

CITY OF FAIRFIELD

RESOLUTION NO. 2023-201

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD APPROVING THE FISCAL YEAR 2023-2024 ENGINEER'S REPORT, CONFIRMING THE FISCAL YEAR 2023-2024 DIAGRAM AND ASSESSMENTS, AND ORDERING THE FISCAL YEAR 2023-2024 IMPROVEMENTS FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 12 – DOWNTOWN BUSINESS DISTRICT

WHEREAS, the fiscal year (FY) 2022-2023 assessment revenue for Landscaping and Lighting Maintenance District No. 12 – Downtown Business District (LLMD No. 12 or District) was insufficient to provide a level of landscape maintenance services comparable to the level of services provided in FY 2021-2022; and

WHEREAS, on August 16, 2022, the council issued a General Fund loan of \$40,000 to LLMD No. 12 to supplement assessment revenue and minimize the disruption of services through FY 2022-2023 while staff conducted a community engagement process and the City conducted a balloting process in accordance with Article XIII D of the California Constitution (Article XIII D), also known as Proposition 218, to propose to property owners the formation of LLMD No. 2023-12 (Downtown Business District), a new maintenance district with higher assessments that would adequately fund the services; and

WHEREAS, the loan was issued at 0% interest with a five-year repayment term, commencing in FY 2023-2024 and concluding at the end of FY 2027-2028; and

WHEREAS, on April 18, 2023, the council initiated formation proceedings, preliminarily approved the engineer's report, and appointed the date for the public hearing for the proposed LLMD No. 2023-12 (Downtown Business District); and

WHEREAS, on June 6, 2023, a public hearing regarding the formation of LLMD No. 2023-12 (Downtown Business District) was held; and

WHEREAS, on June 7, 2023, assessment ballots were tabulated, and the council reconvened to consider the results; and

WHEREAS, based upon the tabulation of the assessment ballots, the council determined that a majority protest, as defined in Section 53753 of the Government Code, was filed by the property owners in the proposed LLMD No. 2023-12 (Downtown Business District); and

WHEREAS, in accordance with Section 22593 of the Streets and Highways Code, the council abandoned formation proceedings; and

WHEREAS, all landscaping and lighting maintenance services in the Downtown Business District community will continue to be funded by assessments levied under the existing LLMD No. 12; and

WHEREAS, by its Resolution No. 91-136, A Continuing Resolution Directing Preparation of Annual Report for Maintenance Assessment Districts, the city council designated an engineer (Engineer) and ordered said Engineer to make and file a report in writing in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code (commencing with Section 22500) (Act), which report is on file in the Office of the City Clerk; and

WHEREAS, pursuant to Resolution No. 91-136, the Engineer prepared a supplement to said report in accordance with the Act for the District for the fiscal year commencing July 1, 2023, and ending June 30, 2024, and said report, as supplemented by the supplemental report, on file in the Office of the City Clerk, shall constitute the engineer's report for FY 2023-2024 (Engineer's Report); and

WHEREAS, the council duly considered the Engineer's Report and found it to be sufficient in every particular, whereupon the council, pursuant to its Resolution No. 2023-175, adopted on June 20, 2023, preliminarily approved the Engineer's Report and declared its intention to levy and collect assessments within the District for FY 2023-2024, and appointed July 18, 2023, at the hour of 6:00 p.m., in the City Council Chamber, Civic Center, 1000 Webster Street, Fairfield, California, as the time and place for a public hearing by this council on the question of the levy and collection of the proposed assessments, notice of which hearing was given as required by law; and

WHEREAS, said hearing was duly and regularly held at the appointed time and place, and all interested persons were given an opportunity to hear and be heard regarding protests and objections to the levy and collection of the proposed assessments against lots or parcels of real property within the District for FY 2023-2024. The council considered all oral and written statements, protests, and communications made or filed by interested persons.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FAIRFIELD HEREBY RESOLVES:

Section 1. Based upon its review of the Engineer's Report, a copy of which has been filed with the city clerk, and other information presented to the council, the council finds and determines (i) that the land within the District will be benefited by the improvements described in the Engineer's Report, including the maintenance and servicing of street lights, and appurtenant facilities located in and along public streets, roadways and rights-of-way and the installation, operation, maintenance and servicing of landscaping within the boundaries of the District, (ii) that the District includes all of the land so benefited, and (iii) that the net amount to be assessed upon the land within the District for FY 2023-2024 in accordance with the Engineer's Report is apportioned by a method and formula that fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements. All oral and written protests and objections are overruled by the council.

Section 2. The council declares that the diagram and assessment in the Engineer's Report are confirmed.

Section 3. The council orders the improvements described in the Engineer's Report to be made.

Section 4. The assessment is in compliance with the provisions of the Act, and the council has complied with all laws pertaining to the levy of an annual assessment pursuant to the Act.

Section 5. The assessment is levied without regard to property valuation.

Section 6. The assessment is levied for the purpose of paying the first of five annual loan repayments of \$8,000 and the costs and expenses of the maintenance and operation of the improvements within the District described in the Engineer's Report, including the maintenance and servicing of street lights, and appurtenant facilities located in and along public streets, roadways and rights-of-way and the installation, operation, maintenance and servicing of landscaping within the boundaries of the District for FY 2023-2024.

Section 7. The adoption of this resolution constitutes the levy of the assessment for the fiscal year commencing July 1, 2023, and ending June 30, 2024. The total FY 2023-2024 assessments for the District are proposed to remain at the amounts levied in FY 2022-2023. The proposed assessments for individual parcels vary by parcel size and are the maximum rates allowable by the district's adopted assessment range established in 1997.

Section 8. The maintenance and servicing of streetlights, and appurtenant facilities located in and along public streets, roadways and rights-of-way and the installation, operation, maintenance and servicing of landscaping within the boundaries of the District shall be performed pursuant to law.

Section 9. The county auditor of the County of Solano shall enter on the county assessment roll opposite each lot or parcel of land the amount of the assessment, and such assessments shall then be collected at the same time and in the same manner as county taxes are collected.

Section 10. The city clerk is authorized and directed to file the diagram and assessment, or a certified copy of the diagram and assessment, with the county auditor of the county of Solano, together with a certified copy of this resolution upon its adoption.

PASSED AND ADOPTED this 18th day of July, 2023, by the following vote:

AYES: COUNCILMEMBERS: MOY / BERTANI / CARR / PAÑDÜRO / TONNESEN / VACCARO / WILLIAMS

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

ABSTAIN: COUNCILMEMBERS: NONE

Carlos M. Mora
MAYOR

ATTEST:
Karen L. Rees
CITY CLERK

CITY OF FAIRFIELD
LANDSCAPING AND LIGHTING
MAINTENANCE DISTRICT NO. 12 – DOWNTOWN BUSINESS DISTRICT
ENGINEER'S REPORT
FISCAL YEAR 2023-2024

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ASSESSMENT

WHEREAS, on June 4, 1991, the City Council of the City of Fairfield, California (Council), pursuant to the provisions of the Landscaping and Lighting Act of 1972, adopted Resolution No. 91-136, A Continuing Resolution Directing Preparation of Annual Reports for Maintenance Assessment Districts; and

WHEREAS, said resolution directed the undersigned to prepare and file a report pursuant to Section 22565 et seq. of said Act.

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the Council, hereby makes the following assessment to cover the portion of the estimated cost of the maintenance of improvements and the costs and expenses incidental thereto for the Landscaping and Lighting Maintenance District No. 12 – Downtown Business District (District).

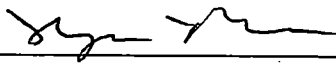
The amount to be paid for the expenses is as shown in section 5 of this report.

