

CITY OF YUBA CITY
STAFF REPORT

Date: July 6, 2021
To: Honorable Mayor & Members of the City Council
From: Public Works Department
Presentation by: Diana Langley, Public Works Director

Summary

Subject: Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4 & 5 (Town Center and 69 Subdivisions throughout Yuba City), and Yuba City Lighting and Landscape Maintenance District No. 6 (Commercial District) Resolution of Intent

Recommendation: A. Adopt the following Resolutions to continue the Maintenance Districts, pursuant to the Landscaping and Lighting Act of 1972:

- Resolution Approving Engineer's Reports, Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5 and 6
- Resolution of Intention to Order Improvements, Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5 and 6

B. Set a Public Hearing for July 20, 2021 at 6:00 PM to establish assessments for Fiscal Year (FY) 2021-22

Fiscal Impact: Receipt of assessments and expenditures of funds for lighting and landscape maintenance districts throughout the City.

Purpose:

To continue to provide Lighting and Landscape Maintenance throughout the City pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution.

Background:

The City annually levies and collects special assessments in order to maintain and service landscaping and lighting improvements that provide special benefit to the parcels identified in Lighting and Landscape Maintenance Districts 2-6 (Attachment1, Exhibit A). The assessments were approved by the property owners of record through a protest-ballot proceeding at the time the Districts were formed.

District Nos. 2 (Town Square Area); 3, 4, and 5 (69 subdivisions located throughout the City); and 6 (several commercial areas throughout the City) have provisions for a Cost of Living Adjustment (COLA), which is based on the Consumer Price Index from January to January.

Analysis:

The Engineer’s Annual Reports have been prepared and are on file in the City Clerk’s office. They describe each District, the improvements therein, the method of assessment, and the proposed assessment for each parcel. The Resolution of Intention to order improvements is required by state law to continue the Districts. The proposed action in these reports set a public hearing for the Council meeting to be held on July 20, 2021 to establish assessments for the coming year.

District Nos. 2, 4, 6, and District 5 Zones of Benefit A, B, D-I, K, and L will see increases in their annual levies, while District 4, and District 5 Zones of Benefit C and J will see decreases in their annual levy. The levies were raised in response to inflation, while District 4, and District 5 Zones of Benefit C and J levies were decreased due to sufficient reserves and revenues which exceeded expenditures.

Fiscal Impact:

The proposed assessments for FY 2021-22 are shown in Attachment 2.

The projected revenue, expenditures, and cash balance, which include capital reserve, for the Districts are as follows:

<u>District</u>	<u>Revenue</u>	<u>Expenditures</u>	<u>Projected Reserve Fund Balance as of 7/1/22*</u>
2	\$80,943	\$57,276	\$63,883
3	\$10,353	\$7,434	\$24,762
4	\$153,209	\$119,203	\$192,788
5	\$500,264	\$456,765	\$329,156
6	\$28,164	\$14,180	\$143,444

*The Projected Reserve Fund Balance is the total of the Capital Replacement Reserve plus the Operating Reserve.

Alternatives:

1. Council may direct the modification of the assessment amounts which will affect future revenue and expenditure amounts in FY 2021/22, or cancel the Districts and find alternative funding sources to maintain the lighting and landscaping.

Recommendation:

A. Adopt the following Resolutions to continue the Maintenance Districts, pursuant to the Landscaping and Lighting Act of 1972:

Resolution Approving Engineer’s Reports, Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5 and 6

Resolution of Intention to Order Improvements, Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5 and 6

B. Set a Public Hearing for July 20, 2021 at 6:00 PM to establish assessments for Fiscal Year (FY) 2021-22

Attachment(s):

1. Resolutions
 - a. Exhibit A – District Maps
2. Proposed Assessments

Prepared by:

/s/ Josh Wolfe

Josh Wolfe
Assistant Engineer

Reviewed by:

Department Head

Finance

City Attorney

Submitted by:

/s/ Dave Vaughn

Dave Vaughn
City Manager

DL

SM

SLC by email

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
APPROVING THE ENGINEER'S REPORTS FOR THE YUBA CITY LIGHTING AND
LANDSCAPE MAINTENANCE DISTRICT NOS. 2, 3, 4, & 5 (TOWN CENTER AND 69
SUBDIVISIONS THROUGHOUT YUBA CITY) AND YUBA CITY LIGHTING AND
LANDSCAPE MAINTENANCE DISTRICT NO. 6 (COMMERCIAL DISTRICT)**

WHEREAS, the City Council of the City of Yuba City previously formed Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5 & 6 ("Districts"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code (commencing with Section 22500) (the "Act"); and

WHEREAS, on June 15, 2021, pursuant to the provisions of the Act, the City Council initiated proceedings by adopting a Resolution describing improvements and ordering the City Engineer to file a report with regard to the Districts for the 2021-22 Fiscal Year; and

WHEREAS, the City Engineer has prepared and filed written reports with the City Clerk entitled "City of Yuba City, Lighting and Landscape Maintenance District No. 2, Zone of Benefit A (Town Center), 2021/2022 Engineer's Annual Levy Report," "City of Yuba City, Lighting and Landscape Maintenance District No. 3, Zone of Benefit A, (Palisades Subdivision), 2021/2022 Engineer's Annual Levy Report," "City of Yuba City, Lighting and Landscape Maintenance District No. 4, Zones of Benefit A, B, C, & D, (Butte Vista Neighborhood), 2021/2022 Engineer's Annual Levy Report," "City of Yuba City, Lighting and Landscape Maintenance District No. 5, Zones of Benefit A-L, 2021-2022 Engineer's Annual Levy Report," and "City of Yuba City, Lighting and Landscape Maintenance District No. 6, (Zones of Benefit A_1, A_2, & A_3 and, Zones of Benefit B_1, B_2, B_3, B_4, B_5, B_6, B_7, B_8, B_9, B_10, B_12, B_13, B_14, & B_15, and Zone of Benefit C_1, 2021/2022 Engineer's Annual Levy Report", (the "Engineer's Reports") as called for in said Resolution and under and pursuant to said Act, which report has been presented to this City Council for consideration; and

WHEREAS, said City Council has duly considered said Engineer's Reports and each and every part thereof, and finds that each and every part of said reports is sufficient, and that no portion of the reports require or should be modified in any respect.

WHEREAS, the City Council desires to formally approve the Engineer's Reports, as filed, pursuant to Section 22623 of the Act.

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

1. The above recitals are true and correct, and are hereby incorporated herein by this reference.
2. The City Council finds that the Engineer's estimates prepared by the City Engineer of the itemized costs and expenses of said work and of the incidental expenses in connection therewith, contained in said Engineer's Reports be, and each of them are hereby, preliminarily approved and confirmed.
3. The City Council finds that the diagram showing the Districts referred to and described in said Engineer's Reports, the boundaries of the subdivisions of the

land within said Districts, is the same as existed at the time of passage of said Resolution and is hereby preliminarily approved and confirmed.

