

TO: James L. App, City Manager

FROM: Doug Monn, Director of Public Works

SUBJECT: Initiate Proceedings for Annual Levy of Landscape & Lighting District and Drainage Maintenance District 2008-1 for FY 2013-2014

DATE: April 16, 2013

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NEEDS: For the City Council to consider initiating proceedings for the annual levy of the Landscape & Lighting District and Drainage Maintenance district 2008-1 for fiscal year 2013-2014.

FACTS:

1. The City Council formed a Landscape & Lighting Assessment District (L&L District) in 1989 for the maintenance of streetlights, hardscapes, detention basins, parkways, median islands, open space, slopes and other appurtenant facilities related to the L&L District.
2. The City began assessing parcels within the District in 1993.
3. The L&L District, serves over 4,000 lots, organized into 13 zones and 137 designated sub areas.
4. In FY08 the City Council formed a Drainage Maintenance District for the maintenance of drainage improvements associated with the Ashwood Place (PR03-0338) Subdivision. The Drainage District required the same annual levy process as the Landscape and Lighting District.
5. The annual levy is a two-step process. The first step is for the City Council to adopt Resolutions to initiate the proceedings, preliminarily approve the Engineer's Report and schedule a Public Hearing. The second and final step would be the Public Hearing where the City Council could approve the final Engineer's Report and authorizing the levy and the collection of assessments.

#### ANALYSIS &

CONCLUSION: The L&L District provides a funding mechanism to provide for public street lighting, landscaping and related facilities associated with various developments in the City. The idea is to achieve economy of scale by combining the efforts for all maintenance services within separate geographic locations (Individual "sub-areas" or groups of sub-areas known as "zones"). A single contractor provides most landscape maintenance services, contracting directly with the City. L&L District funding is determined annually, based upon several factors. Those factors include street light costs, landscapes maintenance cost, water costs and administration costs.

In summary, each sub-area's costs are determined based upon the landscape, lighting, and architectural amenities associated with a tract, and the costs associated with the maintenance of those improvements. Costs are apportioned to the parcels within each sub-area based on an equity-based formula. Each sub area is essentially assessed for only those maintenance services and activities funded by property owners within that particular sub area.

### Proposition 218

The flexibility to manage L&L Districts was changed by Proposition 218. Initially, Proposition 218 limited the maximum annual L&L District assessments to the maximum historical sub-area levy amounts. For sub-areas in existence prior to Proposition 218, most had maximum amounts that were quickly eclipsed simply due to cost inflation. However, Proposition 218 also provide that a new maximum assessment or an increase to the existing assessment can be established by a property owner majority protest ballot proceeding, in which property owners elect to increase the maximum allowable levy.

For those sub-areas that a new or increased assessment has been proposed, but not approved by the property owners (In FY 2003/2004 and FY2006/2007), a reduction in service was instituted beginning September 1, 2006 to make the level of service commensurate with the assessment revenues available based on each sub-area's approved maximum assessment rate.

### Drainage Maintenance District No. 2008-1

The Drainage Maintenance District purpose is to provide the necessary annual funding to service and maintain drainage improvements associated with the Ashwood Place (PR03-0338) Subdivision. It has been determined that the improvements are required and necessary for the orderly development of the lots and parcels of land within the Subdivision and that the improvements and services will enhance and protect those properties as well as ensure the ecological and environmental integrity of the drainage improvements (creek area).

No balloting is proposed for Fiscal Year 2013-2014.

#### POLICY

REFERENCE: Resolution No. 89-89 formed the Landscape & Lighting District No. 1 for the City of Paso Robles.

Resolution No. 08-036 formed the Drainage Maintenance District No. 2008-1 for the City of Paso Robles.

#### FISCAL

IMPACT: Costs for the preparation of the Levy Reports and filing with San Luis Obispo County is funded from District Assessments.

