

PUBLIC HEARING

**SUBJECT:** LANDSCAPE & LIGHTING DISTRICTS ANNUAL ASSESSMENTS

**SOURCE:** PARKS AND LEISURE SERVICES DEPARTMENT

**COMMENT:** The City has created sixty-four Landscape and Lighting Maintenance Districts (LLMDs) since 1989. The original District had seventeen annexed areas for new developments in addition to the original area. Since 1996 new Districts have been formed for each new development, representing Districts 2 through 46.

Annually, a process of evaluating maintenance needs and establishing an assessment for each LLMD must be followed. At the July 16, 2013 meeting, the City Council preliminarily approved the annual Engineer's Report, which indicates the proposed assessments for the 2013-2014 Fiscal Year. The assessments, once approved by the City Council, are placed upon the tax bill of property owners as a special assessment, and collected by the County of Tulare. The assessment process must be fully filed with the County by August 12, 2013 in order to be placed upon the tax rolls.

The Engineer's Report provides the financial detail on each district. In an effort to better facilitate the needs of the district, staff has been analyzing fund balances and deficits of each district as well as projected expenditures and reserves. Based on the analysis, staff was able to determine that not all districts will be assessed this fiscal year. These fund balances will be reviewed on a yearly basis to determine funding needs for maintenance, as well as determining assessment requirements. Staff also continues to look at more district consolidation possibilities like the recent Westwood Estates (D1), Westwood Estates Unit 4, Phase 5 (A5), and Westwood Estates Unit 5, Phase 2 (D12) consolidation that was passed at the April 16, 2013 City Council meeting.

DS Director

MB

Appropriated/Funded

J

City Manager

ITEM NO.:

29

**RECOMMENDATIONS:** That the City Council:

1. Conduct a public hearing on the 2013-2014 assessments for the Landscape and Lighting Maintenance Districts to take comments or receive protests on the proposed assessments; and
2. Adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2013-2014 Fiscal Year.

**ATTACHMENTS:** Resolution  
Engineer's Report

RESOLUTION NO.: \_\_\_\_\_ 2013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ORDERING THE CONTINUED MAINTENANCE OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICTS AND CONFIRMING THE ENGINEER'S REPORT AND ASSESSMENT FOR 2013-2014 FISCAL YEAR**

**WHEREAS**, the City Council of the City of Porterville did on the 16<sup>th</sup> day of July, 2013 adopt its Resolution of Intention No. 45-2013 to order the therein described work in connection with the continuation of assessment procedures in Landscape and Lighting Maintenance Districts, which Resolution of Intention No. 45-2013 was duly and legally published in the time, form and manner as required by Law, shown by the Affidavit of Publication of said Resolution of Intention on file in the Office of the City Clerk; and

**WHEREAS**, said City Council having duly received and considered evidence, oral and documentary, concerning the jurisdiction facts in the proceeding and concerning the necessity for the contemplated work and the benefits to be derived there from, and said City Council having now acquired jurisdiction to order the proposed work;

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

**SECTION 1. IT IS HEREBY RESOLVED** by the City Council of the City of Porterville that the public interest and convenience require the continuation of assessment procedures for the districts, and said City Council hereby orders that the work and assessment as set forth and described in said Resolution of Intention No. 45-2013 be done and made; and

**SECTION 2. BE IT FURTHER RESOLVED** that the report filed by the Engineer is hereby finally approved; and

**SECTION 3. BE IT FURTHER RESOLVED** that the assessments for fiscal year 2013-2014 and method of assessment in the Engineer's Report are hereby approved; and

**SECTION 4. BE IT FINALLY RESOLVED** that the assessments are in compliance with California Code, that they are without regard to property valuation, and in compliance with Chapter 1, Article 4, and Chapter 3, Division 15 of the Streets and Highway Code allowing the placement of the charge on the tax roll for collection.

**APPROVED, PASSED AND ADOPTED** this 6<sup>th</sup> day of August, 2013

\_\_\_\_\_  
Virginia R. Gurrola, Mayor

**ATTEST:**

John D. Lollis, City Clerk

By: \_\_\_\_\_

Patrice Hildreth, Chief Deputy City Clerk

**CITY OF PORTERVILLE, CALIFORNIA  
ENGINEER'S REPORT FOR  
LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS  
2013-2014 FISCAL YEAR**

**SECTION 1. Authority for Report**

This report is prepared by order of the City Council of the City of Porterville, Resolution Number. The report is in compliance with the requirements of Chapter 1, Article 4, and Chapter 3, Division 15 of the Streets and Highways Code, State of California (Landscaping and Lighting Act of 1972).