4. The City Council finds that the proposed assessment upon the subdivisions of land in said Districts is in proportion to the estimated benefit to be received by said subdivisions, respectively, from the work and incidental expenses as contained and detailed in the Engineer's Report, which is hereby preliminarily approved and confirmed.
5. The City Council hereby approves the "City of Yuba City, Lighting and Landscape Maintenance District No. 2, Zone of Benefit A (Town Center), 2021/2022 Engineer's Annual Levy Report," "City of Yuba City, Lighting and Landscape Maintenance District No. 3, Zone of Benefit A, (Palisades Subdivision), 2021/2022 Engineer's Annual Levy Report," "City of Yuba City, Lighting and Landscape Maintenance District No. 4, Zones of Benefit A, B, C, & D, (Butte Vista Neighborhood), 2021/2022 Engineer's Annual Levy Report," "City of Yuba City, Lighting and Landscape Maintenance District No. 5, Zones of Benefit A-L, 2021-2022 Engineer's Annual Levy Report," and "City of Yuba City, Lighting and Landscape Maintenance District No. 6, (Zones of Benefit A_1, A_2, & A_3 and, Zones of Benefit B_1, B_2, B_3, B_4, B_5, B_6, B_7, B_8, B_9, B_10, B_12, B_13, B_14, & B_15, and Zone of Benefit C_1, 2021/2022 Engineer's Annual Levy Report." Said reports shall serve as the Engineer's Reports for the purposes of subsequent proceedings for Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5, and 6.
6. This Resolution shall take effect immediately.

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 6th day of July, 2021.

AYES:

NOES:

ABSENT:

ATTEST:

Marc Boomgaarden, Mayor

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

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

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR
YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NOS. 2, 3, 4, & 5
(TOWN CENTER AND 69 SUBDIVISIONS THROUGHOUT YUBA CITY) AND YUBA CITY
LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 6 (COMMERCIAL DISTRICT)
PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1973, PART 2 OF DIVISION
15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, AND APPOINTING A TIME
AND PLACE FOR HEARING OBJECTIONS THERETO**

WHEREAS, the City of Yuba City is a municipal corporation duly created and existing pursuant to the Constitution and laws of the State of California; and

WHEREAS, the Landscaping and Lighting Act of 1972 ("Act") requires the review of annual assessment of existing Districts; and

WHEREAS, the City Council of the City of Yuba City previously formed Landscape Maintenance District Nos. 2, 3, 4, 5 & 6 ("Districts"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code (commencing with Section 22500) (the "Act"); and

WHEREAS, assessments levied within the Districts provide revenue for the purposes of the servicing, operation, maintenance, repair, and replacement of the street lights, walls, landscape strip, planters, landscape material, irrigation systems, median landscaping, street trees, detention pond, and detention pond landscape strip surrounding the developments; and

WHEREAS, on June 15, 2021, pursuant to the provisions of the Act, the City Council initiated proceedings by adopting a Resolution describing improvements and ordering the City Engineer to file a report with regard to the District for the 2021-22 Fiscal Year; and

WHEREAS, in accordance with Article 4 of Chapter 1 of the Act, the Engineer prepared and filed such report (the "Engineer's Report" with the City Clerk, and the City Clerk has presented the Engineer's Report to the City Council; and

WHEREAS, on July 6, 2021, the City Council adopted a Resolution approving the Engineer's Report as filed, pursuant to Section 22623 of the Act; and

WHEREAS, in accordance with Section 22624 of the Act, the City Council now desires to declare its intention to levy and collect the assessments within the District for Fiscal Year 2021-22, and to call a public hearing thereto.

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

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

2. The City Council hereby (1) finds that the public interest and convenience requires, and (2) declares its intention to order, the levy of and collection of assessments against the assessable lots and parcels of property within existing assessment districts designated Landscape Maintenance District Nos. 2, 3, 4, 5 & 6 (“Districts”), pursuant to the provisions of the Act, for the fiscal year commencing July 1, 2021 and ending June 30, 2022, to pay for the costs and expenses of the improvements described below in Section 4 of this Resolution.
3. The boundaries of the Districts are generally located and depicted in “Exhibit A” attached hereto.
4. The proposed improvements are briefly described as follows: the servicing, operation, maintenance, repair, and replacement of the street lights, walls, landscape strip, planters, landscape material, irrigation systems, median landscaping, street trees, detention pond, and detention pond landscape strip surrounding the developments.
5. The assessments to be levied and collected against the assessable lots and parcels of property within the Districts for Fiscal Year 2021-22 are proposed to increase from the assessments levied and collected for Fiscal Year 2020-21.
6. By previous resolution, the City Council directed the City Engineer to prepare and to file Engineer’s Reports pursuant to the provisions of the Act. The Engineer has prepared and filed written reports with the City Clerk that are titled “City of Yuba City, Lighting and Landscape Maintenance District No. 2, Zone of Benefit A (Town Center), 2021/2022 Engineer’s Annual Levy Report,” “City of Yuba City, Lighting and Landscape Maintenance District No. 3, Zone of Benefit A, (Palisades Subdivision), 2021/2022 Engineer’s Annual Levy Report,” “City of Yuba City, Lighting and Landscape Maintenance District No. 4, Zones of Benefit A, B, C, & D, (Butte Vista Neighborhood), 2021/2022 Engineer’s Annual Levy Report,” “City of Yuba City, Lighting and Landscape Maintenance District No. 5, Zones of Benefit A-L, 2021-2022 Engineer’s Annual Levy Report,” and “City of Yuba City, Lighting and Landscape Maintenance District No. 6, (Zones of Benefit A_1, A_2, & A_3 and, Zones of Benefit B_1, B_2, B_3, B_4, B_5, B_6, B_7, B_8, B_9, B_10, B_12, B_13, B_14, & B_15, and Zone of Benefit C_1, 2021/2022 Engineer’s Annual Levy Report” and by previous resolution the City Council approved the Engineer’s Reports as filed. Reference is made to the Engineer’s Reports on file in the Office of the City Clerk and open to public inspection for a full and detailed description of the improvements, the boundaries of the Districts, and the proposed assessments upon assessable lots and parcels of land within the Districts. The Office of the City Clerk is located at 1201 Civic Center Boulevard, Yuba City, CA 95993.
7. Notice is hereby given that the City Council designates July 20, 2021, at 6:00 p.m., in the City Council Chambers, City Hall, 1201 Civic Center Boulevard, Yuba City, CA, as the date, time, and place for the hearing of protests or objections to the levy of the proposed assessments in connection with the Districts. All interested

persons shall be afforded the opportunity to hear and be heard. The City Council shall consider all oral statements and all written protests or communications made or filed by any interested person. Prior to the conclusion of the hearing, any interested person may file a written protest with the City Clerk or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by the signer. Written protests may be delivered in person to the City Clerk or may be mailed to the City Clerk at City Hall, 1201 Civic Center Boulevard, Yuba City, CA 95993. Any written protest that is mailed must be received at City Hall at or prior to 4:30 p.m. on July 20, 2021.

- 8. The City Clerk shall give notice of the aforesaid date, time, and place of the hearing in accordance with law.

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 6th day of July, 2021.