#### OPTIONS:

a. Adopt the following:

- 1) Resolution No. 13-xx: Initiating Proceedings for the Annual Levy for the Maintenance of Landscape & Lighting District facilities;
- 2) Resolution No. 13-xx: Initiating Proceeding for the Annual Levy for the Maintenance of Drainage District facilities;
- 3) Resolution No. 13-xx: adopting the Draft Preliminary Landscape and Lighting District Engineer's Levy Report as presented and making it available to the public for review and comment;

- 4) Resolution No. 13-xx: adopting the Draft Preliminary Drainage District Engineer's Levy Report as presented and making it available to the public for review and comment;
- 5) Resolution No. 13-xx: declaring the Intent to Levy for Maintenance of the Landscape and Lighting District facilities and cause a Notice to be published for a Public Hearing to be scheduled May 7, 2013.
- 6) Resolution No. 13-xx: declaring the Intent to Levy for Maintenance of the Drainage Maintenance District facilities and cause a Notice to be published for a Public Hearing to be scheduled May 7, 2013.

b. Amend, modify, or reject the above option.

Attachments (6)

1) Landscape & Lighting and Drainage District Resolutions

RESOLUTION NO.13-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR THE EL PASO DE ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2013/2014 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

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The City Council of the City of El Paso De Robles ("City Council") hereby finds, determines, resolves and orders as follows:

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 "District") 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 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 lighting facilities, landscaping, and all appurtenant facilities and operations related thereto; and,

WHEREAS, the City Council proposes to establish the levy and collection of assessments by the County on behalf of the City of El Paso De Robles to pay the maintenance and services of landscaping and lighting improvements and appurtenant facilities and operations 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 Willdan Financial Services (hereinafter "Assessment Engineer"), to prepare and file an Engineer's Report with the City Clerk for the purpose of establishing annual assessments in accordance with the Act and the provisions of the California Constitution, Article XIID.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA FOR THE EL PASO DE ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1 AS FOLLOWS:

Section 1 Engineer's Report: The City Council hereby orders Willdan Financial Services to prepare the Engineer's Report concerning the levy of assessments for the District in accordance with *Chapter 3, Section 22622* of the Act.

Section 2 Proposed Improvements and Any Substantial Changes in Existing Improvements: 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 Report describes all new improvements or substantial changes in existing improvements including those improvements to be maintained within the proposed annexations.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16<sup>th</sup> day of April 2013 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

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Duane Picanco, Mayor

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Caryn Jackson, Deputy City Clerk

RESOLUTION NO. 13-xxx

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA,  
INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS  
FOR DRAINAGE MAINTENANCE DISTRICT NO. 2008-1 FOR FISCAL YEAR 2013/2014.

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The City Council of the City of El Paso de Robles (hereafter referred to as "City Council") hereby finds, determines, resolves, and orders as follows:

WHEREAS, the City Council pursuant to the provisions of the *Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code, beginning with Section 54703* (hereafter referred to as the "1982 Act") formed an assessment district to be designated as Drainage Maintenance District No. 2008-1 (hereafter referred to as the "District"), for the purpose of funding the ongoing operation, maintenance and servicing of the drainage improvements (creek area) within and adjacent to the District that is for the benefit of properties within the District and required for the development of such properties to their full and best use; and to levy and collect annual assessments related thereto. The 1982 Act provides for the formation of such an assessment district pursuant to *Article 3 Section 54710*, and provides for the levy and collection of assessments by the County on behalf of the City pursuant to *Article 4 Section 54718*; and,

WHEREAS, the City Council has retained Willdan Financial Services as the Engineer of Work, for the purpose of assisting with the administration of the District, the establishment of annual assessments, and to prepare and file an Engineer's Report with the City Clerk in accordance with the 1982 Act; and in accordance with the requirements of the California Constitution, Articles XIIC and XIID;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles as follows:

SECTION 1. The City Council hereby orders the Engineer to prepare and file an Engineer's Annual Levy Report concerning the levy of assessments for properties within the District as specified by *Article 4 Section 54716* of the 1982 Act.

SECTION 2. The District improvements include the ongoing operation, administration, maintenance and servicing of the drainage improvements authorized pursuant to the 1982 Act that were installed as part of property development and associated with the District. Said improvements may include, but are not limited to all materials, equipment, labor, and incidental expenses deemed necessary to keep these improvements in satisfactory condition as well as the collection of assessment installments for the periodic service activities, repair, or refurbishments of the improvements.