Reference is made to the original assessment diagram for the District dated May 1991, which is hereby amended by the assessment roll contained herein.

I do hereby assess the net amount upon all assessable lots or parcels of land within the District by apportioning that amount among the several lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the maintenance of the improvements.

Each lot or parcel of land assessed is described in the assessment list by reference to its parcel number as shown on the assessor's maps of the County of Solano for the fiscal year (FY) 2023-2024 and includes all such parcels excepting those portions thereof within existing public roads or right of way. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the county recorder of said County.

Dated: 6/19/23



Ryan Panganiban
City Engineer/Asst. Director of Public Works
R.C.E. No. 74795
Expires 12/31/23

METHOD OF APPORTIONMENT OF ASSESSMENT

1. Assessable Lots

Lots within the limits of the district, which meet any one of the following criteria shall be assessed:

- a. Lots used for commercial purposes. This includes vacant commercial lots that can be developed for commercial purposes; or
- b. Lots owned by non-profit organizations, churches, or fraternal organizations; or
- c. Residential lots used for commercial purposes if the property owner or tenant possesses a business license and pays Downtown Improvement District (DID) fees.

2. Lots Not to be Assessed

Single-family and multi-family residential lots (whether they are primary residences or rental property) provided that both of the following two conditions are met:

- a. The property owner or tenants do not possess business licenses tied to the property; and
- b. The property owner or tenants do not pay DID fees for a business run on the property.

3. Assessment for Fronting Lots

- a. Fronting lots shall be considered to be those assessable lots fronting on the improvements on Texas Street between Jefferson Street and Pennsylvania Avenue or on Madison Street between Missouri Street and Empire Street.
- b. Fronting lots shall pay 80% of the total assessment.
- c. The apportionment shall be based on 75% on frontage and 25% on area.
- d. Lots which have frontage on both Madison Street and Texas Street shall receive a frontage credit equal to 25% of their total frontage.
- e. Fronting lots with multi story buildings that serve multiple commercial tenants may pay an assessment surcharge. See the section on multi story buildings.

4. Assessment for Non-Fronting Lots

- a. Non-fronting lots shall be considered to be assessable lots within the limits of the DID which do not front on the improvements on Texas Street between Jefferson Street and Pennsylvania Avenue, or on Madison Street between Empire Street and Missouri Street.
- b. Non-fronting lots shall pay 20% of the total assessment.
- c. The apportionment shall be based strictly on area.

- d. Non-fronting lots with multi story buildings that serve multiple commercial tenants may pay an assessment surcharge. See the section on multi story buildings.

5. Assessment Surcharge for Multi Story Buildings

Assessable fronting and non-fronting lots may pay an assessment surcharge if there is a multi-story building on the lot. The assessment surcharge is 20% of the baseline assessment for each additional floor above the ground floor. This 20% assessment surcharge only applies if all of the following conditions are met:

- a. The lot is assessable; and
- b. The multi-story building serves multiple tenants; and
- c. Tenants not on the ground floor have separate access via a lobby or outside staircase; and
- d. The floor subject to the assessment surcharge is used for commercial purposes.

DESCRIPTION OF AUTHORIZED WORK

The following is a brief description of the services provided and improvements that may be maintained contingent upon available budget and resources:

1. The public right-of-way on Texas Street between Pennsylvania Avenue and Jefferson Street.
2. The public right-of-way on Madison Street between Missouri Street and Empire Street.

MAINTENANCE TO BE PAID FOR BY THE DISTRICT

1. Landscape maintenance within the District including maintenance of all trees, shrubs, vines, and planted pots. Landscape maintenance shall include periodically replanting annual flowers. Lower maintenance shrubs or perennials should be substituted for annuals where and when appropriate.
2. Water for landscape irrigation and for maintenance and cleaning operations.
3. Maintenance and replacement costs for all streetlights within the District including replacement of damaged poles, periodic pole painting, and replacement of luminaries.
4. Electricity charges to power all streetlights within the District.
5. Maintenance related to the repair of landscape accent lights and pergola lights including needed replacement of bulbs.
6. Electricity required for landscape accent lights, pergola lights, irrigation controllers, and maintenance operations.
7. Maintenance of brick sidewalks including replacement of damaged bricks and periodic cleaning of surfaces.
8. Removal of graffiti and periodic cleaning of benches, columns, walls, and raised planters.
9. Maintenance and repair of pergolas.
10. Trash pickup and litter removal.

