



# Agenda Report

**MEETING DATE:** Tuesday, February 21, 2023

**TO:** City Council

**FROM:** PARKS & COMMUNITY SERVICES DIRECTOR CALUBAQUIB  
PARKS SUPERINTENDENT MEDINA

**SUBJECT:** DIRECTING FILING OF THE 2023-24 ANNUAL ENGINEER'S  
REPORT FOR THE LANDSCAPE & LIGHTING MAINTENANCE  
ASSESSMENT DISTRICTS PK-03-02 BAY BREEZE, PK-03-03  
VISTA MONTAÑA AND PK-94-1 GONZALES STREET ALLEY

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## STATEMENT OF ISSUES:

This resolution is required to direct staff and the Assistant Public Works & Utilities Director, as the Engineer, to prepare the necessary reports, including the program budget and the assessment schedule for each Landscape & Lighting Maintenance Assessment District (LLMAD), for City Council consideration. The Engineer's Report should appear for approval on the March 28, 2023 City Council meeting agenda.

## RECOMMENDED ACTION:

Staff recommends that the City Council:

1. Adopt a resolution directing the Filing of the Annual Engineer's Report for Assessment District PK-03-02 (Bay Breeze),
2. Adopt a resolution directing the Filing of the Annual Engineer's Report for Assessment District PK-03-03 (Vista Montaña), and
3. Adopt a resolution directing the Filing of the Annual Engineer's Report for Assessment District PK-94-1 (Gonzales Street Alley).

## DISCUSSION:

The 1972 Landscaping and Lighting Act requires various resolutions to provide notice to those affected relating to annual assessments levied after the formation of an assessment district. These resolutions directing the filing of the Annual Engineer's Report, pursuant to California Streets and Highways Code section 2262, triggers the development of the 2023/2024 program and budget.

## Bay Breeze

The Bay Breeze Subdivision is located at the southwest corner of Ohlone Parkway and Harkins Slough Road. The improvements include maintenance of landscaping, lighting, street trees, perimeter fencing, a pedestrian path, detention basins and a sewer pump station. The project's developer, Western Pacific Housing, proposed that the operation,

maintenance, repair and replacement of these items be funded through the formation of a LLMAD as provided in the Project's Tentative Map Condition No. 17.

The City accepted the public improvements at the City Council meeting of March 22, 2005, (Resolution No. 60-05 (CM)). City staff now maintains the above-listed improvements.

### **Vista Montaña**

The Vista Montaña subdivision is located off of East Lake Avenue and adjacent to Ann Soldo Elementary School. The Vista Montaña Subdivision LLMAD is comprised of two Zones: A and B. Zone A benefits all parcels within the District which includes, for example, the street lighting installed along Highway 152, the landscape improvements along Highway 152 and the agricultural buffer area. Zone B benefits those parcels within the single-family residential area primarily and includes the maintenance of the "street end caps", the "park strips" and street lighting.

The subdivision's developer, the Clarum Corporation, proposed that the maintenance of these items be funded through a Landscaping and Lighting Assessment District and was required in Tentative Map Condition No. 74.

### **Gonzales Street Alley**

Gonzales Street Alleyway District was established in order to assist the residents bordering the alleyway to cooperatively maintain this parcel that is now owned by the City. The annual cost to maintain the parcel is estimated at \$640 and is spread among 17 parcels. Under Proposition 218, the Gonzales Street Alleyway Assessment District meets the test of "special benefit" and is exempt from any mail ballot process.

### **STRATEGIC PLAN:**

The Assessment District addresses the City Council's Strategic Goal 03-Infrastructure & Environment by working to maintain our built infrastructure and preserve our natural environment through careful planning, preservation and maintenance for current residents and future generations.

### **FINANCIAL IMPACT:**

The preparation of the Engineer's Report will be accomplished by City Staff at no cost to the District. The total assessment to be collected for 2023-24 will be determined upon preparation of the Engineer's Report.

### **ALTERNATIVE ACTION:**

None. This resolution is procedural and does not obligate the City Council to further action.

### **ATTACHMENTS AND/OR REFERENCES (If any):**

None.