The local improvements provided by this District and for which properties will be assessed have been identified as necessary, desired and/or required for the orderly development of the properties within the District to their full potential, consistent with the development plans and applicable portions of the City's General Plan.

### Special Benefits

The ongoing maintenance of landscaped areas within the District provide aesthetic benefits to the properties within each respective Zone and a more pleasant environment to walk, drive, live, and work. The primary function of these landscape improvements and related amenities is to serve as an aesthetically pleasing enhancement and green space for the benefit of the immediately surrounding properties and developments for which the improvements were constructed and installed and/or were facilitated by the development or potential development of properties within the Zones. These improvements are an integral part of the physical environment associated with the parcels in each Zone and while some of these improvements may in part be visible to properties outside the Zone, collectively if these Zone improvements are not properly maintained, it is the parcels within the Zone that would be aesthetically burdened. Additionally, the street landscaping in these Zones serve as a pleasant aesthetic amenity that enhances the approach to the parcels and in many cases, serve as both a physical buffer as well as a sound reduction buffer between the roadways and the properties in the District. Likewise, the landscaped areas in various Zones may include landscaped parks, green spaces, slopes, or trails that provide visually pleasing open space areas that serve as an extension of the physical attributes of the parcels assessed, such as their front or rear yards and may also provide a greater opportunity for recreation. As a result, the maintenance of these landscaped improvements provides particular and distinct benefits to the properties and developments within each Zone.

Likewise, street lighting in the District is primarily useful for illuminating the streets that provide access to the properties in the District as well as the sidewalks and parking lanes associated with those properties. While it is recognized that both street lights and traffic signals serve in part to enhance traffic safety, installation and construction of these improvements are for the most part, required by the development of properties within the district and these improvements provide three main special benefits to those properties: (i) property security benefit, (ii) pedestrian safety benefit, and (iii) parkway/roadway access benefit. Furthermore, because traffic circulation in the City is largely the result of local traffic to and from these properties by the property owners and guests, it is reasonable to assume that these properties derive a particular and distinct benefit from the street lights and traffic signals that support the safe access to the properties and essentially all pedestrians and parking vehicles in the lit areas will, after dark, be directly associated with the assessed properties. As a result, the maintenance of these lighting improvements is a particular and distinct benefit to the properties and developments within each Zone.

Collectively these landscaping and lighting improvements and related assessments enhance the security, overall use, presentation and marketability of the properties, and ensure the long-term cost-efficiency of services that is obtained through the City provided maintenance (economy of scale), and the regulatory restrictions on future cost increases.

## General Benefit

### *Landscaping General Benefit*

In reviewing the location and extent of the specific landscaped areas and improvements to be funded by District assessments and the proximity and relationship to properties to be assessed, it is evident these improvements were primarily installed in connection with the development of properties or are improvements that would otherwise be shared by and required for development of those properties. Although the District improvements are located on public streets that are typically visible and/or accessible to the general public, it is evident that the ongoing maintenance of these improvements are only necessary for the appearance and advantage of the properties within the District that are directly associated with those improvements and these improvements (particularly the level of maintenance and servicing) are not required nor necessarily desired by any properties outside the District and various Zone boundaries. It is also evident that the maintenance these improvements and the level of maintenance provided has a direct and particular impact (special benefit) only on those properties in proximity to those improvements and such maintenance beyond that which is required to ensure the safety and protection of the general public and property in general, has limited (if any) indirect or incidental benefit to the public at large or properties outside each respective Zone which is difficult to quantify.

In the absence of a special funding Zone, the City's maintenance of these improvements would for the most part, be limited to tree management, weed abatement, rodent control, and erosion control services for the various landscape areas. This basic or baseline level of service would typically provide for periodic servicing of these areas on an as-needed basis. This baseline level of service would provide for public safety and essential property protection to avoid negative impacts on adjacent roadways and vehicles traveling on those roadways and potential property damage, but results in a far less visually pleasing environment than is created with the enhanced levels of services associated with the regular landscape maintenance that can be provided through the District assessments.

On average, the cost to provide this baseline level of service for most landscape areas is estimated to be less than \$700 per acre (approximately \$0.0161 per square foot). This baseline service cost per square foot represents less than four percent (4%) of the overall cost per square foot to operate, maintain and service most landscape areas.

In addition to the general benefit identified above, it is recognized that there are indirect or incidental general benefits to properties within the District as well as the general public that are associated with regular landscape maintenance services, including:

- Minimization of dust and debris; and
- Decreased potential water runoff from both properties and the landscaped areas.

Although these types of benefits might best be characterized as indirect consequences of the special benefit of the landscape maintenance provided to parcels served by the District, for the purposes of calculating proportional benefits, we assume these types of benefits to be general benefits, albeit general benefits that are extremely difficult to quantify. We estimate that the costs associated with these indirect benefits do not exceed one percent (1%) of the annual maintenance expenditures for the landscaping improvements.

Together with the baseline general benefit costs and the indirect/incidental general benefit costs identified above, it is reasonable to conclude that the overall general benefit costs associated with the District's landscape improvements is less than five percent (5%) of the regular annual maintenance expenditures. These general benefit costs shall be excluded from the special benefit assessment funding and not assessed to the parcels within the District. The calculated general benefit for landscaping improvements is identified in the budgets for each Zone (Part III of this Report).

### ***Lighting General Benefit***

In reviewing the location and extent of the specific lighting improvements (Perimeter/Shared Street Lights, Residential Street Lights, Development Specific Street Lights, and Traffic Signals) to be funded by District assessments and the proximity and relationship to properties to be assessed, like the landscaping improvements it is evident these improvements were primarily installed in connection with the development of the properties within the District or are lighting improvements that would otherwise be shared by and required for the development of those properties. It is also evident that the maintenance and servicing of these improvements has a direct and particular impact (special benefit) on those properties in proximity to those street lighting improvements and these street lighting improvements in most cases are lighting improvements that exceed what would otherwise be required for traffic circulation or to ensure the safety and protection of the general public and property in general.

Because these District lighting improvements are directly associated with the development or anticipated development of the properties within each respective District Zone and clearly provide a special benefit to those properties that is not shared by all properties in the City, it is certainly reasonable to conclude that the maintenance and operation of these improvements is largely if not entirely a special benefit to those properties to be assessed. Based on the special benefits previously identified for street lights, it is apparent that within residential developments (Zone 01), the internal street lights ("Residential Street Lights") were installed solely for the use and benefit those residential properties and there is no quantifiable general benefit to other properties or to the public at large. However, based on a review of several residential developments within the City (including the developments in Zone 01), it is estimated that about thirty to forty percent (30% to 40%) of the total street lights associated with these residential developments are located on the perimeter of those developments and/or the collector streets shared by those developments. While most of these perimeter lights were clearly installed in connection with the development of those residential properties, it is reasonable to conclude that these particular lights (perimeter street lights) not only provide a special benefit to the properties in the adjacent developments, but may also enhance general nighttime traffic safety and circulation for other properties and the general public. Based on various traffic circulation studies and related data, it is estimated that less than fifteen percent (15%) of these perimeter and collector street lights and associated costs, would be required in less concentrated development areas. Therefore, it has been determined that the general benefit related to the overall operation and maintenance of the street lights for residential developments is no more than six percent (6%) of the street light operating costs for residential developments (15% of the 40% of the total street lights). However, to ensure that no parcel is assessed for more than its proportional special benefit for residential street lighting, the City will contribute for general benefit an amount equal to ten percent (10%) of the budgeted regular annual maintenance expenditures (maintenance and energy costs). These general benefit costs shall be excluded from the special benefit assessment funding and not assessed to the parcels within the District.

In regards to street lighting within Zones that have streets that are generally considered primary streets (Zone 02 and Zone 03), similar to the street lights located on the perimeter and collector streets in and around the residential developments of Zone 01, it is certainly reasonable to

recognize that the street lights on these primary streets within Zone 02 and Zone 03 provide a measure of general benefit to the public and to properties in general resulting from nighttime traffic safety and circulation on these primary streets. The American National Standard Practice for Roadway Lighting and various related traffic and street lighting studies suggest that over ninety percent (90%) of the street lights installed on primary streets in urban areas are directly the result of property development (both residential and non-residential development). In turn these developments increase traffic circulation and ultimately dictate the type of lighting, spacing and number of lights required and without such development, both the need and quantity of those lights would be dramatically reduced. Similar to the perimeter street lights associated with residential developments, it has therefore been determined that the general benefit related to the overall operation and maintenance of the street lights on primary streets is ten percent (10%) of the regular annual maintenance expenditures (maintenance and energy costs). These general benefit costs shall be excluded from the special benefit assessment funding and not assessed to the parcels within the District. However, street lighting on secondary streets (side streets) in non-residential Zones such as those associated with Zone 02, are usually installed solely for the use and benefit of the adjacent properties and like internal residential street lights within residential neighborhoods, these lights provide no quantifiable general benefit to other properties or to the public at large.

In regards to traffic signals, the location and need for each traffic signal and related safety lights is typically dictated by a combination of property development, street classifications, traffic volumes, and traffic circulation. Because these factors and considerations collectively vary with the installation of each traffic signal, the proportional special and general benefit costs associated with each traffic signal will vary and cannot be categorized in the same manner as street lighting. However, similar to street lighting, traffic signals are typically installed in areas where development has occurred and these traffic signals typically provide a special benefit to the nearby properties that utilize those intersections to access those properties. While the installation of street lighting which is primarily dictated by the development or potential development of specific properties (largely special benefit), the installation of traffic signals is often driven by more regional needs based on traffic circulation and volume and therefore, these traffic signals have a greater general benefit to the public at large. The proportional special and general benefit costs associated with each District maintained traffic signal shall be determined by the assessment engineer on a case by case basis.

As part of this Report for Annexation 2016-2, a new traffic signal will be installed on E. Bowman Road at the entryway to the new Walmart development (Assessor Parcel Numbers 343-351-34 and 343-351-35) that comprise Zone 02. This traffic signal is being installed solely and specifically for access to and from this development and serves no other overall traffic circulation purposes. Therefore, this traffic signal has been assigned entirely as a special benefit to these two parcels with no general benefit.

The total calculated general benefit for lighting improvements is identified in the budgets for each Zone (Part III of this Report).

## Assessment Methodology

The City annually levies and collects special benefit assessments in order to maintain and service the improvements that provide special benefits to parcels within the District. The estimated annual cost to maintain the improvements are identified in the budget section of this Report (Part III of this Report), including all estimated annual expenditures; funding for long term repair, replacement, rehabilitation and renovation costs; incidental expenses necessary to operate and support the District including administration and authorized reserve funding; and any revenues from other sources or previous deficit funding that would adjust the amount to be assessed.