**SECTION 2. General Description**

The City Council has heretofore elected to place the permanent landscape area along Westwood Street of Westwood Estates, Unit 1, 2, and 3 subdivisions, into Landscape and Lighting Maintenance District No. 1 and to annex the permanent landscape areas along the perimeter streets of the following developments:

1. Annexation No. 2 = Hillcrest Street right-of-way, fire access road, Jasmine Drive entries; west perimeter including the parcel on which the water tank is located, viewpoint look-out parcel at the northwest corner of Jasmine Ranch Subdivision, and the pedestrian access to each cul-de-sac from Hillcrest Street
2. Annexation No. 4 = LaVida Park Subdivision green belt, east on Plum Way Street and the entries east along Beverly Street
3. Annexation No. 5 = Westwood Estates #4 Subdivision, 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
4. Annexation No. 14 = Wisconsin Manor I Subdivision located on the corner of Wisconsin Way and Mulberry Avenue
5. District No. 5 = Castle Woods Phase II Subdivision located at Median Avenue and Salisbury.
6. District No. 6 = Creekview Estates located between Porter Creek Avenue and the property line in Porter Slough.
7. District No. 12 = Westwood Estates, Unit 5, Phase 2, located on Henderson Avenue and Brandy Way
8. District No. 18 = Ohio North Subdivision located on Ohio Way Street
9. District No. 20 = West View Place Subdivision located on Median Avenue
10. District No. 24 = Orchard Ridge, Phase Eight Subdivision located on Mathew Street, Michael Street, Pamela Avenue and Santa Maria Avenue
11. District No. 31 = Williams Ranch, Phase 2 and 3 Subdivision on Westwood Street between Henderson and Westfield Avenues
12. District No. 35 = Meadow Breeze, Phase 1 Subdivision located on Pioneer Avenue and Salisbury Street

### **SECTION 3. Plans and Specifications**

The plans and specifications for the landscaping have been prepared by the developers' engineers and have been approved as part of the improvement plans for the various developments. The plans and specifications for the landscaping are in conformance with the requirements of the City Council's conditions of approval of said Parcel Maps and Subdivisions.

Reference is hereby made to said subdivision maps, parcel maps and assessment diagrams for the exact location of the landscape areas. The plans and specifications by reference are hereby made a part of this report to the same extent as if said plans and specifications were attached hereto.

### **SECTION 4. Improvements**

Landscaping improvements will include landscaping the entry ways, medians and areas behind subdivision block wall.

### **SECTION 5. Estimated Maintenance Costs**

Maintenance is currently being performed by City staff and contract services. Accordingly, the City's record-keeping will be required to be sufficiently accurate to detail the expenses incurred on behalf of each individual annexation so that these costs may be recaptured through assessments.

The City Finance Department presently maintains records of expenditures for each annexation. Because of the restrictions placed upon municipal budgets through the passage of Proposition No. 218 and the lag between the time assessments are made and revenues are collected by the City, it is appropriate that assessments be made in advance of the anticipated expenditures to provide working capital for the maintenance effort. The fund balance for some districts would appear to justify a refund, however, it is clear that some of the costs for some of the districts have not been properly recognized. The staff is committed to identifying the discrepancies and rectifying during this fiscal year. Refunds have been included in the form of one time adjustments to the assessment reducing the amount actually assessed per lot.

The assessments include costs accumulated to date and estimated costs for the 2013-2014 fiscal year for Landscape and Lighting District No. 1, including Annexations 1 through 19 and District 2 through 46.

### **SECTION 6. Assessment Diagram**

Copies of the assessment diagrams were attached to each individual Engineer's Reports and were labeled "Exhibit A". An Index Map is attached to this report identifying the location of the original district and each annexation.

### **SECTION 7. Assessment**

The City Council, in forming Landscape and Lighting Maintenance District No. 1 and in annexing territories to the district, has maintained the philosophy that the sub divider or developer is responsible for the plantings, irrigation system and the maintenance of the improvements until they become well established. The assessments for maintenance thus only include anticipated costs incurred subsequent to the acceptance of the system by the City Council on behalf of the Maintenance District.

An exception to this philosophy is at Annexation No. 1, Airport Industrial Park, where the owners and the City will share costs for the plantings and irrigation system and the maintenance of improvements.

