

CITY OF YUBA CITY
STAFF REPORT

Date: May 19, 2020

To: Honorable Mayor & Members of the City Council

From: Public Works Department

Presentation by: Diana Langley, Interim City Manager

Summary

Subject: Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit H_9 (New Haven Court Apartments)

Recommendation: Adopt a Resolution confirming and ordering annexation of Zone of Benefit H_9 (New Haven Court Apartments) into Yuba City Lighting and Landscape Maintenance District No. 5 and establishing a levy of assessments for the annexed territory.

Fiscal Impact: \$150.82 annual cost, with an inflation index.

Purpose:

To establish an assessment district to fund the ongoing operation, maintenance, and administration of a streetlight adjacent to the New Haven Court Apartments.

Background:

As part of the Conditions of Approval for the New Haven Court Apartments Development permit at 448 Garden Highway, the property is required to enter into a lighting maintenance district. The maintenance district will fund the ongoing costs for the operation and maintenance of the street lighting system for the proposed parcels. The proposed Lighting and Landscape Maintenance District (LLMD) will provide the funds for operating and maintaining one (1) LED-type streetlight on the northerly corner of the Garden Highway and Percy Avenue intersection.

The City has created and modified several LLMDs to encompass a number of commercial projects and subdivisions over the past few years. The process of annexing to an existing District consists of adopting multiple City Council resolutions, holding public hearings, and observing rights of majority protests.

Analysis:

The public notice procedure can be waived and an expedited process can be substituted at the request of the property owners requesting to be annexed into the District. The expedited process consists of the City Council adopting a single resolution which confirms and orders the annexation of the new Zone of Benefit into the existing district and order a levy of assessments for said Zone of Benefit. The levy amounts have been established by City staff through the creation of an Engineer's Report for the Zone of Benefit. The Engineer's Report contains a detailed estimate of annual costs to energize and maintain the streetlights within the Zone of Benefit (Attachment 2).

Once the resolution has been adopted, the City will file the Engineer's Report with the City Clerk. The information will then be provided to the Sutter County Auditor-Controller so that the properties can be assessed accordingly.

The authorized representatives of New Haven Court Apartments have requested to waive the public hearing proceedings, which has allowed the City to utilize the expedited process in order to annex Zone of Benefit H_9 into District No. 5.

Fiscal Impact:

Revenue from the assessed parcels is to be used to provide maintenance services and district administrative costs. The Engineer's Report for the Yuba City Lighting and Landscape Maintenance District No. 5 Zone of Benefit H_9 has determined that the annual assessed amount for the proposed LLMD is \$150.82 and is subject to an annual inflation increase.

Alternatives:

1. Do not adopt the following resolution and fund the operation and maintenance of the streetlights from alternate sources.
2. Direct staff to begin the typical longform Lighting and Landscape Maintenance District annexation procedure.

Recommendation:

Adopt a resolution confirming and ordering annexation of Zone of Benefit H_9 (New Haven Court Apartments) into Yuba City Lighting and Landscape Maintenance District No. 5 and establishing a levy of assessments for the annexed territory.

Attachments:

1. Resolution
 - a. Attachment A – Assessment Roll
 - b. Attachment B – Vicinity Map
 - c. Attachment C – Proposed Light Map
2. Engineer's Report – LLMD No. 5, Zone of Benefit H_9
3. Waive Public Hearing Letter

Prepared by:

/s/ Josh Wolfe

Josh Wolfe
Assistant Engineer

Submitted by:

/s/ Diana Langley

Diana Langley
Interim City Manager

Reviewed by:

Department Head

Finance

City Attorney

DL

SM

SLC by email

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
CONFIRMING AND ORDERING ANNEXATION INTO YUBA CITY LIGHTING AND
LANDSCAPE MAINTENANCE DISTRICT NO. 5 AND ESTABLISHING A LEVY OF
ASSESSMENTS FOR THE ANNEXED TERRITORY**

WHEREAS, the City of Yuba City, pursuant to the provisions of the Lighting and Landscaping Act of 1972, Part 2 of Division 15 of the Streets and Highways Code (commencing with Section 22500) (the "Act"), previously established Yuba City Lighting and Landscape Maintenance District ("District") No. 5, and has levied and collected the annual assessments for said District No. 5; and

