

CITY OF YUBA CITY
STAFF REPORT

Date: August 16, 2022
To: Honorable Mayor & Members of the City Council;
From: Public Works Department
Presentation By: Joshua Wolffe, Associate Engineer

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. 5 (Commercial District) Levying Assessments

Recommendation: A. Conduct a Public Hearing

B. Adopt a Resolution confirming and ordering the annual levy of assessments for Fiscal Year 2022-23 for the Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5, & 6 (Town Center, 69 subdivisions throughout Yuba City including the Palisades Subdivisions and Butte Vista neighborhood, and commercial district)

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.

Council Strategic Goal:

Levying Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4 & 5, and Yuba City Lighting and Landscape Maintenance District No. 6 (LLMD Nos. 2-6) addresses the City Council's Strategic Goal of maintaining infrastructure, as levying (LLMD Nos. 2-6) will ensure that street lighting, landscaping and associated items, block walls, detention ponds, and street-end barricades are maintained and in operation.

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 (Attachment 1, 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. The COLA was determined to be a 7.48% change from last year.

On July 5, 2022, Council adopted Resolutions directing the filing of the Annual Reports. On July 19, 2022, Council adopted Resolutions of intention to order the improvements, and set a Public Hearing for August 16, 2022 to establish the assessments for Fiscal Year 2022-23.

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.

District Nos. 3, 4, 6, and District 5 Zones of Benefit B-L will see increases in their annual levies, while District 2 Zone of Benefit A, and District 5 Zone of Benefit A will see decreases in their annual levies. The levies were raised in response to inflation, while District 2 Zone of Benefit A, and District 5 Zone of Benefit A levies were decreased due to sufficient reserves and revenues which exceeded expenditures.

Fiscal Impact:

The proposed assessments for FY 2022-23 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 7/1/23*</u>
2	\$83,372	\$41,035	\$111,665
3	\$10,662	\$8,676	\$27,566
4	\$153,205	\$135,737	\$144,411
5	\$576,028	\$577,970	\$221,880
6	\$29,125	\$14,792	\$141,897

*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 Fiscal Year 2022-23, or cancel the Districts and find alternative funding sources to maintain the lighting and landscaping.

Attachments:

1. Attachment 1 - Resolution LLMD Nos. 2-6 Public Hearing
2. Exhibit A - District 2-6 Maps
3. Attachment 2 - Proposed Assessments D 2-6 Public Hearing

Prepared By:
 Josh Wolffe
 Associate Civil Engineer

Submitted By:
 Diana Langley
 City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
CONFIRMING AND ORDERING THE ANNUAL LEVY OF ASSESSMENTS FOR FISCAL
YEAR 2022-23 FOR THE YUBA CITY LIGHTING AND LANDSCAPE MAINTENANCE
DISTRICT NOS. 2, 3, 4, 5, & 6 (TOWN CENTER, 69 SUBDIVISIONS THROUGHOUT YUBA
CITY INCLUDING THE PALISADES SUBDIVISIONS AND BUTTE VISTA NEIGHBORHOOD,
AND COMMERCIAL DISTRICT)**

WHEREAS, on July 19, 2022, 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"), the City Council of the City of Yuba City did declare its intention to review, levy and collect the annual assessment for Yuba City Lighting and Landscape Maintenance District Nos. 2, 3, 4, 5, and 6 ("Districts") for Fiscal Year 2022-23 more specifically as follows:

- Lighting and Landscape Maintenance District No. 2 – Zone of Benefit "A" (Town Center);
- Lighting and Landscape Maintenance District No. 3 – Zone of Benefit "A" (Palisades Subdivision);
- Lighting and Landscape Maintenance District No. 4 – Zones of Benefit "A," "B," "C," and "D" (Butte Vista Neighborhood);
- Lighting and Landscape Maintenance District No. 5 – Zones of Benefit "A," "B," "C," "D," "E," "F," "G," "H," "I," "J," "K," and "L";
- Lighting and Landscape Maintenance District No. 6 – Zones of Benefit "A_1," "A_2" and "A_3," 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"; and

WHEREAS, assessments levied within the Districts provided revenue for the purpose of financing the installation, construction, and maintenance of certain public projects eligible under the Act, including without limitation the following:

- Lighting and Landscape Maintenance District No. 2: Ongoing maintenance and servicing of landscaping material, irrigation systems, and street lighting in the Town Center Area along the frontage of Plumas Street (including median), C Street, Percy Avenue, B Street and Franklin Avenue.
- Lighting and Landscape Maintenance District No. 3: Ongoing maintenance and servicing of a detention pond, street trees and a pond landscape strip, and twelve street lights, which benefit parcels in Phases 1 and 2.
- Lighting and Landscape Maintenance District No. 4: Ongoing maintenance and servicing of local street lighting, landscaping improvements, and detention pond, providing special benefit to the Butte Vista Neighborhood in the subdivisions in zones of benefit as shown on the Assessment Diagrams on file with the City Clerk.
- Lighting and Landscape Maintenance District No. 5: Street lights, walls, landscape strips and planters, street trees, and landscaped entrance varying by zones of benefit as shown on the Assessment Diagrams on file with the City Clerk.
- Lighting and Landscape Maintenance District No. 6: Ongoing maintenance and servicing of street lights, street trees and median landscaping; and

WHEREAS, said Council did declare its intention to levy and collect the annual assessment for the maintenance and operation of the lighting and landscaping facilities in said Districts; and

WHEREAS, on July 5, 2022, pursuant to the provisions of the Act, the City Council initiated proceedings by Resolution No. 22-103 for the levy and collection of assessments against the assessable lots and parcels of land in the Districts for Fiscal Year 2022-23 and directed the Engineer of Work, Tyrone Peter of Willdan Financial Services, to prepare and file a written report in accordance with Article 4 (commencing with Section 22565) of Chapter 1 of the Act; and

WHEREAS, in accordance with Article 4 of Chapter 1 of the Act, the Engineer of Work prepared and filed such report for each Lighting and Landscape Maintenance District (the "Engineer's Reports") with the City Clerk, and the City Clerk has presented the Engineer's Reports to the City Council; and

WHEREAS, on July 19, 2022, the City Council adopted Resolution No. 22-113 approving the Engineer's Reports, which calculated the annual assessments for the parcels in said Districts, as filed pursuant to Section 22623 of the Act, and

WHEREAS, the public notice of the Resolution of Intention and the Public Hearing scheduled for August 16, 2022, was duly published on August 5, 2022.

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 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 existing assessment districts designated "Yuba City Lighting and Landscape Maintenance District No. 2", "Yuba City Lighting and Landscape Maintenance District No. 3", "Yuba City Lighting and Landscape Maintenance District No. 4", "Yuba City Lighting and Landscape Maintenance District No. 5", and "Yuba City Lighting and Landscape Maintenance District No. 6" (the "Districts") pursuant to the provisions of the Act, for the fiscal year commencing July 1, 2022 and ending June 30, 2023, to pay for the costs and expenses of the improvements described in the Engineer's Reports for each District.
3. That the City Council hereby determines that the territories within the Districts, whose boundaries are set forth in the Engineer's Reports, on file with the City Clerk of the City of Yuba City, will be the territories benefited by the maintenance and servicing of the improvements described in said Engineer's Reports.
4. That the hearing on said annual levy of assessment was held in accordance with law and all persons desiring to speak were heard.
5. That the Engineer's Report, the diagram for the assessment district and the assessment of the estimated costs of the improvements contained therewith and each and every part of said Report, is adopted and approved as to each District and all of them, and that the assessment of the total amount of the costs and the individual assessments thereof, respectively, from said improvements, and of the expenses incidental thereto, be and the same hereby are finally approved and confirmed as the assessments to pay the costs. The assessment for District No. 2 and District No. 5 Zone of Benefit "A," for Fiscal Year 2022-23 are proposed to be

reduced as compared to the previous year as described in the Engineer's Report. The assessments for District Nos. 3, 4, 5 (except Zone of Benefit "A"), and 6 for Fiscal Year 2022-23 are proposed to increase from the previous year as described in the Engineer's Report, but are still within or less than the amount approved for District Nos. 3, 4, 5 (except Zone of Benefit "A"), and 6 at the at the time of the formation of the respective Districts.