In order to calculate and identify the proportional special benefit received by each parcel and ultimately each parcel's proportionate share of the improvement costs it is necessary to consider not only the improvements and services to be provided, but the relationship each parcel has to those improvements as compared to other parcels in the District

Article XIID Section 4a reads in part:

*"...The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement or the maintenance and operation expenses of a public improvement or for the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."*

Landscaping and lighting improvements like most public improvements, provide varying degrees of benefit (whether they be general or special) based largely on the extent of such improvements, the location of the improvements in relationship to properties associated with those improvements. To establish the proportional special benefit and ultimately the assessment obligation for each parcel, these factors need to be addressed and formulated in the method of apportionment by the use of benefit zones that reflect the extent and location of the improvements in relationship to the properties, as well as the specific use of the property and characteristics that reflects each parcel's proportional special benefit as compared to other properties that benefit from those same improvements.

The method of apportionment (method of assessment) developed for this District and Annexation No. 2016-2 is based on the premise that each of the property to be assessed receives a particular and distinct benefit (special benefit) from the improvements, services and facilities to be financed by the District assessments. The following provides a description of the various land use designations and apportionment associated with the improvements provided in the District, including Annexation No. 2016-2, which will be annexed into the District as Zone 02 and Zone 03.

To proportionally and equitably assess the special benefits to each parcel, it is necessary to correlate each property's proportional benefit to other properties that benefit from the improvements and services being funded. The Equivalent Benefit Unit ("EBU") method of apportionment utilizes one or more basic units of measurement (base value) of assessment that is common to the properties benefiting from the improvements and services provided and assigns a weighted value to each parcel based on that base value. The base value and assessment formula utilized in each Zone may be different, but is established for each Zone based on the improvements and properties that benefit from those improvements utilizing property characteristics that may include but is not limited to the type of development (property land use), property's development status, size of the property (acreage or units), front footage and zoning. The following outlines the land use classifications that are associated with or may be associated with the parcels in each Zone and the proportional Equivalent Benefit Units established for those land use classifications.

## Zones 01, Land Use Classifications and Equivalent Benefit Units

Zone 01 is currently comprised entirely of residential parcels and developments. The following is a list of land use classifications that may be applicable to parcels within the Zone and their assigned Equivalent Benefit Units. The single-family residential home site is used as the base value of benefit and assessment. Not all land use classifications listed are currently applicable to parcels in the Zone, but may be applicable to future parcels that are annexed to the Zone:

**Single Family Residential** – This land use is defined as a fully subdivided residential home site (detached or attached single-family residential properties) with or without a structure and the improvements and services associated with the parcel has been accepted or will be accepted by the City for maintenance in the Fiscal Year. This land use is assessed 1.00 EBU per lot or parcel.

**Multi-Family Residential** – This land use is defined as a parcel and/or development (group of parcels) that has been developed as a fully subdivided residential development with multiple residential units associated with the parcel or development including, apartments, duplexes, or other parcels with multiple residential units, but not including institutional facilities or mixed-use properties which are typically identified as non-residential; and the parcel or development receives a particular and distinct benefit from District improvements. The EBU assigned to each parcel within this land use classification for both landscaping and lighting improvements is 0.75 EBU per unit.

**Approved Residential Development** – This land use is defined as a parcel and/or development (group of parcels) that are not fully subdivided, but based on an Approved Development Map, Final Tract Map or other Approved Development Plan, the specific number of single-family residential lots and/or multi-family residential units has been approved for development, and the improvements and services associated with the development and/or parcel have been accepted or will be accepted by the City for maintenance in the fiscal year. This land use type is assigned an EBU for both landscaping and lighting improvements that reflects the total EBU's associated with that parcel at build-out (1.0 EBU per single-family residential lot and 0.75 per multi-family residential unit).

**Undeveloped Residential Property** — is defined as a parcel that has been identified as undeveloped property (vacant land), zoned for residential use (fully subdivided or not), that has the potential to be developed (few or no development restrictions). Typically, a tentative or final map has not been submitted and/or approved for the property, but the improvements that benefit the parcel (existing improvements) have been accepted or will be accepted by the City for maintenance in the fiscal year. When considering the special benefits from landscaping and lighting improvements it becomes evident that the proportional special benefits associated with vacant property is clearly less than that of developed properties. Although vacant properties may certainly derive special benefits from local landscaping and lighting improvements, these special benefits are limited to the land (lot) itself. Conversely, approximately half of the direct and immediate special benefits for developed properties are related to the daily use or potential use of that property. Therefore, the Equivalent Benefit Units applied to these properties shall be based on 0.500 EBU per acre with a minimum Equivalent Benefit Unit of 0.125 EBU for parcels less than one-quarter of an acre and a maximum Equivalent Benefit Unit of 5.000 EBU for parcels greater than ten acres.

**Planned Residential Development** – This land use is defined as a parcel or group of parcels currently identified as undeveloped (vacant land), but the specific number of single-family residential lots or multi-family residential units has been approved for development has part of an Approved Development Map, Final Tract Map or other Approved Development Plan. However, unlike Approved Residential Development property, the City does not anticipate acceptance of the improvements associated with this parcel or development for the upcoming fiscal year and the proportional assessments for such properties may likely be limited to incidental expenses.

For balloting purposes to establish the property's maximum assessment and proportional special benefit, these parcels shall be assigned an EBU that reflects the total EBU's associated with that parcel at build-out (1.0 EBU per single-family residential lot and 0.75 per multi-family residential unit). However, for calculation of the annual assessments each fiscal year, the City and Assessment Engineer shall apply an EBU that reflects the property's estimated proportional special benefit from exiting improvements and/or portion of the new improvements to be installed and accepted during the upcoming fiscal year. The Assessment Engineer may assign to such parcels in any given fiscal year as little as 0.00 EBU up to the maximum EBU for which the property was ballot or any EBU in between that reasonably reflects the parcel's proportional special benefit from the improvements and services provided as compared to other properties in the Zone. In addition, such parcels may be temporarily designated as a Sub-Zone within the Zone and budgeted separately until all the improvements for the development are installed and/or the property has been subdivided.

### Zones 02 and 03, Land Use Classifications and Equivalent Benefit Units

Zone 02 and Zone 03 are currently comprised of non-residential parcels (Developed or Approved) and undeveloped parcels (undeveloped non-residential or multi-family residential properties). The following is a list of land use classifications that may be applicable to parcels within these Zones followed by the calculation of the Equivalent Benefit Units associated with those land use classifications. The base value of benefit and assessment for each parcel is based on the total Improvement Square Footage and total Benefit Front Footage of the parcels associated with those improvements. Not all land use classifications listed are currently applicable to parcels in the Zone, but may be applicable to future parcels that are annexed to the Zones:

#### *Land Use Classifications*

**Developed Non-Residential** – This land use is defined as a parcel and/or development (group of parcels) that has been developed primarily with a non-residential use, including, but are not limited to (both publicly owned and privately owned) commercial, office or professional service, industrial, parking lot, institutional facilities, churches or other non-profit organizations; and the parcel or development receives a particular and distinct benefit from District improvements. The EBU assigned to such parcels for both landscaping and lighting improvements is based on the parcel's proportional benefit frontage and calculated improvement square footage of the landscape improvements associated with the property as compared to other properties that benefit from those improvements as outlined in the EBU calculations that follow.

**Approved Non-Residential** – This land use is defined as a parcel and/or development (group of parcels) that has an Approved Development Map, Final Tract Map or other Approved Development Plan primarily for a non-residential use, including, but are not limited to (both publicly owned and privately owned) commercial, office or professional service, industrial, parking lot, institutional facilities, churches or other non-profit organizations; and the parcel or development receives a particular and distinct benefit from District improvements. The EBU assigned to such parcels for both landscaping and lighting improvements is based on the parcel's proportional benefit frontage and calculated improvement square footage of the landscape improvements associated with the property as compared to other properties that benefit from those improvements as outlined in the EBU calculations that follow.

**Developed Multi-Family Residential** – This land use is defined as a parcel and/or development (group of parcels) that has been developed as a fully subdivided residential development with multiple residential units associated with the parcel or development including, apartments, duplexes, or other parcels with multiple residential units, but not including institutional facilities or mixed-use properties which are typically identified as non-residential; and the parcel or development receives a particular and distinct benefit from District improvements. The EBU assigned to such parcels for both landscaping and lighting improvements is based on the parcel's proportional benefit frontage and calculated improvement square footage of the landscape improvements associated with the property as compared to other properties that benefit from those improvements as outlined in the EBU calculations that follow.

**Approved Multi-Family Residential** – This land use is defined as a parcel and/or development (group of parcels) that has an Approved Development Map, Final Tract Map or other Approved Development Plan for development as a multiple residential unit parcel or development including, apartments, duplexes, or other parcels with multiple residential units, but not including institutional facilities or mixed-use properties which are typically identified as non-residential; and the parcel or development receives a particular and distinct benefit from District improvements. The EBU assigned to such parcels for both landscaping and lighting improvements is based on the parcel's proportional benefit frontage and calculated improvement square footage of the landscape improvements associated with the property as compared to other properties that benefit from those improvements as outlined in the EBU calculations that follow.

**Developed Condominium Parcel** – This land use is defined as a parcel that have been developed as a fully subdivided residential condominium or townhome parcel for which the County Assessor has established an individual Assessor's Parcel Number for each residential condominium unit and related common areas (if any); and the condominium development and condominium parcels therein receive a particular and distinct benefit from District improvements. (Such developments do not include any District improvements within the development, only improvements outside the development). The EBU assigned to each residential condominium parcel within for both landscaping and lighting improvements is based on the overall development's proportional benefit frontage and calculated improvement square footage of the landscape improvements associated with the condominium development as compared to other properties that benefit from those improvements. The development's calculated improvement square footage is proportionately allocated to each residential condominium parcel as described in the EBU calculations that follow.

**Approved Condominium Property** – This land use is defined as a parcel or group of parcels that has an Approved Development Map, Final Tract Map or other Approved Development Plan for development as a condominiums or townhomes for which the County Assessor has or will establish individual Assessor's Parcel Numbers for each residential condominium unit and common areas (if any); and the condominium development and condominium parcels therein receive a particular and distinct benefit from District improvements. (Such developments do not include any District improvements within the development, only improvements outside the development). The EBU assigned to each parcel (fully subdivided residential condominium parcels or planned residential units on yet to be subdivided parcels) for both landscaping and lighting improvements is based on the overall development's proportional improvement square footage of the landscape improvements associated with the condominium development as compared to other properties that benefit from those improvements. The development's calculated benefit frontage and improvement square footage of the landscape improvements is proportionately allocated to each residential condominium parcel as described in the EBU calculations that follow.

**Undeveloped Non-Residential** – This land use is defined as a parcel or group of parcels that are undeveloped (vacant land), for which a specific Development Map, Tract Map or other Development Plan has not been approved, but based on Zoning and/or other documents, the City anticipates the parcel or group of parcels to be developed for a non-residential or multi-family residential use; and the property receives a particular and distinct benefit from District improvements. The EBU assigned to such property for both landscaping and lighting improvements is based on the parcel's proportional benefit frontage and calculated improvement square footage of the landscape improvements associated with the property as compared to other properties that benefit from those improvements as outlined in the EBU calculations that follow.