WHEREAS, assessments levied within the District provide revenue for the purpose of financing the maintenance of certain public projects eligible under the Act, including without limitation the operation, maintenance, and servicing of public streetlights, and other appurtenant facilities; and

WHEREAS, certain property owners have requested their property to be annexed into District No. 5; and

WHEREAS, in annexation proceedings, the resolutions, report, notices of hearing, and right of majority protest shall be waived with the written consent of all of the owners of property within the territory to be annexed, and mailed notice may be dispensed with as to all property owners who shall have filed a written request for the annexation of their property; and

WHEREAS, pursuant to Section 22608 of the Streets and Highways Code, the property owners have provided written consent waiving such items, and acknowledging the amount of levy and collection of assessments; and

WHEREAS, the resolutions, report, notices of hearing, right of majority protest, and mailed notice have been properly waived; and

WHEREAS, the City Council desires to annex the territory of the property owners to existing assessment District No. 5; designate the portion of the annexed territory into District No. 5 as "Zone of Benefit H_9" for certain property, and set the levy and collection of assessments against the assessable lots and parcels of land for that portion of territory; and

NOW, THEREFORE, be it resolved by the City Council of the City of Yuba City as follows:

Section 1. The above recitals are true and correct, and are hereby incorporated herein by this reference.

Section 2. The City Council finds that the hearing on said annexation of territory and levy of assessment was held in accordance with law and all persons desiring to speak were heard, and that there was no majority protest by the property owners of the same.

Section 3. The City Council orders the territory identified in Exhibit "A" is annexed into existing assessment district Yuba City Lighting and Landscape Maintenance District No. 5 ("District")

which portion of territory is further designated as "Zone of Benefit H_9" of Lighting and Landscape Maintenance District No. 5.

Section 4. The City Council hereby (1) finds that the public interest and convenience requires and (2) declares its intention to order the levy of and to collect assessments against the assessable lots and parcels of property within Zone of Benefit H_9 of the existing assessment district designated "Yuba City Lighting and Landscape Maintenance District No. 5" pursuant to the provisions of the Act, for the remainder of the fiscal year commencing July 1, 2019 and ending June 30, 2020, to pay for the costs and expenses of the improvements for Zone of Benefit H_9, at the assessment rate(s) set forth in Exhibit "B."

Section 5. The City Council hereby determines that the territory within Zone of Benefit H_9 of the District, whose boundaries are set forth in Exhibit "A," will be the territory benefited by the maintenance and servicing of the improvements.

Section 6. The City Council hereby orders the levy of the assessments described in said Exhibit "B."

Section 7. The City Council finds that the assessment diagram showing Zone of Benefit H_9 of the District, and also the subdivision of land within the District, as contained in Exhibit "A," be and it is hereby finally approved and confirmed as the diagram of the properties to be assessed to pay the costs of the improvements for that portion of the District, which are identified in Exhibit "C."

Section 8. The City Clerk shall file the diagram and assessment, as confirmed or certified copy thereof, with the Sutter County Auditor-Controller no later than May 29, 2020.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 19th day of May 2020.

AYES:

NOES:

ABSENT:

ATTEST

Shon Harris, Mayor

Patricia Buckland, City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon L. Chaffin, City Attorney
Aleshire & Wynder, LLP

Attachment(s):

Attachment A – Assessment Roll

Attachment B – Vicinity Map

Attachment C – Proposed Light Map

ATTACHMENT A

PART C

ASSESSMENT ROLL

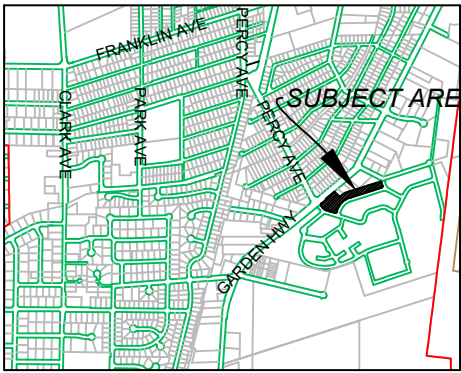
Yuba City Lighting and Landscape Maintenance District No. 5

ZONE OF BENEFIT H_9

(New Haven Court Apartments)