AYES:

NOES:

ABSENT:

ATTEST:

Marc Boomgaarden, Mayor

Ciara Wakefield, Deputy City Clerk

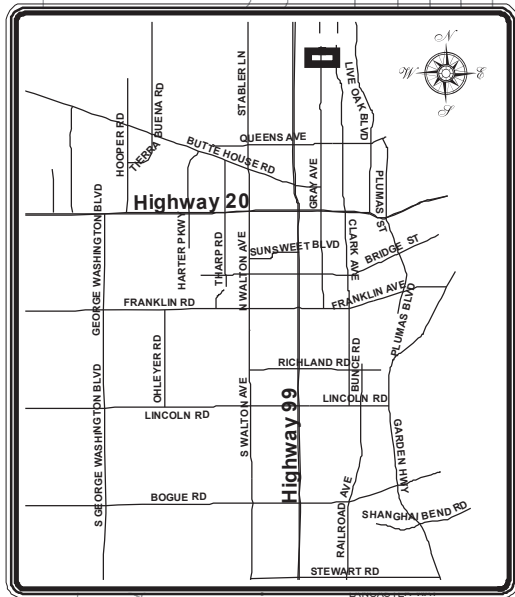
APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

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



Attachment(s):

Exhibit A – District Maps

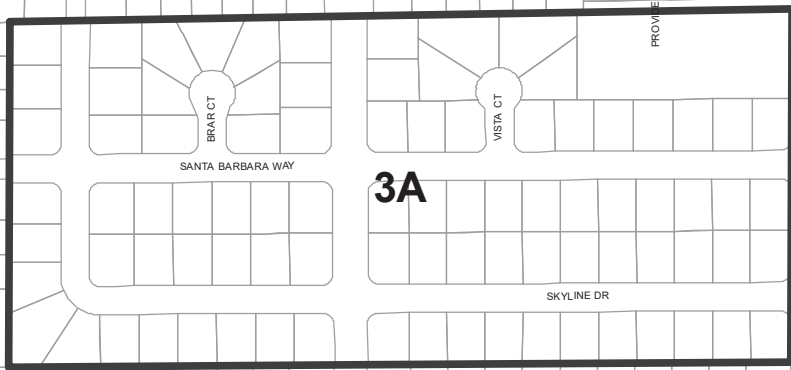
EXHIBIT A



Legend

-  Maintenance Districts
-  City Limits

MAY 99



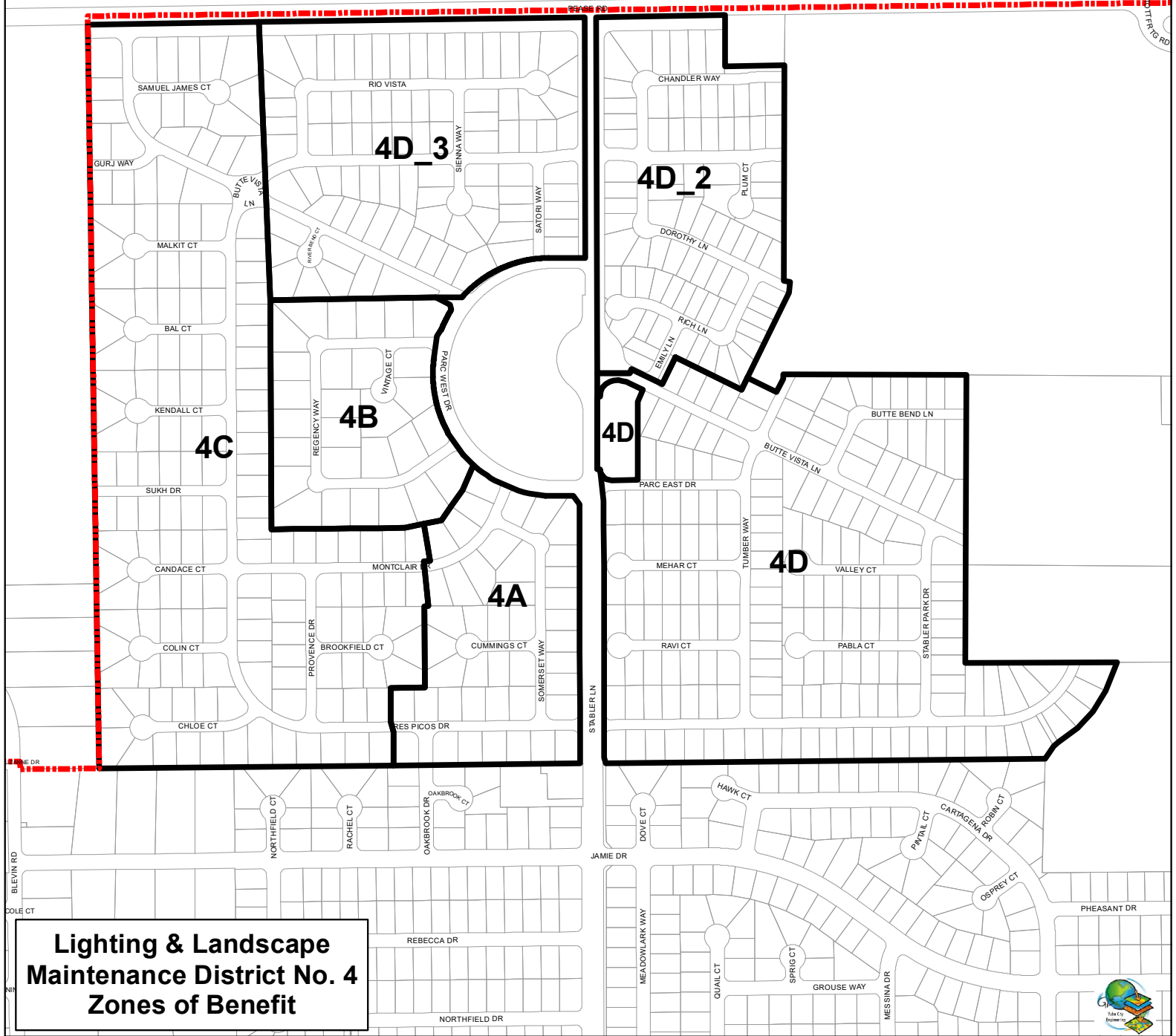
**Lighting & Landscape
Maintenance District No. 3
Zones of Benefit**