**Planned Non-Residential** – This land use is defined as a parcel or group of parcels currently identified as undeveloped (vacant land), but the property has an Approved Development Map, Final Tract Map or other Approved Development Plan for development as a non-residential property. However, unlike an Approved Non-Residential property, the City does not anticipate acceptance of all the improvements associated with this parcel or development for the upcoming fiscal year and the proportional assessments for such properties may be limited to a portion of the estimated annual maintenance costs and/or incidental expenses.

**Planned Multi-Family Residential** – This land use is defined as a parcel or group of parcels currently identified as undeveloped (vacant land), but the property has an Approved Development Map, Final Tract Map or other Approved Development Plan for development as a multiple residential unit parcel or development. However, unlike an Approved Multi-Family Residential or an Approved Condominium Property, the City does not anticipate acceptance of all the improvements associated with this parcel or development for the upcoming fiscal year and the proportional assessments for such properties may be limited to a portion of the estimated annual maintenance costs and/or incidental expenses.

For balloting purposes to establish the property's maximum assessment and proportional special benefit, for both Planned Non-Residential and Planned Multi-Family Residential properties, the parcels shall be assigned an EBU that reflects the property's EBU at build-out (similar to that of a "Developed" or "Approved" property) and the City's acceptance of all the improvements to be maintained by the District. However, for calculation of the annual assessments each fiscal year, the City and Assessment Engineer may classify such parcels as a "Special Case" and apply an EBU that reflects the property's estimated proportional special benefit from existing improvements and/or portion of the new improvements to be installed and accepted during the upcoming fiscal year. The Assessment Engineer may assign to such parcels in any given fiscal year, as little as

0.00 EBU up to the maximum EBU for which the property was ballot or any EBU in between, that reasonably reflects the parcel's proportional special benefit from the improvements and services provided as compared to other properties in the Zone. In addition, such parcels may be temporarily designated as a Sub-Zone within the Zone and budgeted separately until all the improvements for the development are installed and/or the property has been subdivided.

### ***Equivalent Benefit Unit (EBU) Applications***

The above land use types are assigned an EBU that reflects each parcel's and/or development's proportional improvement benefit based on the square footage of the landscape areas on the street, streets, and/or street segments associated with the property and for which the property receives special benefit. Each parcel's proportional square footage for a specific improvement or shared improvement is calculated by:

- 1) Establish each parcel's "Street Frontage" associated with the improvements that benefit the parcel. For most properties this Street Frontage is the parcel's linear street frontage on the street where the improvement(s) that benefit the property are located (Corner properties may have street frontage on more than one side, which may be calculated separately if the improvements on each street are shared with different properties).

For properties/developments comprised of multiple parcels (some parcels within a development or future development area may not have actual street frontage), the total street frontage for the overall property/development is proportionately allocated to each parcel within that development or future development area utilizing the proportional acreage of each parcel within the development. (Proportional residential units may be used for a Condominium Property/Development if the number of Units is known for each parcel).

**Parcel Acreage / Development Acreage = Proportional Acreage** (for each parcel)

**Proportional Acreage x Development Street Frontage = Parcel's Assigned Street Frontage**

- 2) Calculate each parcel's proportional "Benefit Frontage".

For parcels identified as "Developed" or "Approved" land use classifications, the parcel's calculated Street Frontage is applied as the parcel's "Benefit Frontage".

**Assigned Street Frontage = Benefit Frontage**

For parcels/properties identified as "Undeveloped" (Vacant Land) and "Planned" parcels/properties (those that are still Vacant Land), it is recognized that the proportional special benefits associated with such property is typically less than that of developed properties because the property is undeveloped. In addition to the special benefits associated with each property because of proximity to the improvements, developed properties (both "Developed" or "Approved") also receive the added and immediate benefits associated with the daily utilization of the improvements afforded to the employees, residents, visitors, and patrons of those properties. Therefore, "Undeveloped" properties and "Planned" development properties (those not being treated as a Special Case) are assigned a "Benefit Frontage" that is ½ (50%) of the parcel's calculated Street Frontage.

**Assigned Street Frontage x 50% = Benefit Frontage**

- 3) Establish the average square feet of improvement area for each linear foot of Benefit Frontage. The overall "Improvement Square Feet" (applicable improvement area square footage) of the improvement area that benefits the parcels in the Zone is divided by the sum total of the Benefit Frontage of all the parcels that benefit from the improvements ("Total Benefit Frontage) to establish a ratio of "Improvement Square Feet per Benefit Front Foot".

**Improvement Square Feet / Total Benefit Frontage = Improvement Square Feet per Front Foot**

- 4) This ratio of Improvement Square Feet to Benefit Frontage ("Improvement Square Feet per Benefit Front Foot") is then multiplied by each parcel's calculated "Benefit Frontage" to establish the parcels proportional EBU or Proportional Improvement Square Footage.

**Improvement Square Feet per Benefit Front Foot x Parcel's Benefit Frontage = Parcel's EBU**

### Land Use Classifications Applicable to All Zones:

In addition to the land use classifications previously identified for each Zone, the following two land use classifications may also be applicable to parcels within each Zone of the District:

**Exempt Properties** – Within most districts, there are lots or parcels of land that do not receive a special benefit from the improvements provided (exempt from assessment), which may include, but is not limited to public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, public rights-of-way, or utility rights-of-way; common areas, bifurcated lots; sliver parcels or any other parcel that has little or no assessed value and cannot be developed independently; parcels that are part of the improvements being maintained by the District or that the City has determined that the parcel cannot be developed. These types of parcels are considered to receive no special benefit from the improvements and are therefore exempted from assessment and are assigned 0.00 EBU.

**Special Case Properties** – In districts where multiple land use classifications are applied, there may be a specific property or properties where the typical land use classifications and method of apportionment do not accurately reflect the property's proportional special benefits received from the improvements. This land use classification may be applicable when the use of that property is restricted or limited compared to other properties, cases where only a portion of the property can be developed or only a portion of the parcel will benefit from the improvements provided, and/or the timing of the City accepting the specific improvements associated with that property may be different than other properties with that development or Zone. For example, a parcel may be identified as an undeveloped property, but only a portion of the parcel can actually be developed or only a portion of the property is considered to benefit from the improvements. In such cases, the City and Assessment Engineer may determine that an appropriate calculation of proportional benefit is better reflected by applying a reduced weighting factor (permanent or temporary) that accounts for the property's reduced benefit from the improvements.

## PART III – Estimate of Costs

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### Calculation of Assessments

An assessment amount per Equivalent Benefit Unit (Assessment per EBU) is calculated by:

Taking the “Total Annual Expenses” (Total budgeted costs) and subtracting the “Total General Benefit Expenses” (Landscaping General Benefit Expenses and/or Lighting General Benefit Expenses), to establish the “Total Special Benefit Expenses”;

$$\text{Total Annual Expenses} - \text{General Benefit Expenses} = \text{Special Benefit Expenses}$$

To the resulting “Special Benefit Expenses”, various “Funding Adjustments” may be applied that may include, but are not limited to:

- “Unfunded Reserve Fund Collection”, represents an adjustment (reduction) in the amount to be collected for “Operational Reserve Funding” that was budgeted as part of the Total Annual Expenses.
- “Unfunded CIP/Rehabilitation Funding Collection”, represents an adjustment (reduction) in the amount to be collected for “CIP & Rehabilitation Reserve Fund Collection” that was budgeted as part of the Total Annual Expenses.
- “Reserve Fund Transfer/Deduction”, represents an amount of available existing funds from the “Operational Reserve Fund Balances” being applied to pay a portion of the Special Benefit Expenses for the fiscal year.
- “Additional City Contribution and/or Service Reductions”, represents a further adjustment that addresses the funding gap between the amount budgeted to provide the improvements and services (“Special Benefit Expenses”); and the amount that will be collected through the assessments. This funding gap may be addressed by an additional City contribution, reductions in service and service expenses, or a combination of the two.
- “Advance Payment or Other Credit”, represents an adjustment credit, (reduction in the amount to be collected as “Special Benefit Expenses” for the fiscal year, which is usually the result of an advance payment by a developer or property owner for maintenance or energy costs that may have been required by the City or a utility provider prior to the installation and acceptance of the improvements.

These adjustments to the Special Benefit Expenses result in the net special benefit amount to be assessed “Balance to Levy”;

$$\text{Special Benefit Expenses} - \text{Funding Adjustments} = \text{Balance to Levy}$$

The amount identified as the “Balance to Levy” is divided by the total number of EBUs of parcels that receive special benefit to establish the Assessment Rate (“Assessment Per EBU”). This Assessment Rate is then applied back to each parcel's individual EBU to calculate the parcel's proportionate special benefit and assessment amount for the improvements.

$$\text{Balance to Levy} / \text{Total EBU} = \text{Assessment Per EBU (Assessment Rate)}$$
$$\text{Assessment Per EBU} \times \text{Parcel EBU} = \text{Parcel Assessment Amount}$$

Note: The maximum assessments outlined in this Report are intended to fully support the expenses identified as “Special Benefit Expenses”. Consequently, there are no “Funding Adjustments” reflected in the budgets establishing the maximum assessment rates and the “Balance to Levy” is equal to the total “Special Benefit Expenses”.

## **Annexation No. 2016-2 Budgets and Assessments**

The budgets and assessments outlined on the following pages for Annexation No. 2016-2, are based on the City's estimate of the expenses and related funding necessary for the operation, maintenance and servicing of the District improvements identified in Part I of this Report for Zone 02 and Zone 03.

The first set of budgets establishes the initial Maximum Assessment per EBU (Maximum Assessment Rate) for Zone 02 and Zone 03 in Fiscal Year 2017/2018 that will be presented to the property owners of record within Annexation No. 2016-2 as part of the Ballot Proceeding. Reference is hereby made to the assessment roll included herein as Part V for the individual maximum assessment amounts to be balloted for each parcel.

The second set of budgets establishes the proposed Assessment per EBU to be levied and collected in Fiscal Year 2017/2018 for Zone 02 and Zone 03, which is less than the maximum assessments being balloted. Reference is hereby made to the assessment roll included herein as Part V for the individual assessment amounts proposed to be levied and collected for each parcel in Fiscal Year 2017/2018.