6. The Council hereby orders the levy of the assessments described in said Resolution of Intention and the Engineer's Reports.
7. That the assessment diagram showing the assessment districts referred to in said Resolution of Intention, and also the subdivision of land within the Districts, as contained in said Engineer's Reports, 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.
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 August 19, 2022.
9. As the levies either remain the same, or are reduced as compared to prior years as to District No. 2 and District No. 5 Zone of Benefit "A," the assessments for District No. 2 and District No. 5 Zone of Benefit "A" are exempted from the requirements of Article XIII Section "D" of the California Constitution (Proposition 218). Likewise, although the levies have increased for District Nos. 3, 4, 5 (except Zone of Benefit "A"), and 6 as compared to the prior year, the levy amounts are consistent with and less than the previously approved COLA adopted at the time of formation of the District pursuant to Proposition 218, and as such, the levies for District Nos. 3, 4, 5 (except Zone of Benefit "A"), and 6 are likewise exempt from further compliance with Proposition 218.

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 16th day of August 2022.

AYES:

NOES:

ABSENT:

Dave Shaw, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

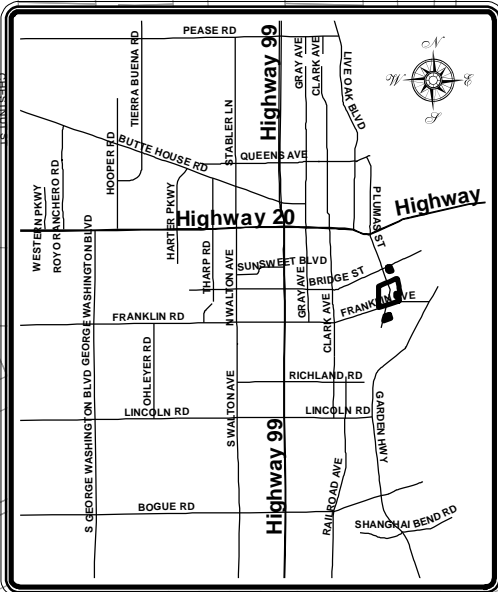
APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

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


Attachment(s):

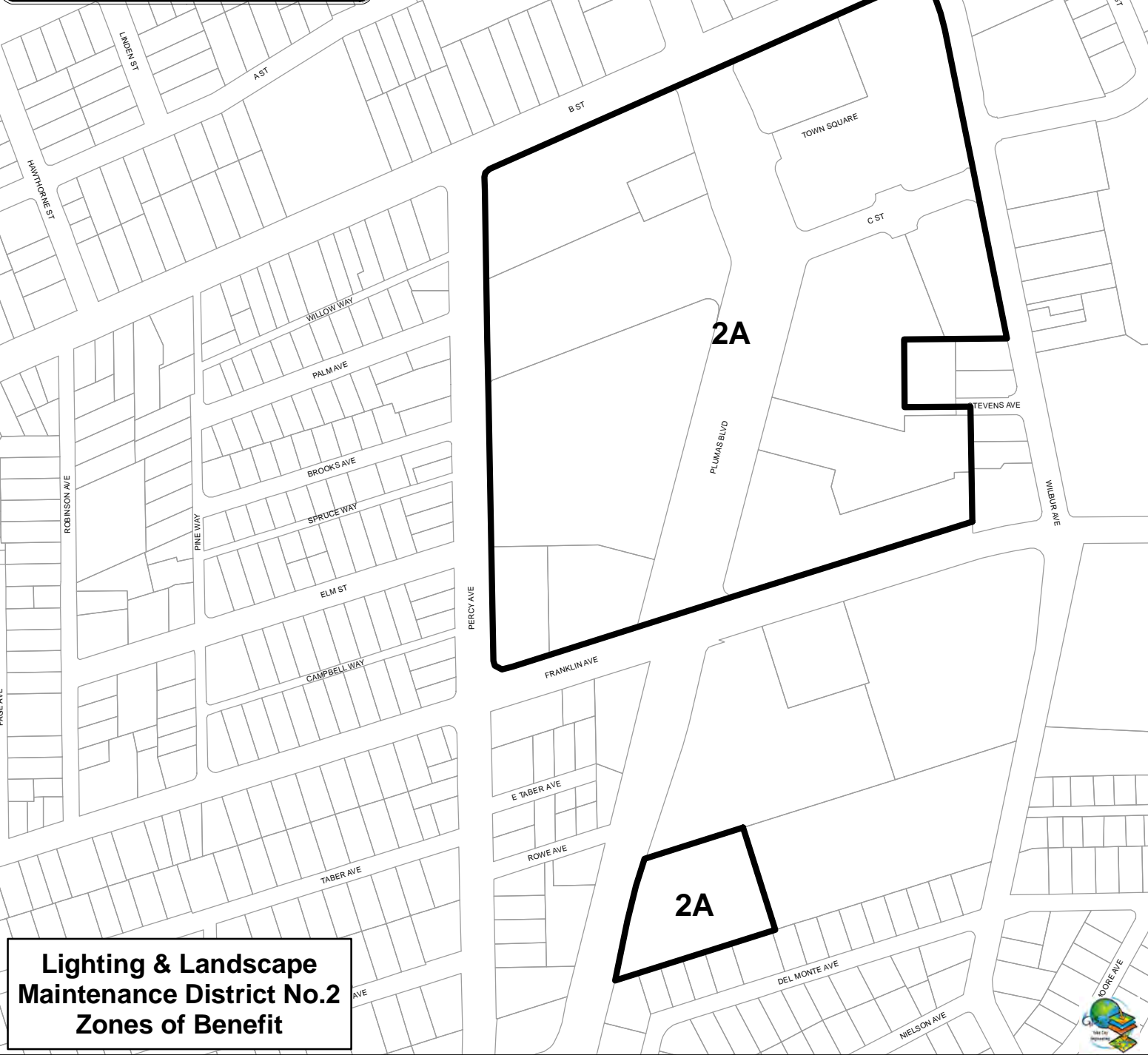
Exhibit A – District Maps

EXHIBIT A



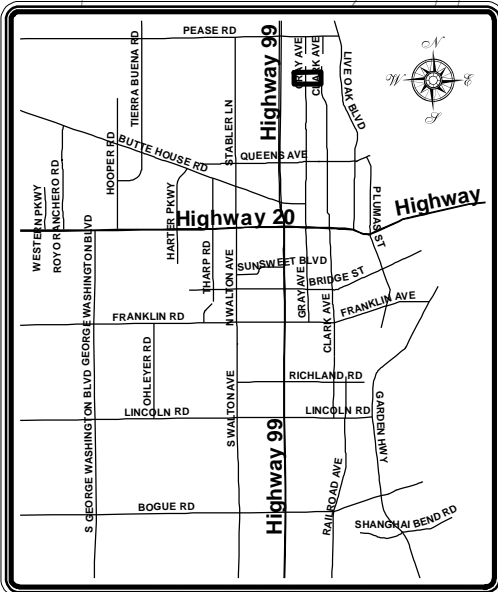
Legend

-  Maintenance Districts
-  City Limits



**Lighting & Landscape
Maintenance District No.2
Zones of Benefit**





Legend

- Maintenance Districts
- City Limits



3A

This central area is enclosed in a thick black border and contains the number '3A'. It is bounded by Santa Barbara Way to the north, Skyline Dr to the south, and Westminister Dr to the west.

