Legislation Details (With Text)

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Title:	Actions pertaining to Initiating Proceedings and Declaring Intention to Levy the Annual Assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1; and setting the public hearing for June 29, 2023, at 10:05 a.m. (Citywide) 1. RESOLUTION - Initiating proceedings for the annual levy of assessment for Landscaping and Lighting Maintenance District No. 1 2. RESOLUTION - Of Intention to levy and collect the annual assessment for landscaping and lighting maintenance District No. 1				
Sponsors:	Public Works Department				
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Attachments:	1. 23-771 Resolution Initiating Proceedings, 2. 23-771 Resolution of Intention with Exhibits, 3. 23-771 Engineers Report FY23_24				

Date	Ver.	Action By	Action	Result
5/25/2023	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

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SUBJECT

Actions pertaining to Initiating Proceedings and Declaring Intention to Levy the Annual Assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1; and setting the public hearing for June 29, 2023, at 10:05 a.m. (Citywide)

1. RESOLUTION - Initiating proceedings for the annual levy of assessment for Landscaping and Lighting Maintenance District No. 1

2. RESOLUTION - Of Intention to levy and collect the annual assessment for landscaping and lighting maintenance District No. 1

RECOMMENDATION

Staff recommends the City Council:

1. Adopt a resolution initiating proceedings for the annual levy of assessment for Landscaping and Lighting Maintenance District No. 1.

2. Adopt a resolution of intention to 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 Engineer's Report and levy of assessments for the City of Fresno Landscaping and Lighting Maintenance District No. 1 (LLMD). The LLMD provides $711,343 for maintenance of the City landscaping easements along the streets adjacent to the 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 June 29, 2023, at 10:05 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, and greenways.

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

The assessments will remain predominately the same as in FY2023-FY2024 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, assessments in 144 out of 145 zones have not been increased; so, the current assessments 27 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 June 29, 2023, at 10:05 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

Pursuant to the definition in California Environmental Quality Act Guidelines Section 15378, this item is not a project.

LOCAL PREFERENCE

Local preference was not implemented, as this item 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 ($711,343). Approval of the annual levy of the LLMD assessments will provide funding for a continuation of the current service levels within the LLMD subdivisions.

Attachment:
Resolution Initiating Proceedings
Resolution of Intention with Exhibits
Engineers Report FY23_24