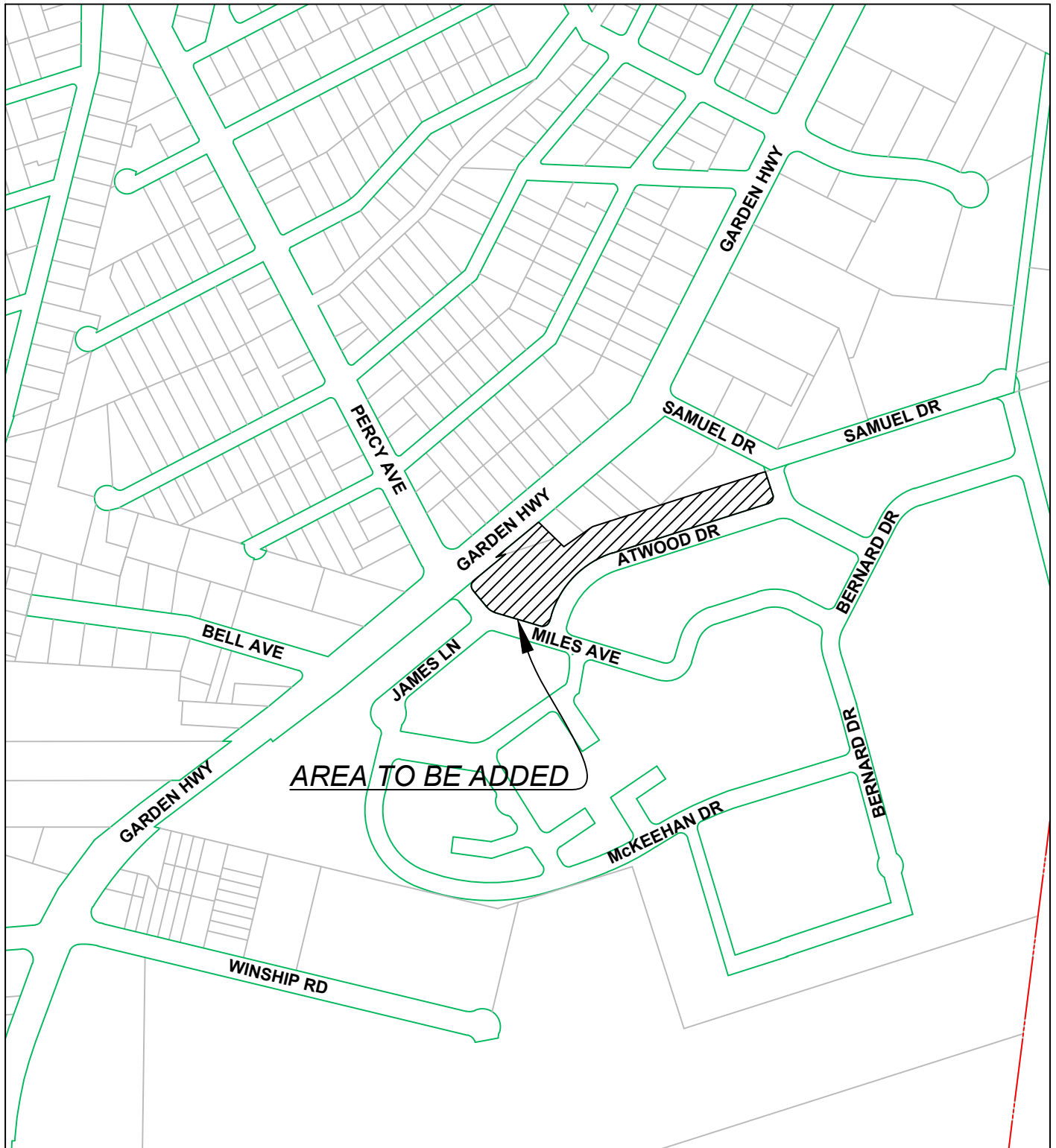
Assessment #	Assessor's #	Amount of Assmt.
1	53-470-053	\$75.41
2	53-443-008	\$75.41

ATTACHMENT B



SCALE: 1" = 400'

NEW HAVEN COURT APARTMENTS
LIGHTING AND LANDSCAPE MAINTENANCE
DISTRICT No. 5
ZONE OF BENEFIT H_9



ATTACHMENT C



SYMBOL LEGEND:

-  - PROPOSED STREET LIGHT (1 TOTAL)
-  - AREA FOR ZONE OF BENEFIT H_9

**LIGHTING AND LANDSCAPE MAINTENANCE
DISTRICT No. 5, ZONE OF BENEFIT H_9
PROPOSED LIGHT LOCATION**



SCALE: 1" = 125'

ATTACHMENT 2

ENGINEER'S REPORT

YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 5



2019-2020
ZONE OF BENEFIT H_9
(New Haven Court Apartments)

**ENGINEER'S REPORT
FOR
YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 5
ZONE OF BENEFIT H_9
(New Haven Court Apartments)
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)**

The undersigned respectfully submits the enclosed report as directed by the City Council.

Dated : _____

By : _____
Engineer of Work

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment and Assessment diagrams thereto attached, was filed with me on the ____ of _____, 2020.

Patricia Buckland, City Clerk
City of Yuba City
Sutter County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment and Assessment diagrams thereto attached, was approved and confirmed by the City Council of the City of Yuba City, California, on the ____ of _____, _____.

Patricia Buckland, City Clerk
City of Yuba City
Sutter County, California

By : _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment and Assessment diagrams thereto attached, was filed with the County Auditor of the County of Sutter, on the ____ of _____, 2020.

Patricia Buckland, City Clerk
City of Yuba City
Sutter County, California

By : _____

ENGINEER'S REPORT
YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 5
ZONE OF BENEFIT B_15
(New Haven Court Apartments)
(Pursuant to the Landscaping and Lighting Act of 1972)

Diana Langley, Engineer of work for the Yuba City Lighting and Landscape Maintenance District No. 5, Zone of Benefit H_9, City of Yuba City, County of Sutter County, California, makes this report as directed by City Council, pursuant to Section 22585 of the Streets and Highway Code (Landscape and Lighting Act of 1972).

The improvement to be maintained subject to this report is the street lighting system adjacent to parcel numbers 53-443-008 and 53-470-053, located at 448 Garden Highway, Yuba City, CA 95991.

This report consists of five parts, as follows:

Part A- Plans and specifications (the improvements to be maintained are not filed with the City Clerk, since this will be a maintenance district only).

Part B - An estimate of the cost of maintenance.

Part C - An assessment of the estimated cost of maintenance on each benefited parcel of land within the assessment district (see attached list).

Part D - A statement of the method by which the undersigned has determined the amount proposed to be assessed against each parcel.

Part E - A diagram showing all of the parcels of real property within this assessment district. The diagram is keyed to Part C by assessment number.

Respectfully submitted,

Diana Langley
Engineer of Work
City of Yuba City

**PART A
PLANS AND SPECIFICATIONS**

**YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 5
ZONE OF BENEFIT H_9
(New Haven Court Apartments)**

This is a maintenance district only -- no plans or specifications are required.

DRAFT

PART B
ESTIMATE OF COST OF MAINTENANCE

Yuba City Lighting and Landscape Maintenance District No. 5
Zone of Benefit H_9
(2 Parcels)

Street Lighting (Collector/Arterial)

Fixture Type: Cree LEDway Series Street Light, Type II Medium, 66 System Watts
4,750 min. initial delivered lumens @ 4,000 - 4,400K color temperature

<u>Calculation per fixture</u>	<u>Total</u>
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Use = 66 watts @ 120-480V

PG&E LS-2 Rate 1/1/20: (\$4.23/month + \$0.207/month) *12 months/year = energy charge + facility charge	\$ 53.24
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Fixture Cost

15 year life expectancy (\$505 / 15years) =	= \$ 33.67
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Pole Replacement Cost

Pole Replacement Factor (.25% * \$2,000) =	= \$ 5.00
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Installation, Maintenance Cost

Use 4 hour replacement / maintenance in a 15 year period

Yuba City Public Works Department

Electrical Maintenance – Fully Burdened with Boom Truck FY 18/19

4 Hours Electrician (4 * \$138.88/hr)/15years	= \$ 37.03
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4 Hours Boom Truck (4 * \$30.63/hr)/15 years	= \$ 8.17
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Subtotal one street light / year (2020 dollars)	= \$ 137.11
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Fixture

