

COUNCIL AGENDA: APRIL 16, 2013

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 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). Ballots were prepared and mailed to the property owners in the proposed Districts on February 23, 2013. 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. To further inform the voters, a public workshop was held on March 18, 2013 at 6:00 p.m.

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.

21 Director

AB Appropriated/Funded

J City Manager

ITEM NO.: 14

RECOMMENDATION: That the City Council:

- 1) Open the public hearing to hear public comment on the proposed consolidation of Landscape and Lighting Maintenance Districts Westwood Estates (D1), Westwood Estates Unit 4, Phase 5 (A5), and Westwood Estates Unit 5, Phase 2 (D12);
- 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 Westwood Estates (D1), Westwood Estates Unit 4, Phase 5 (A5), and Westwood Estates Unit 5, Phase 2 (D12)
- 2) Engineer's Report
- 3) Diagram

RESOLUTION NO. -2013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE,
COUNTY OF TULARE, STATE OF CALIFORNIA, ORDERING THE
CONSOLIDATION OF LANDSCAPE AND LIGHTING MAINTENANCE
DISTRICTS WESTWOOD ESTATES, WESTWOOD ESTATES UNIT 4, PHASE
5, AND WESTWOOD ESTATES UNIT 5, PHASE 2, APPROVING ENGINEER'S
REPORT FOR SAID DISTRICT, AND APPROVING THE METHOD AND LEVY
OF ASSESSMENTS**

WHEREAS, the City Council and the City of Porterville did on the 19th day of February 2013, adopt Resolution No. 09 – 2013 declaring its intention to order consolidation of Landscape and Lighting Maintenance Districts Westwood Estates (D1), Westwood Estates Unit 4, Phase 5 (A5), and Westwood Estates Unit 5, Phase 2 (D12); and

WHEREAS, the public hearing on the consolidation has been set for April 16, 2013, 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 Westwood Estates (D1), Westwood Estates Unit 4, Phase 5 (A5), and Westwood Estates Unit 5, Phase 2 (D12).
2. The Engineer's Report and diagram for the district is 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.

APPROVED AND ADOPTED THIS 16th DAY OF APRIL 2013

Virginia R. Gurrola, 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 WESTWOOD ESTATES DISTRICT 1, WESWOOD ESTATES UNIT
4, PHASE 5 ANNEXATION 5 AND WESTWOOD ESTATES UNIT 5, PHASE 2 DISTRICT 12

SECTION 1. Authority for Report

This report is prepared by order of the City Council of the City of Porterville Resolution No. -2013. 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: Westwood Estates District 1, Westwood Estates Unit 4, Phase 5 Annexation 5 and Westwood Estates Unit 5, Phase 2, District 12. The City Council has determined that the areas to be consolidated will have an effect upon all parcels within the following boundaries:

1. Right-of-way and easement along the Westwood Street frontage of Unit 1 and II of Westwood Estates, more particularly described on maps which are on file in the City Clerk's office entitled "Landscape and Lighting Maintenance District No. 1."
2. Westwood Estates #4, along the north and south entries adjacent to the block wall on Westwood Street and the median divider on White Chapel Lane including all trees in front yard planting strip, more particularly described on maps which are on file in the City Clerk's office entitled "Annexation No. 5 to Landscape and Lighting Maintenance District No. 1".
3. District No. 12 = Westwood Estates Unit 5, Phase 2, located along Henderson Avenue and Brandy Way includes landscape and lighting maintenance and more particularly described on maps which are on file in the City Clerk's office entitled District No. 12.

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 12 @ 5,800 lumens and 4@ 16,000 lumens. Total landscaped area to be maintained is 47,462 sq. ft.

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 2013-2014 is as follows:

1. Landscape/Tree Maintenance	47,462/sf @	.17	\$	8,068.54
2. Graffiti Maintenance	47,462/sf @	.02	\$	949.24
3. Postage	47,462/sf @	.005	\$	237.31
4. Utilities	47,462/sf @	.12	\$	5,695.44
5. Printing	47,462/sf @	.005	\$	237.31
6. Repair/Maintenance	47,462/sf @	.02	\$	949.24
		.34	\$	16,137.08/sf

Maintenance	47,462 x 0.34 =	\$ 16,137.08
Administrative Fee	16,137 @0.10 =	\$ 1,613.70
County Fee	207 @1.00 =	\$ 207.00
Reserves 15% of total cost of maintenance	16,137 x 15% =	\$ 2,420.56
Eliminate Deficit Fund Balance over 10 years(10% of fund deficit)	=	\$ 0.00
		\$ 20,378.34

After the 2013-2014 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 2014/2015 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 as District 1, 12 and Annexation 5.

SECTION 7. Assessment Diagram

A copy of the proposed assessment diagram entitled "Landscape and Lighting Maintenance District 1, 12 and Annexation 5" 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 1.09 acres. A total of 205 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 for the maintenance equally to those lots adjacent to the improvements.

Estimated 2013/2014 Assessment

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

$$A = \$ \frac{20,378.34}{207 \text{ lots}} = \$98.44 \text{ per lot for 207 lots}$$

Total Assessment for 2013-2014 = \$20,378.34

Total developed lot count is 207 lots.

