

**REPORT TO MAYOR AND COUNCIL**

TO THE HONORABLE MAYOR AND COUNCIL:

DATE: March 1, 2016

SUBJECT: ADOPTING RESOLUTION NOS. 16-13, 16-14, 16-15 and 16-16 ORDERING THE PREPARATION OF THE ENGINEER'S REPORT FOR THE LEVY OF ANNUAL ASSESSMENTS FOR THE CITY'S FOUR LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICTS (MAINTENANCE DISTRICT FUNDS)

Report in Brief

By ordering the preparation of the Engineer's Reports, the City Council will initiate the process required by the Landscaping and Lighting Act of 1972 (Streets and Highways Code) and Proposition 218 to reconfirm for the 2016/17 Fiscal Year the Downtown Landscape Maintenance District, Pine Hollow Landscape Maintenance District, Landscaping and Lighting Maintenance District No. 3, and the Citywide Street Lighting Assessment District, which are administered by the City.

Staff recommends that the City Council adopt Resolution Nos. 16-13, 16-14, 16-15, and 16-16 ordering preparation of the Engineer's Reports for the Downtown Landscape Maintenance District, Pine Hollow Landscape Maintenance District, Landscaping and Lighting Maintenance District No. 3, and the Citywide Street Lighting Assessment District for FY 2016/17.

Background

The City of Concord administers the Downtown Landscape Maintenance District, Pine Hollow Landscape Maintenance District, Landscaping and Lighting Maintenance District No. 3, and the Citywide Street Lighting Assessment District. Property owners in each district pay an annual assessment on their property tax bill for the maintenance of common area landscaping or lighting.

Each year, the City Council levies the assessments and reconfirms the Districts by a series of Resolutions and a Public Hearing. The process, which is set by the Landscaping and Lighting Act of 1972 (Streets and Highways Code) and Proposition 218, includes the following steps:

1. Council adopts resolutions ordering the preparation of the Engineer's Report – March 1, 2016.
2. Council accepts 2016/17 Preliminary Engineer's Reports – April 26, 2016.
3. Council adopts resolution of intention ordering improvements and sets public hearing – April 26, 2016.

**ORDERING THE PREPARATION OF THE ENGINEER'S REPORT FOR THE LEVY OF
ANNUAL ASSESSMENTS FOR THE CITY'S FOUR LANDSCAPE AND
LIGHTING MAINTENANCE ASSESSMENT DISTRICTS**

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4. Council conducts public hearing and adopts resolution Confirming the District and Levying the Assessments for FY 2016/17 – May 24, 2016.

For districts that are required to follow both the 1972 Act and Proposition 218, the above noted process is modified by introducing a mail-in balloting procedure that begins after the items in Step 2 are approved by the City Council and concludes at the close of the public hearing in Step 3. Proposition 218 becomes applicable only when increases in the current assessment rates are contemplated. The Council may make changes to the proposed budgets at any time up to final adoption, but may only do so to decrease the assessed amount. The assessment amounts are then posted to the County tax rolls and appear as a separate item on the property tax bill for each parcel.

Discussion

DOWNTOWN LANDSCAPE MAINTENANCE DISTRICT

The Downtown Landscape Maintenance District was formed in 1983 and includes 798 assessable parcels. Assessments are based on a formula that includes location, square footage, and street frontage.

Landscape maintenance services are currently provided by the City of Concord Public Works Department for FY 2015/16. The City will continue to provide landscape maintenance services for FY 2016/17.

A successful Proposition 218 balloting was conducted in June 2007 to increase the annual assessment in the Downtown Landscape Maintenance District. The adopted increase included an annual assessment adjustment based on the Consumer Price Index not to exceed 5% for each year thereafter to maintain the current level of service. At this time, City staff does not anticipate any new improvements or substantial changes in existing improvements within the boundaries of the District.

