

PUBLIC HEARING

**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 North Creek (D2), Creekview (D6), and Porter Creek (A3). The consolidation would result in a new annual assessment for all three districts of \$119.82 per lot. The previous years' assessments were \$121.26 for D2, \$256.28 for D6, and \$133.58 for A3.

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 (297 lots). Ballots were prepared and mailed to the property owners in the proposed Districts on February 25, 2014. Along with the ballots, the mailings included a fact sheet regarding Landscape and Lighting Maintenance Districts, a description of the ballot proposal and assessment calculation, notice of the public hearing, ballot instructions and a return envelope.

At the close of the public hearing, last call will be announced for ballot submissions and ballot tabulation will commence. If the ballots submitted in favor exceed the ballots submitted in opposition, the proposed Districts will be consolidated.

**RECOMMENDATION:** That the City Council:

- 1) Open the public hearing to hear public comment on the proposed consolidation of Landscape and Lighting Maintenance Districts North Creek (D2), Creekview (D6) and Porter Creek (A3);
- 2) Announce the last call for ballot submission, receive written ballots from affected property owners, and close the public hearing;
- 3) Authorize the City Clerk's Office to commence tabulation of the ballots; and
- 4) Adopt the resolution approving the Engineer's Report, diagram, and assessment method, pending ballot tabulation results of affirmative approval.

**ATTACHMENTS:**

- 1) Resolution ordering consolidation of Engineer's Report North Creek (D2), Creekview (D6) and Porter Creek (A3).
- 2) Engineer's Report
- 3) Diagram

**RESOLUTION NO. -2014**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE,  
COUNTY OF TULARE, STATE OF CALIFORNIA, ORDERING THE  
CONSOLIDATION OF LANDSCAPE AND LIGHTING MAINTENANANCE  
DISTRICTS, NORTH CREEK ESTATES DISTRICT 2, CREEKVIEW ESTATES  
DISTRICT 6, PORTER CREEK ESTATES ANNEXATION 3, APPROVING  
ENGINEER'S REPORT FOR SAID DISTRICTS, AND APPROVING THE  
METHOD AND LEVY OF ASSESSMENTS**

WHEREAS, the City Council of the City of Porterville did on the 18<sup>th</sup> day of February 2014, adopt Resolution No. 12-2014 declaring its intention to order consolidation of Landscape and Lighting Maintenance Districts North Creek Estates(D2), Creekview Estates (D6) and Porter Creek Estates Annexation 3, and

WHEREAS, the public hearing on the consolidation has been set for April 15, 2014, subject to the Landscape and Lighting Act of 1972; and

WHEREAS, a duly noticed public hearing has been held to receive objections to the formation of said Districts, or the levy of assessments.

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

1. The public interest, convenience and necessity require the consolidation of Landscape and Lighting Maintenance Districts North Creek Estates (D2), Creekview Estates (D6) and Porter Creek Estates (A3).
2. The Engineer's Report and diagram for the Districts are hereby approved, and the work as set forth therein is to be done.
3. That the method of assessment and the levy of assessments as indicated within each of said Engineer's Reports are hereby approved.

PASSED, APPROVED AND ADOPTED THIS 15<sup>th</sup> DAY OF APRIL 2014

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Cameron J. Hamilton, Mayor

ATTEST:  
John D. Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

CITY OF PORTERVILLE  
ENGINEER'S REPORT FOR LANDSCAPING AND LIGHTING  
CONSOLIDATION FOR DISTRICT NORTH CREEK DISTRICT 2, CREEKVIEW DISTRICT 6, PORTER  
CREEK ANNEXATION 3

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville Resolution No. 12-2014. The report is in compliance with the requirement of Article 4, Chapter 1, Division 15 of the Streets and Highways Code, State of California (Landscape and Lighting Act of 1972).

SECTION 2. General Description

The City Council has elected to consolidate the assessments for Landscape and Lighting Maintenance Districts: Porter Creek Annexation 3, North Creek District 2, and Creekview District 6. The City Council has determined that the areas to be consolidated will have an effect upon all parcels within the following boundaries:

1. Porter Creek Annexation No. 3: Porter Creek Avenue right-of-way to the bank of the Porter Slough median entry, 15' landscape area between Porter Creek Subdivision block wall to Westwood Street, the pedestrian access bridge over Porter Slough and all of the maintenance area to the center line of Porter Slough, more particularly described on maps which are on file in the City Clerk's office entitled "Annexation No. 3 Landscape and Lighting Maintenance District No.1."
2. District No. 2: North Creek Estates Subdivision located on Westwood north of Westfield includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 2.
3. District No. 6: Creek View Estates located between Porter Creek Avenue and the property line in Porter Slough includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 6.