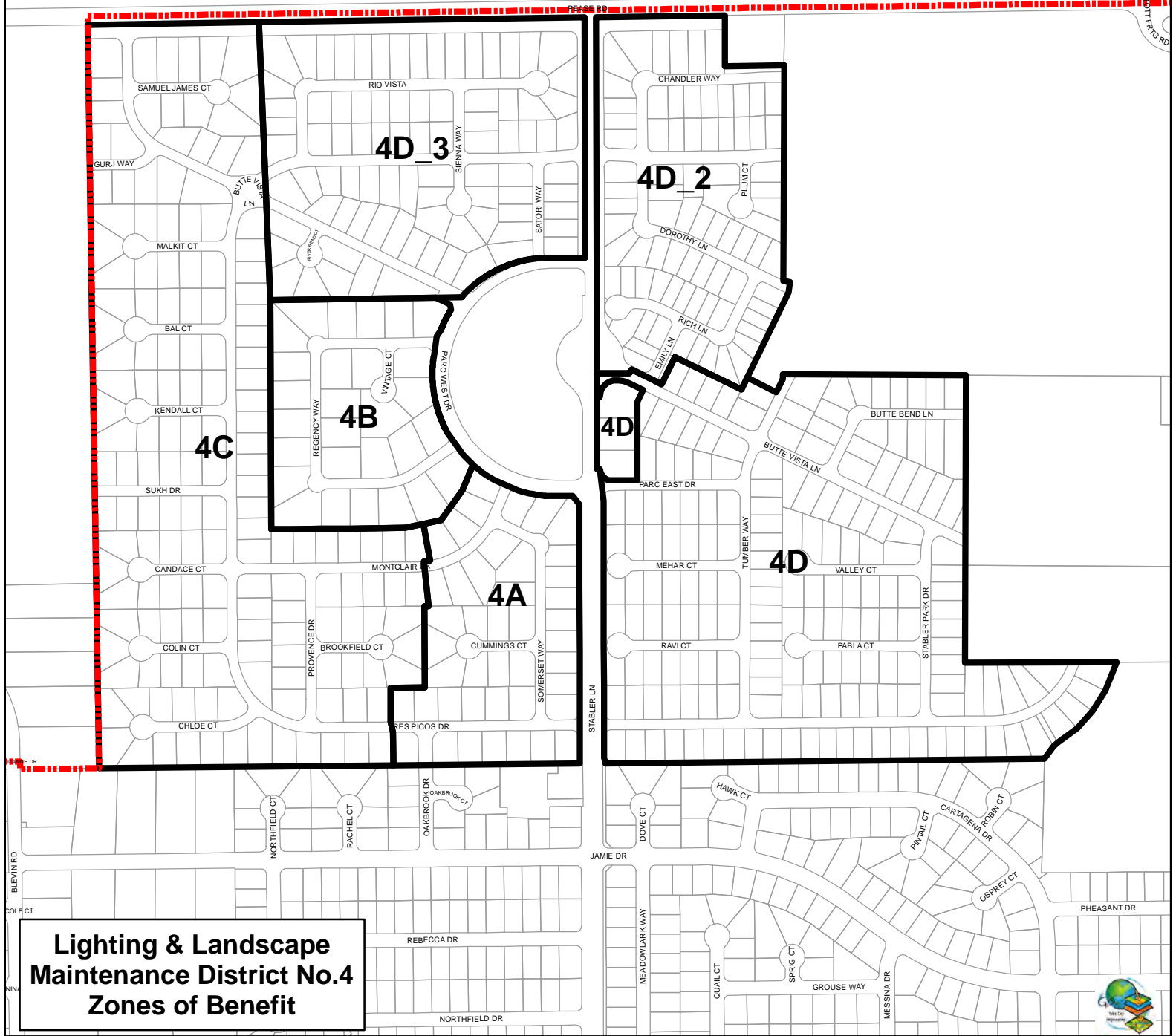
**Lighting & Landscape
Maintenance District No. 3
Zones of Benefit**





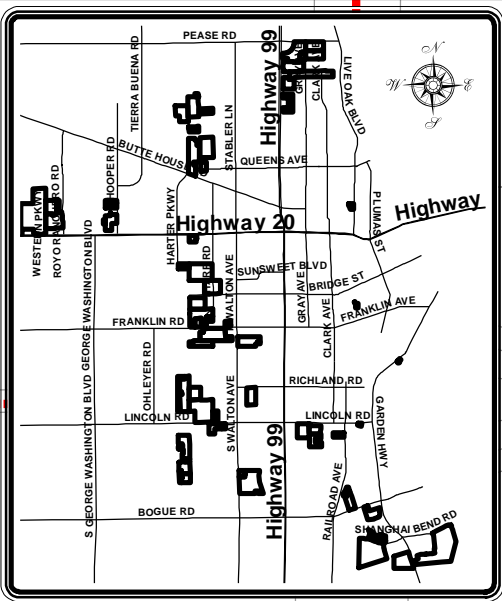
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- Maintenance Districts
- City Limits





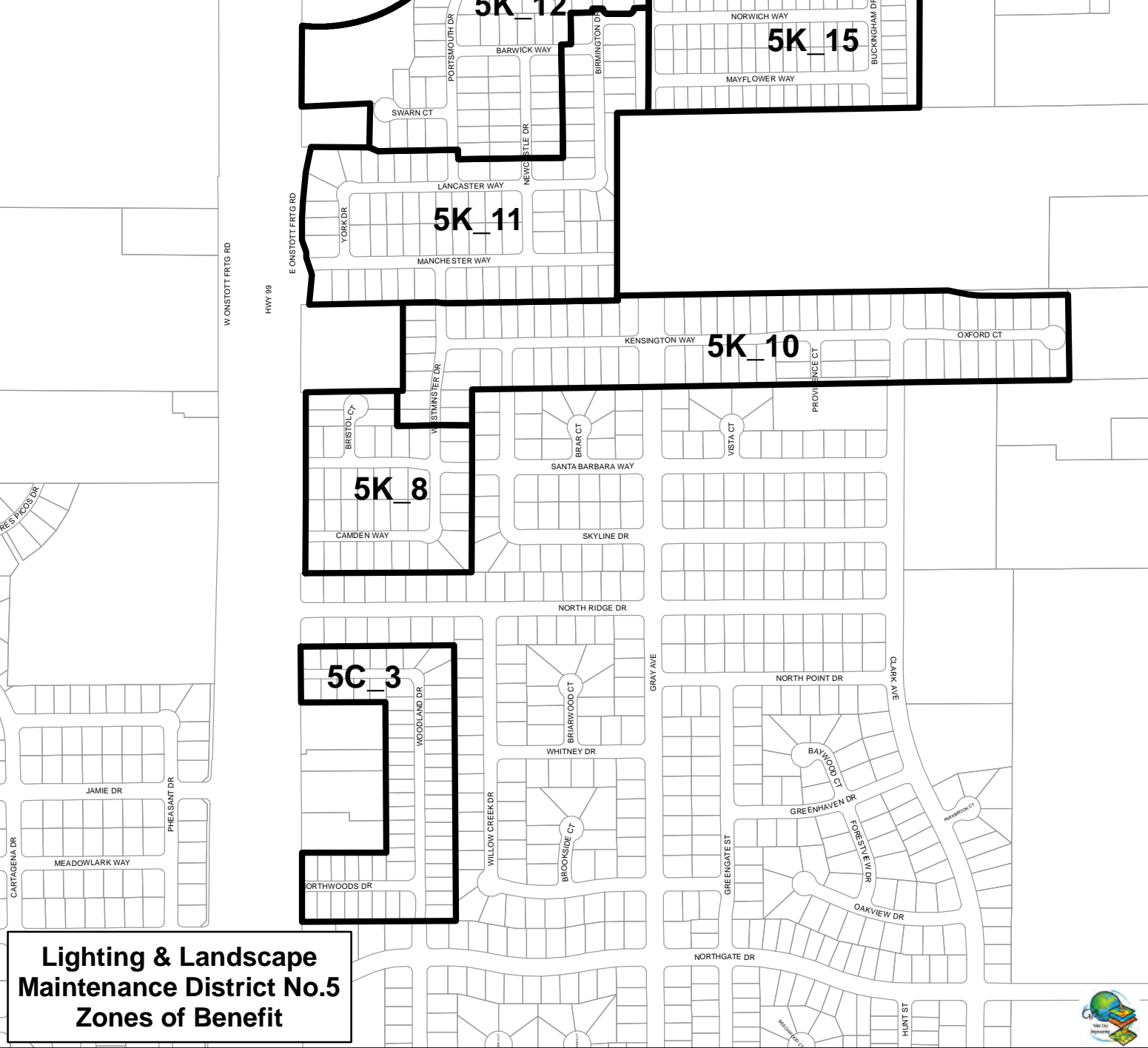
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Maintenance District No.4
Zones of Benefit**