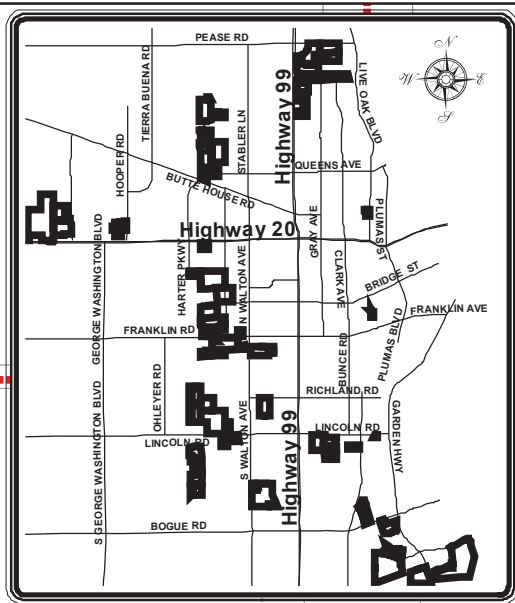
Legend

- Maintenance Districts
- City Limits



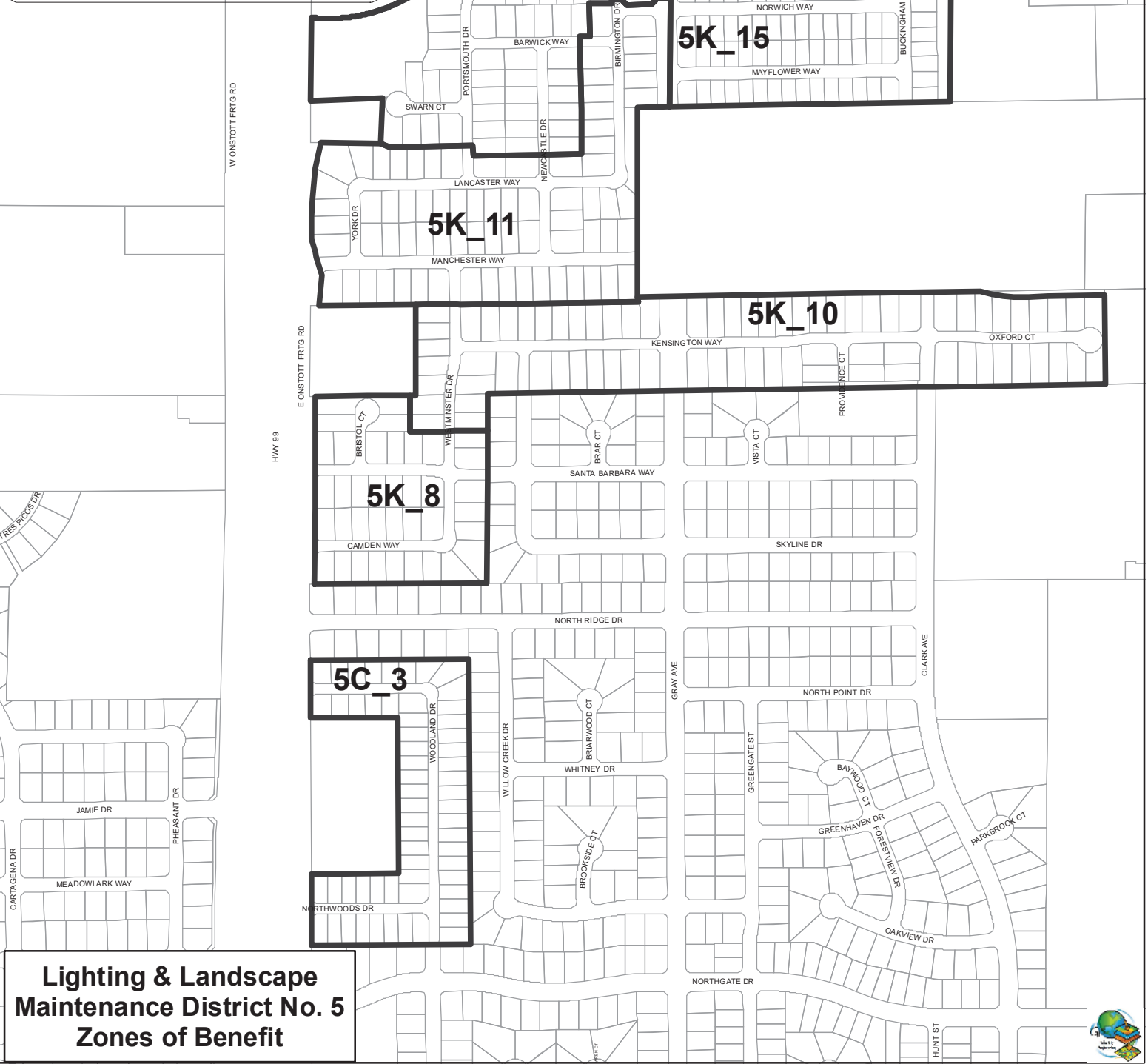
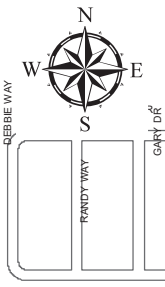
**Lighting & Landscape
Maintenance District No. 4
Zones of Benefit**





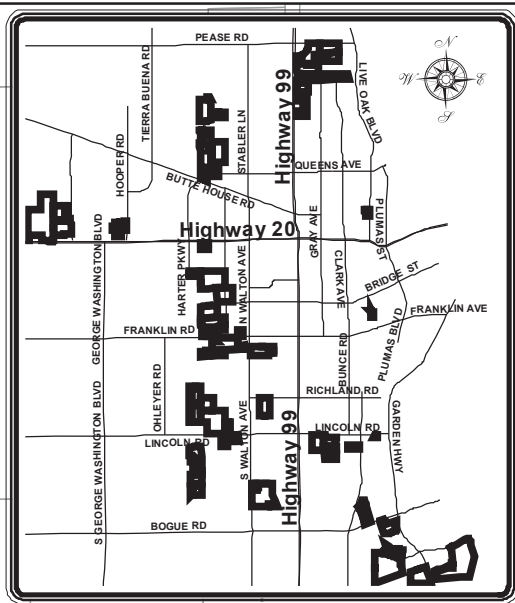
Legend

- Maintenance Districts
- City Limits





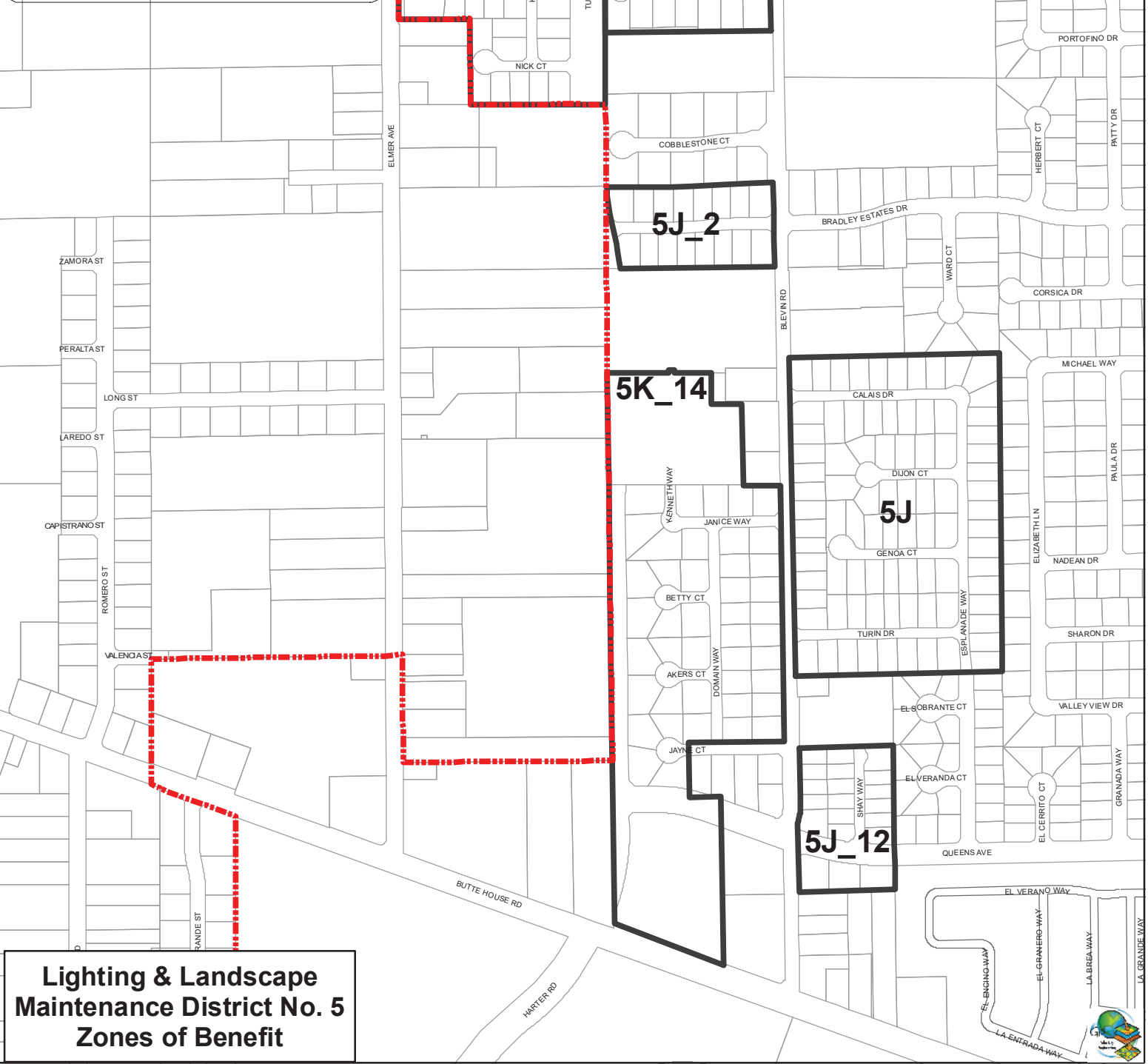
**Lighting & Landscape
Maintenance District No. 5
Zones of Benefit**