SECTION 3. Plans and Specifications

The plans and specifications for the lighting were prepared by the developer and are in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision

maps as roadway rights-of-way, or easements to be granted to the City of Porterville. The total street lights to be maintained are 5 @ 5,800 lumens. Total landscaped area to be maintained is 125,477 sq. ft. which includes slough clean-up.

SECTION 4. Improvements

Lighting improvements were made by the developer of the subdivisions listed.

SECTION 5. Estimated Costs

The construction cost was borne by the developer and will not be assessed. The subdivision maps have been filed and recorded and the improvements have been constructed. It is the intent that the consolidation of the districts described herein will replace the current assessments for the assessment year 2013/2014.

Estimated assessment for 2014/2015 is as follows:

1. Landscape/Tree Maintenance	125,477/sf @	.125	\$	15,684.62
2. Graffiti Maintenance	125,477/sf @	.01	\$	2,509.54
3. Postage	125,477/sf @	.005	\$	627.39
4. Utilities	125,477/sf @	.06	\$	7,528.62
5. Printing	125,477/sf @	.005	\$	627.39
6. Repair/Maintenance	125,477/sf @	.01	\$	1,254.77
		.225	\$	28,232.33/sf

Maintenance	125,477 x 0.225 = \$	28,232.33
Administrative Fee	28,232 @0.10 = \$	2,823.23
County Fee	297 @1.00 = \$	297.00
Reserves 15% of total cost of maintenance	28,232.33x 15% = \$	0.00
Eliminate Deficit Fund Balance over 10 years(10% of fund deficit)	= \$	4,234.84
	\$	35,587.40

After the 2014/2015 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lesser of the actual prior year's cost or the prior year's estimated cost adjusted according to the annualized Consumer Price Index rate. The Consumer Price Index is based on the San Francisco Model, and any increase for the year 2015/2016 will refer back to the prior year's CPI. In the event

that the costs of services provided do not increase to exceed the full amount of CPI from one year, such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

SECTION 6: By approving the consolidation of assessments, all fund balances and deficits in the districts will be consolidated to fund the landscape and lighting of the herein referred to District 2, 6 and Annexation 3.

#### SECTION 7. Assessment Diagram

A copy of the proposed assessment diagram entitled “Landscape and Lighting Maintenance District 2, 6 and Annexation 3” is attached to this report and by reference is made part thereof. The assessment diagram consists of a map of the City indicating the locations of the subdivisions in the consolidation and supplemental detail maps of each subdivision.

#### SECTION 8. Assessment

The initial cost of constructing improvements has been borne by the developer. The improvement areas are established for the benefit of all properties within the proposed consolidated districts. The establishment and maintenance of the improvements have been a vital part of the development of each subdivision. The City Council of Porterville has determined that to ensure satisfactory levels of maintenance of street lighting at each of the subdivisions, their separate assessments should be consolidated.

The consolidation will consist of approximately 2.88 acres. A total of 297 lots are proposed to be included in the consolidation. The improvements will consist of those improvements described in Section 3 of this report. The maintenance of the improvements is vital for the protection of safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the street lighting.

The determination of benefits takes into consideration the following facts:

1. The purpose of the improvements is to provide a favorable aesthetic appearance to the area.
2. Properly maintained lighting benefits all properties in the development.
3. The lots not adjacent to lighting facility improvements benefit from the maintenance equally to those lots adjacent to the improvements.

Estimated 2014/2015 Assessment

$$\text{Assessment (A)} = \frac{\text{Cost (C)}}{\text{Number of Lots (L)}}$$

$$A = \$ \frac{35,587.40}{297 \text{ lots}} = \$119.82 \text{ per lot for 297 lots}$$

Total Assessment for 2014-2015 = \$35,587.40

Total developed lot count is 297 lots.

New Assessment 2014-2015 is \$119.82 per lot

SECTION 8. Order of Events

1. City Council adopts the Resolution Instituting Proceedings, appoints an Engineer of Work and orders Engineer's Report.
2. City Council adopts the Resolution of Preliminary Approval of Engineer's Report.
3. City Council adopts the Resolution of Intention to Order the Consolidation of Landscape and Lighting Maintenance District No. 2, 6 and Annexation 3.
4. City Council adopts the Resolution Ordering the Consolidation of Landscape and Lighting Maintenance District No. 2, 6 and Annexation 3, including the transfer of all fund balances and deficits.
5. Every year between April and June, the Engineer of Work files a report with the City Council.
6. Every year between April and June, the City Council conducts a public hearing and approves, or modifies, the individual assessments.



A handwritten signature in blue ink that reads "Baldomero Rodriguez". The signature is written in a cursive style and is positioned above the printed name.

Baldomero Rodriguez  
Engineer of the Work

**LANDSCAPE AND LIGHTING MAINTENANCE  
DISTRICTS 2, 6 AND ANNEXATION 3**