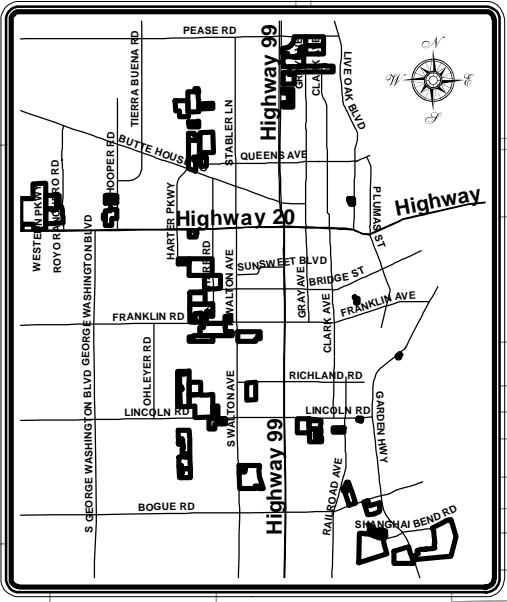
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-  Maintenance Districts
-  City Limits



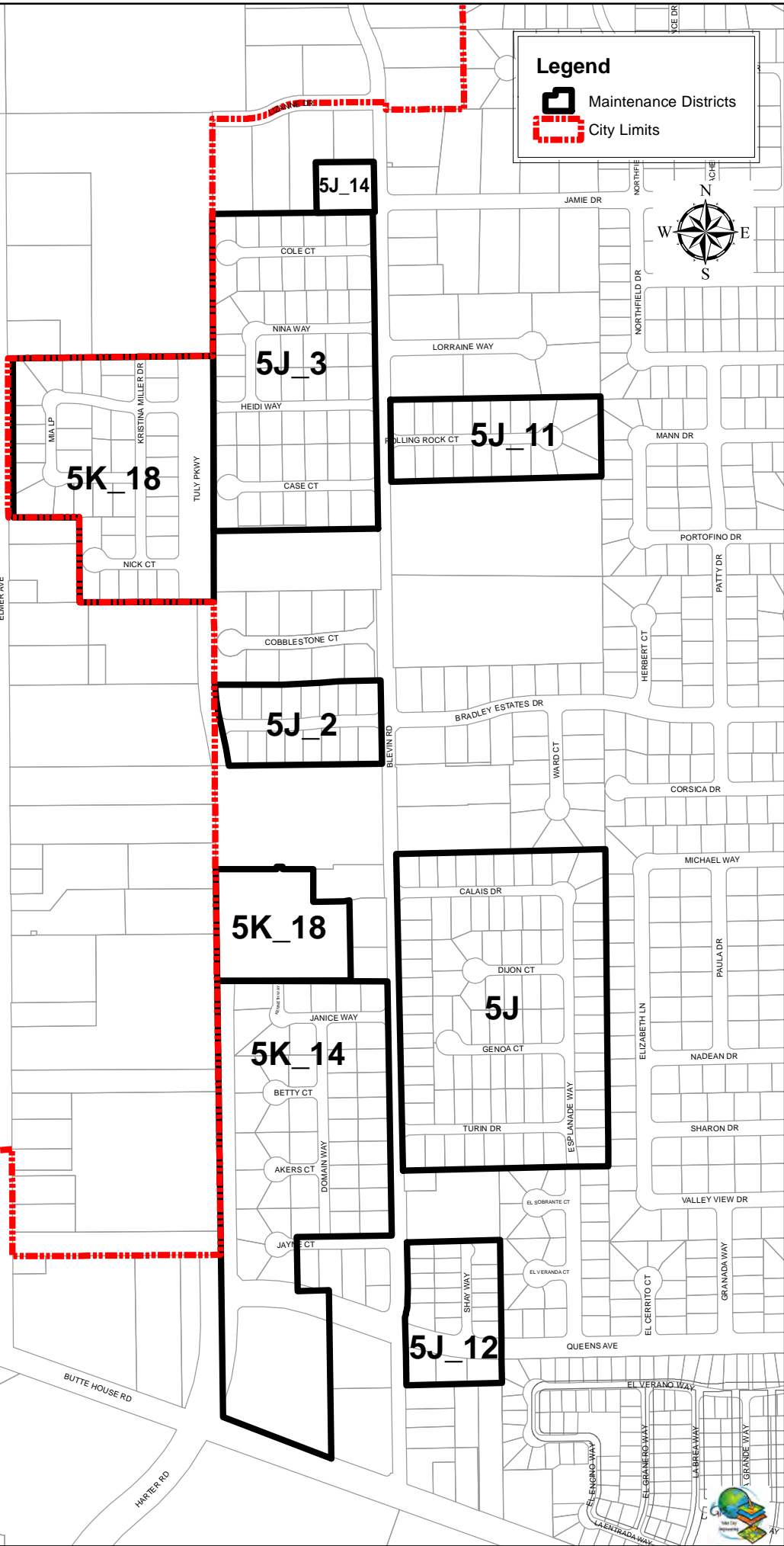
**Lighting & Landscape
Maintenance District No.5
Zones of Benefit**





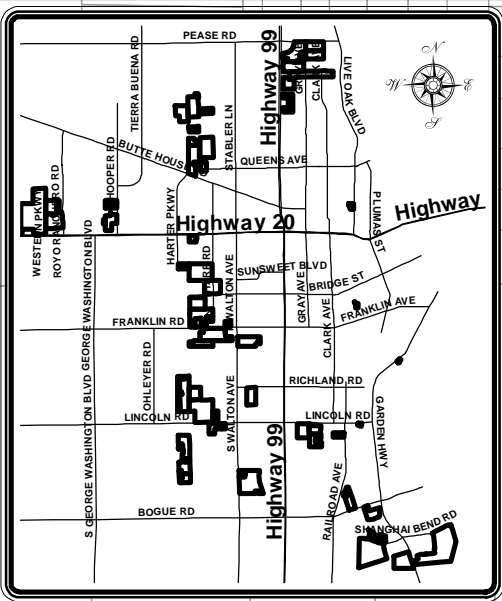
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- Maintenance Districts
- City Limits





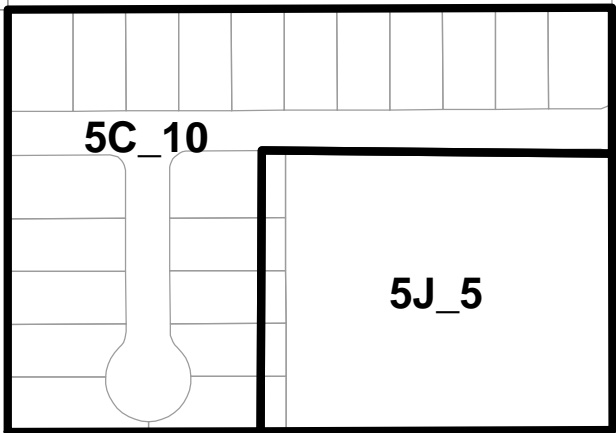
**Lighting & Landscape
Maintenance District No.5
Zones of Benefit**



