

TO: James L. App, City Manager
FROM: Meg Williamson, Interim Director of Public Works
SUBJECT: Annual Levy Report for the Landscape and Lighting District
DATE: June 1, 2004

NEEDS: For the City Council to hold a public hearing and consider adopting the attached Resolutions to order collection of assessments for the Landscape and Lighting District for Fiscal Year 2004-2005.

- FACTS:**
1. The City Council on May 4, 2004 adopted Resolution No. 04-94 declaring the City's intention to levy Landscape and Lighting District assessment fees for Fiscal Year 2004-2005 and setting a public hearing for June 1, 2004.
 2. The City Council will provide the public opportunity for testimony at the public hearing. The Council will then be presented the tabulations of ballots for the new sub-areas for the 2004-2005 assessments for acceptance.
 3. Adoption of the Engineer's Levy Report to allow the City to begin assessment occurs between April and May of each year and is forwarded to the County by the end of June so that it can be included in property tax assessments.

**ANALYSIS
AND**

CONCLUSION: The assessments for the 2004-2005 Fiscal Year have been developed for each of the sub-areas. The levy report was made available to the public. Ballots were given to new sub-areas to vote on the assessment. All ballots were received and tabulated as follows:

<u>Sub-Area</u>	<u>Description</u>	<u>Property Owner</u>	<u>Vote</u>
73	PD 02-001	Oak Grove Housing	Yes
75	TR 2296	Charles Applebaum	Yes
76A	TR 2431	Daniel Chivens	Yes
76B	TR 2430	Anthony Ritter	Yes
77	TR 2404	Paul Abramson	Yes
78	PR 01-141	Dennis Bradshaw	Yes
79	PR 01-266	Ella Porter	Yes
81	TR 2472	Joel Koman	Yes
82	TR 2477	John Ferguson	Yes

Typically, tracts that will likely be accepted as public improvements by the City by April of the fiscal year are levied. The City development agreement normally requires the developer to provide one-year of landscape maintenance after the Council accepts the public improvements. The developer is responsible for all costs of maintenance during the one-year care period, including irrigation water and electricity.

POLICY

REFERENCE: Resolution No. 89-89, forming the Paso Robles Landscape and Lighting District. Proposition 218.

FISCAL

IMPACT: It is estimated that \$812,593 will be received to fund the costs of those areas maintained under the Landscape and Lighting District.

OPTIONS:

- a. Receive public testimony regarding the annual levy of the Landscape and Lighting District, receive the tabulation of the ballots for the new sub-areas and:
 - 1) Adopt Resolution No. 04-xx approving the Engineer's Annual Levy Report; and
 - 2) Adopt Resolution No. 04-xx ordering the Levy and Collection of Assessments.
- b. Amend, modify, or reject the above option.

Attachments:

- 1) Resolutions (2)
- 2) Final Levy Report

Report prepared by:
Ditas Esperanza, P.E.
Capital Projects Engineer

RESOLUTION NO. 04-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AMENDING AND/OR APPROVING THE ENGINEER'S ANNUAL LEVY REPORT FOR THE
PASO ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1
FOR FISCAL YEAR 2004/2005

WHEREAS, the City Council has by previous Resolutions ordered the preparation of the Engineer's Annual Levy Report (hereafter referred to as the "Report") for said district known and designated as:

Paso Robles Landscape and Lighting Maintenance District No. 1

(Hereafter referred to as the "District") pursuant to the provisions of *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the "Act"); and

WHEREAS, there has now been presented to this City Council the Report as required by *Chapter 3, Section 22623* of said Act and as previously directed by Resolution; and

WHEREAS, the District and the associated assessments are in compliance with the provisions of California Constitution Articles XIIIIC and XIID; and

WHEREAS, this City Council has carefully examined and reviewed the Report as presented (or amended) and is satisfied with each and all of the items and documents as set forth therein and is satisfied that the levy has been spread in accordance with the benefits received from the improvements, operation, maintenance, and services to be performed as set forth in said Report.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the Report as presented (or amended) is hereby approved and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open for public inspection.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of and final approval of the Report.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 1st day of June 2004.