The maintenance of the landscaping is vital for the protection of both economic and humanistic values of the development. The City Council has heretofore determined that for the preservation of values incorporated within developments adjacent to landscaped areas, the landscaped areas should be included in a maintenance district to ensure satisfactory levels of maintenance. The establishment of the assessment for each development must be on a unit by unit basis which will preserve the integrity of each project. There should be a review of each annexation and District to determine if there are changed conditions that effect the assessment.

The determination of benefit for the lots within the districts takes into consideration the facts for the original districts and all annexations thereto.

**Following are estimated maintenance costs and assessments for each District and Annexation.**

Annexation No. 4 - La Vida Park  
 Fiscal Year 2013-2014  
 Maximum Assessment \$2,469.42

*Estimated Accumulated Costs 2012-2013* \$ 1,644.16

Maintenance: 3,790 sq.ft. of landscaping area, 437 feet of wall  
 Project Management, 17  
 Fund Balance: \$ 1,879.38

1. Landscape	3,790	@ \$	0.190	=	\$ 720.10 /sf
2. Graffiti Maintenance	3,790	@ \$	0.090	=	\$ 341.10 /sf
3. Tree Maintenance	3,790	@ \$	0.150	=	\$ 568.50 /sf
4. Postage	3,790	@ \$	0.020	=	\$ 75.80 /sf
5. Utilities	3,790	@ \$	0.250	=	\$ 947.50 /sf
6. Printing	3,790	@ \$	0.020	=	\$ 75.80 /sf
7. Repair/Maintenance	3,790	@ \$	0.030	=	\$ 113.70 /sf
		\$	0.750	=	\$ 2,842.50

Maintenance	3,790 x \$	0.750	=	\$ 2,842.50
Administrative Fee	\$ 2,842.50 x \$0.10			\$ 284.25
County Fee	17 @ \$1.00			\$ 17.00
Reserves 15% of total cost of maintenance				\$ 426.38
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				\$ -
				<u>\$ 3,570.13</u> /17=\$210.00

**Estimated Cost Per Year** \$ 3,570.13 = \$ 210.01  
17

**Current Assessment** \$ 2,469.42 = \$ 145.26  
17

**New Assessment** \$ 2,469.42 = \$ 145.26  
17

Westwood Estates - Districts 1, 12 and Annexation 5  
 2013-2014 Fiscal Year  
 Maximum Assessment \$1,001.39

*Estimated Accumulated Costs 2012-2013* \$ 17,721.34

Maintenance: lighting: 47,462 sq.ft. of landscaping area  
 Project Management, 207 lots  
 Fund Balance: \$ 29,247.80

						Formula
1. Landscape/Tree Maintenance	47,462	@	0.17 =	\$ 8,068.54	/sf	
2. Graffiti Maintenance	47,462	@	0.02 =	\$ 949.24	/sf	
3. Postage	47,462	@	0.005 =	\$ 237.31	/sf	
4. Utilities	47,462	@	0.12 =	\$ 5,695.44	/sf	
5. Printing	47,462	@	0.005 =	\$ 237.31	/sf	
6. Repair/Maintenance	47,462	@	0.02 =	\$ 949.24	/sf	
			\$ 0.34	\$ 16,137.08		

Maintenance	47,462 sq.ft.	x	0.34	\$ 16,137.08
Administrative Fee	\$ 16,137.08	x	\$0.10	\$ 1,613.71
County Fee	207 lots	@	1.00/per lot	\$ 207.00
Reserves	15% of total cost of maintenance			\$ 2,420.56
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit				\$ -
				\$ 20,378.35 /207=\$98.44

**Estimated Cost Per Year** \$ 20,378.35 = \$98.44  
207

**New Assessment** \$ 20,378.35 = \$ 98.44  
207





**District No. 5 Castle Woods Phase 2 Subdivision**  
**Fiscal Year 2013-2014**  
**Maximum Assessment \$1.021.48**  
**Approved CIP 2002 ( Adjusted 2008)**

*Estimated Accumulated Costs 2012-2013* \$ 1,611.57

Maintenance: 1,715 sq.ft. of landscaping area  
 Project Management: 25 lots  
 Fund Balance: \$ (2,513.42)

1. Landscape	1,715	@	\$ 0.190	=	\$	325.85	/sf
2. Graffiti Maintenance	1,715	@	\$ 0.090	=	\$	154.35	/sf
3. Tree Maintenance	1,715	@	\$ 0.150	=	\$	257.25	/sf
4. Postage	1,715	@	\$ 0.020	=	\$	34.30	/sf
5. Utilities	1,715	@	\$ 0.250	=	\$	428.75	/sf
6. Printing	1,715	@	\$ 0.020	=	\$	34.30	/sf
7. Repair/Maintenance	1,715	@	\$ 0.030	=	\$	51.45	/sf
			\$ 0.750	=	\$	1,286.25	