SECTION 3. The territory within Drainage Maintenance District No 2008-1 consists of lots and parcels of land located in the planned residential development known as PR03-0338.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16<sup>th</sup> day of April 2013 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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Duane Picanco, Mayor

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Caryn Jackson, Deputy City Clerk

RESOLUTION NO. 13-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES,  
CALIFORNIA FOR PRELIMINARY APPROVAL OF THE ANNUAL ENGINEER'S REPORT FOR  
THE EL PASO DE ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1  
FOR FISCAL YEAR 2013/2014

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The City Council of the City of El Paso De Robles (City Council), California does resolve as follows:

WHEREAS, the City Council has, by previous Resolutions, ordered the preparation of an Engineer's Report (hereafter referred to as the "Report") for the district known and designated as the El Paso De Robles Landscape and Lighting Maintenance District No. 1 (hereafter referred to as the "District") pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the "Act"); 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 now been presented with the Report as required by *Chapter 1, Article 4, Section 22566* of said Act; and,

WHEREAS, the City Council has examined and reviewed the Report as presented and is preliminarily satisfied with the District, each of the budget items and documents as set forth therein and is satisfied on a preliminary basis that the proposed assessments have been spread in accordance with the benefits received from the improvements, operation, maintenance, and services to be performed within each benefit zone as set forth in said Report;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA FOR THE EL PASO DE ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1 AS FOLLOWS:

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

Section 2 That the presented Report consists of the following:

- a. A Description of the Improvements
- b. The Annual Budget (Costs and Expenses of Services, Operation, and Maintenance)
- c. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.
- d. The District Roll containing the proposed assessment for each parcel within the District for Fiscal Year 2013/2014.
- e. The proposed assessment amounts for each of the existing District Zones and Sub Areas.

Section 3 The Report is hereby approved on a preliminary basis and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

Section 4 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 the Engineer's Report.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16<sup>th</sup> day of April 2013 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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Duane Picanco, Mayor

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Caryn Jackson, Deputy City Clerk

RESOLUTION NO. 13-xxx

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES,  
CALIFORNIA, ACCEPTING AND PRELIMINARILY APPROVING THE ENGINEER'S ANNUAL  
LEVY REPORT REGARDING THE DRAINAGE MAINTENANCE DISTRICT NO. 2008-1 FOR  
FISCAL YEAR 2013/2014

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The City Council of the City of El Paso de Robles (hereafter referred to as "City Council") hereby finds, determines, resolves, and orders as follows:

WHEREAS, the City Council has, by previous Resolution, ordered the preparation of an Engineer's Annual Levy Report (hereafter referred to as the "Report") regarding the assessment district to be designated as the "Drainage Maintenance District No. 2008-1"; (hereafter referred to as the "District"), and the levy and collection of assessments related thereto, pursuant to the provisions of the *Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code, beginning with Section 54703* (hereafter referred to as the "1982 Act"); and,

WHEREAS, there has now been presented to this City Council the Report as specified by *Article 4 Section 54716* of said 1982 Act; and,

WHEREAS, the City Council has carefully examined and reviewed the Report as presented, and is preliminarily satisfied with the District and the budget items and documents as set forth therein, and is satisfied that the proposed assessments have been spread in accordance with the special benefits received from the improvements, operation, administration, maintenance and services to be performed within the District, as set forth in said Report.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles as follows:

SECTION 1. The preceding recitals are true and correct.

SECTION 2. That the Report as presented consists of the following:

- a. A Description of Improvements.
- b. A Boundary Diagram of the District.
- c. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.
- d. The proposed Budget (Costs and Expenses) and the duration and collection of assessments.
- e. The District Roll containing the Levy for each Assessor Parcel Number within the District for fiscal year 2013/2014.

SECTION 3. The Report is hereby approved on a preliminary basis, and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 4. The Maximum Assessment described in the Report is hereby approved on a preliminary basis.

SECTION 5. 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 the Report.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16<sup>th</sup> day of April 2013 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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Duane Picanco, Mayor

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Caryn Jackson, Deputy City Clerk

RESOLUTION NO. 13-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES,  
CALIFORNIA DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE EL  
PASO DE ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1 FOR  
FISCAL YEAR 2013/2014.

