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Title: HEARING to consider the proposed Annual Assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1 (Citywide)
1. RESOLUTION confirming the diagram and assessment and levy of annual assessment, 2018-2019, for Landscaping and Lighting District No. 1

Sponsors: Public Works Department

Indexes:

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Attachments: 1. 18-0840 Resolution.pdf, 2. 18-0840 Vicinity Map.pdf, 3. Supplement - Enigneers Report.pdf

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REPORT TO THE CITY COUNCIL

July 26, 2018

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SUBJECT

HEARING to consider the proposed Annual Assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1 (Citywide)

1. **RESOLUTION** confirming the diagram and assessment and levy of annual assessment, 2018-2019, for Landscaping and Lighting District No. 1

RECOMMENDATIONS

Staff recommends the City Council:

1. Adopt a resolution confirming the diagram and assessment.
2. Levy and collect the annual assessments for Landscaping and Lighting Maintenance District No. 1. (the District or LLMD No. 1)

EXECUTIVE SUMMARY

The Landscaping and Lighting Maintenance Act of 1972 requires an annual hearing and levy of assessments for the City of Fresno LLMD No. 1. Due to the limitations created by the passage of Proposition 218, the assessment collected does not provide adequate funds to properly maintain the landscaped easements along the streets within the District.

Today's hearing is to allow opportunity for public comment about LLMD No. 1 and for the Council's approval of the annual assessment.

BACKGROUND

On March 22, 1983, the City Council adopted Resolution No. 83-93 ordering the formation of Assessment District No. 89, subsequently renamed LLMD No. 1. The District was formed to recover the City's costs of maintaining the landscaping within public rights-of-way and easements adjacent to certain existing subdivisions. The District is now comprised of 145 subdivisions with 14,870 individual assessments.

The landscaping improvements are maintained by Public Works Department from funds derived through the assessments levied by the District. The revenue generated is adequate to fund maintenance on a 60- or 90-day interval. However, many areas would benefit from more frequent maintenance. The revenue generated in most neighborhoods (tracts), is not adequate to update irrigation systems or replace trees and shrubs that are damaged or dead. The maintenance rate has remained unchanged since 1996 due to the constraints placed by California Proposition No. 218. Public Works is transitioning to a program where all of the LLMD neighborhoods will be maintained by contractors. City staff will still maintain median islands and other areas where traffic control is required.

On June 6, 2018, the Engineer's Report was filed in the City Clerk's Office and has been available for public review. On June 28, 2018, the City Council adopted Resolution No. 2018-151 indicating its intention to levy and collect the annual assessments for properties within the District, and set today's public hearing. On June 28, 2018, for the first time since the passage of Proposition No. 218, landowners in one zone, Tract 3884, voted to increase the assessment for their tract; Council thereafter authorized the levy of the increased assessment for Tract 3884 via Resolution 2018-155. The increased assessment for Tract 3884 is addressed in this Engineer's Report.

The purpose of today's hearing is to allow all property owners affected by the District an opportunity to give public testimony regarding their assessments and for the Council to adopt the Resolution Approving the Engineer's Report and Levying Annual Assessments. At this time, we have received no letters of protest from District property owners.

Today's public hearing has been duly noticed and the attached Resolution has been reviewed and approved as to form by the City Attorney's Office.

ENVIRONMENTAL FINDINGS

By the definition provided in the California Environmental Quality Act Guidelines Section 15378 this hearing does not qualify as a "project" and is therefore exempt from the California Environmental Quality Act requirements.

LOCAL PREFERENCE

Local preference was not considered because this hearing does not include a bid or award of a construction or services contract.

FISCAL IMPACT

The Public Works Department performed the maintenance in the past LLMD fiscal year using only assessment funds collected (\$703,000). Approval of the annual levy of the LLMD assessments will provide funding for a continuation of the current service levels within the LLMD subdivisions, and increase service levels in Tract 3884 (as authorized by landowners).

In the event the City Council elects not to confirm the assessments for Fiscal Year 2019, the maintenance effort could be funded using General Fund, Community Sanitation Funds, or a combination thereof. The Council could also choose to terminate the service.

Attachments: Vicinity Maps
Resolution