Maintenance	1,715	x	0.75	=	\$	771.75	
Administrative Fee	\$ 1,286.25	x	0.10		\$0.10	\$	128.63
County Fee	25	x	1.00/per lot		\$1.00	\$	19.00
Reserves 15% of total cost of maintenance						\$	192.94
Eliminate deficit fund balance over 10 years - 10% of fund deficit						\$	236.09
					\$	1,348.40	/25=\$ 53.94

**Estimated Cost Per Year** \$ 1,348.40 = \$ **53.94**  
25

**Current Assessment** \$ 1,004.41 = \$ **40.18**  
25

**New Assessment** \$ 1,004.41 = \$ **40.18**  
25

District 35 - Meadow Breeze Ph. 2  
 2013-2014 Fiscal Year  
 Maximum Assessment \$1,001.39

*Estimated Accumulated Costs 2012-2013* \$ 754.69

Maintenance: lighting: 9 lumens @ 5,800 each  
 Project Management, 44 lots  
 Fund Balance: \$ 686.47

		Cost	Formula
1. Utilities	9	@ \$ 104.16 =	\$ 937.44 /sf
2. Printing	44	@ \$ 1.400 =	\$ 61.60 /sf
3. Postage	44	@ \$ 1.000 =	\$ 44.00 /sf
			<u>\$ 1,043.04 /sf</u>

Maintenance	\$ 1,043.04	x 1	=	\$ 1,043.04
Administrative Fee	\$ 1,137.44	x 0.10	=	\$ 113.74
County Fee	44 lots	@ 1.00/per lot	=	\$ 44.00
Reserves	15% of total cost of maintenance		=	\$ 156.46
Eliminate Deficit Fund Balance over 10 years - 10% of fund deficit			=	\$ -
				<u>\$ 1,357.24 /44= \$30.85 per lot</u>

**Estimated Cost Per Year** \$ 1,357.24 = **\$30.85**  
44

**Current Assessment** \$ 844.08 = **\$19.18**  
44

**New Assessment** \$ 844.08 = **\$19.18**  
44

This concludes the 2013-2014 Landscape and Lighting District Engineer's Report.  
 Baldomero Rodriguez, RCE 45304

*Baldomero Rodriguez*  
 Public Works Director



**District No. 6 Creekview Subdivision**  
**Fiscal Year 2013-2014**  
**Maximum Assessment \$4,869.30**

*Estimated Accumulated Costs 2012-2013* \$ 4,921.42

Maintenance: 23,600 sq.ft. of landscaping area  
 Lighting: 5 each @ 5,800 lumens  
 Project Management: 19 lots  
 Fund Balance: \$ (21,889.43)

1. Landscape	23,600	@ \$ 0.190 =	\$ 4,484.00	/sf
2. Graffiti Maintenance	23,600	@ \$ 0.030 =	\$ 708.00	/sf
3. Tree Maintenance	23,600	@ \$ 0.120 =	\$ 2,832.00	/sf
4. Postage	23,600	@ \$ 0.005 =	\$ 118.00	/sf
5. Utilities	23,600	@ \$ 0.060 =	\$ 1,416.00	/sf
6. Printing	23,600	@ \$ 0.005 =	\$ 118.00	/sf
7. Repair/Maintenance	23,600	@ \$ 0.040 =	\$ 944.00	/sf
		<u>\$ 0.450 =</u>	<u>\$ 10,620.00</u>	

Maintenance	23,600	x 0.45 =	\$ 10,620.00
Administrative Fee	\$ 10,620.00	x 0.10 \$0.10	\$ 1,062.00
County Fee	19	x 1.00/per lot \$1.00	\$ 19.00
Reserves 15% of total cost of maintenance			\$ 1,593.00
Eliminate deficit fund balance over 10 years - 10% of fund deficit			\$ 2,115.31
			<u>\$ 15,409.31 /19=\$ 811.02</u>

**Estimated Cost Per Year** \$ 15,409.31 = **\$ 811.02**  
19

**Current Assessment** \$ 4,869.30 = **\$ 256.28**  
19

**New Assessment** \$ 4,869.30 = **\$ 256.28**  
19





**District No. 24 - Orchard Ridge Phase 8**  
**Fiscal Year 2013-2014**  
**Maximum Assessment \$2,607.14**

*Estimated Accumulated Costs 2012-2013*                     \$                     3,476.80