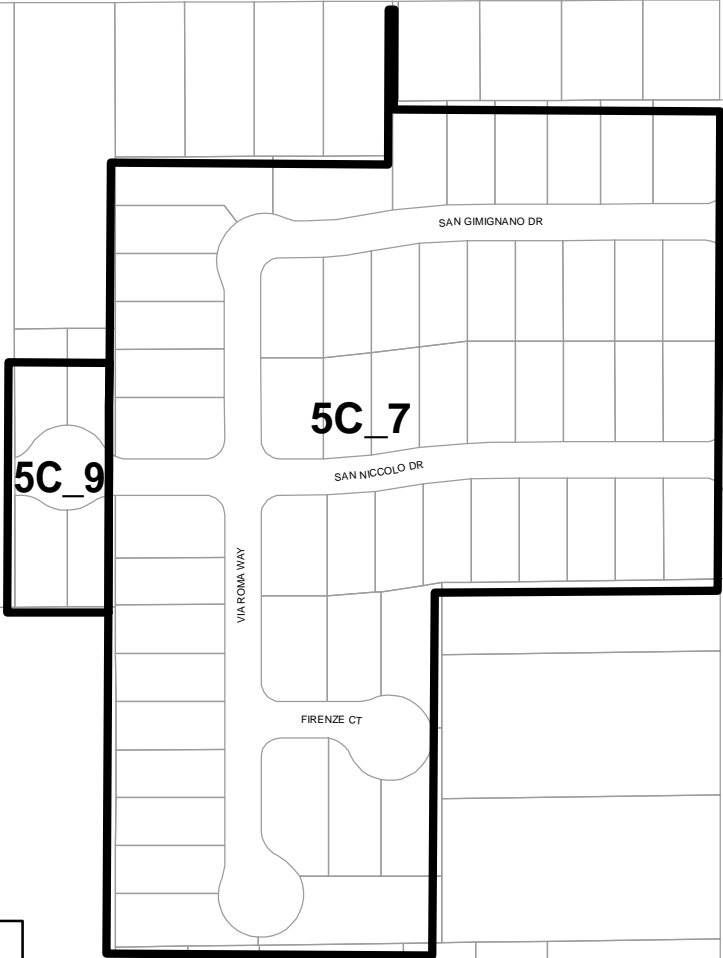


Legend

-  Maintenance Districts
-  City Limits



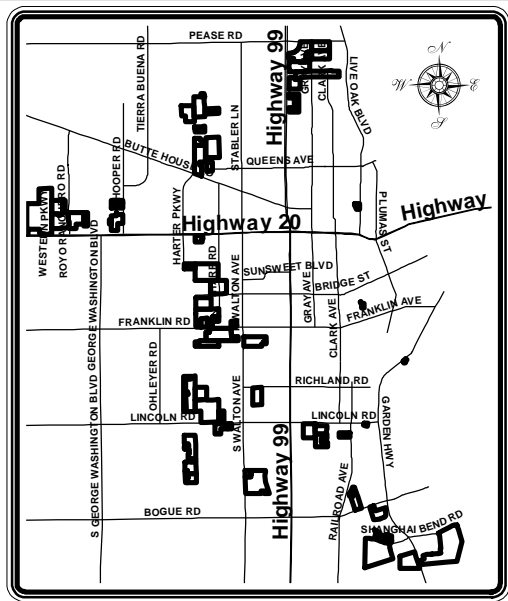
MONROE RD



HOOPER RD

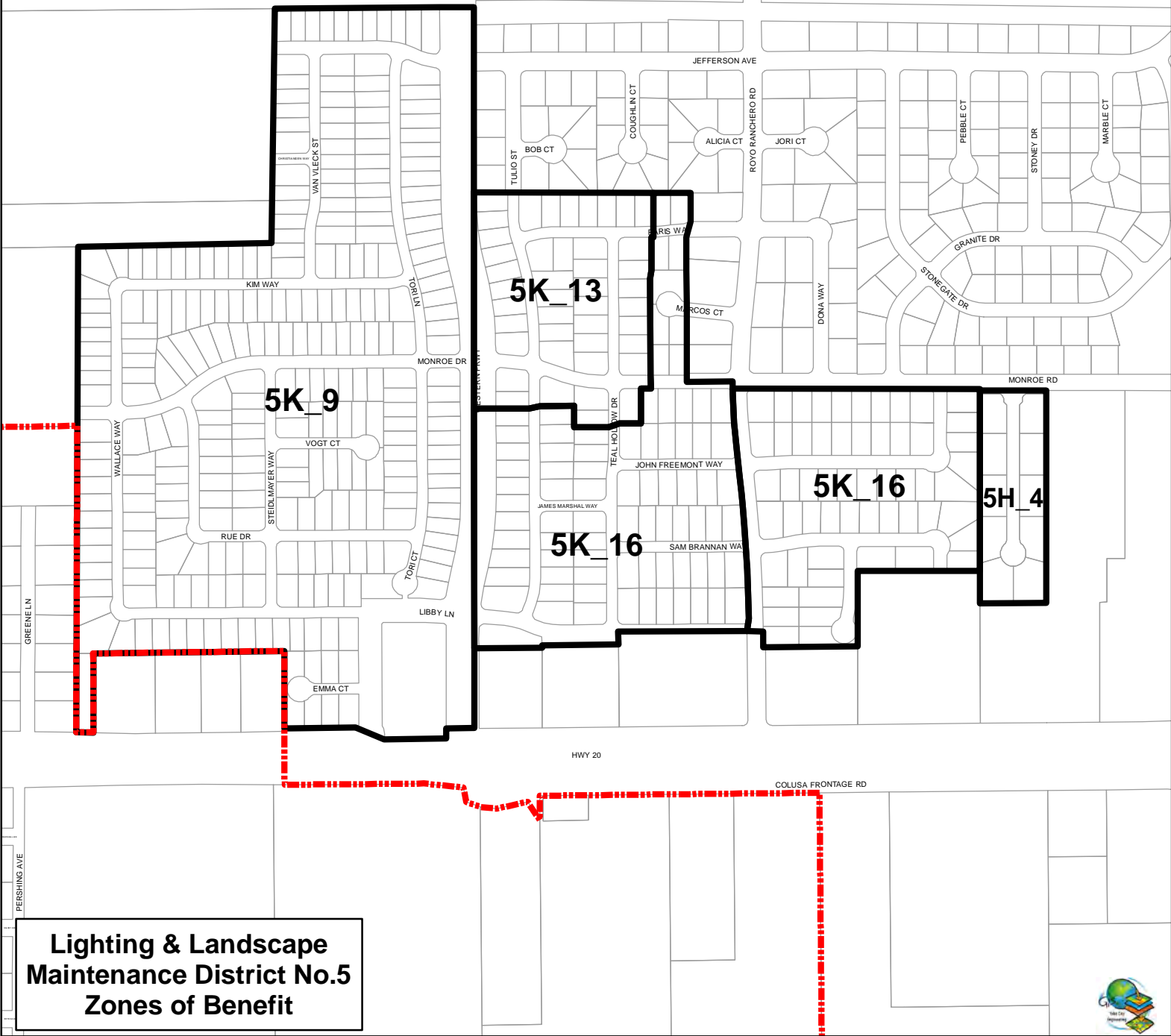
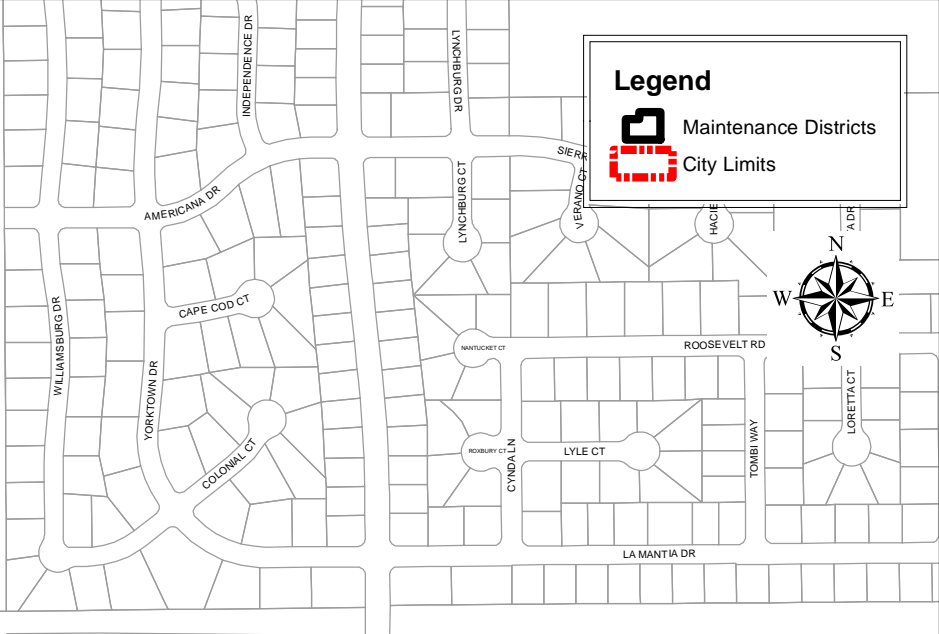
**Lighting & Landscape
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Zones of Benefit**





