



## Legislation Details (With Text)

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**File created:** 7/7/2015      **In control:** City Council  
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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, 2015-2016, for Landscaping and Lighting District No. 1  
**Sponsors:** Public Works Department  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. LLMD No 1 FY15-16 Vicinity Maps, 2. LLMD No 1 FY15-16 HRG Reso Attorney

Date	Ver.	Action By	Action	Result
7/30/2015	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**July 30, 2015**

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Public Works Department  
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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, 2015-2016, 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.

## EXECUTIVE SUMMARY

The Landscaping and Lighting Maintenance Act of 1972 requires an annual hearing and levy of assessments for the City of Fresno Landscaping and Lighting Maintenance District No. 1 (LLMD). Due to the limitations created by the passage of Proposition 218, the assessment collected (\$703,000) only provides for minimal landscape maintenance services associated along the streets within the District. These basic services for the LLMD include weed removal and cleaning every 60 to 90 days with no reserves for plant replacement.

While today's hearing is intended to provide an opportunity for public to comment about the LLMD and for the Council's approval of the current assessment, it is the intent of staff to return to Council within the next 90-120 days to initiate the Proposition 218 process that would likely include a recommendation to adjust the existing assessment in order to adequately fund the cost of maintaining the District.

## **BACKGROUND**

On March 22, 1983, the City Council adopted Resolution No. 83-93 ordering the formation of Assessment District No. 89 (District), subsequently renamed LLMD. 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 current assessment has remained unchanged since 1997 due to the constraints placed by California Proposition No. 218. As a result, the current assessment does not cover the costs to maintain any street medians, frontage road islands, utility easements, trails, bike paths, and green ways.

By comparison, the subdivisions in the Community Facilities Districts (CFD) have assessments which generally include monthly service, periodic tree trimming and reserves for future replacement of trees, shrubs and irrigation systems.

On June 5, 2015, the Engineer's Report was filed in the City Clerk's Office and has been available for public review. On June 25, 2015, the City Council adopted Resolution No. 2015-113 indicating its intention to levy and collect the annual assessments for properties within the District, and set today's public hearing.

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.

It should be noted that while today's public hearing and is related to the current assessment, that staff will be returning within the next 90-120 days to initiate the Proposition 218 process that is needed to adjust the assessment in order to adequately fund the cost of maintaining the District.

## **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 minimal landscape maintenance services 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 marginal service levels within the LLMD subdivisions.

In the event the City Council elects not to confirm the recommended assessment, the ongoing cost of maintaining the District could be funded using General Fund, Gas Tax, Measure C/flexible, Community Sanitation Funds, or a combination thereof. The Council could also choose to terminate the service.

Attachments:  
Vicinity Maps  
Resolution