



Date: November 8, 2022

Honorable Mayor and Council Members:

Author and title: Jessica Thompson, Senior Engineer

Title: West River Street Landscaping and Lighting Assessment District No. 1 Public Hearing,
Property Ballot Tabulation, and Resolution 2022-68

Approved By: _____ Jen Callaway, Town Manager

Recommended Action: Council to conduct a public hearing to accept comments on the formation on the West River Landscaping and Lighting Assessment District No.1, tally assessment district ballots, and adopt Resolution 2022-68 forming, confirming boundary map and assessment, and ordering maintenance and operations of the afore mentioned assessment district.

Discussion: The establishment of West River Landscaping and Lighting Assessment District (LLD) No. 1 was found to be the preferable legal mechanism to form a maintenance district in the West River Street corridor. On September 13, 2022, the Town Council adopted:

- Resolution Initiating Proceedings (2022-55) to authorize initiation of proceedings for the formation of the district and directs the engineer to prepare the Final Engineer's Report outlining the proposed assessments; and
- Resolution of Intention (2022-56) to levy assessment within Fiscal Year 2023/24, pursuant to Section 54954.6 of the Government Code and Section 22587 of Article 1, Part 2 of Division 15 of the Streets and Highways Code of the State of California.

The Town Clerk mailed ballot packets to each of the assessed property owners within the West River LLD No. 1 boundary on September 13, 2022. The ballot packet included assessment district information, instructions, voting ballot, and return envelope to be reviewed, filled out, and returned to the Town Clerk before the public hearing on November 8, 2022.

At the public hearing, Council will accept comment from the property owners and possessory interest holders that are eligible to vote. If there is a protest by property owners' votes comprising a majority of the aggregate proposed financial obligation with the assessment district, then the assessment district will be abandoned and the Council will need to determine direction of the West River Streetscape project. If there is not a majority protest of the formation of the assessment district, then the proposed Resolution 2022-68 may be adopted in order to: establish boundaries; authorize the levy of special tax; and approve the facilities and services to be provided.

The resolution under consideration is Resolution 2022-68 which forms, confirms boundary map and assessment, and orders maintenance and operations of the West River Landscaping and Lighting Assessment District No. 1 (included as **Attachment A**). Resolution 2022-68 includes the final Landscaping and Lighting Assessment District Engineer's Report. The Engineer's Report includes a description of the services that will be provided by the special tax collected, the boundary map that will be recorded, a cost estimate for the services provided annually, and the list of special taxed parcels and amounts. The proposed West River Landscaping and Lighting Assessment District No. 1 is in compliance

with Section 22585 of the Streets and Highways Code of the State of California pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of the State of California.

The maintenance assessment district schedule is below:

- September 13, 2022 – **COMPLETE** Council approves the Resolution Initiating Proceedings and the Resolution of Intention.
- September 15, 2022 – **COMPLETE** Town Clerk mails notice and ballots to property owner of record.
- November 8, 2022 – Clerk tabulates ballots at a public hearing conducted at a regularly scheduled Town Council meeting and (if the maintenance assessment district passes) Council approves Resolution of Formation.
- November 9, 2022 – Clerk files with County the Notice of Assessment (if the maintenance assessment district passes).

Priority:

<input type="checkbox"/>	Enhanced Communication	<input checked="" type="checkbox"/>	Climate and Greenhouse Gas Reduction	<input type="checkbox"/>	Housing
<input checked="" type="checkbox"/>	Infrastructure Investment	<input type="checkbox"/>	Emergency and Wildfire Preparedness	<input checked="" type="checkbox"/>	Core Service

Fiscal Impact: The Town's current plan is to invest a large amount of public funding (est. \$15,000,000) to construct multi-phased improvements on and around West River Street. The West River Streetscape project is estimated to increase the Town's Road and sidewalk maintenance expenses by an estimated \$90,300 per year, which includes maintenance of the sidewalks, landscaping, snow removal and lighting. Town would provide \$16,393 annually towards the assessment district for maintenance of general benefit areas. In addition, the Town owns one of the properties within the district which contributes \$30,630 of the assessment revenues. If the West River LLD No. 1 passes, the assessments from the district will fund \$73,907 per year in maintenance for the West River LLD No. 1 at buildout. Should the assessment district fail, the Town would have no identified revenue stream to fund dedicated sidewalk maintenance.

Based on the Engineers Report and 34,638 assessable square feet of sidewalk, if passed, property owners would be assessed \$2.607 per sidewalk square foot.

Public Communication: Town staff met with property owners within the West River Streetscape project between September 2018 and through 2022 to describe potential frontage improvements and to make property owners aware of staff's recommendation to create a maintenance district for the improvements. Over the past 4 years, staff has held 4 public workshops on this project as well as met with most property owners individually, communicated with email, phone calls, and letters, and provided opportunities for input into the project.

Staff mailed ballots to each applicable property owner on September 15, 2022 and responded to questions from property owners as they arose. Several property owners reached out to Town Staff with clarifying questions that were responded to as quickly as possible. Staff has received two requests from property owners to reduce the area that they are assessed. At this time, these areas have not been reduced.

1. The property owner of 10199 West River Street (the cottages) requested that the Town pay for the assessment fees for the sidewalk on their frontage along Mill Street. The portion of the sidewalk on the east side of Mill Street is not included in the West River Streetscape Improvement Project construction and the Town is not funding this sidewalk as general benefit. The property encompasses 7 units. The current property owner has not submitted plans for the redevelopment of this property, so the requirement for the sidewalk may change in the future. The property is not

assessed for the maintenance of the sidewalk until the sidewalk is constructed. The property owner may be required to construct the Mill Street portion of the sidewalk as part of a development agreement.

2. The property owner at 10153 West River Street (Garden Folly Building) requested a reduction in the square footage of sidewalk assessment, to only be assessed for a 6-foot-wide sidewalk. The sidewalk in this location bulbs out to accommodate the existing building that encroaches (approximately 4 feet) into the street easement. The sidewalk also includes a bulb-out that provides protection for the on-street parking that the adjacent property owners requested. The property owner does not want to change the design but is instead requesting reduced sidewalk square footage attributed to their assessment. The property is currently assessed at 857 square feet resulting in an annual assessment of \$2,338.48

Attachments:

Attachment A: Resolution Approving formations, confirming boundary map and assessment, and ordering maintenance and operations of Envision DPR Landscaping and Lighting Assessment District No.1 (2022-68)