PINE HOLLOW LANDSCAPE MAINTENANCE DISTRICT

The Pine Hollow Landscape Maintenance District was formed in 1985 and includes 401 parcels. Assessments are based on the square footage of each dwelling.

Landscape maintenance services are currently provided by New West Landscape Management. The current contract expires December 31, 2016.

At this time, City staff does not anticipate any new improvements or substantial changes in existing improvements within the boundaries of the District.

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LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 3

The Landscaping and Lighting Maintenance District No. 3 is comprised of the following four specific benefit zones. At this time, City staff does not anticipate any new improvements or substantial changes in existing improvements within the boundaries of the District.

KIRKWOOD

Kirkwood includes 468 single-family parcels. The total assessment is divided equally among each single-family residential parcel.

Landscape maintenance services are currently provided by New West Landscape Management. The current contract expires December 31, 2016.

YGNACIO WOODS

FY 1995/96 was the first full year of operation for Ygnacio Woods. Landscape services for the common areas in this development of 35 parcels are provided by the City of Concord Public Works Department.

A successful Proposition 218 balloting was conducted in June 2005 to increase the annual assessment in the Ygnacio Woods Benefit Zone. The adopted increase included an annual assessment adjustment based on the Consumer Price Index to maintain the current level of service.

BALHAN TERRACE AND VALLEY TERRACE

These two small areas are included in Landscaping and Lighting Maintenance District No. 3 for the purpose of street lighting. These benefit zones, which were formed prior to Proposition 13, continue to receive a share of property tax funds from the State. These funds and the accumulated interest are sufficient to maintain these Districts.

CITYWIDE STREET LIGHTING DISTRICT

The Concord Citywide Street Lighting Assessment District was formed in FY 1988/89 for the purpose of funding the installation and maintenance or servicing of public lighting facilities in public places within the District. The District includes all parcels of land within the incorporated limits of the City of Concord that benefit from streetlights on public streets.

On April 2, 2002 the City Council authorized the purchase of PG&E's existing street light system within the City of Concord. Transfer of ownership took place on April 22, 2005. The funding for the purchase included \$522,000 from the Citywide Street Lighting Assessment District Fund, \$200,000 from the General Fund, and a loan from the Traffic Management Fund of \$477,000. The Citywide Street Lighting Assessment District will pay the loan back over a six year period beginning in FY 2011-12 from ongoing

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savings in the District. The streetlight system is currently being maintained by City staff in the Public Works Department.

Fiscal Impact

The City of Concord Landscape and Lighting Assessment Districts are separate from the City's General Fund. The impact of any proposed changes to District budgets on the assessments of individual property owners will be known at the time the Engineer's Reports are filed. The Assessment Districts' engineering services will be paid from District funds.

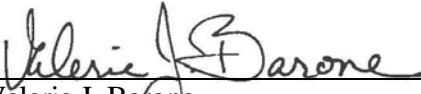
Public Contact

Posting of the Council Agenda. Property owners will be notified of informational landscape district meetings which will be scheduled in March.

Recommendation for Action

Staff recommends that the City Council adopt Resolution Nos. 16-13, 16-14, 16-15, and 16-16, ordering preparation of the Engineer's Reports for the Downtown Landscape Maintenance District, Pine Hollow Landscape Maintenance District, Landscaping and Lighting Maintenance District No. 3, and the Citywide Street Lighting Assessment District for FY 2016/17.