MAINTENANCE TO BE PAID FOR BY THE CITY'S OPERATIONS

1. Maintenance of all asphalt concrete pavement within the District.
2. Maintenance of concrete pavers located in Texas Street crosswalks, and in the Madison Street parking plaza between Empire Street and Missouri Street, including replacement of damaged materials and periodic cleaning of surfaces.
3. Repair of raised planters at intersection corners.
4. Replacement of structures.
5. The City will maintain all other landscape and lighting improvements not specifically itemized in Section A, "Maintenance To Be Paid For By The Maintenance District," of this section.

SUMMARY STATEMENT OF INFLUENCING FACTORS
FOR MAINTENANCE DISTRICT BUDGET

The total FY 2023-2024 assessments for the District are proposed to remain at the amounts levied in FY 2022-2023. The proposed assessments for individual parcels vary by parcel size and are the maximum rates allowable by the district's adopted assessment range established in 1997.

On August 16, 2022, the Council issued a General Fund loan of \$40,000 to the District to supplement assessment revenue and support services through FY 2022-2023. The loan was issued at 0% interest with a five-year repayment term, commencing in FY 2023-2024 and concluding at the end of FY 2027-2028.

Assessments levied in fiscal year 2023-2024 will be applied to the first of five annual loan repayments of \$8,000.

**LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 12 - DOWNTOWN BUSINESS DISTRICT
 FUND 180
 FY 2023-2024 BUDGET**