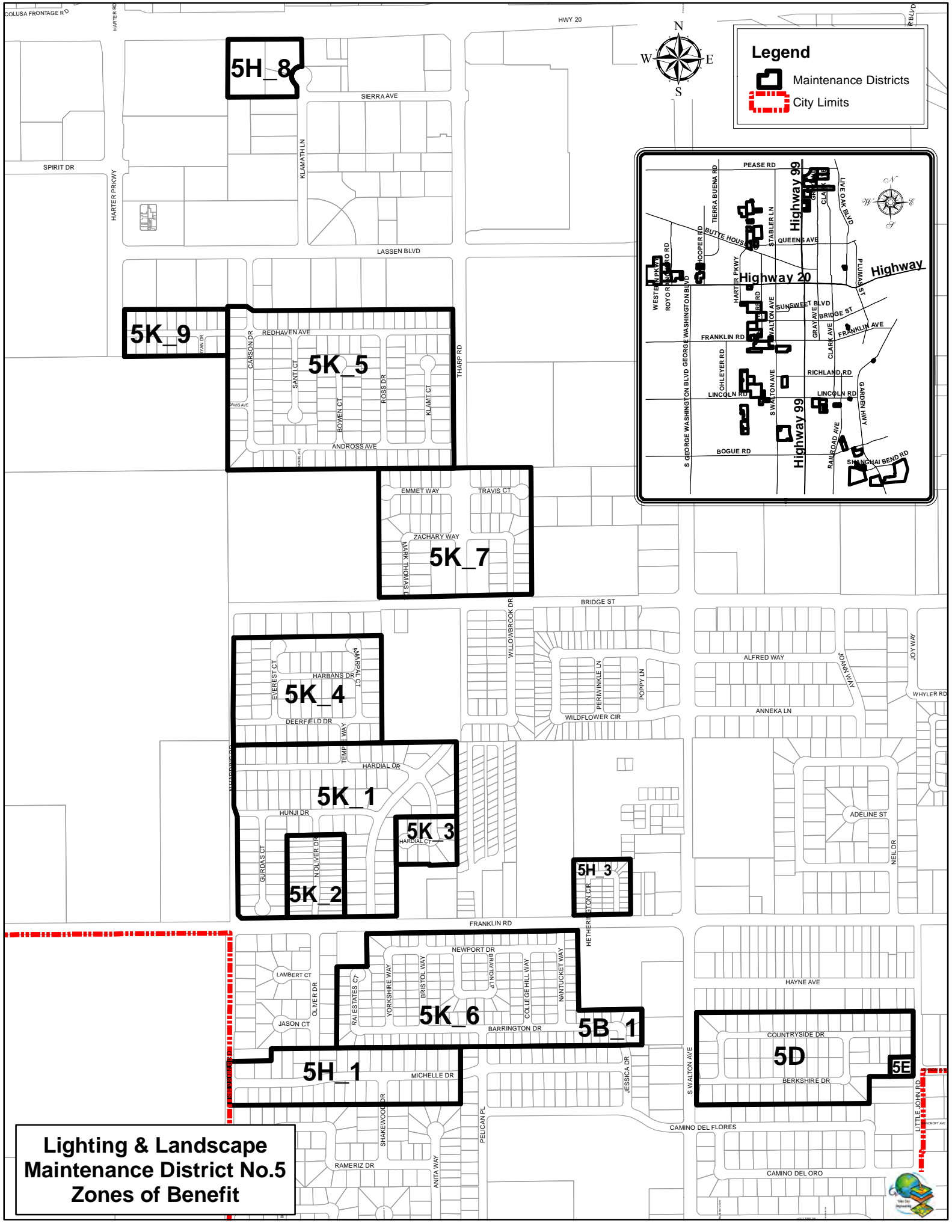
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- Maintenance Districts
- City Limits



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





5H_8

5K_9

5K_5

5K_7

5K_4

5K_1

5K_2

5K_3

5H_3

5K_6

5B_1

5H_1

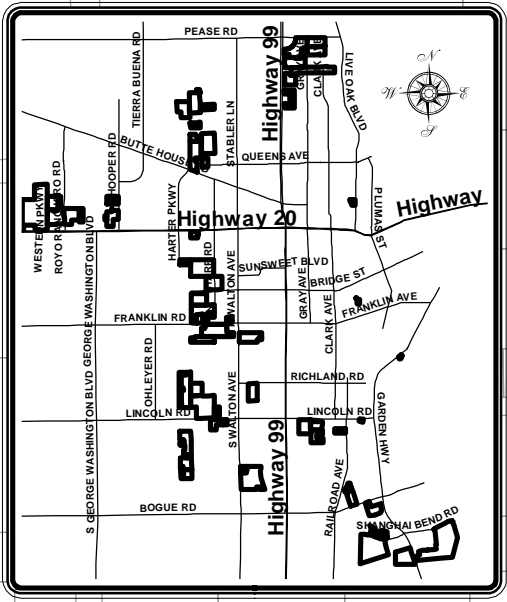
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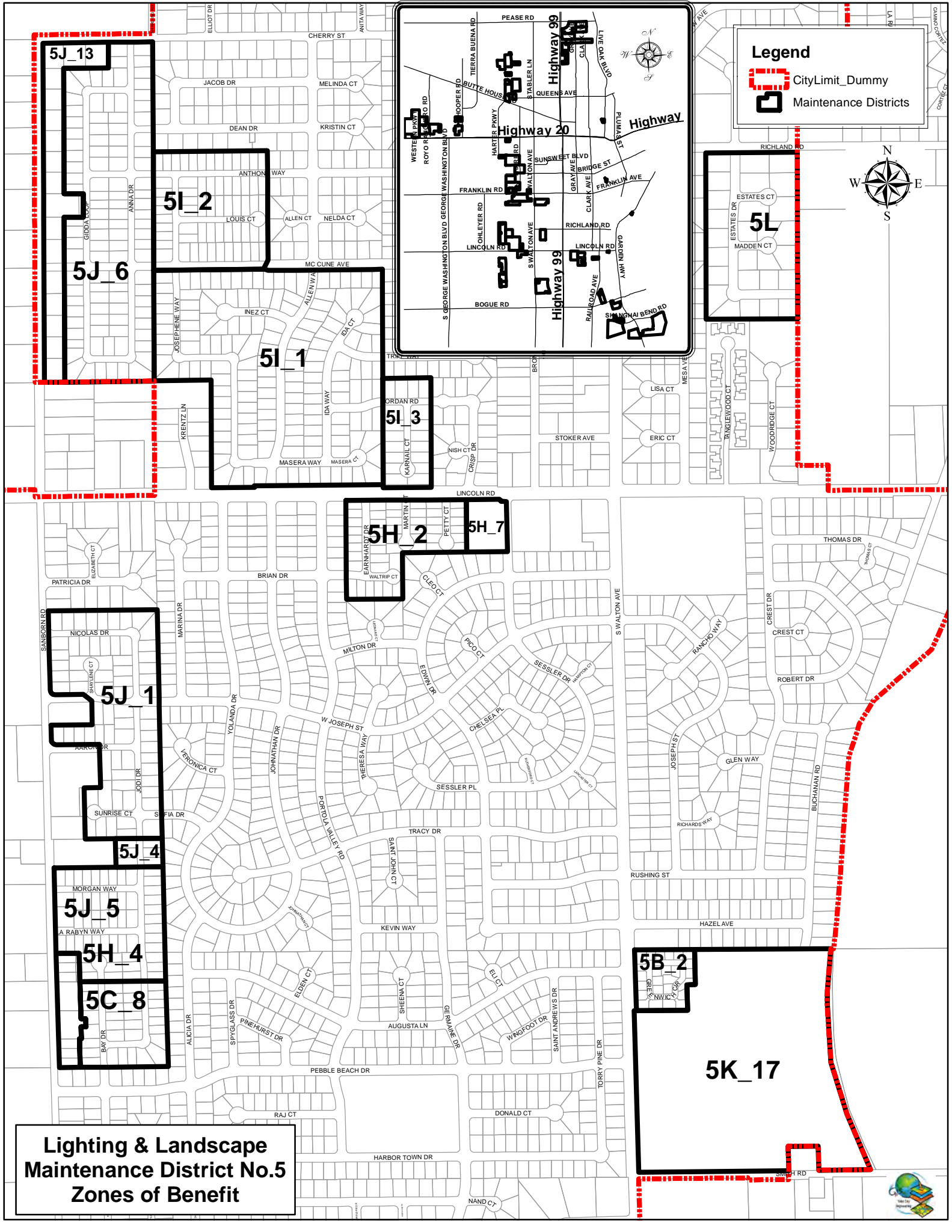
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**Lighting & Landscape
Maintenance District No.5
Zones of Benefit**