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Reviewed by: Robert Ovadia
City Engineer
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- Attachment 1 – Resolution No. 16-13
- Attachment 2 – Resolution No. 16-14
- Attachment 3 – Resolution No. 16-15
- Attachment 4 – Resolution No. 16-16
- Attachment 5 – District Maps

**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

**A Resolution Ordering the Preparation of an
Engineer’s Report for the Downtown Landscape
Maintenance District**

Resolution No. 16-13

WHEREAS, the City Council, by Resolution No. 83-132, established the Downtown Landscape Maintenance District, pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500, et seq.); and

WHEREAS, the improvements within said District may include the installation or planting of landscaping, the installation of parks or recreational improvements, the construction of any facilities which are necessary or convenient for the maintenance or servicing thereof, and the maintenance or servicing of any of the foregoing; and

WHEREAS, in order to levy and collect an annual assessment for the Downtown Landscape Maintenance District, it is necessary for the City to comply with the Streets and Highways Code, Section 22620, et seq; and

WHEREAS, the Streets and Highways Code Section 22622 requires the legislative body to adopt a resolution which generally describes any proposed new improvements or substantial changes in existing improvements and orders the engineer to prepare and file a report pursuant to Section 22565 of this Code; and

WHEREAS, the City Council, at its meeting on March 1, 2016, received a report from the City Engineer advising the City Council that City staff does not anticipate any new improvements or substantial changes in existing improvements within the District, thus necessitating only preparation of an Engineer’s Report.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES
RESOLVE AS FOLLOWS:**

Section 1. Pursuant to Streets and Highways Code Section 22622 et seq. the City Council determines that no new improvements or any substantial changes in existing improvements are anticipated within the boundaries of the Downtown Landscape Maintenance District, but that it will be

1 necessary to levy and collect an assessment within said District. Thus, the City Council orders the
2 City Engineer to prepare and file a report in accordance with Streets and Highways Code Section
3 22565, et seq.

4 **Section 2.** Upon completion of the Engineer’s Report, it shall be filed with the City Clerk for
5 submission to the City Council for its acceptance or modification by April 26, 2016.

6 **Section 3.** This resolution shall become effective immediately upon its passage and adoption.

7 **PASSED AND ADOPTED** by the City Council of the City of Concord on March 1, 2016, by
8 the following vote:

9 **AYES:** Councilmembers -

10 **NOES:** Councilmembers -

11 **ABSTAIN:** Councilmembers -

12 **ABSENT:** Councilmembers -

13 **I HEREBY CERTIFY** that the foregoing Resolution No. 16-13 was duly and regularly
14 adopted at a regular meeting of the City Council of the City of Concord on March 1, 2016.

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Joelle Fockler, CMC
City Clerk

19 **APPROVED AS TO FORM:**

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Brian Libow
Interim City Attorney

**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

**A Resolution Ordering the Preparation of an
Engineers Report for the Pine Hollow Landscape
Maintenance District**

Resolution No. 16-14

WHEREAS, the City Council, by Resolution No. 85-15, established the Pine Hollow Landscape Maintenance District, pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500, et seq.); and

WHEREAS, the improvements within said District may include the installation or planting of landscaping, the installation of parks or recreational improvements, the construction of any facilities which are necessary or convenient for the maintenance or servicing thereof, and the maintenance or servicing of any of the foregoing; and

WHEREAS, in order to levy and collect an annual assessment for the Pine Hollow Landscape and Lighting Maintenance District, it is necessary for the City to comply with the Streets and Highways Code, Section 22620, et seq.; and

WHEREAS, the Streets and Highways Code Section 22622 requires the legislative body to adopt a resolution which generally describes any proposed new improvements or substantial changes in existing improvements and orders the engineer to prepare and file a report pursuant to Section 22565 of this Code; and

WHEREAS, the City Council, at its meeting on March 1, 2016, received a report from the City Engineer advising the City Council that City staff does not anticipate any new improvements or substantial changes in existing improvements within the District, thus necessitating only preparation of an Engineer's Report.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES
RESOLVE AS FOLLOWS:**

Section 1. Pursuant to Streets and Highways Code Section 22622 et seq. the City Council determines that no new improvements or any substantial changes in existing improvements are anticipated within the boundaries of the Pine Hollow Landscape Maintenance District, but that it will

1 be necessary to levy and collect an assessment within said District. Thus, the City Council orders the
2 City Engineer to prepare and file a report in accordance with Streets and Highways Code Section
3 22565, et seq.