## Annexation No. 2016-2 Budgets & Maximum Assessments

BUDGET ITEMS	Zone 02	Zone 03	Zones 02 & 03
	Annex 2016-2 Walmart	Annex 2016-2 Remaining Parcels of Annex 2016-2	Combined Annex 2016-2 All of Annex 2016-2
<b>ANNUAL OPERATION &amp; MAINTENANCE EXPENSES</b>			
Street Lighting Operation & Maintenance	\$ 3,477	\$ 1,785	\$ 5,262
Traffic Signal Operation & Maintenance	2,840	-	2,840
<b>Annual Lighting Operation &amp; Maintenance Expenses</b>	<b>\$ 6,317</b>	<b>\$ 1,785</b>	<b>\$ 8,102</b>
Landscape Maintenance	\$ 7,202	\$ 5,228	\$ 12,430
Tree Maintenance	647	469	1,116
Landscape Irrigation (Water, Electricity, Maintenance & Repair)	2,199	1,596	3,795
Appurtenant Improvements or Services	\$ 898	\$ 652	\$ 1,550
<b>Annual Landscaping Operation &amp; Maintenance Expenses</b>	<b>\$ 10,946</b>	<b>\$ 7,946</b>	<b>\$ 18,891</b>
<b>TOTAL ANNUAL OPERATION &amp; MAINTENANCE EXPENSES</b>	<b>\$ 17,263</b>	<b>\$ 9,731</b>	<b>\$ 26,994</b>
<b>REHABILITATION/RENOVATION FUNDING &amp; CAPITAL (CIP) EXPENDITURES</b>			
Street Lighting Rehabilitation/Renovation Funding	\$ 348	\$ 179	\$ 526
Traffic Signal Rehabilitation/Renovation Funding	284	-	284
<b>Lighting Rehabilitation/Renovation Funding</b>	<b>\$ 632</b>	<b>\$ 179</b>	<b>\$ 810</b>
Landscaping Rehabilitation/Renovation Funding	\$ 720	\$ 523	\$ 1,243
Tree Rehabilitation/Renovation Funding	647	469	1,116
Irrigation Rehabilitation/Renovation Funding	372	270	643
<b>Landscape Improvement Rehabilitation/Renovation Funding</b>	<b>1,739</b>	<b>1,263</b>	<b>3,002</b>
<b>Total Rehabilitation/Renovation Funding</b>	<b>\$ 2,371</b>	<b>\$ 1,441</b>	<b>\$ 3,812</b>
<b>Total Planned Capital Expenditures (For Fiscal Year)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL REHABILITATION/RENOVATION FUNDING &amp; CAPITAL EXPENDITURES</b>	<b>\$ 2,371</b>	<b>\$ 1,441</b>	<b>\$ 3,812</b>
<b>INCIDENTAL EXPENSES</b>			
<b>Operational Reserves (Collection)</b>	<b>\$ 2,837</b>	<b>\$ 1,598</b>	<b>\$ 4,435</b>
District Administration Expenses	4,766	2,684	7,450
County Administration Fee	503	283	785
<b>Annual Administration Expenses</b>	<b>5,269</b>	<b>2,967</b>	<b>8,236</b>
<b>TOTAL INCIDENTAL EXPENSES</b>	<b>\$ 8,106</b>	<b>\$ 4,565</b>	<b>\$ 12,671</b>
<b>TOTAL ANNUAL EXPENSES</b>	<b>\$ 27,740</b>	<b>\$ 15,737</b>	<b>\$ 43,477</b>
<b>GENERAL BENEFIT EXPENSES</b>			
Lighting General Benefit — City Funded	\$ (246)	\$ (179)	\$ (424)
Landscaping General Benefit — City Funded	(472)	(343)	(815)
<b>TOTAL GENERAL BENEFIT EXPENSES</b>	<b>\$ (718)</b>	<b>\$ (521)</b>	<b>\$ (1,239)</b>
<b>TOTAL SPECIAL BENEFIT EXPENSES</b>	<b>\$ 27,022</b>	<b>\$ 15,216</b>	<b>\$ 42,238</b>
<b>FUNDING ADJUSTMENTS</b>			
Additional City Funding and/or Service Reductions	\$ -	\$ -	\$ -
Advance Payment or Other Credit*	-	-	-
<b>TOTAL FUNDING ADJUSTMENTS / CONTRIBUTIONS</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>BALANCE TO LEVY</b>	<b>\$ 27,022</b>	<b>\$ 15,216</b>	<b>\$ 42,238</b>
<b>DISTRICT STATISTICS</b>			
Total Parcels	2	9	11
Assessed Parcels	2	9	11
Equivalent Benefit Units (EBU)	23,271.49	16,893.51	40,165.00
Assessment Per EBU	\$1.1612	\$0.9007	
<b>Maximum Assessment Rate Per EBU</b>	<b>\$1.1700</b>	<b>\$0.9100</b>	
Balloted Maximum Assessment Rate Per EBU	\$1.1700	\$0.9100	
<b>Balloted Amount</b>	<b>\$ 27,227.65</b>	<b>\$ 15,373.10</b>	<b>\$ 42,600.75</b>
<b>FUND BALANCE</b>			
Estimated Beginning Fund Balance	\$ -	\$ -	\$ -
Operational Reserve & Rehabilitation Funding Collected	5,208	3,039	8,247
<b>Estimated Ending Fund Balance</b>	<b>\$ 5,208</b>	<b>\$ 3,039</b>	<b>\$ 8,247</b>

## Annexation No. 2016-2 Budgets & Assessments, Fiscal Year 2017/2018

BUDGET ITEMS	Zone 02	Zone 03	Zones 02 & 03
	Annex 2016-2 Walmart	Annex 2016-2 Remaining Parcels of Annex 2016-2	Combined Annex 2016-2 All of Annex 2016-2
<b>ANNUAL OPERATION &amp; MAINTENANCE EXPENSES</b>			
Street Lighting Operation & Maintenance	\$ 3,477	\$ 1,785	\$ 5,262
Traffic Signal Operation & Maintenance	2,840	-	2,840
<b>Annual Lighting Operation &amp; Maintenance Expenses</b>	<b>\$ 6,317</b>	<b>\$ 1,785</b>	<b>\$ 8,102</b>
Landscape Maintenance	\$ 7,202	\$ 5,228	\$ 12,430
Tree Maintenance	647	469	1,116
Landscape Irrigation (Water, Electricity, Maintenance & Repair)	2,199	1,596	3,795
Appurtenant Improvements or Services	\$ 898	\$ 652	\$ 1,550
<b>Annual Landscaping Operation &amp; Maintenance Expenses</b>	<b>\$ 10,946</b>	<b>\$ 7,946</b>	<b>\$ 18,891</b>
<b>TOTAL ANNUAL OPERATION &amp; MAINTENANCE EXPENSES</b>	<b>\$ 17,263</b>	<b>\$ 9,731</b>	<b>\$ 26,994</b>
<b>REHABILITATION/RENOVATION FUNDING &amp; CAPITAL EXPENDITURES</b>			
Street Lighting Rehabilitation/Renovation Funding	\$ 348	\$ 179	\$ 526
Traffic Signal Rehabilitation/Renovation Funding	284	-	284
<b>Lighting Rehabilitation/Renovation Funding</b>	<b>\$ 632</b>	<b>\$ 179</b>	<b>\$ 810</b>
Landscaping Rehabilitation/Renovation Funding	\$ 720	\$ 523	\$ 1,243
Tree Rehabilitation/Renovation Funding	647	469	1,116
Irrigation Rehabilitation/Renovation Funding	372	270	643
<b>Landscape Improvement Rehabilitation/Renovation Funding</b>	<b>1,739</b>	<b>1,263</b>	<b>3,002</b>
<b>Total Rehabilitation/Renovation Funding</b>	<b>\$ 2,371</b>	<b>\$ 1,441</b>	<b>\$ 3,812</b>
<b>Total Planned Capital Expenditures (For Fiscal Year)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL REHABILITATION/RENOVATION FUNDING &amp; CAPITAL EXPENDITURES</b>	<b>\$ 2,371</b>	<b>\$ 1,441</b>	<b>\$ 3,812</b>
<b>INCIDENTAL EXPENSES</b>			
<b>Operational Reserves (Collection)</b>	<b>\$ 2,837</b>	<b>\$ 1,598</b>	<b>\$ 4,435</b>
District Administration Expenses	4,766	2,684	7,450
County Administration Fee	503	283	785
<b>Annual Administration Expenses</b>	<b>5,269</b>	<b>2,967</b>	<b>8,236</b>
<b>TOTAL INCIDENTAL EXPENSES</b>	<b>\$ 8,106</b>	<b>\$ 4,565</b>	<b>\$ 12,671</b>
<b>TOTAL ANNUAL EXPENSES</b>	<b>\$ 27,740</b>	<b>\$ 15,737</b>	<b>\$ 43,477</b>
<b>GENERAL BENEFIT EXPENSES</b>			
Lighting General Benefit — City Funded	\$ (246)	\$ (179)	\$ (424)
Landscaping General Benefit — City Funded	(472)	(343)	(815)
<b>TOTAL GENERAL BENEFIT EXPENSES</b>	<b>\$ (718)</b>	<b>\$ (521)</b>	<b>\$ (1,239)</b>
<b>TOTAL SPECIAL BENEFIT EXPENSES</b>	<b>\$ 27,022</b>	<b>\$ 15,216</b>	<b>\$ 42,238</b>
<b>FUNDING ADJUSTMENTS</b>			
Additional City Funding and/or Service Reductions	\$ -	\$ -	\$ -
Advance Payment or Other Credit*	(6,193)	-	(6,193)
<b>TOTAL FUNDING ADJUSTMENTS / CONTRIBUTIONS</b>	<b>\$ (6,193)</b>	<b>\$ -</b>	<b>\$ (6,193)</b>
<b>BALANCE TO LEVY</b>	<b>\$ 20,829</b>	<b>\$ 15,216</b>	<b>\$ 36,044</b>
<b>DISTRICT STATISTICS</b>			
Total Parcels	2	9	11
Assessed Parcels	2	9	11
Equivalent Benefit Units (EBU)	23,271.49	16,893.51	40,165.00
Assessment Per EBU (Fiscal Year 2017/2018)	\$0.8950	\$0.9007	
<b>Maximum Assessment Rate Per EBU</b>	<b>\$1.1700</b>	<b>\$0.9100</b>	
Balloted Maximum Assessment Rate Per EBU	\$1.1700	\$0.9100	
<b>Balloted Amount</b>	<b>\$ 27,227.65</b>	<b>\$ 15,373.10</b>	<b>\$ 42,600.75</b>
<b>FUND BALANCE</b>			
Estimated Beginning Fund Balance	\$ -	\$ -	\$ -
Operational Reserve & Rehabilitation Funding Collected	5,208	3,039	8,247
<b>Estimated Ending Fund Balance</b>	<b>\$ 5,208</b>	<b>\$ 3,039</b>	<b>\$ 8,247</b>

## Assessment Range Formula

Any new or increased assessment requires certain noticing and meeting requirements by law. The Brown Act defines the terms "new or increased assessment" to exclude certain conditions. These certain conditions included "any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed."

Recognizing that the cost of maintaining the improvements will increase over time due to inflation, the maximum assessments (initial maximum assessment amounts and maximum assessment rates established herein for fiscal year 2017/2018) for Zone 02 and Zone 03, shall include a fixed 3.5% annual inflationary adjustment (Assessment Range Formula). This 3.5% annual adjustment provides for reasonable increases and inflationary adjustment to the initial maximum assessment rate to be approved by the property owners as part of the protest ballot proceeding conducted in connection with the annexation of the parcels with Annexation 2016-2 to the District. This Assessment Range Formula is consistent with the annual inflationary adjustment previously established and adopted for the District and Zone 01.