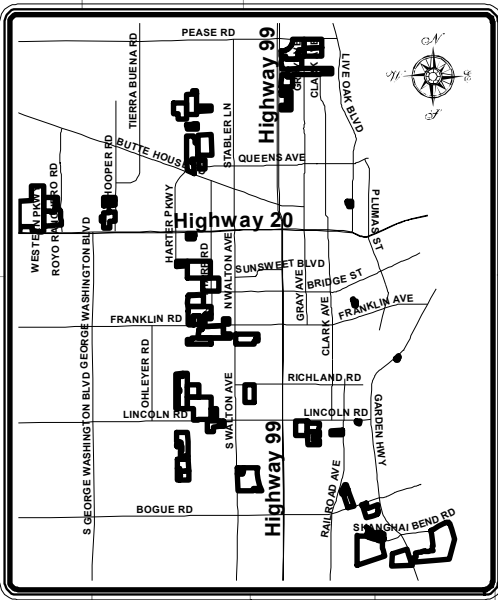
Legend

-  Maintenance Districts
-  City Limits





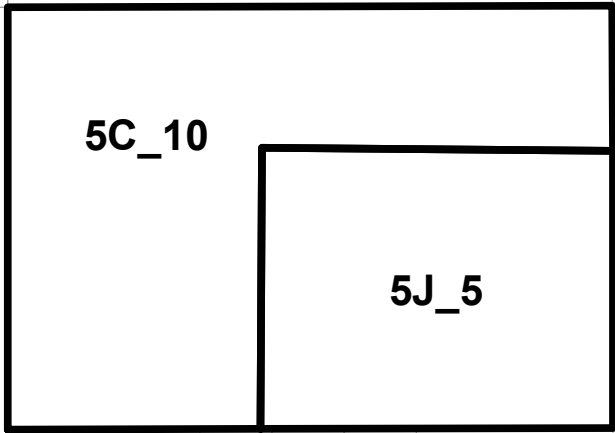
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Maintenance District No. 5
Zones of Benefit**