4 **Section 2.** Upon completion of the Engineer’s Report, it shall be filed with the City Clerk for
5 submission to the City Council for its acceptance or modification by April 26, 2016.

6 **Section 3.** This resolution shall become effective immediately upon its passage and adoption.

7 **PASSED AND ADOPTED** by the City Council of the City of Concord on March 1, 2016, by
8 the following vote:

9 **AYES:** Councilmembers -

10 **NOES:** Councilmembers -

11 **ABSTAIN:** Councilmembers -

12 **ABSENT:** Councilmembers -

13 **I HEREBY CERTIFY** that the foregoing Resolution No. 16-14 was duly and regularly
14 adopted at a regular meeting of the City Council of the City of Concord on March 1, 2016.

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Joelle Fockler, CMC
City Clerk

19 **APPROVED AS TO FORM:**

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Brian Libow
Interim City Attorney

**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

**A Resolution Ordering the Preparation of an
Engineer’s Report for the Landscape and Lighting
Maintenance District No. 3**

Resolution No. 16-15

WHEREAS, the City Council, by Resolution No. 79-6202, established the Landscaping and Lighting Maintenance District No. 3, pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500, et seq.); and

WHEREAS, the improvements within said District may include the installation or planting of landscaping, the installation of parks or recreational improvements, the construction of any facilities which are necessary or convenient for the maintenance or servicing thereof, and the maintenance or servicing of any of the foregoing; and

WHEREAS, in order to levy and collect an annual assessment for the Landscaping and Lighting Maintenance District No. 3, it is necessary for the City to comply with the Streets and Highways Code, Section 22620, et seq.; and

WHEREAS, the Streets and Highways Code Section 22622 requires the legislative body to adopt a resolution which generally describes any proposed new improvements or substantial changes in existing improvements and orders the engineer to prepare and file a report pursuant to Section 22565 of this Code; and

WHEREAS, the City Council, at its meeting on March 1, 2016, received a report from the City Engineer advising the City Council that City staff does not anticipate any new improvements or substantial changes in existing improvements within the District thus necessitating only preparation of an Engineer's Report.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES
RESOLVE AS FOLLOWS:**

Section 1. Pursuant to Streets and Highways Code Section 22622 et seq. the City Council determines that no new improvements or any substantial changes in existing improvements are anticipated within the boundaries of the Landscaping and Lighting Maintenance District No. 3, but

1 that it will be necessary to levy and collect an assessment within said District. Thus, the City Council
2 orders the City Engineer to prepare and file a report in accordance with Streets and Highways Code
3 Section 22565, et seq.

4 **Section 2.** Upon completion of the Engineer’s Report, it shall be filed with the City Clerk for
5 submission to the City Council for its acceptance or modification by April 26, 2016.

6 **Section 3.** This resolution shall become effective immediately upon its passage and adoption.

7 **PASSED AND ADOPTED** by the City Council of the City of Concord on March 1, 2016, by
8 the following vote:

9 **AYES:** Councilmembers -

10 **NOES:** Councilmembers -

11 **ABSTAIN:** Councilmembers -

12 **ABSENT:** Councilmembers -

13 **I HEREBY CERTIFY** that the foregoing Resolution No. 16-15 was duly and regularly
14 adopted at a regular meeting of the City Council of the City of Concord on March 1, 2016.

