



# City of Rialto

## Legislation Details (With Text)

**File #:** 18-316 **Version:** 1 **Name:**  
**Type:** Public Hearing **Status:** Agenda Ready  
**File created:** 4/4/2018 **In control:** City Council  
**On agenda:** 4/10/2018 **Final action:**  
**Title:** Request City Council to 1) Set a Public Hearing for April 24, 2018 to Conduct a Property Owner Protest Ballot Proceeding; 2) Adopt Resolution No. 7311 Initiating the Proceedings for the Annexation of Properties to the Rialto Landscaping and Lighting District No. 2 and to Levy and Authorize Collection of Assessments Commencing with Fiscal Year 2018/2019; 3) Adopt Resolution No. 7312 Declaring the Intention to Annex Properties to the Rialto Landscaping and Lighting District No. 2 and 4) Direct Willdan Financial Services, on behalf of the City Clerk, to mail a public notice and official ballot to all affected property owners.

### Sponsors:

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**Attachments:** 1. Attachment 1 - LLMD2 Annexation ER 4-4-18, 2. Attachment 2 - LLD2 Boundary w \_annex highlight North, 3. LLD2 Annex Intent Reso1, 4. LLD2 Annex Intent Reso2, 5. Signed Consent and Waiver Form

Date	Ver.	Action By	Action	Result
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For City Council Meeting [April 10, 2018]

TO: Honorable Mayor and City Council

APPROVAL: Robb Steel, Interim City Administrator

FROM: Robert G. Eisenbeisz, P.E., Public Works Director/City Engineer

Request City Council to **1)** Set a Public Hearing for **April 24, 2018** to Conduct a Property Owner Protest Ballot Proceeding; **2)** Adopt **Resolution No. 7311** Initiating the Proceedings for the Annexation of Properties to the Rialto Landscaping and Lighting District No. 2 and to Levy and Authorize Collection of Assessments Commencing with Fiscal Year 2018/2019; **3)** Adopt **Resolution No. 7312** Declaring the Intention to Annex Properties to the Rialto Landscaping and Lighting District No. 2 and **4)** Direct Willdan Financial Services, on behalf of the City Clerk, to mail a public notice and official ballot to all affected property owners.

### **BACKGROUND:**

The Landscaping and Lighting Act of 1972, (the "Act"), beginning with Section 22500 of the California Streets and Highways Code, authorizes the City Council to establish a special district to pay for the costs to operate and maintain public improvements that benefit private properties. In January 2005, the City Council established Rialto Landscaping and Lighting Maintenance District No. 2 (LLMD 2) to fund costs for the operation of new street lights added to the City's street light system, and to fund costs for the maintenance of exterior parkway and median irrigation and landscaping adjacent to and associated with private land development.

The City established LLMD 2 to annex the public landscaping and lighting related to all new developments within the City. In contrast with LLMD 1, the City may annually adjust the special assessments for inflation, using the Consumer Price Index (CPI). The City conditions that new development annex into LLMD 2 to fund maintenance of exterior landscaped parkways or medians, or new streetlights. Proposition 218 allows the special assessments levied under LLMD 2 to increase commensurate with the CPI without a vote by the payees.

#### **ANALYSIS/DISCUSSION:**

The City approves land development projects with conditions to construct parkway and/or median landscaping, and to install City street lights. Developers must annex into LLMD 2 as a condition of the City's acceptance of any publicly maintained landscaping or street lighting.

The proposed annexation includes the project identified below and in the Engineer's Report included as **Attachment 1**. Additionally, a vicinity map showing past annexations and the proposed annexation has been included as **Attachment 2**:

#### ***Non-Residential Annexations***

**PPD 2017-0066:** This development consists of a 10,486 square foot restaurant (Cracker Barrel) and three multi-unit commercial buildings ranging in size from 4,300 square feet to 4,900 square feet (Pads 1, 3, 4 and 5) located in the Renaissance East Commercial Center. The project site located at the northeast corner of Renaissance Parkway and Ayala Drive is within the Freeway Incubator (FI) zone of the Renaissance Specific Plan. This development is being annexed to the District as part of Zone 2 for Fiscal Year 2018/19 to provide funding for street lighting and landscaping associated with the development.

The City proposes to annex this area into LLMD 2 to fund, in whole or in part, the expenses required to service and maintain the improvements that provide special benefits to those parcels.

The City previously engaged Willdan Financial Services as the City's Assessment Engineer to prepare an Engineer's Report identifying the properties for annexation into LLMD 2, and levying the special assessments against those properties beginning July 1, 2018. In order to establish an appropriate special benefit connection between the improvements, services provided and the benefits to specific properties, the City has established Zones of benefit within LLMD 2. Based on the various improvements, services and the type of property, the Engineer's Report assigns each property to a Zone. The Engineer's Report then allocates to all properties the net annual costs to provide services to each Zone within LLMD 2 using a weighted method to ensure that each property receives a reasonable assessment for the special benefits it receives.