Maintenance:                                                 3,538 sq.ft. of landscaping area  
 Project Management:                                             44 lots  
 Fund Balance:                                             \$ (9,194.66)

1. Landscape	3,538	@	\$ 0.190	=		\$ 672.22	/sf
2. Graffiti Maintenance	3,538	@	\$ 0.090	=		\$ 318.42	/sf
3. Tree Maintenance	3,538	@	\$ 0.150	=		\$ 530.70	/sf
4. Postage	3,538	@	\$ 0.020	=		\$ 70.76	/sf
5. Utilities	3,538	@	\$ 0.250	=		\$ 884.50	/sf
6. Printing	3,538	@	\$ 0.020	=		\$ 70.76	/sf
7. Repair/Maintenance	3,538	@	\$ 0.030	=		\$ 106.14	/sf
			\$ 0.750	=		\$ 2,653.50	

Maintenance		3,538 x	0.75	=		\$ 1,592.10
Administrative Fee	\$ 2,653.50	x	0.10		\$0.10	\$ 265.35
County Fee		44 x	1.00/per lot		\$1.00	\$ 44.00
Reserves 15% of total cost of maintenance						\$ 398.03
Eliminate deficit fund balance over 10 years - 10% of fund deficit						\$ 919.46
						\$ 3,218.94
						/44=\$ 73.16

<b>Estimated Cost Per Year</b>	<b>\$ 3,218.94</b>	=			<b>\$ 73.16</b>
	<b>44</b>				
<b>Current Assessment</b>	<b>\$ 2,607.14</b>	=			<b>\$ 59.26</b>
	<b>44</b>				
<b>New Assessment</b>	<b>\$ 2,607.14</b>	=			<b>\$ 59.26</b>
	<b>44</b>				





**Annexation No. 2 - Jasmine Ranch**  
**Fiscal Year 2013-2014**  
**Maximum Assessment \$8,000.00**

Estimated Accumulated Costs 2012-2013                         \$                         5,265.05

Maintenance:                                                 22,100 sq.ft. of landscaping area  
 Project Management:                                         22 lots  
 Fund Balance:                                                 \$   4,829.08

1. Landscape	22,100	@	\$ 0.190	=	\$	4,199.00	/sf
2. Graffiti Maintenance	22,100	@	\$ 0.030	=	\$	663.00	/sf
3. Tree Maintenance	22,100	@	\$ 0.160	=	\$	3,536.00	/sf
4. Postage	22,100	@	\$ 0.005	=	\$	110.50	/sf
5. Utilities	22,100	@	\$ 0.040	=	\$	884.00	/sf
6. Printing	22,100	@	\$ 0.005	=	\$	110.50	/sf
7. Repair/Maintenance	22,100	@	\$ 0.020	=	\$	442.00	/sf
			\$ 0.450	=	\$	9,945.00	

Maintenance	22,100	x	\$ 0.45	=	\$	9,945.00
Administrative Fee	\$ 9,945.00	x	\$0.10		\$	994.50
County Fee	22	x	\$1.00/per lot		\$	22.00
Reserves 15% of total cost of maintenance					\$	1,491.75
Eliminate deficit fund balance over 10 years - 10% of fund deficit					\$	12,453.25

FORMULA FOR ASSESSMENT

$$A = \text{Assessment per lot} = \frac{\text{Total Assessment} - F}{L}$$

F = Assessment for remainder parcel

The 2013-2014 assessment will be spread based upon the above formula. There are 22 lots in Unit One. The 47.89 acre remainder parcel is included on the final subdivision map and will be assessed 20% of the total estimated cost for landscaping maintenance until it is developed at which time it will be combined with the other completed units and assessed fully.

Estimated Assessment     $F = \$12,453.25 \times .20 = \$2,490.85$  for remainder  
                                      $A = \$12,453.25 - \$2,490.85 = \$452.84$  per lot in Unit One

Current Assessment     $F = \$8,000 \times .20 = \$1,600.00$  for remainder  
                                      $A = \frac{8,000 - 1600}{22} = \$290.92$  per lot in Unit One

New Assessment         $F = \$8,000 \times .20 = \$1,600.00$  for remainder  
                                      $A = \frac{8,000 - 1600}{22} = \$290.92$  per lot in Unit One