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Joelle Fockler, CMC
City Clerk

19 **APPROVED AS TO FORM:**

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Brian Libow
22 Interim City Attorney
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**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

**A Resolution Ordering the Preparation of an
Engineer's Report for the Citywide Street Lighting
Assessment District**

Resolution No. 16-16

WHEREAS, the City Council, by Resolution No. 88-46, established the Citywide Street Lighting Assessment District, pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500, et seq.); and

WHEREAS, the improvements within said street lighting assessment district include: initiation, maintenance or servicing of public lighting facilities in public places, and incidental expenses associated therewith. Public lighting facilities consist exclusively of pole mounted street lights within the public right-of-way of the City of Concord; and

WHEREAS, in order to levy and collect an annual assessment for the Citywide Street Lighting Assessment District, it is necessary for the City to comply with the Streets and Highways Code, Section 22620, et seq.; and

WHEREAS, the Streets and Highways Code Section 22622 requires the legislative body to adopt a resolution which generally describes any proposed new improvements or substantial changes in existing improvements and orders the engineer to prepare and file a report pursuant to Section 22565 of this Code; and

WHEREAS, the City Council, at its meeting on March 1, 2016, received a report from the City Engineer advising the City Council that City staff does not anticipate any new improvements or substantial changes in existing improvements within the District, thus necessitating only preparation of an Engineer's Report.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES RESOLVE AS FOLLOWS:

Section 1. Pursuant to Streets and Highways Code Section 22622 et seq. the City Council determines that no new improvements or any substantial changes in existing improvements are anticipated within the boundaries of the Citywide Street Lighting Assessment District, but that it will

1 be necessary to levy and collect an assessment within said District. Thus, the City Council orders the
2 City Engineer to prepare and file a report in accordance with Streets and Highways Code Section
3 22565, et seq.

4 **Section 2.** Upon completion of the Engineer's Report, it shall be filed with the City Clerk for
5 submission to the City Council for its acceptance or modification by April 26, 2016.

6 **Section 3.** This resolution shall become effective immediately upon its passage and adoption.

7 **PASSED AND ADOPTED** by the City Council of the City of Concord on March 1, 2016, by
8 the following vote:

9 **AYES:** Councilmembers -

10 **NOES:** Councilmembers -

11 **ABSTAIN:** Councilmembers -

12 **ABSENT:** Councilmembers -

13 **I HEREBY CERTIFY** that the foregoing Resolution No. 16- was duly and regularly adopted
14 at a regular meeting of the City Council of the City of Concord on March 1, 2016.