Legend

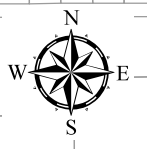
- Maintenance Districts
- City Limits





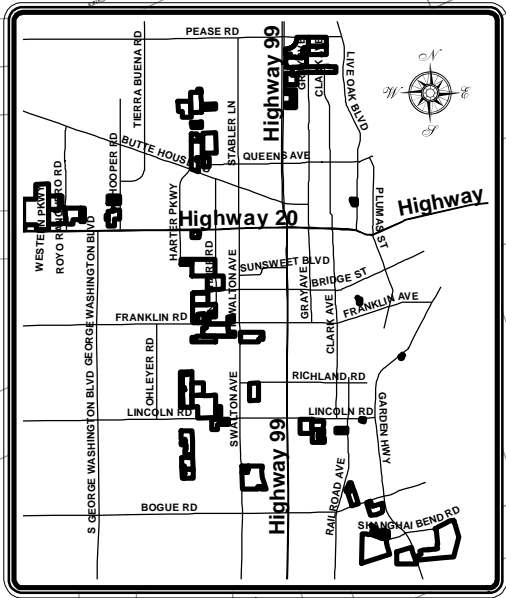
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- CityLimit_Dummy
- Maintenance Districts



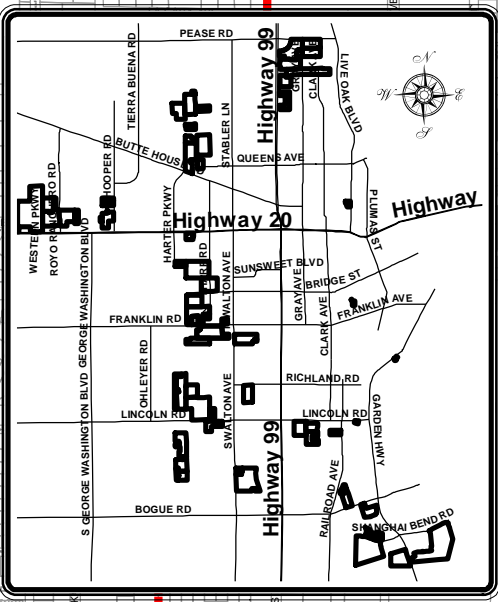
**Lighting & Landscape
Maintenance District No.5
Zones of Benefit**





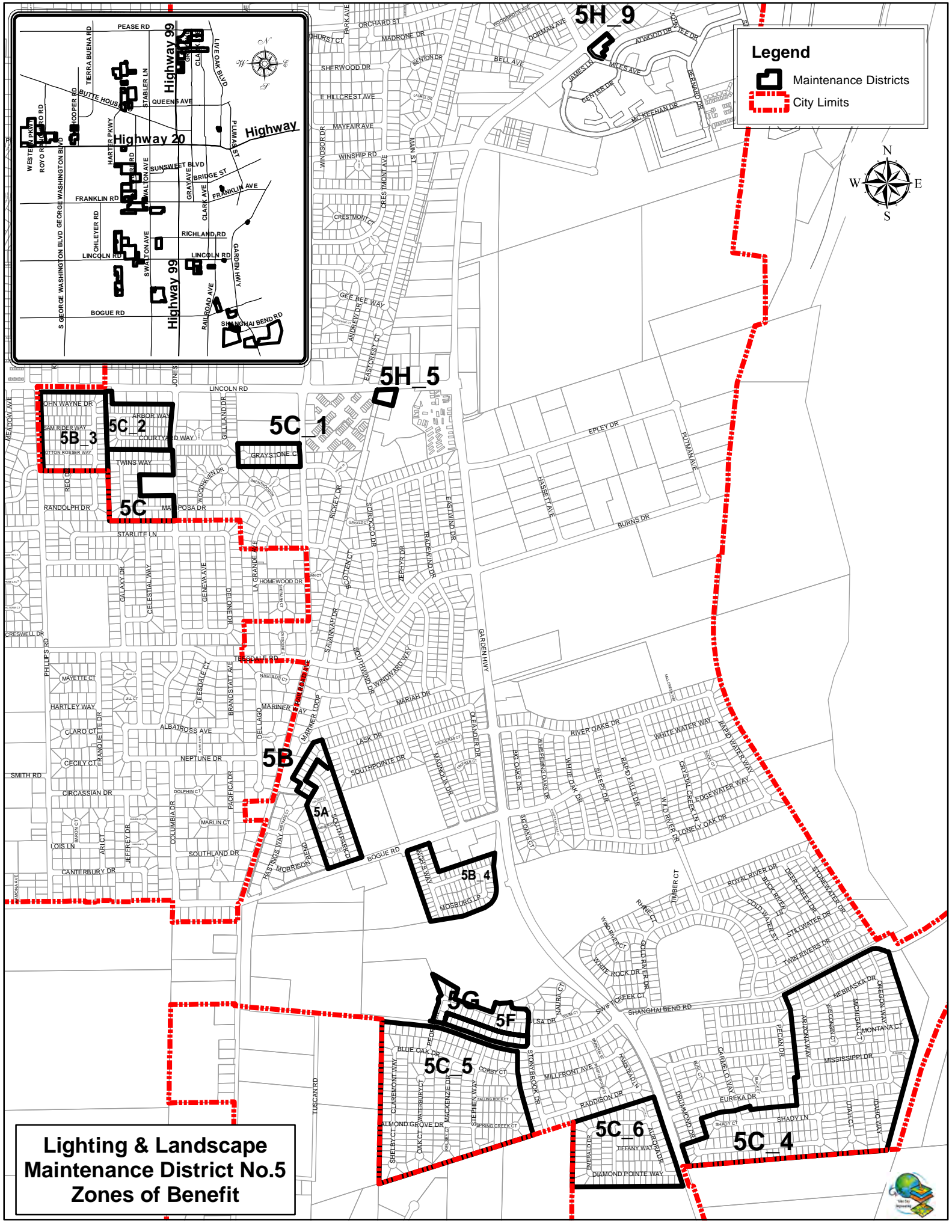
**Lighting & Landscape
Maintenance District No.5
Zones of Benefit**