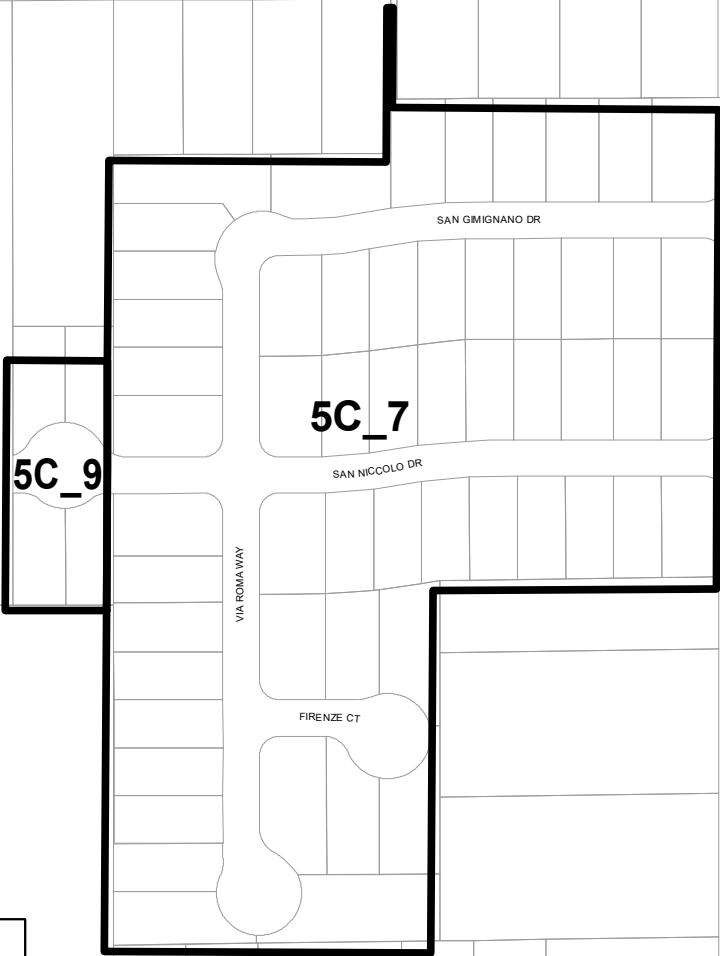
Legend

-  Maintenance Districts
-  City Limits



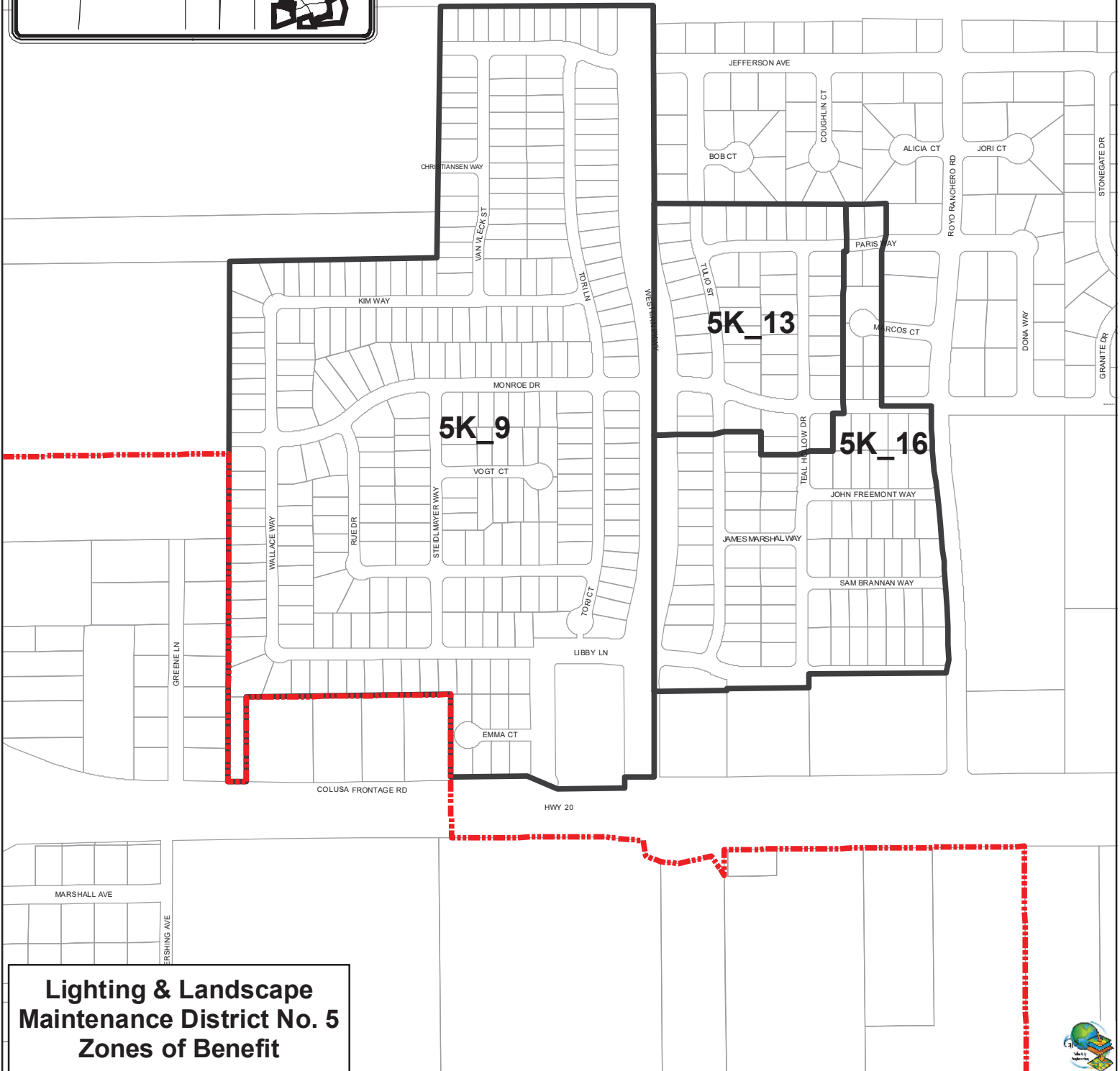
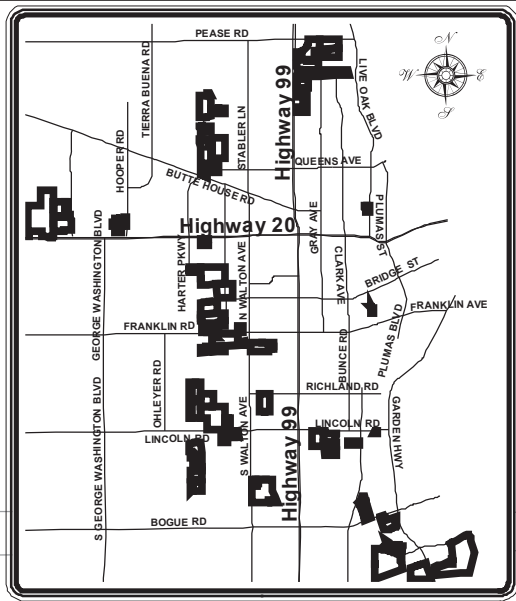
MONROE RD

HOOPER RD



**Lighting & Landscape
Maintenance District No. 4
Zones of Benefit**





HARTER RD
SPIRIT DR
HARTER PKWY

HWY 20



Legend

- Maintenance Districts
- City Limits

5H_8

SIERRA AVE

5K_9

5K_5

5K_7

5K_4

5K_1

5K_3

5K_2

5H_3

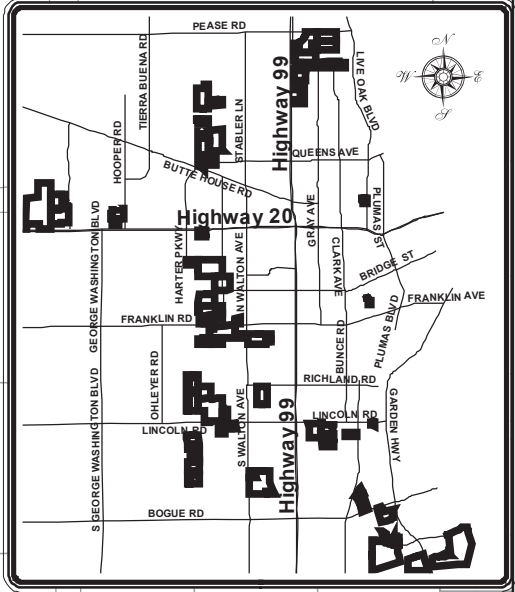
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5K_6

