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Title: ***RESOLUTION - Of Intention to Increase the Annual Assessment for Tract 3884 of Landscaping and Lighting District No. 1. (Subject to Mayor's veto)
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REPORT TO THE CITY COUNCIL

May 10, 2018

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SUBJECT

***RESOLUTION - Of Intention to Increase the Annual Assessment for Tract 3884 of Landscaping and Lighting District No. 1. (Subject to Mayor's veto)

RECOMMENDATION

Staff recommends adopting the attached Resolution of Intention to increase the annual assessment for Tract 3884 of Landscaping and Lighting Maintenance District No. 1 (LLMD No. 1) in accordance with the procedures set forth in Proposition 218 (Prop. 218). This resolution would initiate the process for increasing the annual assessment for Tract 3884 only.

EXECUTIVE SUMMARY

LLMD No. 1 was formed in 1983 to fund the common area maintenance of landscaping in and

around developments within the City of Fresno (City). Tract 3884 was annexed into LLMD No. 1 in May 1988 for these services. The property owners of Tract 3884 have requested the City to initiate the process to increase their annual LLMD assessment so that the landscaping may be upgraded and the services for maintenance may be more frequent and at levels comparable to newer developments within the City.

Increasing the annual LLMD assessments for Tract 3884 requires compliance with Prop. 218's majority protest procedure, as set forth in Section 4 of Article XIII D of the California Constitution. The proposed resolution would initiate this process by setting a public hearing and directing the City Clerk to issue a notice and a majority protest ballot to property owners within the tract notifying them of the hearing and of their right to protest an increase to the assessment.

BACKGROUND

On March 22, 1983, the Council adopted Resolution 83-93 ordering the formation of LLMD 1, originally known as Assessment District 89. LLMD No. 1 was formed to cover the City's costs to maintain the landscaping within public rights-of-way and easements adjacent to existing and newly developed subdivisions. Tract 3884 was annexed to LLMD No. 1 on May 24, 1988, via Resolution 88-159 and contains a total of 173 separate tracts. Assessments collected from the Tract 3884 fund the maintenance of common landscaped areas surrounding the tract along West Avenue between Alluvial and Spruce Avenues, as shown on the attached map.

The City Council annually renews the levy and collection of LLMD No. 1 assessments in July. None of the LLMD No. 1 assessments, including assessments for Tract 3884, have been increased since 1996 when Prop. 218 became effective. Prop. 218 requires that all assessment increases be subject to a hearing and majority protest procedure.

The LLMD assessment has been frozen at the current level since being accepted by the City, leading to a steady decline of the tract landscaping throughout the years. Homeowners within Tract 3884 have requested the City to initiate the process to increase the annual LLMD assessments paid by property owners within the tract, for the purpose of funding upgraded landscaping and allowing for more frequent maintenance of such landscaping - at levels comparable to new development. With the increased assessments, plant material and trees will be replaced; the irrigation system will be modified to current industry standards and service levels increased to provide monthly landscaping services.

To achieve the aforementioned goals, the proposed assessment is as follows:

Years 1 through 3: For the first three years, the total amount of the assessment against all parcels in Tract 3884 will be \$36,458.12 per year or \$210.74 per parcel. This amount will allow phased upgrading of the landscaping within Tract 3884.

Year 4 and Onward: Beginning in year four and continuing on, the total amount of the assessment against all parcels in Tract 3884 will be \$16,951.86 per year or \$97.99 per parcel, subject to a discretionary inflationary adjustment as follows: beginning in January of each year, the assessment may be adjusted annually by an amount equal to, or less than, the Construction Cost Index (CCI) for the San Francisco Region for the prior 12-month period (December through December) as published in the Engineering News Record, or published in a comparable index if the Engineering News Record is discontinued or otherwise not

available. Each annual adjustment of the assessment shall become effective on the subsequent July 1. This lower amount will allow for the continuation of heightened maintenance services.

To increase assessment for Tract 3884 of LLMD No. 1, the City must follow the process set forth in Prop. 218, which requires that before any increase, the City must hold a noticed public hearing and allow property owners the opportunity to protest an increase. Prop. 218 requires notice of the public hearing to be mailed to all property owners subject to the increase at least 45 days prior to the hearing, and requires the notice to include a protest ballot, which must be returned by the close of the public hearing. If, at the conclusion of the public hearing, ballots submitted in opposition of the proposed assessment exceed the ballots submitted in favor of the assessment, the City may not impose the proposed assessment.

The attached Resolution of Consideration initiates the Prop. 218 process by setting the public hearing and directing the City Clerk to send notice thereof to all property owners within Tract 3884 of LLMD No. 1.

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

Approval of the Resolution of Intention will have no impact on the General Fund. If, following a noticed public hearing and a majority protest procedure under Prop. 218, the property owners within Tract 3884 decide to increase their annual assessment, proceeds will be used for landscape maintenance within Tract 3884 only.

Attachments: Location Map
 Resolution of Intention
 Engineer’s Report