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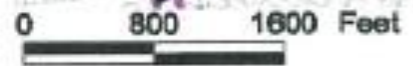
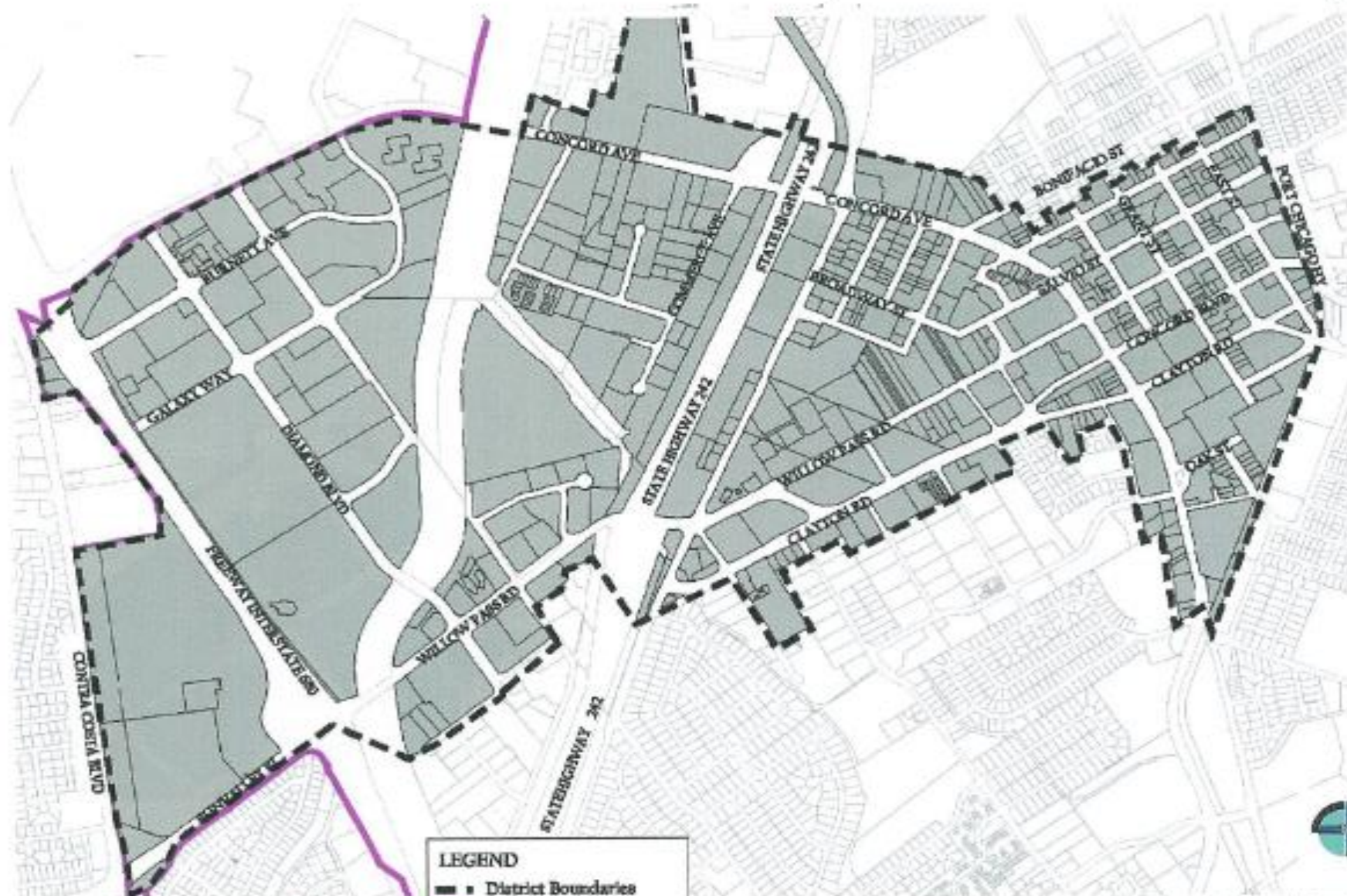
Joelle Fockler, CMC
City Clerk

19 **APPROVED AS TO FORM:**

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22 Interim City Attorney
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Downtown Landscape Maintenance District

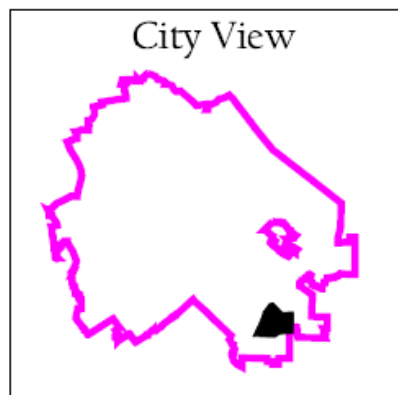


LEGEND	
	District Boundaries
	Concord City Limit






Francisco & Associates, Inc.