The adoption of the maximum assessment rate and the Assessment Range Formula described herein does not mean that the annual assessments will necessarily increase each fiscal year nor does it absolutely restrict the assessments to the adjustment maximum assessment amount. Although the maximum assessment rate that may be levied shall be adjusted (inflated) by 3.5% each year, the actual amount to be assessed will be based on the Balance to Levy for that fiscal year. If the calculated assessment is less than the adjusted maximum assessment, then the calculated assessment may be approved by the City Council for collection. If the calculated assessment (based on the proposed budget) is greater than the adjusted maximum assessment for that fiscal year, then the assessment would be considered an increased assessment and would require property owner approval through a protest ballot proceeding before imposing such an increase. Otherwise, it would be necessary to reduce the budget or provide a contribution from the City to reduce the Balance to Levy (amount to be assessed) to an amount that can be supported by an assessment rate less than or equal to the maximum assessment rate authorized for that fiscal year.

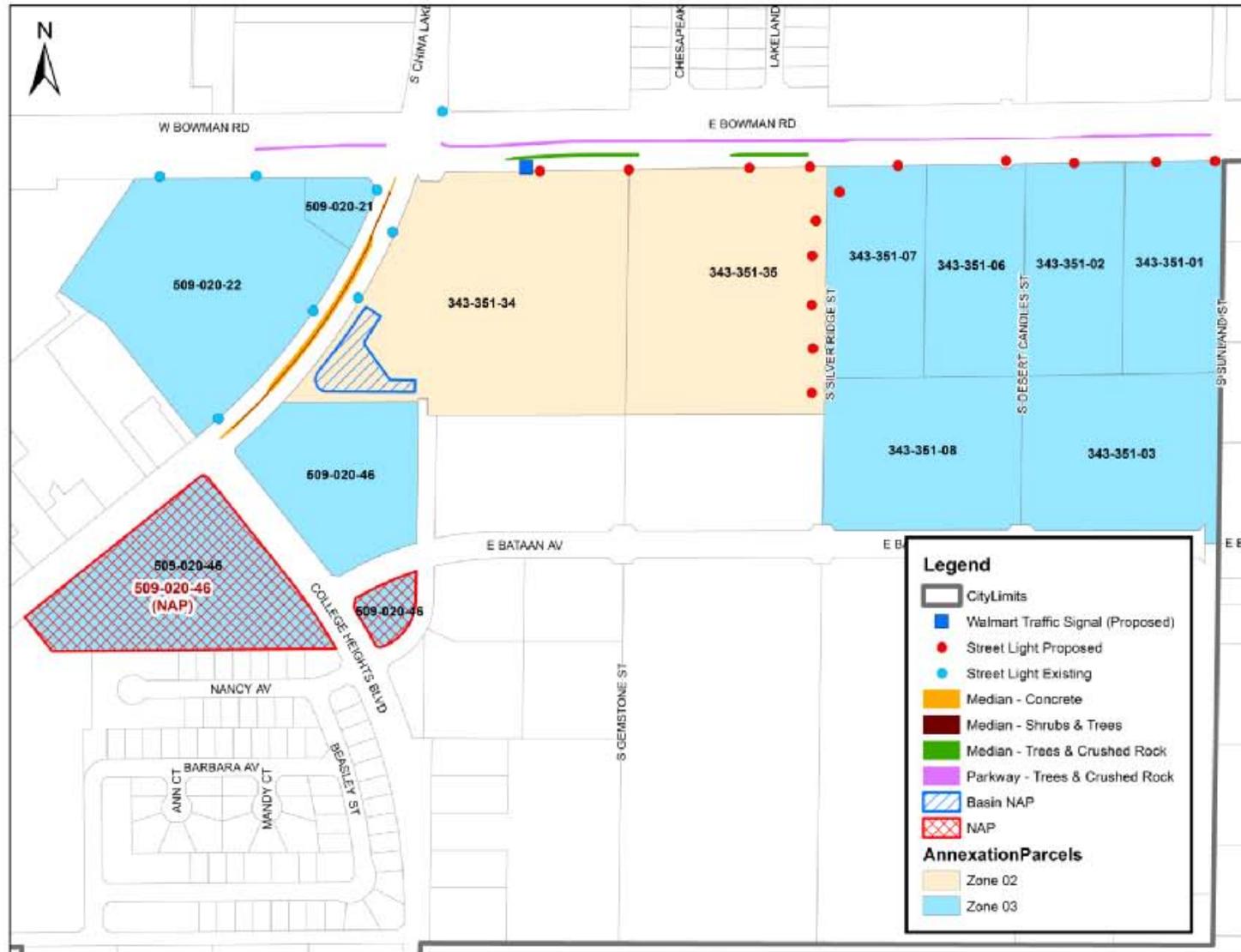
The Assessment Range Formula (3.5% annual adjustment) shall be applied to the maximum assessment rate for Zone 02 and Zone 03 identified in the Annexation No. 2016-2 Budgets & Maximum Assessments as presented in this Report, commencing in fiscal year 2018/2019 and all subsequent fiscal years unless the City Council formally suspends its application.

## Part IV — Annexation Diagram

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The original District Diagram for the Ridgecrest Landscaping and Lighting District No. 2012-1 and each of the previous and subsequent annexations are on file in the office of the City Public Works Department and the City Clerk, and by reference herein are made part of this Report. As of the writing of this Report, the parcels within Annexation No. 2016-2 for the Ridgecrest Landscaping and Lighting District No. 2012-1 as depicted on the following Annexation Diagram consist of lots, parcels and subdivisions of land found on the Kern County Assessor's Parcel Maps as Book 509, Page 020, Parcels 21, 22 and a portion of 46; and Book 343, Page 351, Parcels 01, 02, 03, 06, 07, 08, 34, and 35. All lots, parcels and subdivisions of land within the boundaries of Annexation No. 2016-2 as depicted by this diagram shall be dictated by the lines and dimensions of those lots, parcels and subdivisions of land shown on the Kern County Assessor's parcel maps and by reference these maps are incorporated herein and made part of this Report, including all subsequent lot-line adjusts or parcel changes made thereto by the Kern County Assessor's Office.

## Annexation Diagram



## PART V — Assessment Roll

Parcel identification for each lot or parcel within Annexation No. 2016-2 represent the parcels as shown on the Kern County Secured Roll and reflective of the Assessor's Parcel Maps at the time this Report was prepared and shall incorporate all subsequent parcel changes, lot-line adjustments, and subdivisions of land identified by the Kern County Assessor's Office. A listing of the lots and parcels to be assessed within Annexation No. 2016-2 along with the maximum assessment amount (Balloted Assessment Amount) and the proposed Fiscal Year 2017/2018 assessments calculated for each parcel is provided below.

### Annexation No. 2016-2 Zone 02 Assessments

Assessor Parcel Number	ZONE	Land Use	Calculated EBU	Balloted Maximum Assessment	FY 2017/2018 Assessment
343-351-34	02	Approved Non-Residential	13,117.4070	\$ 15,347.37	\$ 11,740.08
343-351-35	02	Approved Non-Residential	10,154.0879	\$ 11,880.28	\$ 9,087.91
<b>Total</b>			<b>23,271.4949</b>	<b>\$ 27,227.65</b>	<b>\$ 20,827.99</b>

### Annexation No. 2016-2 Zone 03 Assessments

Assessor Parcel Number	ZONE	Land Use	Calculated EBU	Balloted Maximum Assessment	FY 2017/2018 Assessment
343-351-01	03	Undeveloped Non-Residential	1,540.7925	\$ 1,402.12	\$ 1,387.79
343-351-02	03	Undeveloped Non-Residential	1,540.7925	\$ 1,402.12	\$ 1,387.79
343-351-03	03	Undeveloped Non-Residential	2,257.7037	\$ 2,054.51	\$ 2,033.51
343-351-06	03	Undeveloped Non-Residential	1,550.2962	\$ 1,410.77	\$ 1,396.35
343-351-07	03	Undeveloped Non-Residential	1,556.1410	\$ 1,416.09	\$ 1,401.62
343-351-08	03	Undeveloped Non-Residential	2,230.5685	\$ 2,029.82	\$ 2,009.07
509-020-21	03	Developed Non-Residential	1,687.8648	\$ 1,535.96	\$ 1,520.26
509-020-22	03	Developed Non-Residential	4,374.8017	\$ 3,981.07	\$ 3,940.38
509-020-46	03	Undeveloped Non-Residential	154.5444	\$ 140.64	\$ 139.20
<b>Total</b>			<b>16,893.5053</b>	<b>\$ 15,373.10</b>	<b>\$ 15,215.97</b>



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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/  
HOUSING AUTHORITY/FINANCING AUTHORITY AGENDA ITEM**

**SUBJECT:**

Minutes of the Regular City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of October 5, 2016

**PRESENTED BY:**

Rachel J. Ford, City Clerk

**SUMMARY:**

Draft Minutes of the Regular City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of October 5, 2016

**FISCAL IMPACT:**

None

Reviewed by Finance Director:

**ACTION REQUESTED:**

Approve minutes

**CITY MANAGER 'S RECOMMENDATION:**

Action as requested: Approve Draft Minutes

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**MINUTES OF THE REGULAR MEETING OF THE  
RIDGECREST CITY SUCCESSOR AGENCY,  
FINANCING AUTHORITY, AND HOUSING AUTHORITY**

**City Council Chambers  
100 West California Avenue  
Ridgecrest, California 93555**

**October 5, 2016  
5:30 p.m.**

This meeting was recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by City Council/Redevelopment Agency. Meetings are recorded solely for the purpose of preparation of minutes.

**CALL TO ORDER – 5:30 p.m.**

**ROLL CALL**

Council Present: Mayor Peggy Breedon; Mayor Pro Tempore James Sanders (via teleconference); Vice Mayor Lori Acton; Council Members Eddie B. Thomas, and Mike Mower

Council Absent: None

Staff Present: City Manager Dennis Speer; City Clerk Rachel J. Ford; City Attorney Lemieux, and other staff

**APPROVAL OF AGENDA**

*Motion To Approve Agenda (As Amended) Made By Council Member Acton, Second By Council Member Mower. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breedon, Council Members Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 1 Absent (Council Member Sanders).*

**PUBLIC COMMENT** *(Closed Session)*

- None Presented

*Council Member Sanders arrived prior to closed session.*

**CLOSED SESSION**

GC54956.9 (d) (4) Conference With Legal Counsel – Potential Litigation – City Of Ridgecrest v. Southern California Edison

## **REGULAR SESSION – 6:00 p.m.**

- Pledge Of Allegiance
- Invocation

## **CITY ATTORNEY REPORT**

- Closed Session
  - City Of Ridgecrest v. Southern California Edison, no reportable action taken
  - This is potential litigation, not an actual litigation matter. Two sections in Brown Act which require different information on the title.
- Other
  - None

## **PUBLIC COMMENT** (*Regular Session*)

Christina Witt

- Spoke about candidate behavior toward other candidates.
- Questioned residency of Wallace Martin not changing DMV License.
- Commented on the group sponsoring Mr. Martin not paying their property taxes and questioned the type of people flinging mud at a defenseless person who cannot defend due to litigation issue.
- Kudos to candidates who are keeping the campaigns clean.
- Asked candidates to act with integrity.

