

TO: James L. App, City Manager
FROM: Doug Monn, Interim Director of Public Works
SUBJECT: Annual Levy Report for the Landscape and Lighting District
DATE: June 7, 2005

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 2005-2006.

- FACTS:**
1. The City Council on May 3, 2005 adopted Resolution No. 05-99 declaring the City's intention to levy Landscape and Lighting District assessment fees for Fiscal Year 2005-2006 and setting a public hearing for June 7, 2005.
 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 2005-2006 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 2005-2006 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:

<i>Sub-Area</i>	<i>Description</i>	<i>Property Owner</i>	<i>Vote</i>
36G	TR 2457-3	River Oaks Comm.	Yes
69B	TR 2369-2	Fallingstar Homes	Yes
70C	TR 2254-3	The Highlands	Yes
72B	TR 2350	Hacienda Estates	Yes
74	TR 2411	Gearhart	Yes
83	PR 97-226	Ryan	Yes
85	PD 02-108	Oak Park Senior Housing	Yes
86	PD 98-016	Canyon Creek Apts.	Yes
87	PR 01-102	Charnley	Yes
88	TR 2422	Harrod	Yes
89	TR 2391	Benson	Yes
91	TR 2571	Doya Partners	Yes
92	PD 02-017	Gateway Center	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 \$974,860 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. 05-xx approving the Engineer's Annual Levy Report; and
 - 2) Adopt Resolution No. 05-xx ordering the Levy and Collection of Assessments.
- b. Amend, modify, or reject the above option.

Attachments:

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

RESOLUTION NO. 05-

A 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 2005/2006

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:

El Paso De 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 XIII C and XIII D; 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;

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 7th day of June 2005 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION NO. 05-

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 2005/2006

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 Paso Robles Landscape and Lighting Maintenance District No. 1 (hereafter referred to as "District") for the Fiscal Year commencing July 1, 2005 and ending June 30, 2006 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, 2005 and ending June 30, 2006 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;

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, 2005 and ending June 30, 2006 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, 2005 and ending June 30, 2006.

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 7th day of June 2005 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

A copy of the
Final Engineer's Levy Report
is available for review
in the Library
and in the
City Clerk's Office

THE *Newspaper of the Central Coast* TRIBUNE

3825 South Higuera • Post Office Box 112 • San Luis Obispo,

In The Superior Court of The State of California
In and for the County of San Luis Obispo
AFFIDAVIT OF PUBLICATION

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CITY OF PASO ROBLES
PUBLIC WORKS DEPARTMENT

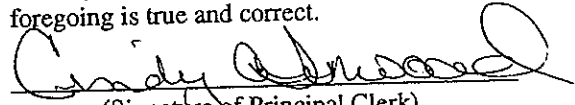
STATE OF CALIFORNIA,

SS.

County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof - on the following dates, to-wit MAY 26, 2005 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.


(Signature of Principal Clerk)

DATED: MAY 26, 2005

SECTION 8. Time of Public Hearing: Notice is hereby given that a public hearing will be held by the City Council of the City of El Paso De Robles on Tuesday, June 7, 2005 at 7:30 p.m. and/or as soon thereafter as feasible in the Regular Meeting Chambers located within the Paso Robles City Hall Conference Center located at 1000 Spring Street, El Paso De Robles.

SECTION 9. Other Actions: The City Council and such employees of the District as are appropriate, are authorized and directed to execute such other documents and take such further action as shall be consistent with the intent and purpose of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 3rd day of May 2005 by the following vote:

AYES: Heggarty, Németh, Picanco, Strong, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk
May 26, 2005

6182913

RESOLUTION 05-099

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE PASO ROBLES LANDSCAPE & LIGHTING MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2005/2006 AND TO CONDUCT A PROPERTY OWNER PROTEST BALLOTING ON THE MATTER OF PROPOSED INCREASED ASSESSMENTS

WHEREAS, the City Council has, by previous Resolutions, formed the El Paso De Robles Landscape and Lighting Maintenance District No. 1 (hereafter referred to as the "District") and initiated proceedings for Fiscal Year 2005/06 pursuant to the provisions of the *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") that provides for the levy and collection of assessments by the County of San Luis Obispo for the City of El Paso De Robles to pay the maintenance and services of all improvements and facilities related thereto; and

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

WHEREAS, the City Council has retained MuniFinancial for the purpose of assisting with the Annual Levy of the District and to prepare and file a Report with the City Clerk in accordance with the Act, and that said Report has been prepared and filed with the City Clerk and presented to the City Council.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Intention: The City Council hereby declares that it intends to seek the Annual Levy of the District pursuant to the Act, over and including the land within the District boundary, and to levy and collect assessments on all such land to pay the costs of the following: the operation, maintenance, and servicing of lighting, landscaping, and all appurtenant facilities and operations related thereto.

SECTION 2. Description of Improvements and Any Substantial Changes Proposed: The improvements within the District include: the maintenance and operation of and the furnishing of services and materials for street lighting facilities, fencing, detention basins, open space areas, landscaping, irrigation systems, bike paths, pedestrian pathways, slope maintenance, graffiti abatement, local parks, entry monuments, landscaping which includes trees, shrubs, grass, and other ornamental vegetation, and appurtenant facilities, including irrigation systems and drainage devices within the District. The Engineer's Annual Levy Report describes all new improvements or substantial changes in existing improvements.

SECTION 3. Boundaries and Designation: The boundaries of the District are described as the boundaries previously defined in the formation documents of the original District. The District includes eighty-five (85) Sub Areas: (1) Tract 1581 1-2; (2) Tract 1632 1-10; (3) Tract 1457; (4) Tract 1619; (5) Tract 1508 1-2; (6) Tract 1463-1; (7) Woodland Plaza; (8) Tract 1630; (9) Tract 1942; (10) Tract 2036; (11) Tract 1723; (12) Tract 2070; (13) Tract 1886; (14) Williams Brothers; (15) Tract 1832; (16) Tract 1508-3; (18) Tract 1581-2; (19) Tract 1463-2; (20) PR 91-088; (21) Tracts 1754 1-2; (22) PR 91-095; (23) PR 93-085; (25) PR 94-016; (27) Tract 1508-4; (28) Tract 1718; (29) PR 95-013; (30) PR 91-089; (31) PR 94-128; (32) Tract 2223-1; (33) PR 97-167; (34) Target Center; (35) CUP 95-018; (36) Tract 1895 1-2, Tract 2376, Tract 2457 1-3; (37) Tract 2269; (38) PR 98-008; (39) PR 98-009; (40) PR 93-087; (41) PR 97-138; (42) Tract 2214 1-4; (43) Tract 1951; (44) Tract 2186; and (45) Tract 1771-1 and 3-6; (46) PR 98-038; (47) Tract 2137-1; (48) Tract 2284; (49) Tract 2276; (50) Tract 2311; (51) Tract 2259; (52) 2281 1-5; (53) PR 91-045; (54) Tract 1983; (55) Tract 1463-2; (56) Tract 2137-2; (57) Tract 2223-2; (58) Tract 2137-3; (59) Tract 2352; (60) Tract 2071; (61) Tract 2005; (62) PR 01-007; (63) Tract 2351; (64) PR 01-186; (66) PD 00-029; (67) Tract 2373; (68) PD 01-003; (69) PD 02-001; (74) Tract 2411, (75) 1-2, 3; (71) PR 01-263; (72) Tract 2350; (73) PD 02-001; (74) Tract 2411, (75) Tract 2296; (76) Tract 2430; Tract 2431 (77) Tract 2404; (78) PR 01-141; (79) PR 01-266; (81) Tract 2472; (82) Tract 2477, (83) PR 97-226, (85) PD 02-018, (86) PD 98-016, (87) PR 01-102, (88) Tract 2422, (89) Tract 2391, (91) Tract 2571, (92) PD 02-017. The District is designated as "El Paso de Robles Landscape and Lighting Maintenance District No. 1."

SECTION 4. Ballotting for Assessment Increase: Pursuant to California Constitution Article XIID, an assessment ballot proceeding is hereby called on behalf of the District on the matter of confirming proposed increased assessments for specific Sub Areas and properties within the District. The assessment ballot proceeding for the District, authorizing an increase of the existing maximum assessments and the application of an inflationary formula shall be presented to property owners pursuant to California Constitution Article XIID, Section 4 consisting of a ballot, included with a mailed notice, distributed by mail to the property owners of record as of the last County equalized roll and subject to the proposed assessment increase. Each property owner may return the ballot by mail or in person to the City Clerk not later than the conclusion of the Public Hearing for this matter.

SECTION 5. Public Hearing: The City Council hereby declares its intention to conduct a Public Hearing concerning the levy of assessments for the District in accordance with Chapter 3, Section 22626 of the Act and protest ballot proceedings for proposed assessment increases in accordance with the provisions of the *California Constitution Article XIID, Section 4*.

SECTION 6. Ballot Tabulation: Upon conclusion of public testimony at the Public Hearing, the City Clerk or their designee shall open and tabulate the ballots returned to determine if a majority protest exists. The ballots shall be weighted according to the proportional financial obligation of the affected properties. A majority protest exists if ballots submitted in opposition to the assessments exceed the ballots submitted in favor of the assessment. The determination of majority protest will first be evaluated for all ballots received. If majority protest exists for all ballots received, property owner ballots received will be evaluated individually for each Sub Area balloted.

SECTION 7. Notice: Pursuant to sections 22626, 22552 and 22553 of the 1972 Act and 6061 of the Government Code, the City Clerk shall give notice of the time and place of the Public Hearing to all property owners within the District by causing the publishing of this Resolution once in the El Paso De Robles Press one time not less than ten (10) days before the date of the public hearing and by posting a copy of this Resolution on the official bulletin board customarily used by the City Council for the posting of notices; and the City Clerk or their designee shall cause a ballot and notice of the hearing to be distributed by first class mail to the property owners of record as of the last County equalized roll subject to a proposed assessment increase pursuant to the *California Constitution Article XIID*.