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The City Council of the City of El Paso De Robles ("City Council"), California does resolve as follows:

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 2013/2014 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 Willdan Financial Services to prepare and file an Engineer's Report with the City Clerk for the purposes of establishing ongoing annual assessments in accordance with the Act and the provisions of the California Constitution, Article XIID.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA FOR THE EL PASO DE ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1 PURSUANT TO *CHAPTER 3, SECTION 22624* OF THE ACT AS FOLLOWS:

Section 1      Intention: The City Council hereby declares that it is its intention to seek the levy of annual assessments for Fiscal Year 2013/2014 over and including the land within the District boundary to pay the costs of the operation, maintenance, and servicing of lighting, landscaping, and appurtenant facilities and operations related thereto, pursuant to Chapter 3, Section 22624 of the Act, and the California Constitution, Article XIID.

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 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 and the annexation documents for all subsequent annexations. The District is designated as "El Paso de Robles Landscape and Lighting Maintenance District No. 1."

Section 4      Public Hearing: The City Council hereby declares its intention to conduct a Public Hearing concerning the levy of the fiscal year 2013/2014 assessments for the District in accordance with *Chapter 3, Section 22626* of the Act.

Section 5      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 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.



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, May 7, 2013 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 16<sup>th</sup> day of April 2013 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

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Duane Picanco, Mayor

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Caryn Jackson, Deputy City Clerk

RESOLUTION NO. 13-xxx

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES,  
CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS WITHIN  
DRAINAGE MAINTENANCE DISTRICT NO. 2008-1 IN FISCAL YEAR 2013/2014, AND TO APPOINT A  
TIME AND PLACE FOR THE PUBLIC HEARING ON THESE MATTERS.

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The City Council of the City of El Paso de Robles (hereafter referred to as "City Council") hereby finds, determines, resolves, and orders as follows:

WHEREAS, the City Council pursuant to the provisions of the Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code, beginning with Section 54703 (hereafter referred to as the "1982 Act") did by previous Resolution approve the levy and collection of annual assessments to pay for the operation, maintenance and servicing of the drainage improvements for the assessment district designated as "Drainage Maintenance District No. 2008-1" (hereafter referred to as the "District"); and,

WHEREAS, the Engineer selected by the City Council has prepared and filed with the City Clerk a Report in connection with the proposed District, and the levy of assessments for Fiscal Year 2013/2014 (July 1, 2013 and ending June 30, 2014) in accordance with *Chapter 1, Article 4* of the 1982 Act and in accordance with the requirements of the *California Constitution, Articles XIIC and XIID*, and the City Council did by previous Resolution preliminarily approve such Report.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles as follows:

SECTION 1. The City Council hereby declares its intention to seek the annual levy of the District pursuant to the 1982 Act, over and including the land within the District boundary, and to levy and collect special benefit assessments on parcels of land within the District to pay for the costs and expenses associated with the operation, maintenance, repair and servicing of drainage improvements.

SECTION 2. The District improvements include the ongoing operation, administration, maintenance and servicing of the drainage improvements authorized pursuant to the 1982 Act that were installed as part of property development and associated with the District. Said improvements may include, but are not limited to all materials, equipment, labor, and incidental expenses deemed necessary to keep these improvements in satisfactory condition as well as the collection of assessment installments for the periodic service activities, repair, or refurbishments of the improvements. The Engineer's Report, as ordered by previous Resolution, provides a full and complete description of the improvements within the District.

SECTION 3. The proposed territory within Drainage Maintenance District No. 2008-1 consists of lots and parcels of land located in the planned residential development known as PR03-0338.

SECTION 4. The proposed assessments for the District are outlined in the Engineer's Report. The Report details the proposed assessments necessary to provide for the annual operation, administration, services, and maintenance of the improvements described in Section 2 of this Resolution.

SECTION 5. 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, May 7, 2013 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, in accordance with *Government Code, Section 53753 and California Constitution, Article XIID, Section 4(e)*. The City shall give notice of the time and place of the Public Hearing by posting a copy of this resolution on the official bulletin board customarily used by the Council for the posting of notices and by publishing this resolution in a local newspaper pursuant to Government Code Section 6066 as outlined in the 1982 Act. At the Public Hearing, interested persons shall be permitted to present written and/or oral testimony.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16<sup>th</sup> day of April 2013 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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Duane Picanco, Mayor

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Caryn Jackson, Deputy City Clerk