Dan Wright

- Spoke on Measure V and expressed concerns that it is in trouble. Supports the measure
- Commented favorably on Ridgecrest community, demographic, geek community.
- Spoke about the geek mentality and preference for hard data and facts. Scare tactics don't work on geeks and requests for an alternative budget.
- Spoke on the 'massive perception of bait and switch' in the community.
- Good things were done with the money and alternative budget would clearly show what the concerns truly are.
- The sky is falling presentation does not work with this demographic.
- Presented example of an alternative budget data sheet without Measure V. not detailed but rational and supportable.
- Expressed concerns that without an alternative budget.

David Matthews

- Spoke on item no. 5 needing pulled as the street name is not identified.
  - Keith Lemieux – suggested looking at the first and third paragraphs in the summary. Recommend tabling the item.
  - Gary Parsons – explained the location.
- Wholeheartedly support Measure V because has seen the work and has heard nothing from the committee of concern. Urge people to vote for it.

Mike Neel

- Commented on reasons to not vote for Measure V.
- Read a response for the cure and correct letter regarding the land sale to the Timbisha Shoshone Tribe. Copy provided to City Clerk's office this afternoon and provided to Council. *(Attachment A)*
- 

## COUNCIL ANNOUNCEMENTS

Mike Mower

- Received certificate of appreciation for Veteran's Stand Down
- Not running for water board, son is running for water board
- Spoke on appointment to commissions by application and will not appoint anyone without an application.
- Spoke on article from Mr. Martin blaming the City for not providing residency information. Read the candidates handbook regarding residency.

Peggy Breeden

- Commented on people name calling and trying to devalue other candidates. Need to come together as a community and find ways to work together. Still receiving emails that call names. I want all of us to try to do better to work together. Facts are one thing but pointing fingers is not appropriate. Remember who we are and what made us a community, all of us working together to make this a good community.

## CONSENT CALENDAR

1. **Proposed Action To Approve A Resolution Of The City Council Of The City Of Ridgecrest Approving Contract Change Order Number One In The Amount Of Eleven Thousand Two Hundred Thirty Dollars And Nine Cents (\$11,230.09) And Contract Change Order Number Two In The Amount Of Thirty Thousand Two Hundred Eighty-Six Dollars And Fourteen Cents (\$30,286.14) For A Contract Increase Of Forty-One Thousand Five Hundred Sixteen Dollars And Twenty-Three Cents (\$41,516.23) With The Contractor, JTS Construction For The Transit Garage Facility And Authorizes The City Manager, Dennis Speer, To Sign Change Order One And Change Order Two**  
Speer
2. **Proposed Action To Approve A Resolution To Purchase, From The National Joint Powers Alliance (NJPA) Through The City Of Ridgecrest Account Number #102841-R, A Concrete Restroom In The Amount Of Forty-Eight Thousand One Hundred Fifty-Nine Dollars And Seventy Cents (\$48,159.70) For The Inyokern Hub Station From Allocated Funds From Proposition 1B**

**Public Transportation Modernization Improvement And Service  
Enhancement Account (PTMISEA) Speer**

3. **Proposed Action To Approve A Resolution Of The Ridgcrest City Council  
Approving Budget Amendment #16-02 Increasing Appropriations In The  
Annual Budget** Staheli
4. **Proposed Action To Approve Draft Minutes Of The Ridgcrest City  
Council/Successor Redevelopment Agency/Financing Authority/Housing  
Authority Meeting Dated September 21, 2016** Ford

Items Pulled From Consent Calendar:

Item Nos. 1, 2, 3

*Motion To Approve Consent Calendar Item No. 4 Made By Council Member Acton,  
Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 5 Ayes  
(Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0  
Abstain; And 0 Absent.*

**Item No. 1 Discussion**

Mike Mower

- Concerned about the process. Understood these were to be done in-house and why the change.
  - Loren Culp – explained the review process and permitting. Contractor noted drains would be provided by City. Asked Contractor to provide the drains and looked at the proposal and determined the costs were not out of order so authorized a purchase of the drains.
- Questioned why the plans originally said we would provide the drains.
  - Loren Culp – plans were conceptual so drains were not immediately highlighted to staff. Were surprised when after permitting the contractor pointed out we were to provide the drains. We felt his proposal was fair and we would have to pay either way.
- Questioned who provided the plans
  - Loren Culp – architect provided as a subcontractor of Willdan.
- Questioned the fire connections.
  - Loren Culp – explained process and recommendations from the fire department.
- Clarified the funds are available in project funds
  - Dennis Speer – confirmed was part of contingency.

Jim Sanders

- Reviewed the total cost of the project

*Motion To Approve Consent Calendar Item No. 1 Made By Council Member Acton, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breedon, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.*

### Item No. 2 Discussion

Eddie Thomas

- Requested dimensions.
  - Loren Culp – reviewed ADA requirements.
  - Mike Neel – looked it up and provided the dimensions.
- Questioned if the price is the standard rate per square foot.
- Clarified location and scheduled hours.
  - Dennis Speer – reviewed location and purpose of transit transfer station.

Peggy Breedon

- Questioned maintenance and cleaning of the facility.

Jim Sanders

- Questioned the timeline for completion.
  - Dennis Speer – large part of work to be completed by December

Mike Neel

- Reviewed transportation and sales tax that must be paid for the premade facility.
- Cost is too large and encouraged Council to not approve the item as this type of facility can be constructed on site for less.

Chip Holloway

- Spoke on opportunities lost. Liberty Ambulance and Ridgecrest Hospital came to City with suggestion to put a facility at this location. Because of grant funding at the time we could not say yes because of how it may affect the grant. Suggested approaching them again.

Jim Sanders

- Not in favor of moving forward with answers to maintenance and security.
- Would like to know more of Chip's suggestion.

Peggy Breedon

- Questioned what would be given back if this is not approved.
  - Dennis Speer – would have to give back \$350k.

Eddie Thomas

- Clarified the bids and quotes received

Mike Mower

- Commented on sales tax for materials

Darrell Whitten

- Commented on the costs for building versus purchase of a prefab. To build from scratch would require architect, engineering, and prevailing wage. Staff has offered a good solution

*Motion To Approve Consent Calendar Item No. 2 Made By Council Member Mower, Second By Council Member Acton. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breedon, Council Members Acton, Thomas, And Mower); 1 Noes (Council Member Sanders); 0 Abstain; And 0 Absent.*

### Item No. 3 Discussion

Stan Rajtora

- Questioned the budget adjustment number and the new accounting system numbers.
- Requested a briefing of the new system in the near future.
- Questioned the \$85,000 and what it will be used for.
  - Keith Lemieux - Relates to City considering new litigation, new lawsuit the City would be plaintiff for.
- Commented on reconciliation of last year's budget and should give this the same scrutiny as part of the budget.
- If absolutely sure this lawsuit will happen but if not then suggest waiting until certain the lawsuit is going to happen.
- Commented on being in the red last year.
  - Tyrell Staheli – last year was not in the red, ended with a positive. Money appropriated for legal is for that purpose only and if not spent will go back to fund balance.

Jim Sanders

- Partly agree. Disagree with sentiment we are in the red. Would like to wait for the next meeting to see if this funding is necessary.

Mike Mower

- Just sold land which we will receive part of the money for general fund.

*Motion To Approve Consent Calendar Item No. 3 Made By Council Member Acton, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breedon, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.*

Keith Lemieux

- Changed opinion of previous belief to pull Item No. 5. Brown act does not have a specific requirement that we must identify the road. The action being requested is an appeal of a resolution. Both the resolution and the supporting documents were part of the packet and the items cover specifically what conditions are being appealed. Aspect of the appeal is clearly stated in the letter requesting the appeal.
- Regarding Item No. 6, there was a citizen suggestion of conflict of interest due to campaign contributions to a Council candidate. In the regulations, there is a specific conflict of interest regarding campaign contributions. Not sure which Council member received a contribution just want to advise there may be a need to recuse.

## **PUBLIC HEARING**

- 5. Public Hearing Of An Appeal Of Planning Commission Resolution 16-19, Public Works Condition A.1.a Which Requires The Design And Construction Of A Full Length Raised Center Median 20' Wide Between N. Downs Street And N. Inyo Street With Left Hand Only Pocket Improvements With Phase 1 Development. Applicant - Cornerstone Engineering On Behalf Of The Property Owner PAM Corporation (David Michaels) Parsons**

### **Public Hearing Opened At 7:34 P.M.**

Gary Parsons

- Presented staff report

Darrell Whitten

- Representing David Michaels and PAM Corporation. Explained the condition under appeal and objections to the condition.
- Condition requires a median the full length of the street when other developers were not required to put in medians at their frontage therefore this developer is being required to develop other owner's frontages. Compared to being required to perform offsite work similar to putting curb and gutter in front of the neighbor's home.
- Reviewed a prospectus that has been provided as an option should Council choose not to eliminate the condition. The compromise would be an island which develops ½ of the street.
- Basis of appeal is the condition is not fair because past developers were not required to meet this condition.

Warren Cox

- Chairman of Planning Commission.
- Commission held two discussions and previously Drummond Street had ½ street and ½ island and previous development completed their half. Spoke on grant repaving of the street. Some consideration was taken and in this case other developers did not have to do the street as it was done by grant funding thru the City. Important to understand we want the development but tradition has been this condition.

Lindsey Stephens

- Former occupation was transportation planner. Questioned the median because driveways were not going to be on Drummond. Master plan is a suggestion, so do not feel we need the median. If the development does not happen because of the condition then do not feel this is a wise choice for the City.

Mike Mower

- Questioned the width of the median. Right now there are double-double yellow lines and people are crossing it to go into commercial property which is a major safety issue.

Loren Culp

- Provided City Engineer perspective. Reviewed municipal code requirements which included 10 additional feet. Primary concerns are public safety and have to error on the side of safety to commuters and the city. General plan also calls for raised medians on arterial streets. Staff is tasked with reviewing the municipal code, state regulations, and general plan when setting these development requirements. When looking at Drummond, every reach has a median. In this case, there will not be another developer to participate in the construction. City put TAB matching funds with the grant to repave this section of the street and added drainage so have contributed to the benefit of the developer. Have to answer to the public and City rather than a specific project but safety is the primary concern.

Mike Mower

- Questioned City Engineer's opinion of the alternate plan.
  - Addresses safety concern at Downs and Harriett, however are still dealing with Municipal Code requirements. Off-site improvements are common and tools available to Council to participate in the project is look at impact fees or other funding sources to complete the project.

Peggy Breeden

- Questioned dollars spent by City versus cost of what we are asking of the developer.

Loren Culp

- Bid results was \$750,000 we paid for the grant match and asphalt enhancement.

Peggy Breeden

- I live near the area and see people crossing the double yellow lines to turn into the commercial property. Wonder about the safety and impact. Half projects tend to be a long time for completion. Requested a defined timeline and safety concerns.
  - Loren Culp – could be errant driver impacts and vehicle damages. Errant drivers and abuses of drivers and raised medians cut down issues with violations.
- Questioned if Council has allowed this to happen in the past.
  - Loren Culp – not to my knowledge
  - Jim Sanders – referenced Charter School street improvement requirements that were bonded because we will be improving the streets anyway. In this case the street improvement has already been completed.

Eddie Thomas

- Clarified if we were asking the developer to pay for safety concerns of the City or just his property.
  - Loren Culp – this is a safety issue as well as compliance with general plan and municipal code.
- Questioned planning commission members present if they had seen the proposed alternate plan.

Jim Sanders

- Questioned Mr. Whitten about cost of a median

Darrell Whitten

- Explained Bakersfield process of developers paying City per linear foot for median development. Commented on planning commissioners not having discretion to modify conditions. Questioned City Engineer on cost of \$750,000. Estimates for projects similar paving cost would be around \$125,000 and don't understand the difference in cost.
- Appreciate the improvements but resent having to put in off-site improvements because they should not be this developers responsibility just because other developers did not do it.

Lori Acton

- Questioned Loren if this is an ordinance we considered changing.
  - Loren Culp – discretion was given some discretion to determine when public improvements might be required.
- Requested clarification of the median specifications.

Jim Sanders

- Questioned why these improvements were not required for other developers.
  - Loren Culp – when we started with this project we found many variables, conditions which were not enforced in prior times.

Dave Matthews

- Addressed development issues. The section of Drummond was dirt when the north side was developed with no driveways. Suggested we ask developer contribute ½ of the median and do the other half under Measure 'L' funding.

Mike Mower

- Questioned balance of developer impact fees.
  - Tyrell Staheli - \$1.3 million

Warren Cox

- Some impact fees may not be eligible for this department and could reduce expense by using a floating median.
- In order to spend money on a project it must come to Council, planning commission does not have authority to spend money.
- Developer did receive a benefit, be mindful of a floating median, whether development impact fees will be added are things Council should consider.
- Vote was 4-0 on the condition and this line item sent to Council on appeal for discussion of spending money.

Lori Acton

- Suggested floating median with developer doing the work and pitching in impact fees or gas tax funds.

Loren Culp

- Developer does design and construction and City credits impact fees back to the developer for that project. Could waive the fees or credit them back.

Mike Mower

- Impact fees are not paid until a house is built. This company has a lot of tentative tract maps then market went down so nothing was developed. ½ streets are dangerous so City stopped doing that which is good, but we have not collected the fees. Need to have the ability to collect fees.

Jim Sanders

- Referenced deferred fees to Charter School.

Peggy Breeden

- Regarding other projects that were approved but not developed, what if we give a time limit to complete the development or pay the fees if the development does not happen.

Dennis Speer

- Explained City of Fresno 20 year plan with payback to developer.

Lindsey Stephens

- Asked Council to strongly consider the new plan which limits the amount of median.

Jim Sanders and Eddie Thomas

- Prefer the new proposed drawing be sent back to Planning Commission

Keith Lemieux

- Planning Commission has not had the opportunity to consider the new proposal

Darrell Whitten

- Could develop the whole median and then collect reimbursement from impact fees.

*Motion To Amend The Condition To Require The Developer To Construct A Full Tack-On Curb Median And Authorize Staff To Develop A Subdivision Agreement To Include A Construction Timeline Of Two Years With Cost Reimbursement Paid In Increments Thru Traffic Impact Fees Received By Homes As They Are Developed In The Site Made By Council Member Mower, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.*

### **Public Hearing Closed At 8:38 P.M.**

- 6. Public Hearing Of An Appeal Of Planning Commission Resolution 16-13, Section 3 Conditional Approval - Public Works/Engineering Section A - #1 Street Improvements – Item iii ‘Design And Construct The Completion Of The Center Median For China Lake Blvd. Per Caltrans Standards.’ Applicant – Russell And Tina Warren Of Warren’s Automotive Parsons**

### **Public Hearing Opened At 8:39 P.M.**

Gary Parsons

- Presented staff report

Darrell Whitten

- Reviewed development location with curb, gutter, and sidewalk. New median installed across part of their frontage then ends due to a natural drainage course. Caltrans left the median out due to this. Project has been requested to put a catch basin in and direct the flood water elsewhere however in a major storm event would not eliminate the drainage. Condition requires extension beyond the property boundary and location is Caltrans Highway. Requesting the condition be eliminated. If this were a traffic mitigation issue then Caltrans would have put the median in place.

Warren Cox

- Commission felt no requirement to put in the median was appropriate. City requested Caltrans to not put in the median previously. The Warrens have agreed at their expense to mitigate flooding away from the property. Recommendation was for City Engineer to write a letter to Caltrans and if there is no traffic hazard then they (Caltrans) would be free of a requirement to complete the median. Suggest letting Caltrans review the traffic hazard and if they feel a median needs to be installed then Caltrans could construct it.

Peggy Breeden

- If we send back to Caltrans will the project be delayed?
  - Warren Cox – suggesting a line item strike unless City wants to use impact fees to offset the cost and have the median put in.

Jim Sanders

- Questioned the Caltrans involvement. Original plans were changed at our request due to flooding but this development is mitigating the flooding issue so Caltrans could complete their median.

Tom Wiknich

- When business was built on Highway 178 was required to put in curb, gutter, and sidewalk. Did Caltrans require the median?
  - Loren Culp – this is land division and Caltrans cannot control land use, they can require traffic mitigation. Referenced municipal code requirements and Caltrans study indicated medians were necessary and the only reason they were not installed was because we asked them to not install them due to flooding. Urged caution because the traffic study specifically speaks to 3 sections in our municipal code citing we need the medians.
  - Warren Cox – their traffic study was during development of their medians. In the pre-meeting of the developer Caltrans said nothing was required. Important to consider passing the decision back to Caltrans with regard to traffic mitigation.

Peggy Breeden

- Caltrans did not consider the sump being put in by the developer, so is reasonable to ask them to reconsider.

Darrell Whitten

- Caltrans did not ask for the median extension, they asked for curb, gutter, sidewalk, and turn lane.

Mike Mower

- Questioned impact fees for this project and what cost of the median is.
- To require the median and allow reimbursement without knowing the costs, we can't make that decision.

Lori Acton and Jim Sanders

- In favor of striking the condition and sending letter to Caltrans to complete the median if they want it done.

Mike Mower

- Questioned if Caltrans had funds left to complete the median
  - Loren Culp – grant has been closed out and funds are not available.

Lori Acton

- Not happy with our past interactions with Caltrans.

Mike Mower

- Never had problem making a left out of Stater Bros but now have to wait.

Jim Sanders

- Caltrans is responsible for safety hazards and in favor of removing the condition and letting Caltrans take care of it.

Solomon Rajaratnam

- Read email from Caltrans which does not impose the condition.

### **Public Hearing Closed At 9:28 P.M.**

*Motion To Approve Appeal Of The Applicant Striking The Condition Made By Council Member Sanders, Second By Council Member Acton. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Acton, And Thomas); 1 Noes (Council Member Mower); 0 Abstain; And 0 Absent.*

Loren Culp

- Stated support for the project but position is to error on the side of safety.

Mike Mower

- Cannot support items that we do not have information on, cost of the projects should be provided so we can make a fully informed decision.

Peggy Breeden

- Support staffs desire to ensure safety however more information is important for us to make a wise decision. Cannot fully prepare for a 100 year flood and appreciate staff, just want more information.

Tina Warren

- We care about public safety and want to fully do our part with median in front of our property but not enthused about improving someone else's property. Thanked Council for their time and consideration.

## DISCUSSION AND OTHER ACTION ITEMS

### **7. Discussion And Direction To Council Member Sanders Regarding Council's Voting Preference For League Of California Cities Resolutions Sanders**

Jim Sanders

- Not a big impact to the City but as the voter I want to represent the full Council's desire. Resolution supporting the policy that encourages Cities and States to adopt a higher level of traffic safety. A higher level would cost more for implementation. Bigger cities have higher casualty rates.

Peggy Breeden

- Could not see a population designation, what is the impact on a city of 26,000 people.
  - Jim Sanders – there is nothing obligating cities to follow higher standards.

Mike Neel

- Reviewed League of California Cities staff analysis. Push from Federal thru State level. Spoke on DUI checkpoints which are ineffective. Commented on use of cameras for speeding, random breathalyzer testing. How much bad stuff will you allow to get the good stuff?

Lori Acton

- Read the Vision Zero statement. Supports the program.

Peggy Breeden

- Support it but concerned about how it will fit us. If we say no, it's going to come here anyway.

Mike Mower

- We have discretion to choose which components we will implement.

General consensus is to support the resolution.

**8. Discussion Of Establishing A Policy For Council Members To Place Items On The Agenda** Sanders

Jim Sanders

- Previous confusion of how we as Council members put things on the agenda. Partially addressed the issue by adding a section on the agenda for future agenda items but what if something comes up between meetings. Would like to see a policy that allows Council members to put something on.

Mike Mower

- Need to be cognizant of staff time and when items are being placed on the agenda.
- Questioned supporting documents.

Eddie Thomas

- Questioned process.

Lori Acton

- Need to follow the cutoff date.

Keith Lemieux

- Explained timeline

Council discussed various scenarios of when an item may need to be included.

Tom Wiknich

- Agree that any Council member should be able to place items on the agenda.
- Public have requested items that have been ignored so need to consider the public. Suggested when members of the public requests a topic, then place an item on the next agenda for a vote of whether the item will move forward.

Keith Lemieux

- Staff and Council need to be the ones putting things on the agenda. We are not allowed to screen the items and some could be offensive.

Tom Wiknich

- When public do make a request, Council needs to react.

Dave Matthews

- Didn't see a problem with the future agenda items on each agenda. Think that is the main mechanism for Council members to put something on the agenda. Looking forward to November, I have several things to put forward and I want it clear as to how that is to be done. My thought was a Council member could talk with City Manager and then it comes before the Council. I think suggestions from the public are a great addition.

Lindsey Stephens

- Suggest public can go to the appropriate committee and then committee could put the item on the agenda.

Directed City Attorney to come back with policy resolution allowing Council to place items on the agenda

**9. Discussion And Proposed Action To Recommend Amendments To Job Classifications With Regard To Education And Work Experience Requirements** Breeden

Peggy Breeden

- Presented staff report
- Feels there should be more to the fist cut than whether someone has a college degree. Work experience and degrees are both good.

Dennis Speer

- Reviewed the previous language and offered education observations.

Lori Acton

- The way it is worded, we overlook people who have a lot of experience but no degree. Glad to see these come back.

Peggy Breeden

- A degree should not be the first cut. It is worded now that you must have a degree.

Dennis Speer

- Read observations of education and survey of cities which require degrees in Kern County.
- Comfortable with the old language.
- Current salary grade pays the same regardless of degree.

Peggy Breeden

- Want this to apply to all levels.

Lori Acton

- Certain jobs require a degree such as City Engineer.

Dave Matthews

- Requested clarification of the levels of jobs being discussed.
  - Mike Mower – made changes a year ago we are going back to previous language.

Ron Porter

- Suggested looking at these separately as some may need to be weighted. Doesn't have to be done overnight. Look at each one as it is filled. Can be changed later and build on the future. Some people with degrees are good at what they do and others are not. Experience in the field is valuable but need to figure out how you are going to weight the experience over a degree.