City of Concord Pinehollow Landscape & Lighting Maintenance District

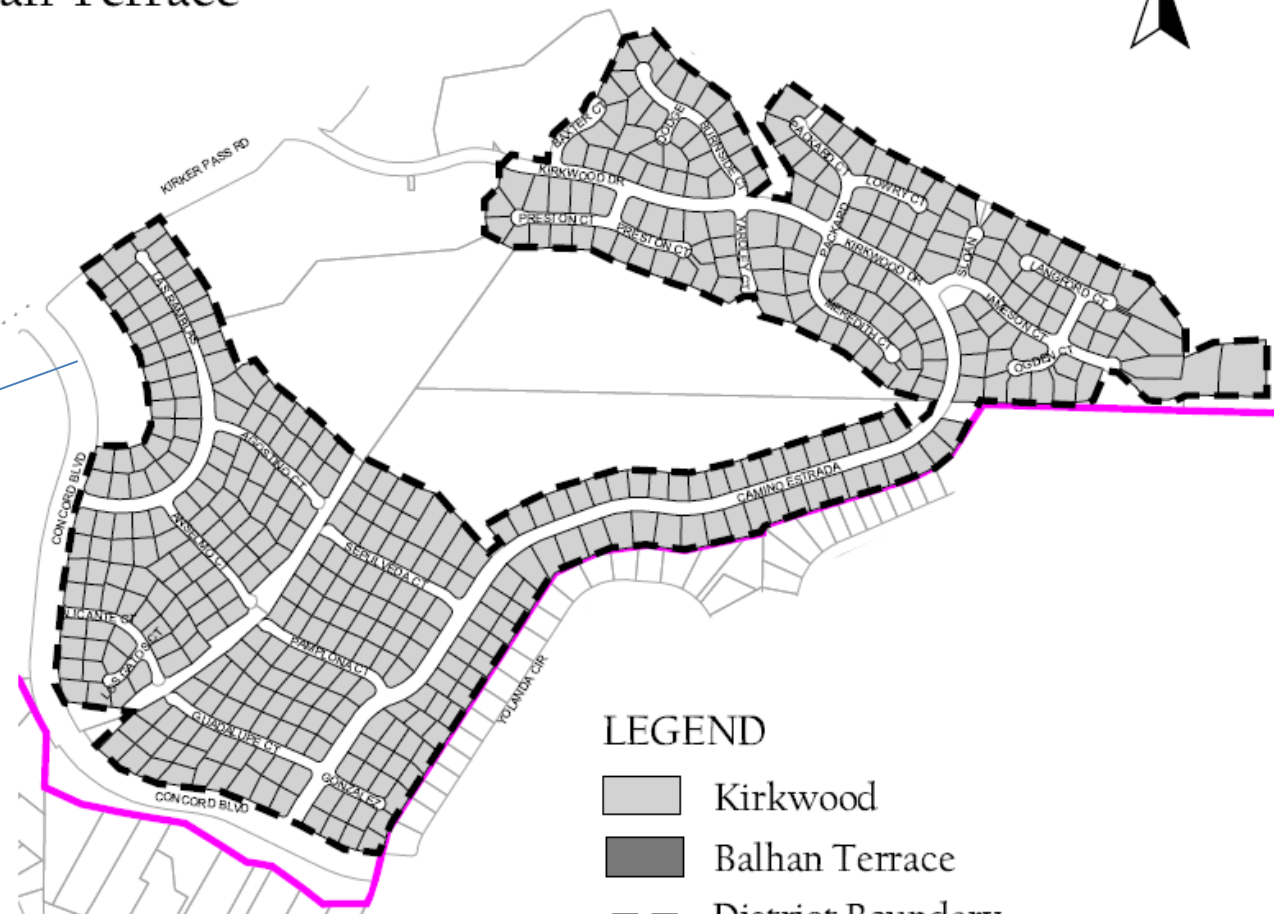
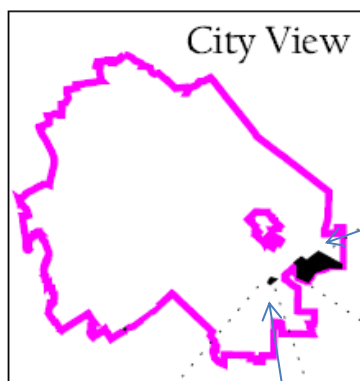






LEGEND

-  Pine Hollow Estates
-  District Boundary
-  Concord City Limit



City of Concord Landscaping & Lighting Maintenance District No. 3 For Kirkwood and Balhan Terrace



- LEGEND**
-  Kirkwood
 -  Balhan Terrace
 -  District Boundary
 -  Concord City Limit



City of Concord Landscaping & Lighting Maintenance District No. 3 For Valley Terrace and Ygnacio Woods

