

SUBJECT: Consideration of actions pertaining to the City’s Landscape and Lighting Assessment Districts, including Landscape and Lighting Assessment Districts No. 19-3 and No. 21-1, and the Citywide Park Maintenance District No. 98-1 for Fiscal Year 2024/25.

DEPARTMENT: Parks and Recreation

STAFF: Bruce Mulder, Director of Parks and Recreation
Aaron Wanden, Park Maintenance Manager

TITLE/RECOMMENDATION

Adopt a Resolution declaring the intention to order improvements for the Landscape & Lighting Assessment Districts, Landscape and Lighting District No. 19-3, Landscape and Lighting Assessment District No. 21-1 (collectively, the “LLADs”), and the Citywide Park Maintenance District No. 98-1 for Fiscal Year 2024/25; declaring the intention to levy and collect assessments; and setting the date of May 28, 2024, at 7:00 p.m. or at such time thereafter that the matter can be heard for the public hearing in accordance with the provisions of the Streets and Highways Code “Landscaping and Lighting Act of 1972” and California Proposition No. 218.

FISCAL IMPACT

The draft Fiscal Year 2024/25 Operating Budget includes a \$2.15 million City contribution towards the operation, maintenance, and replacement of public improvements associated with the City’s LLADs and Citywide Park Maintenance District. Furthermore, it is anticipated that the City will collect approximately \$10.8 million from 65 LLADs, \$148,830 from LLAD No. 19-3, \$99,071 from LLAD No. 21-1, and \$3.8 million from the Citywide Park Maintenance District No. 98-1.

In addition, to ensure the Landscape and Lighting Assessment Districts are self-supporting, each existing district has had an administrative cost factored into the assessment rate during formation, to cover creation of annual Engineer’s Reports and levying of assessments.

BACKGROUND

The Landscaping and Lighting Act of 1972 (the “1972 Act”) and Proposition 218 require that parcels within an assessment district only be assessed for the special

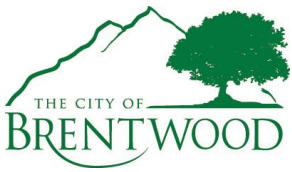


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benefits conferred on property from public improvements. Proposition 218 further requires that the City identify the benefits to each property, and then separate and quantify the special benefits from the general benefits to the public at large. Any costs associated with general benefits and benefit to property not within an assessment district must be funded by the City. Due to this requirement, the City conducted a benefit analysis of various improvement types to determine which properties benefit from each improvement and the City's share of cost. In addition to continuing to fund operations and maintenance associated with the Brentwood Family Aquatic Center, the City anticipates contributing \$2.15 million in Fiscal Year 2024/25 in order to fulfill the City's benefit requirement for Fiscal Year 2024/25. This contribution amount is consistent with the amount contributed by the City in prior years to pay for the operation, maintenance, and replacement of public improvements associated with the LLADs and Citywide Park Maintenance District.

Additionally, each year the 1972 Act requires an annual review and an updated Engineer's Report be prepared to set assessment rates each fiscal year. In addition, any new assessment districts, or any annexation of additional property into existing assessment districts also requires an Engineer's Report to be generated. The annual Engineer's Report for Landscape and Lighting Assessment District No. 19-3 is prepared under separate cover from the Consolidated Engineer's Report for the Landscape and Lighting Assessment Districts due to the inclusion of multiple benefit zones within the assessment district. The annual Engineer's Report for Landscape and Lighting Assessment District No. 21-1 is prepared under separate cover from the Consolidated Engineer's Report for the Landscape and Lighting Assessment Districts due to the assessment being comprised of the following two components: 1) the Construction Component which provides funding for the construction of the new landscape improvements and will be assessed to property within LLAD No. 21-1 over a period of 10 years in equal annual installments with no interest, which commenced in Fiscal Year 2022-23 and ends after Fiscal Year 2031-32; and 2) the Maintenance Component which provides funding for the ongoing operation, maintenance, servicing, and replacement of the new landscape improvements, which commenced in Fiscal Year 2022-23 and will be assessed annually based on the maintenance budget each subsequent year.

The Preliminary Engineer's Reports contains 1) plans and specifications for the improvements, 2) estimate of the costs of the improvements, 3) diagram of the assessment districts, 4) description of the method of apportionment of the costs of the improvements to the benefiting parcels, and 5) property list and assessment roll.



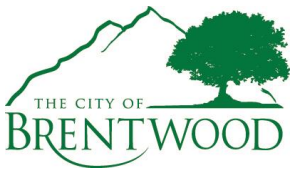
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The Fiscal Year 2024/25 assessments in the Consolidated Preliminary Engineer's Report for the Landscape & Lighting Assessment Districts, the Landscape and Lighting Assessment District No. 19-3 Preliminary Engineer's Report, the Landscape and Lighting Assessment District No. 21-1 Preliminary Engineer's Report, and the Citywide Park Maintenance District No. 98-1 Preliminary Engineer's Report will be assessed on the Fiscal Year 2024/25 tax roll and are calculated by considering all anticipated expenditures for maintenance, utilities, and administration. The assessment rates may or may not change from fiscal year to fiscal year, dependent upon maintenance to be performed, but cannot exceed the maximum amount set when the districts were originally formed, plus an annual cost of living adjustment.