TYPE	OBJECT	FY21-22 Actual	FY22-23 Projected	FY23-24 Projected
Revenue	6106 - SPECIAL ASSESSMENTS	\$ 60,702	\$ 62,020	\$ 62,020
Revenue	6401 - INT INC ON POOLED INVESTMENTS	\$ 1,009	\$ 1,100	\$ 260
Revenue	7601 - TRANS IN GENERAL FUND 011	\$ -	\$ 40,000	\$ -
Expense	8101 - SALARIES	\$ (3,749)	\$ (4,710)	\$ (4,993)
Expense	8102 - AS NEEDED LABOR	\$ -	\$ -	\$ -
Expense	8103 - OVERTIME	\$ -	\$ -	\$ -
Expense	8105 - LEAVE TIME	\$ (283)	\$ (862)	\$ (914)
Expense	8209 - SOCIAL SECURITY TAXES	\$ (62)	\$ (82)	\$ (87)
Expense	8210 - DEFERRED COMPENSATION	\$ (385)	\$ (275)	\$ (292)
Expense	8211 - ICMA VANTAGECARE RETIREE HLTH	\$ (25)	\$ (30)	\$ (32)
Expense	8212 - POB ER RATE	\$ (218)	\$ (293)	\$ (311)
Expense	8219 - UNIFORM/EQUIP/BOOT/AUTO	\$ (8)	\$ -	\$ -
Expense	8220 - MEDICAL/DENTAL/VISION	\$ (871)	\$ (1,010)	\$ (1,071)
Expense	8221 - DENTAL AND VISION	\$ (21)	\$ (52)	\$ (55)
Expense	8231 - BUDGETED BENEFITS SAVINGS	\$ -	\$ 261	\$ 277
Expense	8235 - LIFE/DISABILITY INSURANCE	\$ (18)	\$ (18)	\$ (19)
Expense	8238 - SPECIAL COMPENSATION	\$ -	\$ -	\$ -
Expense	8240 - PERS-MISCELLANEOUS-CLASSIC	\$ (101)	\$ (570)	\$ (604)
Expense	8241 - PERS-MISCELLANEOUS-PEPRA	\$ (343)	\$ -	\$ -
Expense	8242 - PERS-MISCELLANEOUS-UNFUND LIAB	\$ (1,107)	\$ (1,284)	\$ (1,361)
Expense	8334 - STREET LIGHTS	\$ (7,433)	\$ (8,487)	\$ (9,000)
Expense	8404 - WEED ABATEMENT	\$ -	\$ -	\$ -
Expense	8405 - LANDSCAPING MAINTENANCE	\$ (50,790)	\$ (62,000)	\$ (20,000)
Expense	8441 - OTHER CONTRACTUAL SERVICES	\$ (3,250)	\$ -	\$ -
Expense	8702 - PG&E-ELECTRICITY	\$ -	\$ -	\$ -
Expense	8704 - WATER SERVICES	\$ (6,808)	\$ (20,000)	\$ (15,000)
Expense	8803 - PRINTING ISF CHGS	\$ -	\$ -	\$ -
Expense	8814 - WC INSURANCE CHARGES	\$ (206)	\$ (102)	\$ (108)
Expense	8830 - VACATION/SICK LEAVE CHARGES	\$ (330)	\$ (447)	\$ (474)
Expense	8836 - COST ALLOCATION	\$ -	\$ -	\$ -
Expense	8911 - OTHER CONSULTING SERVICES	\$ (3,438)	\$ (80,000)	\$ -
Expense	9003 - ADVERTISING	\$ (293)	\$ (301)	\$ (500)
Expense	9028 - OTHER EXPENSES	\$ -	\$ -	\$ (5,000)
Expense	9038 - COUNTY ADMIN EXPENSES	\$ (607)	\$ (625)	\$ (750)
Expense	9101 - TRNS OUT GENERAL FUND 011	\$ -	\$ -	\$ (8,000)
Expense	9502 - PJCT CST-ENGRNG-STUDY/D&SIGN	\$ -	\$ -	\$ -
Expense	9505 - PJCT CST-CONSTRUCTION	\$ -	\$ -	\$ -
Expense	9512 - PJCT CST-REP/MAINT-DISTRICTS	\$ -	\$ (6,000)	\$ -
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Revenue		\$ 61,711	\$ 103,120	\$ 62,280
Expenses		\$ (80,345)	\$ (186,888)	\$ (68,293)
NET SURPLUS/DEFICIT		\$ (18,634)	\$ (83,768)	\$ (6,013)
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Beginning Fund Balance		\$ 135,170	\$ 111,366	\$ 26,098
Mkt Val-Unrealized Gain/Loss		\$ (5,170)	\$ (1,500)	\$ (1,500)
Net Surplus/Deficit		\$ (18,634)	\$ (83,768)	\$ (6,013)
ENDING FUND BALANCE		\$ 111,366	\$ 26,098	\$ 18,586

**LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 12 - DOWNTOWN BUSINESS DISTRICT
 FY 2023-2024 LEVY**

PARCEL COUNT	BOOK	PAGE	PARCEL	LEVY AMOUNT
1	30	171	32	1,700.00
2	30	172	3	575.00
3	30	172	4	1,100.00
4	30	172	5	1,200.00
5	30	172	15	1,000.00
6	30	173	8	255.00
7	30	173	11	150.00
8	30	174	8	1,375.00
9	30	174	12	3,000.00
10	30	175	11	150.00
11	30	175	18	695.00
12	30	176	3	635.00
13	30	176	5	1,430.00
14	30	176	7	555.00
15	30	176	8	555.00
16	30	176	9	100.00
17	30	176	10	125.00
18	30	176	19	50.00
19	30	181	5	120.00
20	30	182	1	1,700.00
21	30	182	5	125.00
22	30	182	6	790.00
23	30	182	7	625.00
24	30	182	8	1,200.00
25	30	182	9	300.00
26	30	182	10	1,075.00
27	30	182	11	800.00
28	30	183	1	415.00
29	30	183	2	150.00
30	30	183	9	150.00
31	30	183	10	150.00
32	30	184	5	300.00
33	30	184	6	325.00
34	30	184	7	595.00
35	30	184	10	310.00
36	30	184	11	310.00
37	30	184	12	310.00
38	30	184	13	595.00
39	30	184	16	100.00

**LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 12 - DOWNTOWN BUSINESS DISTRICT
 FY 2023-2024 LEVY**

PARCEL COUNT	BOOK	PAGE	PARCEL	LEVY AMOUNT
40	30	184	17	320.00
41	30	184	19	600.00
42	30	184	22	115.50
43	30	184	23	234.50
44	30	185	5	150.00
45	30	185	6	145.00
46	30	185	7	80.00
47	30	185	8	80.00
48	30	185	13	300.00
49	30	186	4	1,200.00
50	30	186	5	775.00
51	30	186	6	840.00
52	30	186	8	575.00
53	30	186	11	225.00
54	30	186	12	20.00
55	30	186	13	600.00
56	30	186	14	420.00
57	30	191	9	250.00
58	30	191	15	150.00
59	30	191	16	120.00
60	30	191	17	150.00
61	30	191	18	200.00
62	30	191	19	375.00
63	30	231	4	600.00
64	30	231	5	1,100.00
65	30	231	6	100.00
66	30	231	7	120.00
67	30	231	8	195.00
68	30	231	9	175.00
69	30	231	16	1,625.00
70	30	233	1	1,200.00
71	30	233	5	700.00
72	30	233	6	435.00
73	30	233	7	425.00
74	30	233	10	80.00
75	30	233	12	80.00
76	30	233	13	80.00
77	30	233	14	60.00
78	30	233	15	100.00

**LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 12 - DOWNTOWN BUSINESS DISTRICT
 FY 2023-2024 LEVY**

PARCEL COUNT	BOOK	PAGE	PARCEL	LEVY AMOUNT
79	30	233	16	80.00
80	30	233	20	300.00
81	30	233	21	600.00
82	30	234	1	100.00
83	30	234	5	200.00
84	30	234	13	500.00
85	30	235	1	1,400.00
86	30	235	2	210.00
87	30	235	3	750.00
88	30	235	4	1,950.00
89	30	235	7	1,010.00
90	30	235	12	35.00
91	30	236	24	60.45
92	30	236	25	56.55
93	30	236	26	78.00
94	30	236	14	100.00
95	30	241	1	2,950.00
96	30	241	2	1,185.00
97	30	241	7	200.00
98	30	241	9	420.00
99	30	242	1	150.00
100	30	242	19	100.00
101	30	242	21	150.00
102	30	243	17	200.10
103	30	243	18	234.90
104	30	243	2	400.00
105	30	243	3	320.00
106	30	243	4	320.00
107	30	243	5	330.00
108	30	243	6	600.00
109	30	243	7	600.00
110	30	243	8	600.00
111	30	243	16	125.00
112	30	244	3	150.00
113	30	244	4	150.00
114	30	244	5	150.00
115	30	244	6	150.00
116	30	244	14	75.00
117	30	245	1	600.00

**LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 12 - DOWNTOWN BUSINESS DISTRICT
 FY 2023-2024 LEVY**

PARCEL COUNT	BOOK	PAGE	PARCEL	LEVY AMOUNT
118	30	245	2	1,185.00
119	30	245	3	1,185.00
120	30	245	4	600.00
121	30	245	6	100.00
122	30	245	12	200.00
123	30	245	14	100.00
124	30	245	15	100.00
125	30	246	1	125.00
126	30	246	2	250.00
127	30	246	3	125.00
128	30	246	4	120.00
129	30	246	5	120.00
130	30	246	7	125.00
				62,020.00