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE
PASO ROBLES LANDSCAPE AND LIGHTING MAINTENANCE
DISTRICT NO. 1 FOR FISCAL YEAR 2004/2005

WHEREAS, the City Council has by previous Resolutions initiated proceedings, declared its intention to levy assessments, and approved the Engineer's Annual Levy Report (hereafter referred to as the "Report") that describes the assessments against parcels of land within the El Paso De Robles Landscape and Lighting Maintenance District No. 1 (hereafter referred to as "District") for the Fiscal Year commencing July 1, 2004 and ending June 30, 2005 pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500* (hereafter referred to as the "Act") to pay the costs and expenses of operating, maintaining, and servicing landscaping, lighting, and appurtenant facilities located within the District and Sub Areas; and

WHEREAS, the Engineer selected by the Council has prepared and filed with the City Clerk, and the City Clerk has presented to the Council, a Report in connection with the proposed levy and collection of assessments upon eligible parcels of land within the District, and the Council did by previous Resolution approve such Report; and

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within the District for the Fiscal Year commencing July 1, 2004 and ending June 30, 2005 to pay the costs and expenses of operating, maintaining, and servicing landscaping, lighting, and appurtenant facilities located within public places in the City; and

WHEREAS, this City and its legal counsel have reviewed Proposition 218 and found that these assessments comply with applicable provisions of Section XIIIID of the California State Constitution.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Following notice duly given, the City Council has held a full and fair Public Hearing regarding the District, the levy and collection of assessments, the Report prepared in connection therewith, and considered all oral and written statements, protests, and communications made or filed by interested persons regarding these matters.

SECTION 2. Based upon its review (and amendments, as applicable) of the Report, a copy of which has been presented to the City Council and which as been filed with the City Clerk, the City Council hereby finds and determines that:

- i) the land within the District will receive special benefit by the operation, maintenance, and servicing of improvements located in public places within the boundaries of the District; and
- ii) the District includes all of the lands so benefited; and
- iii) the net amount to be assessed upon the lands within the District in accordance with the fee for the Fiscal Year commencing July 1, 2004 and ending June 30, 2005 is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the estimated benefits to be received by each parcel from the improvements and services.

SECTION 3. The Report and assessments as presented to the City Council and on file in the Office of the City Clerk are hereby confirmed as filed.

SECTION 4. The maintenance, operation, and servicing of the improvements and appurtenant facilities shall be performed pursuant to the Act. The City Council hereby orders the proposed improvements to be made, which improvements are briefly described as follows: the maintenance and operation of and the furnishing of services and materials for street lighting facilities, detention basins, open space areas, landscaping, irrigation systems, public pedestrian paths, slope maintenance, entry monuments; landscaping includes trees, shrubs, grass, and other ornamental vegetation and appurtenant facilities including, but not limited to, irrigation systems and drainage devices within the District. The Report describes all new improvements or substantial changes in existing improvements.

SECTION 5. The County Auditor of the County of San Luis Obispo shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy so apportioned by the formula and method outlined in the Report, and such levies shall be collected at the same time and in the same manner as the County taxes are collected pursuant to *Chapter 4, Article 2, Section 22646* of the Act. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

SECTION 6. The City Treasurer shall deposit all money representing assessments collected by the County for the District to the credit of a fund known as the "Improvement Fund, City of El Paso De Robles Landscape and Lighting Maintenance District No. 1," and such money shall be expended only for the maintenance, operation, and servicing of the landscaping, lighting, and appurtenant facilities as described in Section 4.

SECTION 7. The adoption of this Resolution constitutes the District levy for the fiscal year commencing July 1, 2004, and ending June 30, 2005.

SECTION 8. The City Clerk or their designate is hereby authorized and directed to file the levy with the County Auditor upon adoption of this resolution pursuant to *Chapter 4, Article 1, Section 22641*, of the Act.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 1st day of June 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk