

COUNCIL AGENDA: FEBRUARY 19, 2013


SUBJECT: LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS CONSOLIDATION

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Landscape and Lighting Maintenance Districts (LLMDs) were created pursuant to the California Landscape & Lighting Act of 1972. The purpose of LLMDs is to pay for ongoing maintenance and public improvements. There is an annual assessment process for the maintenance of improvements within a development that only benefit the property owners within that development. Assessments are reported to the County Auditor's Office. The assessment is levied on each parcel and is collected on Property Tax Bills. Example costs associated with LLMDs include: landscape and tree maintenance service contracts, pest control, water, irrigation repair, vandalism and graffiti repair, security street lighting, overhead administrative costs, legal notice publication costs and County fees.

Staff is proposing to consolidate Westwood Estates (D1), Westwood Estates Unit 4, Phase 5 (A5), and Westwood Estates Unit 5, Phase 2 (D12). The consolidation would result in a new annual assessment for all three districts of \$98.44 per lot. The previous years' assessments were \$119.96 for D1, \$140.44 for A5, and \$216.74 for D12.

Consolidation will be a cost saving measure to reduce the administrative costs, including the annual assessment report preparation. Other factors enabling the consolidation include combining the fund balances of the three districts, and a recent change in the landscape contractor. In compliance with the regulations regarding assessments under Proposition 218, the proposed consolidation requires a majority protest/election for all affected property owners (207 lots). Pending Council authorization, an Engineer's Report will be prepared and a community meeting will be held to help inform the affected owners. Notices are to be mailed to the owners of the identified parcels, which include the ballot, and as required by Prop 218 guidelines, a public hearing is to be held not less than 45 days after mailing the notices. At the public hearing, proposed to be set for April 16, 2013, protests will be considered and ballots will be tabulated. Staff and the Parks and Leisure Services Commission recommend the consolidation which will reduce the annual assessment to all affected property owners.

 Director

 Appropriated/Funded

 City Manager

ITEM NO.: 12

RECOMMENDATION: That the City Council:

- 1) Authorize Staff to take steps to consolidate Westwood Estates, Westwood Estates Unit 4, Phase 5, and Westwood Estates Unit 5 Phase 2;
- 2) Authorize Staff to prepare an Engineer's Report reflecting the consolidation;
- 3) Set a Public Hearing for April 16, 2013; and
- 4) Adopt a Resolution ordering the proceedings for the consolidation.

ATTACHMENTS:

- 1) Resolution Ordering the Proceedings for Consolidation of said Landscape and Lighting Maintenance Districts
- 2) Locator Map

RESOLUTION NO. -2013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE,
COUNTY OF TULARE, STATE OF CALIFORNIA, ORDERING
PROCEEDINGS FOR THE CONSOLIDATION OF LANDSCAPE AND
LIGHTING MAINTENANCE DISTRICTS WESTWOOD ESTATES,
WESTWOOD ESTATES UNIT 4, PHASE 5, AND WESTWOOD ESTATES UNIT
5, PHASE 2, ORDERING PREPARATION OF A DISTRICT MAP INDICATING
THE PROPOSED DISTRICT BOUNDARY FOR EACH OF THE DISTRICTS,
AND ORDERING THE PREPARATION OF ENGINEER'S REPORT**

WHEREAS, it has been determined by the City Council of the City of Porterville that the public interest, convenience and necessity required the installation and planting of landscape materials, the installation and construction of irrigation systems, the installation of lighting and other facilities set forth in Section 22525 of the Streets and Highways Code, State of California; and

WHEREAS, the cost for operation and maintenance of the landscaping and lighting improvements is to be determined and considered for assessment to the benefiting properties; and

WHEREAS, Section 22525 requires that an Engineer's Report be prepared to establish new Landscape and Lighting Maintenance Districts, and outlining the initial assessments to be levied against the properties within each assessment district.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Porterville as follows:

1. That proceedings are to be conducted for the consolidation of said Landscape and Lighting Maintenance Districts.
2. That the properties to be specifically affected for maintenance of lighting improvements shall be located within the boundary of the proposed districts, and maps to illustrate said boundaries are hereby ordered to be prepared.
3. That Baldomero Rodriguez be appointed as "Engineer of Work" with all applicable provisions of Article 4, Division 15 of the Landscape and Lighting Act of 1972 applied to said "Engineer of Work."
4. That the cost of maintaining the Landscape and Lighting Maintenance District shall be borne by the property owners within the district, and said cost shall be assessed according to said 1972 Act.
5. That the Engineer of Work is hereby ordered to prepare a report for the district consolidation in accordance with Article 4, Division 15 of said 1972 Act.

APPROVED AND ADOPTED THIS 19th DAY OF FEBRUARY 2013

Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