The cost-of-living adjustment for Fiscal Year 2024/25 is the Consumer Price Index for all Urban Wage Earners and Clerical Workers in the San Francisco Bay Area from December 2022 to December 2023, which was 2.80%. This is applied to the maximum assessments in LLADs 94-1E, 94-1EC, 99-5, and 02-2 through 19-2, 21-2, 21-3, 23-1, Landscape & Lighting Assessment District No. 19-3, the maintenance component of Landscape & Lighting Assessment District No. 21-1, and the Citywide Park Maintenance District No. 98-1. LLADs 94-1N, 94-1S, 95-2 through 99-4, and 99-6 through 01-1 have a maximum cost of living increase of 2% each fiscal year. Twenty-two of the 67 LLADs and the Citywide Park Maintenance District No. 98-1 will be assessed at their Fiscal Year 2024/25 maximum authorized assessment rates.

As a part of the process, the Landscaping and Lighting Act of 1972 requires that an Engineer's Report must be filed, and a Public Hearing be held.

As noted in the Engineer's Reports, the affected LLADs and Park District are as follows: No. 94-1 (Brentwood Country Club); No. 95-2 (Hawthorne Landing); No. 95-3 (Pheasant Run); No. 95-4 (Diablo Estates); No. 95-5 (California Spirit and Glory); No. 95-6 (Gerry Ranch); No. 95-7 (SPA D); No. 95-8 (Garin Ranch); No. 97-1 (Brentwood Lakes); No. 97-2 (Marsh Creek Apartments); No. 97-3 (Brentwood Park Apartments); No. 98-3 (Solana); No. 98-4 (Birchwood Estates); No. 98-5 (Arroyo Seco); No. 99-3 (SPA 'L'); No. 99-4 (California Grove); No. 99-5 (Deer Ridge Country Club); No. 99-6 (Trailside); No. 99-7 (Termo); No. 99-8 (Gerry Property); No. 99-9 (Richmond American); No. 00-2 (Lyon Woodfield); No. 00-3 (California Orchard); No. 00-4 (Brentwood Park); No. 01-1 (Laird Project); No. 02-2 (Oakstreet); No. 02-3 (Apricot Way); No. 02-4 (Braddock & Logan); No. 02-5 (Sand Creek & Brentwood Blvd.); No. 02-6 (Balfour & John Muir); No. 02-7 (San Jose & Sand Creek); No. 02-8 (Lone Tree); No. 02-9 (Balfour Plaza); No. 02-10 (Lone Tree Center); No. 02-11 (Lone Tree Plaza); No. 02-12 (Sunset Industrial); No. 02-13 (Stonehaven); No. 03-2 (Meritage Lone Tree); No. 03-3 (Brookdale Court); No. 03-4 (Tri City Plaza); No.



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03-5 (West Summerset); No. 03-6 (Arbor Village); No. 03-7 (Garin Ranch Commercial); No. 03-8 (Blackhawk Commercial); No. 04-2 (Balfour-Griffith Commercial); No. 05-2 (South Brentwood Blvd. Commercial), No. 06-2 (Palmilla); No. 06-3 (Vineyards); No. 06-4 (Villa Amador); No. 06-5 (Barrington); No. 11-1 (North Brentwood Boulevard); No. 14-1 (Mission Grove); No. 14-2 (Ferro-Ronconi); No. 15-1 (Bella Fiore); No. 15-2 (Renaissance Estates); No. 16-1 (Bond Lane); No. 16-2 (Sellers); No. 17-1 (Sparrow); No. 17-2 (Catching's Ranch); No. 17-3 (Cornerstone Fellowship); No. 19-1 (Terrene); No. 19-2 (Alvernaz), No. 21-2 (Orchard Trails), No. 21-3 (Bennett Estates), No. 23-1 (Orchard Grove), No. 19-3 (Citywide and Local Maintenance Services), No. 21-1 (Deer Ridge Landscape Improvements), and the Citywide Park Maintenance District No. 98-1.

CITY COUNCIL STRATEGIC INITIATIVE

Not Applicable.

PREVIOUS ACTION

Previous Action by the City Council is included on Attachment 1.

DATE OF NOTICE

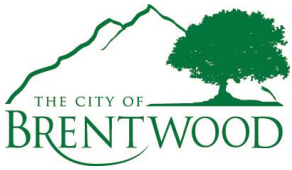
Not Applicable.

ENVIRONMENTAL DETERMINATION

The City's action is categorically exempt from the California Environmental Quality Act (CEQA). The action consists of initiation of proceedings for the levying of annual assessments for landscape, lighting, and park maintenance purposes and is within certain classes of projects that have been determined not to have a significant effect on the environment in that it meets the criteria set forth in sections 15273 (Rates, Tolls, Fares, and Charges), 15301(c) (Existing Facilities), and 15306 (Information Collection) of the State CEQA Guidelines.

ALTERNATIVE OPTION(S)

Not approving these actions will result in the inability to file the Engineer's Reports for Fiscal Year 2024/25, which is required by the Landscaping and Lighting Act of 1972. This act requires that an annual review and updated Engineer's Report be



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generated for any new assessment districts or any annexations into existing assessment districts.

ATTACHMENT(S)

1. Previous Action
2. Resolution
3. Preliminary Engineer's Report LLADs
4. Preliminary Engineer's Report LLAD No. 19-3 (Citywide & Local Maintenance Services)
5. Preliminary Engineer's Report LLAD No. 21-1 (Deer Ridge Landscape Improvements)
6. Preliminary Engineer's Report Citywide Park Maintenance District No. 98-1