CPI multiplier (1.000)	\$ 137.11
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10% Administration =	<u>\$ 13.71</u>
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Subtotal Assessment =	\$ 150.82
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Per Lot Assessment (2 Lots) =	\$ 75.41
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PART C

ASSESSMENT ROLL

Yuba City Lighting and Landscape Maintenance District No. 5

ZONE OF BENEFIT H_9

(New Haven Court Apartments)

Assessment #	Assessor's #	Amount of Assmt.
1	53-470-053	\$75.41
2	53-443-008	\$75.41

PART D

METHOD OF APPORTIONMENT OF ASSESSMENT

Yuba City Lighting and Landscape Maintenance District No. 5 Zone of Benefit H_9 (New Haven Court Apartments)

All areas within the LLMD will share equally in the maintenance costs of the one 66-watt LED street light (\$ 150.82 per year). All additional lots added to this Zone of Benefit will benefit in like manner.

The proposed assessments upon assessable lots and parcels of land within the assessment district shall be adjusted annually on each January 1 to reflect changes from January of the previous year to January of the current year of the “All Urban Consumers” Consumer Price Index, US City Average, as compiled by the United States Department of Labor, Bureau of Labor Statistics.

A 10% administration charge will be added to each assessment to cover the cost to administer the District.

Consumer Price Index

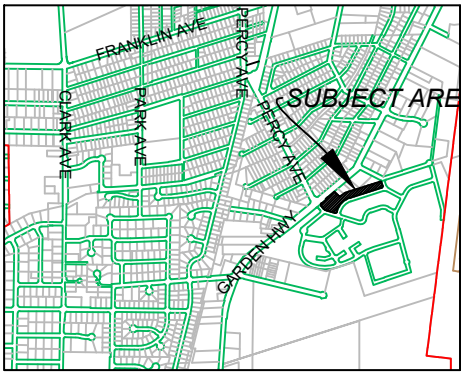
Year	Consumer Price Index	Multiplier
January 2019	251.712	1.025
January 2020	257.971	1.000

PART E

ASSESSMENT DIAGRAM

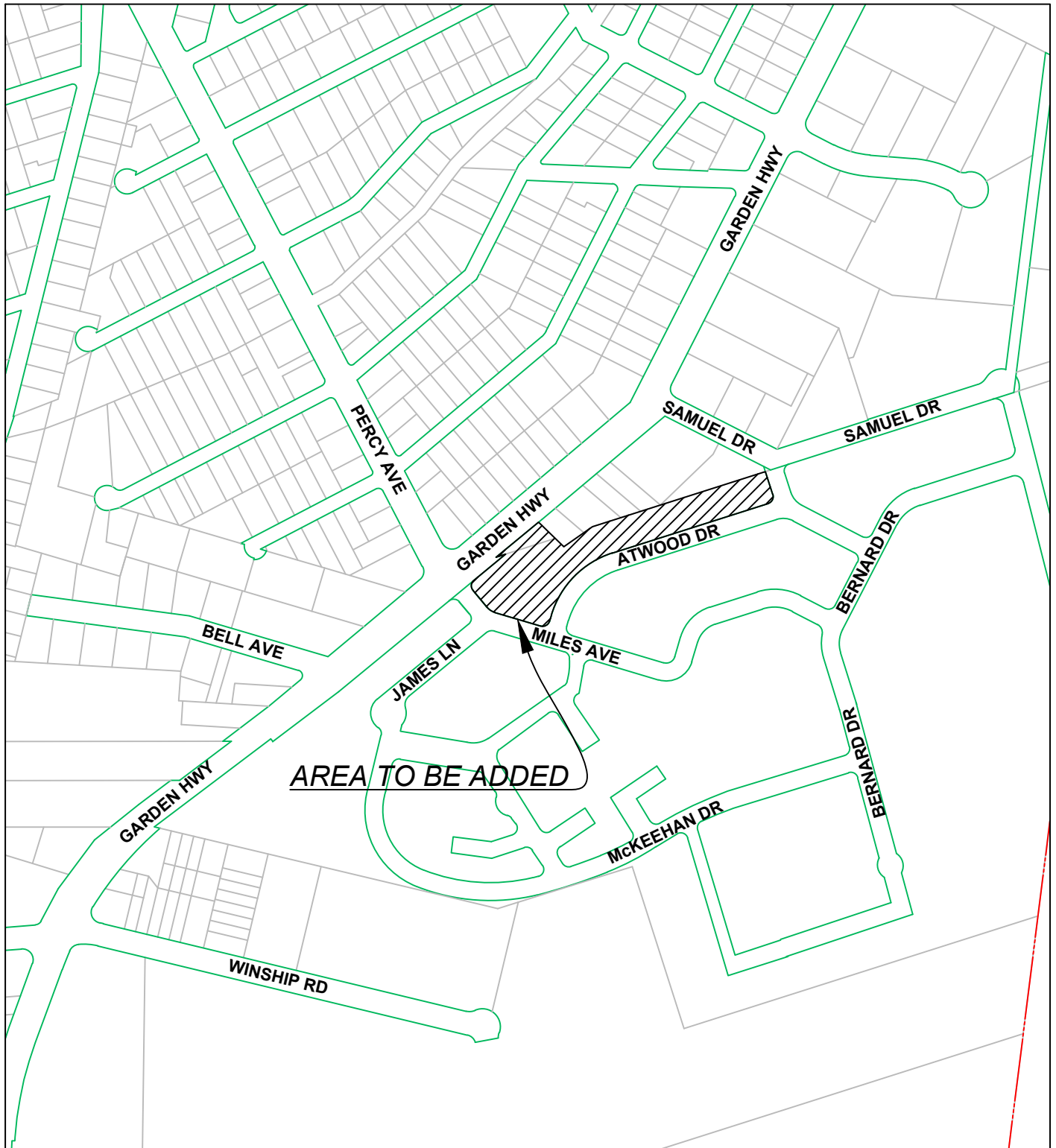
**Yuba City Lighting and Landscape Maintenance District No. 5
Zone of Benefit H_9
(New Haven Court Apartments)**