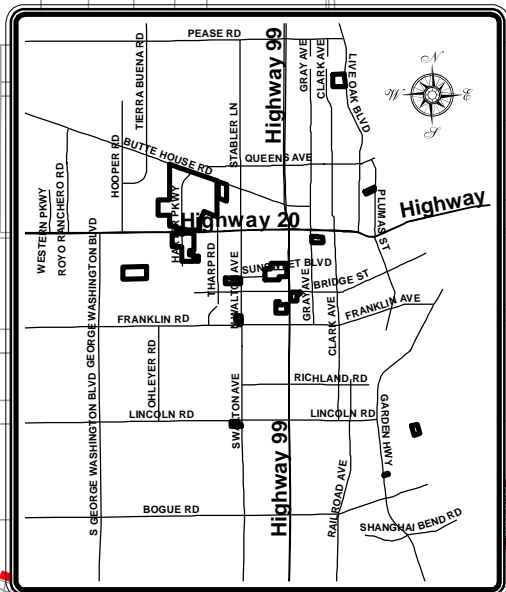
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- Maintenance Districts
- City Limits



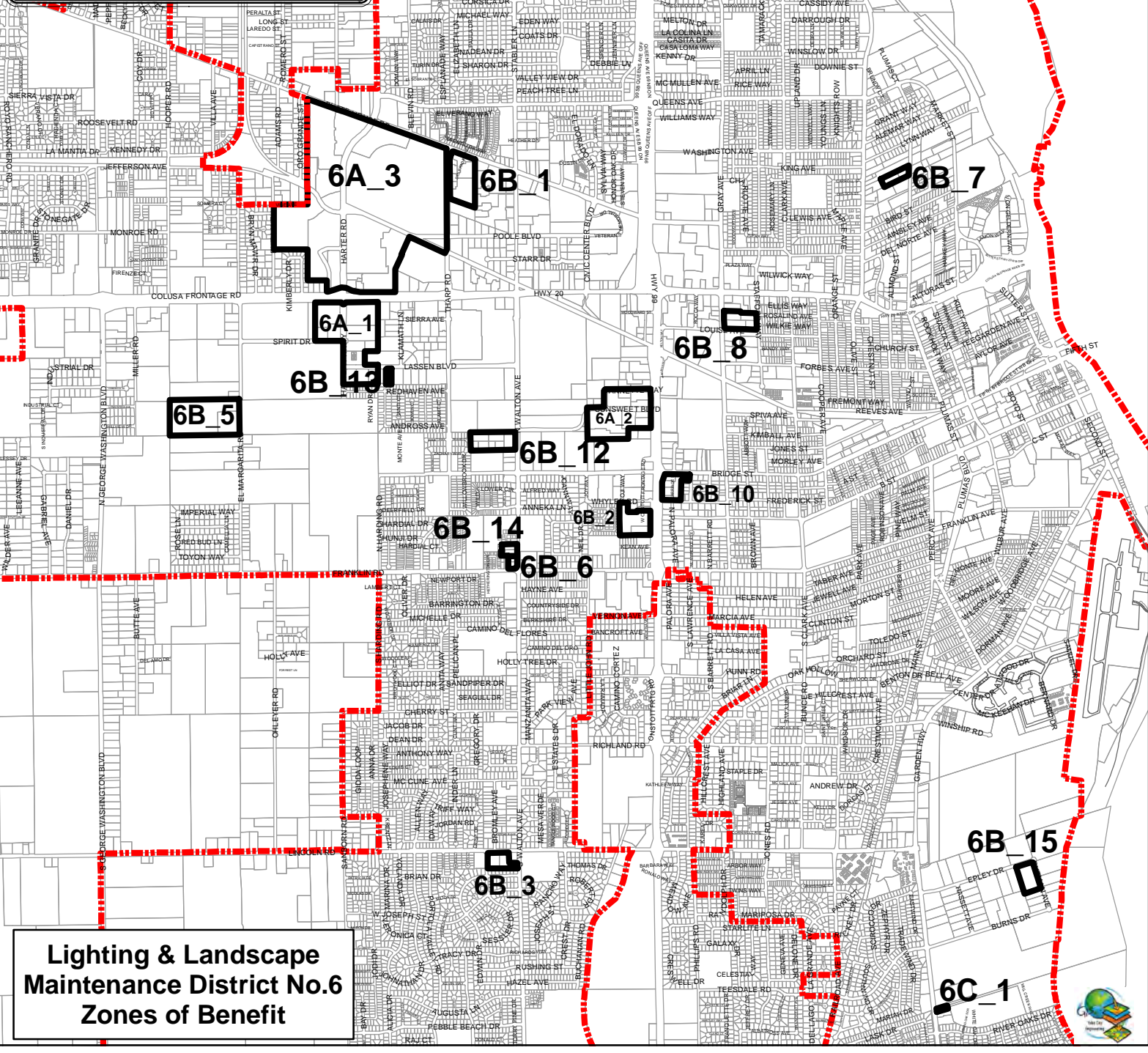
**Lighting & Landscape
Maintenance District No.5
Zones of Benefit**





Legend

- CityLimit_Dummy
- Maintenance Districts



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



ATTACHMENT 2

DISTRICT 2-6 PROPOSED ASSESSMENTS

District	Zone of Benefit	FY 2022-23 Proposed Levy Rate (\$)	Change From Previous Year (\$)	Maximum Levy Rate Allowed (\$)
2	A	\$597.86	(\$4.62)	\$647.54
3	A	\$121.16	\$3.52	\$184.13
4	A	\$265.06	\$0	\$482.12
	B	\$265.06	\$0	\$652.92
	C	\$265.06	\$0	\$396.17
	D	\$265.06	\$0	\$354.95
5	A	\$156.26	(\$48.56)	\$234.92
	B	\$76.28	\$2.92	\$78.86
	C_1-9	\$170.26	\$40.02	\$170.26
	C_10	\$110.28	\$7.66	\$110.29
	D	\$159.52	\$38.56	\$233.80
	E	\$96.56	\$6.72	\$96.56
	F	\$129.02	\$11.62	\$189.97
	G	\$59.38	\$4.12	\$59.39
	H_1-8	\$38.16	\$2.66	\$38.16
	H_9	\$84.22	\$5.87	\$84.22
	I	\$80.02	\$5.56	\$80.03
	J	\$154.52	\$37.36	\$214.42
	K 1-17	\$240.16	\$11.44	\$303.37
	K_18	\$250.82	\$22.10	\$400.28
L	\$141.40	\$9.84	\$141.40	
6	A_1	\$305.15	\$0.89	\$327.02
	A_2	\$305.15	\$0.89	\$327.02
	A_3	\$305.15	\$0.89	\$327.02
	B_1	\$525.80	\$36.57	\$525.81
	B_2	\$483.12	\$33.62	\$483.13

District	Zone of Benefit	FY 2021-22 Proposed Levy Rate (\$)	Change From Previous Year (\$)	Maximum Levy Rate Allowed (\$)
6	B_3	\$332.36	\$23.12	\$332.36
	B_4	\$1,754.12	\$122.08	\$1,754.12
	B_5	\$0.00	\$0.00	\$501.18
	B_6	\$96.64	\$6.74	\$96.94
	B_7	\$96.64	\$6.74	\$96.64
	B_8	\$220.96	\$15.38	\$220.96
	B_9	\$437.44	\$30.44	\$437.45
	B_10	\$144.64	\$10.08	\$144.64
	B_12	\$166.70	\$11.60	\$166.70
	B_13	\$151.38	\$10.54	\$151.39
	B_14	\$171.04	\$11.89	\$171.04
	B_15	\$57.00	\$3.96	\$57.01
	C_1	\$535.66	\$37.26	\$535.67