



Legislation Details (With Text)

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**Title:** Actions pertaining to Initiating Proceedings and Declare Intention to Levy the Annual Assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1; and setting the public hearing for July 25, 2019 at 10:00 a.m. (Citywide)  
1. RESOLUTION - Initiating proceedings for the annual levy of assessment  
2. RESOLUTION - Of Intention to levy and collect the annual assessment

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 19-1756 Resolution Initiating Proceedings.pdf, 2. 19-1756 Resolution of Intention.pdf, 3. 19-1756 FY19-20 Cover.pdf, 4. 19-1756 FY19-20 sheet 2.pdf, 5. 19-1756 FY19-20 sheet 3.pdf, 6. 19-1756 FY19-20 sheet 4.pdf, 7. 19-1756 FY19-20 sheet 5.pdf, 8. 19-1756 LANDSCAPE LIGHTING AND MAINTENANCE DISTRICT (LLMD) 2019.pdf

Date	Ver.	Action By	Action	Result
6/20/2019	1	City Council	adopted	Pass

**REPORT TO THE CITY COUNCIL**

**June 20, 2019**

**FROM:** SCOTT L. MOZIER, PE, Director  
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**THROUGH:** ANDREW J. BENELLI, PE, Assistant Director / City Engineer  
Public Works Department

**BY:** AARON A. AGUIRRE, Public Works Manager  
Public Works Department

**SUBJECT**

Actions pertaining to Initiating Proceedings and Declare Intention to Levy the Annual Assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1; and setting the public hearing for July 25, 2019 at 10:00 a.m. (Citywide)

1. RESOLUTION - Initiating proceedings for the annual levy of assessment
2. RESOLUTION - Of Intention to levy and collect the annual assessment

**RECOMMENDATIONS**

Staff recommends the City Council:

1. Adopt a resolution initiating proceedings for the annual levy of assessment.
2. Adopt a resolution of intention to levy and collect the annual assessments.

## **EXECUTIVE SUMMARY**

The Landscaping and Lighting Maintenance Act of 1972 requires an annual Engineer's Report and levy of assessments for the City of Fresno Landscaping and Lighting Maintenance District No. 1 (LLMD). The LLMD assessment generates \$729,700 of annual revenue for maintenance of the City landscaping easements along the streets adjacent to 145 City subdivisions that are included in this particular maintenance district. By adopting the resolutions, the Council will begin the levy process, approve the Engineer's Report, and set the required public hearing for July 25, 2019, at 10:00 a.m. Staff recommends approval of these resolutions to continue to collect assessments and operate the LLMD landscape maintenance functions.

## **BACKGROUND**

On March 22, 1983, the Council adopted Resolution 83-93 ordering the formation of Assessment District 89 (District) subsequently renamed LLMD No. 1. The District was formed to recover the City's costs of maintaining the landscaping within the public rights-of-way and easements adjacent to existing and newly developed subdivisions. The District is comprised of 145 subdivisions with 14,870 individual assessments. The staff report includes the enclosed vicinity maps showing the locations of the subdivisions included in the LLMD.

The landscaping improvements are maintained from funds derived through assessments levied by the LLMD. These improvements are generally limited to "back-up" and "side-on" treatments primarily on major streets and do not include the maintenance of landscaping in median islands or frontage road islands. The assessments also do not cover the costs to maintain pocket parks, utility easements, trails, bike paths, greenways or pay for street light power consumption.

The District was formed pursuant to the Landscaping and Lighting Act of 1972 which requires that a noticed public hearing be held before August 10<sup>th</sup> of each year in order to levy the annual assessments for continued maintenance and related expenses.

The assessments will remain the same as in FY2018-FY2019 due to the constraints placed by the approval of California Proposition No. 218 in November of 1996. Prior to 1996, the Council could increase the assessments for maintenance annually to compensate for the increased cost of operations. However, after 1996 rates in the LLMD assessments have not been increased; so, the current assessments 22 years later are still based on 1996 maintenance costs. At the current time, many LLMD landscapes are in need of irrigation rehabilitation and tree/shrub replacement. A special registered voter election would be required in order to increase the amount of the assessments. Currently staff is preparing a rate study to evaluate election options to increase the special tax rate and fund maintenance improvements.

The attached Resolution of Intention sets the required public hearing for July 25, 2019, at 10:00 a.m. in the City Council Chamber. A notice stating the date and time of the hearing will be published in the Fresno Business Journal a minimum of ten days prior to the scheduled hearing. An individual notice to each property owner is not required by the Landscaping and Lighting act of 1972 if there is

no increase in the assessment.

## **ENVIRONMENTAL FINDINGS**

By the definition provided in the California Environmental Quality Act Guidelines Section 15378 this item 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 action 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 (\$729,700). Approval of the annual levy of the LLMD assessments will provide funding for a continuation of the current service levels within the LLMD subdivisions.

### Attachments:

Resolution Initiating Proceedings

Resolution of Intention

Boundary Map of City of Fresno Landscaping and Lighting Maintenance District (one through five)

Powerpoint