New Assessment 2013-2014 is \$98.44 per lot

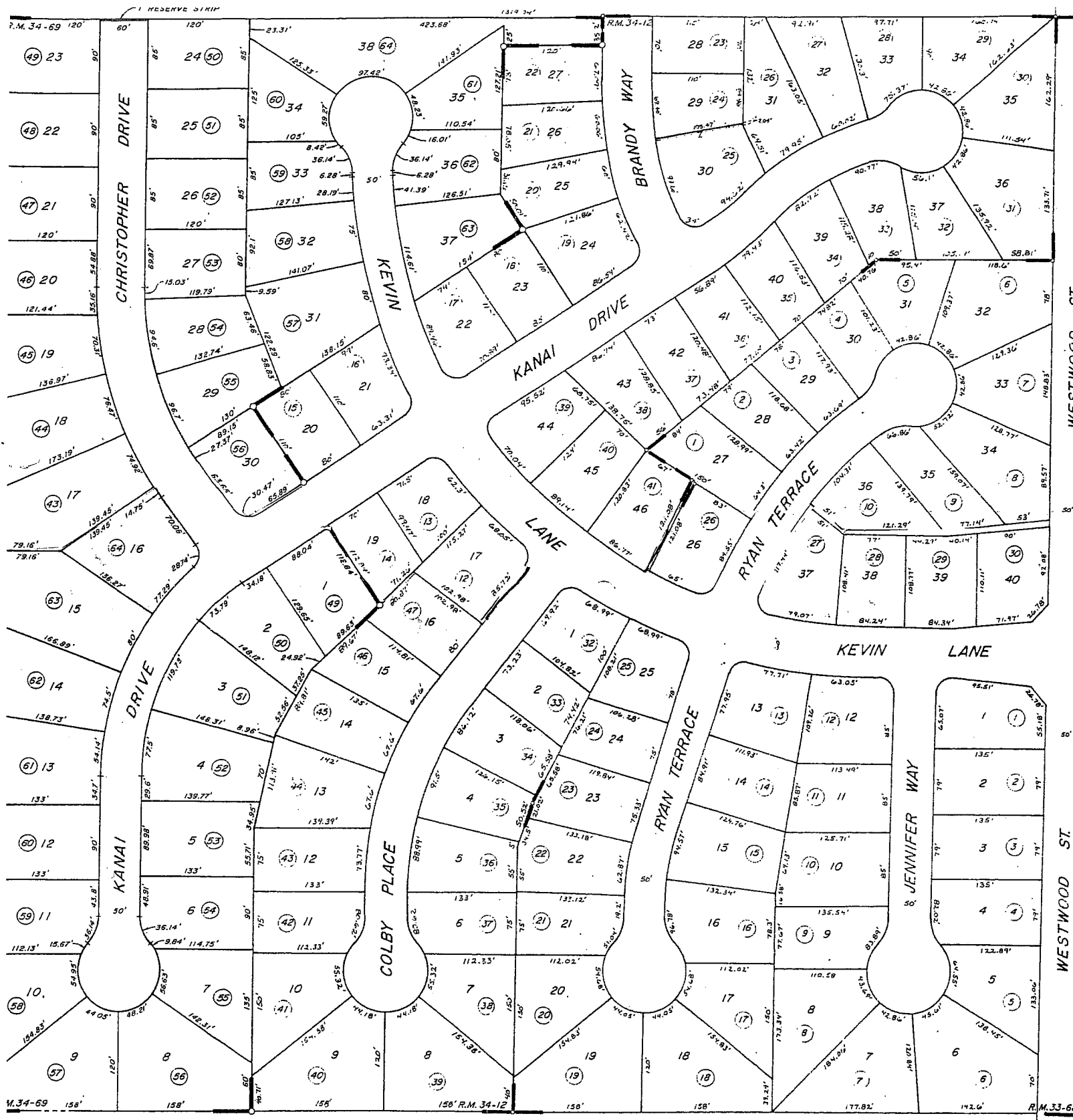
SECTION 8. Order of Events

1. City Council adopts Resolution Instituting Proceedings, appoints an Engineer of Work and orders Engineer's Report.
2. City Council adopts Resolution of Preliminary Approval of Engineer's Report.
3. City Council adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 1, 12 and Annexation 5.
4. City Council adopts Resolution Ordering the Formation of Landscape and Lighting Maintenance District No. 1, 12 and Annexation 5, 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.

Baldomero Rodriguez

Baldomero Rodriguez
Engineer of the Work





WESTWOOD ESTATES UNIT 1 R.M. 33-68
 WESTWOOD ESTATES UNIT 2 R.M. 34-12
 WESTWOOD ESTATES UNIT 3 R.M. 34-69

CITY OF PORTERVILLE
 ASSESSORS MAPS BK. 240 PG. 21
 COUNTY OF TULARE, CALIF.

NOTE - ASSESSORS BLOCK NUMBERS SHOWN IN ELLIPSES
 ASSESSORS PARCEL NUMBERS SHOWN IN CIRCLES

Westwood Estates D1

Westwood Estates District 12 Westwood Estates Annex 5

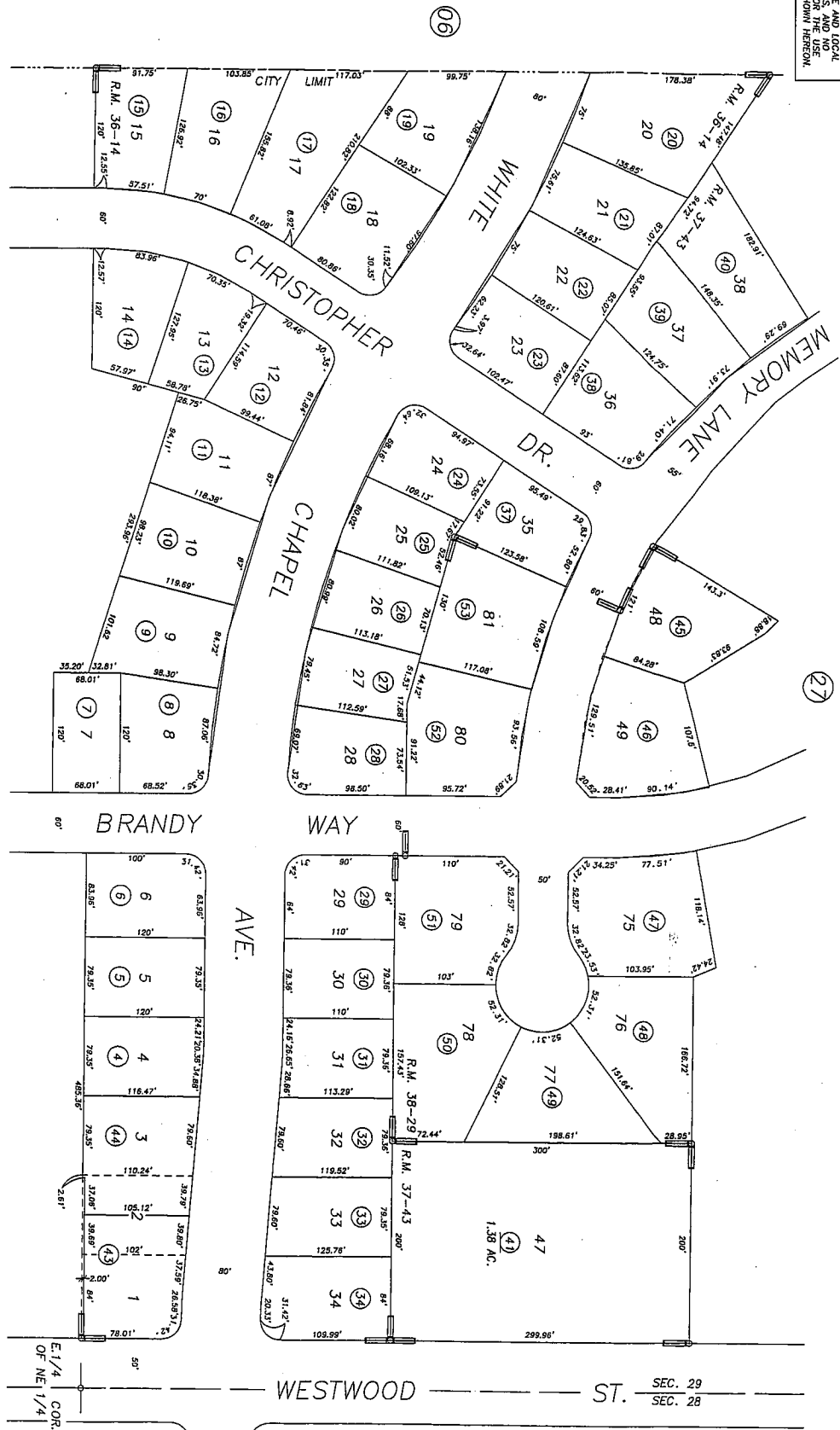
DISCLAIMER
THIS MAP WAS PREPARED FOR LOCAL PROPERTY ASSESSMENT PURPOSES ONLY. IT IS NOT TO BE CONSIDERED A SUBSTITUTION FOR ANY LOCAL ORDINANCES, AND NO LIABILITY IS ASSUMED FOR ANY ERRORS OR OMISSIONS, EITHER IN FACT OR IN LAW, ARISING FROM THE INFORMATION SHOWN HEREON.

POR. NE 1/4 OF NE 1/4 SEC. 29, T.21S., R.27E., M.D.B. & M.

Tax Area Code 240-25
4-121

R.M. 38-29	8/11/99	KPT
REVISION	DATE	BY

POR. WESTWOOD ESTATES UNIT 4, R.M. 36-14
POR. WESTWOOD ESTATES UNIT 5 PHASE 1, R.M. 37-43
POR. WESTWOOD ESTATES UNIT 5 PHASE 2, R.M. 38-29



NOTE: Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

CITY OF PORTERVILLE
ASSESSOR'S MAPS BK. 240, PG. 25
COUNTY OF TULARE, CALIF.

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