5H_1

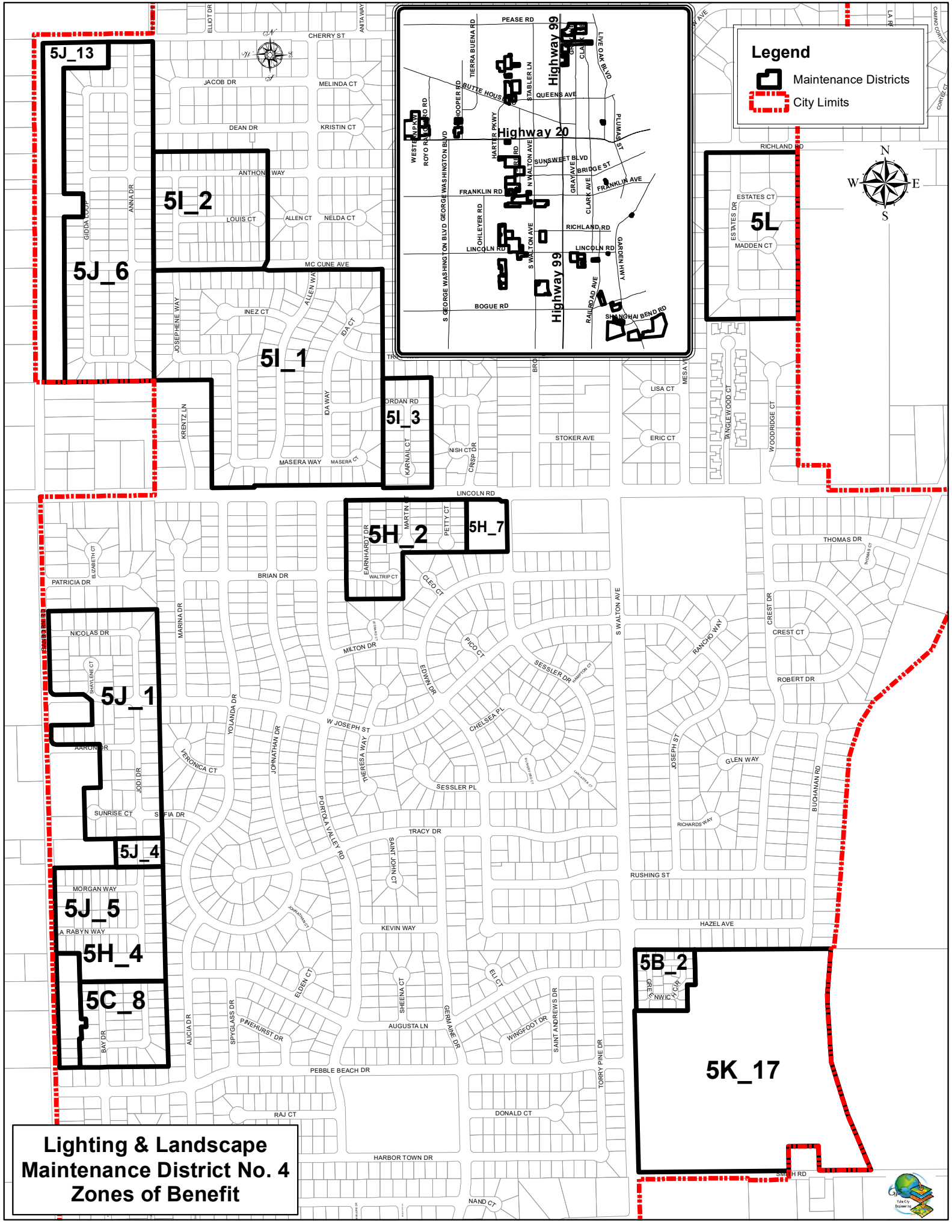
5D

5E



**Lighting & Landscape
Maintenance District No. 5
Zones of Benefit**

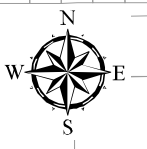


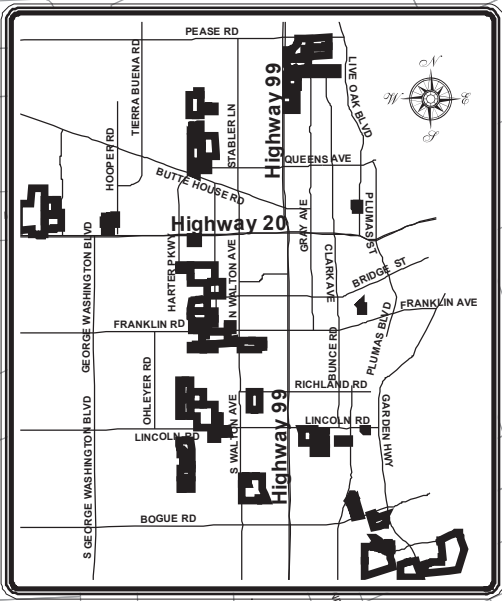


**Lighting & Landscape
Maintenance District No. 4
Zones of Benefit**



Legend

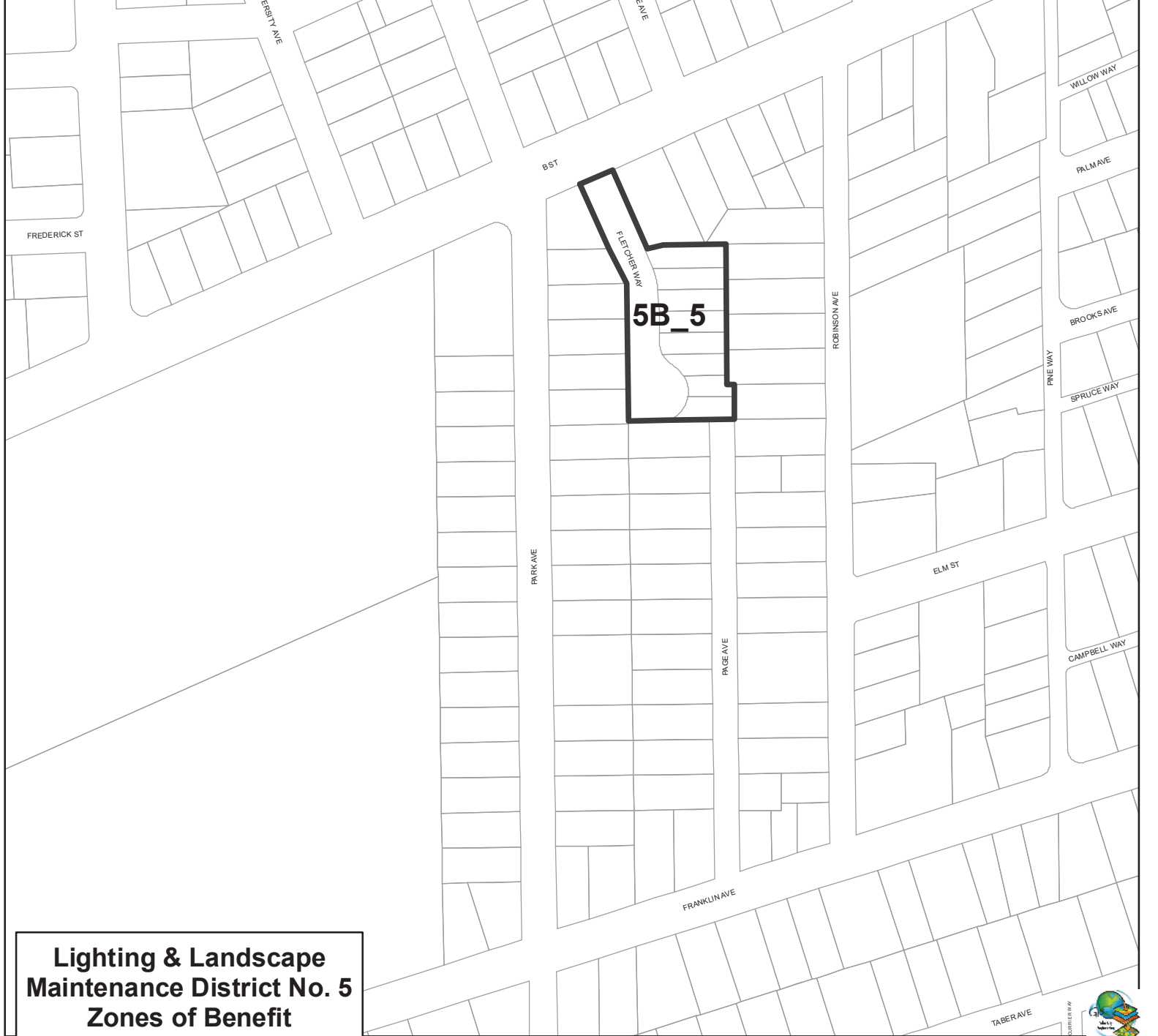
- Maintenance Districts
- City Limits



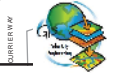


Legend



-  Maintenance Districts
-  City Limits

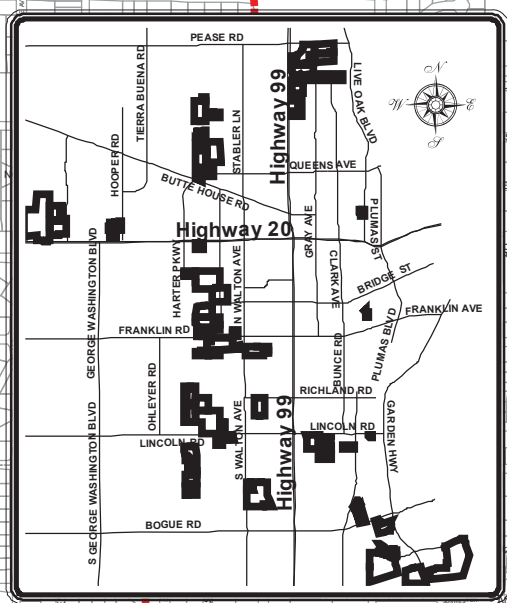


**Lighting & Landscape
Maintenance District No. 5
Zones of Benefit**



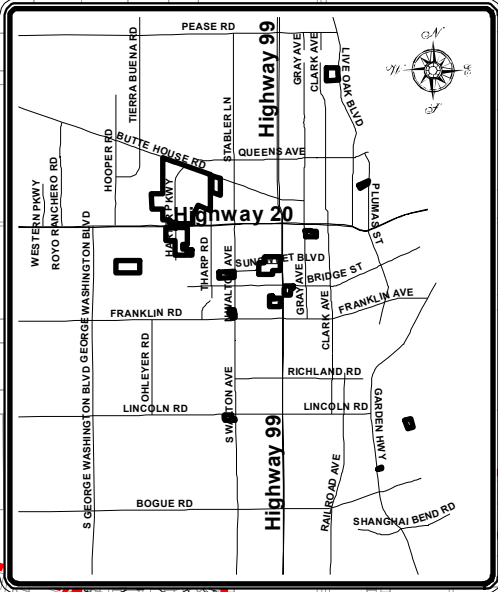
Legend

-  Maintenance Districts
-  City Limits



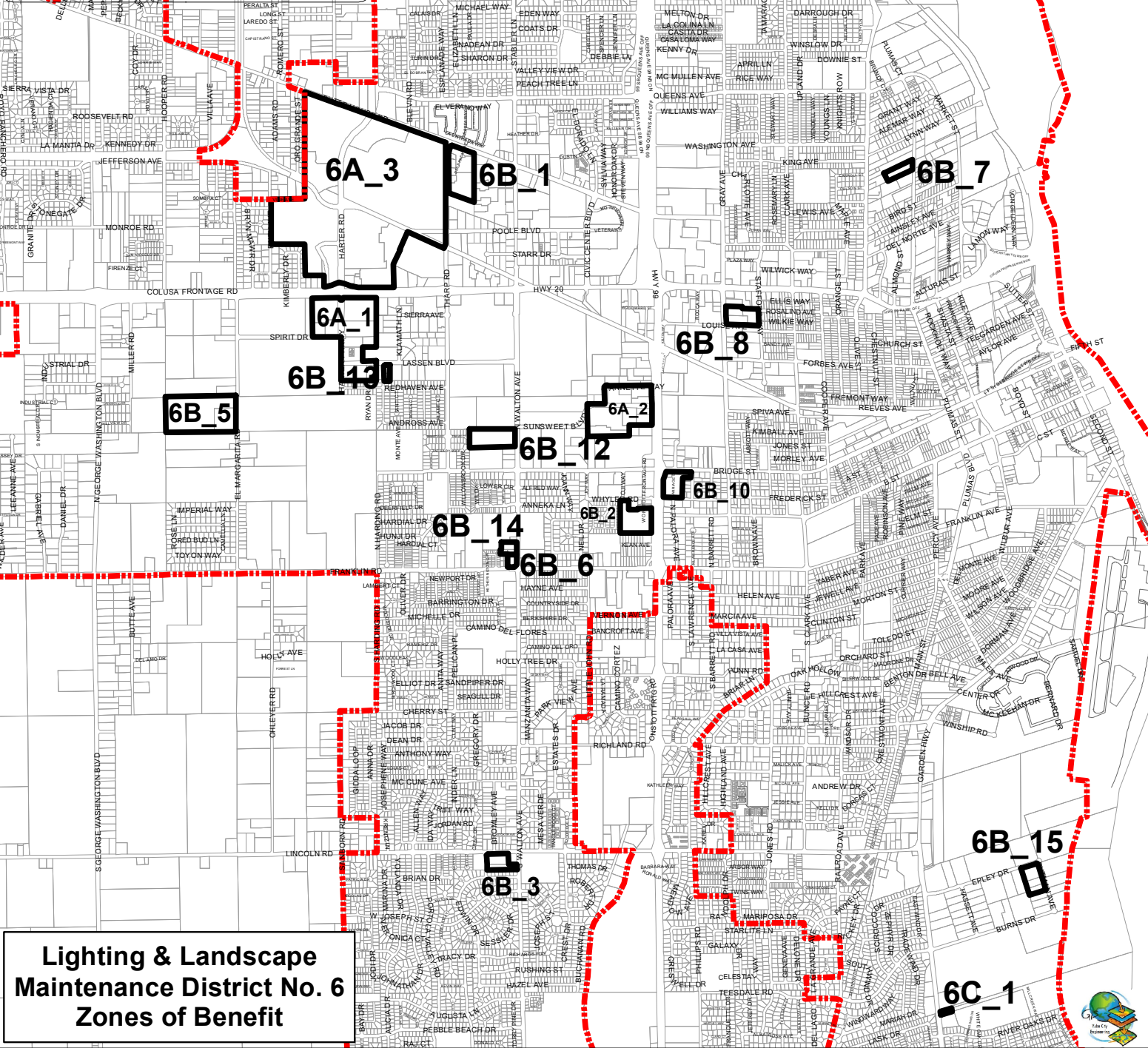
**Lighting & Landscape
Maintenance District No. 5
Zones of Benefit**





Legend

- Maintenance Districts
- City Limits



**Lighting & Landscape
Maintenance District No. 6
Zones of Benefit**



ATTACHMENT 2

DISTRICT 2-6 PROPOSED ASSESSMENTS

District	Zone of Benefit	FY 2021-22 Proposed Levy Rate (\$)	Change From Previous Year (\$)	Maximum Levy Rate Allowed (\$)
2	A	\$602.48	\$8.32	\$602.48
3	A	\$117.64	(\$13.04)	\$171.32
4	A	\$265.06	\$16.65	\$448.57