Mike Neel

- Questioned which positions are being discussed and whether just department is heads being changed.
- Why is the subject coming up now? Is the staffing not adequate?
  - Peggy Breeden – I looked at current staff and we have wonderful people who have worked
- Suggested certain people want to move up and don't have the qualifications so they have been lobbying Council.

Lindsey Stephens

- Suggested this not be a blanket policy but if there is a specific incident then bring it forth.

Tom Wiknich

- Should be individual case by case.

Warren Cox

- Applaud what Council is trying to do. Referenced a case of person with 20 years of experience not being able to get a job elsewhere without a degree.

Motion To Change Back To Previous Language To Be Inclusive Not Exclusive Made By Council Member Acton, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.

**10. Discussion And Proposed Action To Change Council Appointments To  
Standing Committees** **Breeden**

Peggy Breeden

- Council Member Acton has a job which has prevented her attendance at City Organization. She has requested either a later start time or replacement on the committee.

Lori Acton

- Recommend Peggy to sit on the committee second by mower.

Motion To Confirm Peggy Breeden As Member Of The City Organization Committee Made By Council Member Acton, Second By Council Member Mower. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.

**COMMITTEE REPORTS**

*(Committee Meeting dates are subject to change and will be announced on the City website)*

**City Organization and Services Committee**

Members: Lori Acton; Mike Mower  
Meeting: 4<sup>th</sup> Wednesday each month at 5:00 p.m. as needed  
Location: Council Conference Room B

Mike Mower

- Discussed Justin O'Neill ability to perform public relations and will bring to public Council for discussion

**Infrastructure Committee**

Members: Jim Sanders; Mike Mower  
Meeting: 4<sup>th</sup> Thursday each month at 5:00 p.m. as needed  
Location: Council Conference Room B

Mike Mower

- Spoke with Darrel Whitten about proposal on Bowman across to old Walmart. He has agreed to extend Bowman
- Discussed blub-outs and ADA compliance on Ridgecrest Blvd.
- Discussed sewer fees and use of fees originally designated for entire sewer system in 1972.

**Parks, Recreation, and Quality of Life Committee**

Members: Eddie Thomas; Lori Acton  
Meeting: 1<sup>st</sup> Tuesday each month at 12:00 p.m. as needed  
Location: Kerr-McGee Center Meeting Rooms

- No Report

- Suggested discussion of grass reduction around City Hall.
  - Dennis Speer – will remind Jason to provide the cost estimates.

❖ **Ad Hoc Youth Advisory Council**

Members: Eddie Thomas  
Meeting: 2<sup>nd</sup> Wednesday of each month, 12:00 p.m. as needed  
Location: Kerr-McGee Center Meeting Rooms

Eddie Thomas

- Discussed goals

**Activate Community Talents and Interventions For Optimal Neighborhoods Task Force (ACTION)**

Members: Eddie Thomas; Lori Acton  
Meeting: 3<sup>rd</sup> Tuesday every other month at 4:00 p.m. as needed  
Location: Kerr McGee Center Meeting Rooms

- No Report

**Ridgecrest Area Convention And Visitors Bureau (RACVB)**

Members: Lori Acton and Eddie Thomas  
Meetings: 1<sup>st</sup> Wednesday Of The Month, 8:00 A.M.  
Next Meeting: To Be Announced

Lori Acton

- Read directors report (*Attachment B*)

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

Peggy Breeden

- Next GSA meeting October 20<sup>th</sup> in Ridgecrest
- EDC meeting tomorrow upstairs

**CITY MANAGER REPORT**

Dennis Speer

- Attended Transportation Technical Advisory Committee (TTAC), possible call for projects.
- TDA fund balance at Kern COG is high and request sending reimbursement claims early.

**FUTURE AGENDA ITEMS**

Eddie Thomas

- Animal control ordinance to staff and planning commission.

Peggy Breeden

- Dog Park for another park, what will/does it take to build?
- Alternative Budget if Measure 'V' is not approved.
- Reconciliation of FY2015-2016 (finance committee)
- Sewer, what Navy pays and what they should be paying. How is it determined?

Lori Acton

- Measure 'V' may not cut police officers but may have to cut parks and recreation. Need to look at the budget
- New computer system briefing.

Jim Sanders

- Want to discuss sewer rates.

## **MAYOR AND COUNCIL COMMENTS**

Jim Sanders

- None

Lori Acton

- Veteran's stand-down is now making medical transportation for veterans, homeless, and mental health patients available on a bus system.
- Uber is here, have seen the ads.
- Veteran's outreach can be set up via teleconference. Will work with Dennis to get this set up.
- Need to be hard on the issues, soft on the people.

Eddie Thomas

- Staff does an excellent job keeping Council in line and providing information for us to make the best decision we can. Thank you for all you do for us.

Mike Mower

- Spoke with Denny Cline and election candidate signs are being put up on College Heights on County property so will be taken down.

Peggy Breeden

- Adjourned the meeting.

**ADJOURNMENT at 10:35 p.m.**

---

Rachel J. Ford, CMC  
City Clerk

Oct 5, 2016

To: Ridgecrest City Council  
Mayor Peggy Breeden, Councilman James Sanders, Councilwoman Lori Acton  
Councilman Eddie Thomas, Councilman Michael Mower

Ridgecrest, Ca 93555

Dear Ridgecrest City Council,

This letter is in response to the public statement by the Ridgecrest City Attorney's firm on September 21, 2016 addressing the City Council's substantial violation of a central provision of the Ralph M. Brown Act.

The nature of the violations are as follows: In its meetings of Jan 20, Feb 17, April 16, April 20, June 1 and August 17, 2016 the Ridgecrest City Council discussed in closed session a potential land sale negotiation noticed as:

*GC54956.8 Local Agency Real Property Negotiations – Negotiation For Sale –  
Ridgecrest Business Park Lot Nos. 1, 2, 3, 28, 29, 30, 31, 32, 33, 34, 35,  
And 36 – Agency Negotiators Economic Development Program Manager  
Gary Parsons And City Manager Dennis Speer*

These notices were in violation of the requirement to state the parties that were negotiating with the City and the specifics on whether or not the property price, terms of payment or both are under negotiation. The City Attorney's firm replied on September 21 that these violations could be corrected by instructing the City Staff to include all of the required information in future closed session property negotiation discussions. The actions needed to cure the wrongs perpetrated by the faulty noticing were dismissed as unnecessary, with the reason that "no action was taken" in these meetings.

In the event you believe that the conduct of the Ridgecrest City Council specified herein did not amount to the taking of action, I call your attention to Government Code Section 54952.6, which defines "action taken" for the purposes of the Act expansively, i.e. as "a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance." These six illegal closed session meetings most certainly constituted a collective decision by a majority of the members, in addition to a wholesale defrauding of the public's right to know this information. The following land sale decision meeting item on June 1 was wholly dependent upon the decisions reached and agreed to, thus making it the legal "child" of the closed session meetings. The land sale approval must therefore be invalidated, the closed session meetings re-convened and the land sale agenda item potentially brought back before the public after the closed sessions are properly noticed and held.

As you are aware, the Brown Act creates a legal remedy for illegally taken actions—namely, the judicial invalidation of them upon proper findings of fact and conclusions of law.

Pursuant to that provision (Government Code Section 54960.1), I demand that the Ridgecrest City Council cure the illegally taken action as follows: The Ridgecrest City Council immediately enact a formal and complete withdrawal of the approved land sale agreement with the Timbisha Shoshone tribe which was dependent on the decisions made in the improperly held closed sessions, as noted above. That the Ridgecrest City Council re-convene the land sale negotiation closed session meetings. At the conclusion of these meetings, that the Ridgecrest City Council then decide on proceeding with a properly noticed open session agenda item to discuss and vote on the land sale agenda item previously held on June 1, 2016.

As provided by Section 54960.1, you have 30 days from the receipt of this demand to cure the challenged action or inform me of your decision not to do so. If you fail to cure as demanded, such inaction may leave me no recourse but to seek a judicial invalidation of the challenged action pursuant to Section 54960.1, in which case I would also ask the court to order you to pay my seek court costs and reasonable attorney fees in this matter, pursuant to Section 54960.5. I remind the Ridgecrest City Council that a violation of the Ralph M. Brown Act also constitutes a misdemeanor violation by each individual Council member, punishable under appropriate California Statutes.

Respectfully yours,

Michael Neel  
736 Randall  
Ridgecrest, Ca 93555

cc: Keith Lemieux

Lemieux and O'Neill  
4165 Thousand Oaks Blvd  
Westlake Village, CA 91362

Monthly Director's Report for  
**RACVB Annual Membership Meeting**  
For **September 2016**  
Held at Kerr McGee Center

October 5, 2016

- ❖ October 3, 2016 – U.K. Super FAM 2016 was sponsored by “Visit California” and “British Airways”. 60 top Travel Agent from England and Ireland, our group had 10 for the itinerary of “Sea & Deserts”. Group experienced Western “Shoot Out” in Randsburg, threw “At latl’s” at Maturango Museum and fed carrots to “Wild Horses & Burros” at BLM Wild Horse & Burro Facility.
- ❖ September 21, 2016 – Friends of Jawbone meeting, which Doug attended along with Denny Kline Representative of Kern County.
- ❖ Doug advised Directors status of storage container ordered, will hopefully be ready for use by mid-October, once Lot area dirt has been “filled” and been “graded”.
- ❖ The City has added 3 more “Service Boxes” which have been painted by Artist/Painter Don & Judy McCauley. Locations of: Ridgecrest & Downs, China Lake Blvd & Upjohn and Ridgecrest & Norma.
- ❖ Desert Empire Fairground, will be having its Annual Fair starting October 21, through 23, 2016. The RACVB will be sharing a booth with Petroglyph Festival Committee and Ridgecrest Chamber of Commerce.

***FILMING: Ridgecrest Regional Film Commission***

For the month of **August 2016**, there was a total of **3** productions for the Ridgecrest Film Commission.

At **Inyokern Airport**, there was also **0** production for **August 2016** filming.

**There will be NO RACVB Directors Meeting in November, it will “Go Dark” due to the Petroglyph Festival, first weekend in November.**

Next RACVB Board of Director's meeting will be held, Wednesday **December 7, 2016**  
location will be Kerr McGee Center

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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY**  
**FINANCING AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

**SUBJECT:**

Discussion And Proposed Action To Provide Direction To The City's Representative on The Board Of The Indian Wells Valley Groundwater Authority (IWVGA) regarding proposed operational documents

**PRESENTED BY:**

Peggy Breeden - Mayor

**SUMMARY:**

The Indian Wells Valley Groundwater Authority (IWVGA) is in the process of developing an organizational structure which includes the preparation of operational documents. These documents are intended to promote the efficient and effective functioning of the proposed GSA. However, the documents are presently in a draft form because some issues still remain to be resolved. Therefore, a discussion on these documents is needed.

**FISCAL IMPACT:**

None

Reviewed by Finance Director

**ACTION REQUESTED:**

Discussion and provide input to Mayor Breeden as the City's representative on the IWVGA board regarding proposed operational documents.

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested:

Submitted by: Rachel J. Ford  
(Rev. 6/12/09)

Action Date: October 19, 2016

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