The California Constitution requires a protest ballot proceeding prior to the proposed levy of new assessments as described in the Engineer's Report, with a minimum 45-day notice of a public hearing prior to the City Council's consideration of the annexation. In this case, the City of Rialto and the City of Rialto Successor's Agency are the property owners and waived the 45-day notice period. If the City Council initiates the annexation process, Willdan Financial Services (on behalf of the City Clerk) will mail public notices and official ballots to the property owner of record for the property annexed into LLMD 2. The proposed Resolution declaring the City Council's intention to annex such property into LLMD 2 orders the scheduling of a Public Hearing for April 24, 2018 to consider public testimony on the new special assessments. Once the City Council closes the Public Hearing, the City Clerk will open and tabulate the protest ballots received to determine whether a majority protest

exists.

If a majority protest does not exist, the City Council may approve the Engineer's Report, approve the related assessment diagrams, order the annexation of the various properties, and confirm the assessments as described in the Engineer's Report. If approved by the City Council, the City will add the assessments to the annual LLMD 2 Engineer's Report for Fiscal Year 2018/19, and submit it to the San Bernardino County Auditor/Controller for inclusion on the property tax rolls for each of the affected parcels.

### **ENVIRONMENTAL IMPACT:**

The administrative process to annex properties into a Special District is not a "Project" as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. According to Section 15378(b), a Project does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

### **GENERAL PLAN CONSISTENCY:**

This action is consistent with Guiding Principle 3 in the General Plan:

*Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.*

This action is also consistent with the following goals and policies:

#### **Goal 2-11: Design streetscapes in Rialto to support and enhance the City's image as a desirable place to live, work, shop, and dine.**

Policy 2-11.1: Require the screening of commercial or industrial parking areas, storage yards, stockpiles, and other collections of equipment from the public right-of-way.

Policy 2-11.2: Provide and maintain street trees and parkway landscaping within the public right-of-way for developed properties within Rialto. Require private development to do the same as per City design regulations.

Policy 2-11.4: Incorporate street trees and other landscape treatments along corridors to provide sufficient shade canopy and promote pedestrian comfort.

Policy 2-11.5: Require that projects with perimeter walls (including gated residential communities) provide an interesting streetscape, with pedestrian access to major travel ways.

### **LEGAL REVIEW:**

The City Attorney has reviewed and approved the staff report, resolutions and Engineer's Report.

### **FINANCIAL IMPACT:**

#### **Operating Budget Impact**

Annual fees for the annexation process are included in the current budget for Public Works. The initial Maximum Assessment Rate proposed for the proposed annexation will be as follows or less:

Proposed Property	Type of Development	Initial (FY 18/19) Maximum Assessment
PPD 2017-0066 (Renaissance East)	Non-Residential	\$7,763.74

If the City annexes this area into LLMD 2, beginning July 1, 2018, the City will levy and collect increased special assessments as outlined in the table above for Fiscal Year 2018/2019. These revenues will be budgeted accordingly in fiscal year 2018/2019.

The southern portion of Renaissance Parkway adjacent to the San Bernardino County Flood Control District is not included in this annexation. The assessment amount necessary to maintain landscape in this location is \$6,698.71.

Excluded Property	Type of Development	Initial (FY 18/19) Maximum Assessment
San Bernardino County Flood Control APN 0264-151-94	Non-Residential	\$6,698.71

#### Capital Improvement Budget Impact

This action will not affect the Capital Improvement Budget.

#### Licensing

A Business license application and payment of a Business License tax at the Professional Service rate in the amount of \$0.00 will be paid by the vendor prior to execution of the Professional Service Agreement/Purchase Order/ Construction Contract.

#### **RECOMMENDATIONS:**

Staff recommends that the City Council:

- Set a Public Hearing for Tuesday, April 24, 2018.
- Adopt a Resolution initiating the proceedings for the annexation of properties to the Rialto Landscaping and Lighting District No. 2, and to levy and authorize collection of assessments commencing with Fiscal Year 2018/19.
- Adopt a Resolution declaring the intention to annex properties to the Rialto Landscaping and Lighting District No. 2 and conduct a property owner protest ballot proceeding on the matter of the new assessments related thereto, commencing with Fiscal Year 2018/19.
- Direct Willdan Financial Services, on behalf of the City Clerk, to mail a public notice and official ballot to all affected property owners, in accordance with Section 4 of Article XIID of the California Constitution.