	B	\$265.06	\$16.65	\$607.49
	C	\$265.06	\$16.65	\$368.61
	D	\$265.06	\$16.65	\$330.25
5	A	\$204.82	\$4.82	\$218.58
	B	\$73.36	\$0.99	\$73.38
	C_1-9	\$130.24	(\$25.98)	\$158.41
	C_10	\$102.62	N/A	\$102.62
	D	\$120.96	(\$0.01)	\$217.53
	E	\$89.84	\$1.24	\$89.84
	F	\$117.40	\$11.08	\$176.75
	G	\$55.26	\$0.75	\$55.27
	H_1-8	\$35.50	\$0.48	\$35.51
	H_9	\$78.36	\$1.07	\$78.37
	I	\$74.46	\$1.03	\$74.46
	J	\$117.16	(\$6.18)	\$199.51
	K 1-17	\$228.72	\$4.28	\$282.27
	K_18	\$228.72	\$4.28	\$372.42
L	\$131.57	\$1.82	\$131.57	
6	A_1	\$304.26	\$4.20	\$304.26
	A_2	\$304.26	\$4.20	\$304.26
	A_3	\$304.26	\$4.20	\$304.26
	B_1	\$489.23	\$6.75	\$489.23
	B_2	\$449.50	\$6.19	\$449.51

District	Zone of Benefit	FY 2021-22 Proposed Levy Rate (\$)	Change From Previous Year (\$)	Maximum Levy Rate Allowed (\$)
6	B_3	\$309.24	\$4.27	\$309.24
	B_4	\$1,632.04	\$22.52	\$1632.05
	B_5	\$0.00	\$0.00	\$466.30
	B_6	\$89.90	\$1.22	\$89.91
	B_7	\$89.90	\$1.22	\$89.91
	B_8	\$205.58	\$2.84	\$205.58
	B_9	\$407.00	\$5.61	\$407.01
	B_10	\$134.56	\$1.84	\$134.57
	B_12	\$155.10	\$2.14	\$155.10
	B_13	\$140.84	\$1.93	\$140.85
	B_14	\$159.14	\$2.19	\$159.14
	B_15	\$53.04	\$0.72	\$53.05
	C_1	\$498.40	N/A	\$498.40