



## Legislation Details (With Text)

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**File created:** 7/7/2016      **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, 2016-2017, for Landscaping and Lighting District No. 1  
**Sponsors:** Public Works Department  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. fy16-17 LLMD Exhibits.pdf, 2. LLMD No. 1 HRG Resolution.pdf

Date	Ver.	Action By	Action	Result
7/28/2016	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**July 28, 2016**

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**THROUGH:** ANDREW J. BENELLI, PE City Engineer/Assistant Director  
Public Works Department/Traffic Engineering Services Division

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Public Works Department, Landscape Maintenance Division

## 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, 2016-2017, 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) is capped to pay for maintaining the landscaped easements along the streets within the District at this time. There is no proposed change to the assessment. The July 28<sup>th</sup> hearing is to allow opportunity for public comment about the LLMD 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 (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 landscaping improvements are maintained by Public Works Department from funds derived through the assessments levied by the District. These assessments will fund the cost of landscaping maintenance over the next year. The assessment rate has remained unchanged since 1997 due to the constraints placed by California Proposition No. 218. The assessments do not cover the costs to maintain any street medians, frontage road islands, utility easements, trails, bike paths, and green ways.

On June 9, 2016, the Engineer's Report was filed in the City Clerk's Office and has been available for public review. On June 30, 2016, the City Council adopted Resolution No. 2016-126 indicating its intention to levy and collect the annual assessments for properties within the District, and set the public hearing for July 28<sup>th</sup>.

The purpose of the 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, the City has not received any letters of protest from District property owners.

The July 28<sup>th</sup> 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. In the event the City Council elects not to confirm the assessments for FY 2016-17, the maintenance effort could be funded using General Fund, Measure "C" Flexible allocations, Community Sanitation Funds, or a combination thereof, which would require corresponding service reductions elsewhere in the community. The Council could also choose to terminate the service.

Attachments:

Vicinity Maps

Resolution