DRAFT



SCALE: 1" = 400'

NEW HAVEN COURT APARTMENTS
LIGHTING AND LANDSCAPE MAINTENANCE
DISTRICT No. 5
ZONE OF BENEFIT H_9





SYMBOL LEGEND:

-  - PROPOSED STREET LIGHT (1 TOTAL)
-  - AREA FOR ZONE OF BENEFIT H_9

**LIGHTING AND LANDSCAPE MAINTENANCE
DISTRICT No. 5, ZONE OF BENEFIT H_9
PROPOSED LIGHT LOCATION**



SCALE: 1" = 125'

ATTACHMENT 3

New Haven Court Apartments
448 Garden Highway
Yuba City, CA 95991

Diana Langley
City of Yuba City
Public Works Department
1201 Civic Center Boulevard
Yuba City, CA 95993

Subject: New Haven Court Apartments
Lighting and Landscape Maintenance District Assessment Formation

Dear Ms. Langley:

We are the owners/representatives of the property designated as New Haven Court Apartments, which is described as Assessor Parcel Numbers: 53-470-053, and 53-443-008 in Yuba City.

The subject property has been conditioned to request for the formation of a Lighting and Landscape Maintenance District, Zone of Benefit, as part of the conditions of approval of the subject property's development permit (DP 17-04).

Pursuant to Section 22608 of the Streets and Highways Code, we are waiving any resolutions, report, notices of hearing, and right of majority protest regarding the annexation of the subject property described above into Lighting and Landscape Maintenance District 5, Zone of Benefit H_9. We also acknowledge and agree that the subject property will be subject to a levy of an initial assessment in the amount of \$150.82 per year, as may be adjusted by a levy of annual assessments per Streets and Highways Code Section 22620 et seq.

It is hereby certified that the below signatures are those of the individuals authorized to sign on behalf of New Haven Court Apartments. If you have any questions, please call _____ at (###) ###-####.

Sincerely,

**YUBA CITY PSH PACIFIC ASSOCIATES
A CALIFORNIA LIMITED PARTNERSHIP**

By: TPC HOLDINGS VII, LLC,
an Idaho limited liability company
Its: Administrative General Partner

By: _____
Name: Caleb Roope
Its: Manager
Date: _____

By: NEW HAVEN – SCAH, LLC,
a California limited liability company
Its: Managing General Partner

By: Sutter Community Affordable Housing,
a California nonprofit public benefit
corporation
Its: Sole Member and Manager

By: _____
Name: Brynda Stranix
Its: President
Date: _____