



**REQUEST FOR QUALIFICATIONS  
for  
LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT FINANCIAL  
AND ENGINEERING SERVICES**

**Date Released: July 3, 2024**

**Department of Public Works  
Engineering, Landscape Architecture Division  
City of Pleasanton  
P.O. Box 520, 200 Old Bernal Avenue  
Pleasanton, CA 94566**

**Proposals are due prior to 2 p.m., July 24, 2024**

**SOQ MAY BE DISQUALIFIED IF PACKAGE DOES NOT INCLUDE ALL REQUESTED  
DOCUMENTS AND DOES NOT ADHERE TO ALL OF GUIDELINES IN THIS DOCUMENT**

## **Table of Contents**

<b>I. INTRODUCTION .....</b>	<b>3</b>
<b>II. BACKGROUND AND OBJECTIVES .....</b>	<b>3</b>
<b>III. SCOPE OF SERVICES.....</b>	<b>4</b>
<b>IV. CONSULTANT PROCUREMENT SCHEDULE.....</b>	<b>6</b>
<b>V. STATEMENT OF QUALIFICATIONS (SOQ) REQUIREMENTS.....</b>	<b>7</b>
<b>VI. PRE-SUBMITTAL ACTIVITIES.....</b>	<b>10</b>
<b>VII. CONSULTANT SELECTION PROCESS .....</b>	<b>10</b>
<b>VIII. EVALUATION CRITERIA.....</b>	<b>11</b>
<b>IX. SPECIAL CONDITIONS .....</b>	<b>13</b>
<b>X. ATTACHMENTS .....</b>	<b>14</b>

## **I. INTRODUCTION**

The city of Pleasanton (city) is soliciting proposals for financial and engineering services for the city's five (5) Lighting and Landscape Maintenance Districts (LLMDs). The five LLMDs consist of:

- 1984-1 (Ponderosa-Del Prado) – 344 parcels
- 1993-1 (Windsor) – 90 parcels
- 1993-2 (Bonde Ranch) – 103 parcels
- 1994-1 (Oak Tree Farm) – 42 parcels
- 1995-1 (Moller Ranch) – 101 parcels

All LLMDs are currently underfunded as assessments have not been increased since the passage of Proposition 218 in 1996. Each LLMD requires analysis of the special assessments paid by the property owners, the benefit areas, and the maintenance requirements to confirm compliance with Proposition 218 and determine what special assessment fees would be necessary to implement a Proposition 218 compliant and financially sustainable landscape maintenance and replacement program.

This Request for Qualifications (RFQ) describes the Scope of Services, the necessary components of the Statement of Qualifications, the consultant selection process, and a sample copy of the Standard Professional Services Agreement. The 2024/25 Engineer's Report encompassing all of the LLMDs is included as an attachment to this RFQ. Staff is taking a phased approach to the Proposition 218-compliant voting procedure with the Ponderosa-Del Prado and Moller Ranch LLMD work to occur in the first year as part of this scope of work. Additional documents for the LLMDs will be made available after the Consultant has been selected. This RFQ also describes the required format of submitted Statement of Qualifications.

The City intends to enter into an agreement with the most qualified firm to provide consulting, public outreach, document preparation, and presentation services.

This RFQ has been posted on the city of Pleasanton's website at the following location: <http://www.cityofpleasantonca.gov/business/bids.asp>. It shall be the Consultant's responsibility to check the city of Pleasanton's website to obtain any addenda that may be issued.

## **II. BACKGROUND AND OBJECTIVES**

The city of Pleasanton is a full-service municipality serving over 82,000 residents located in the eastern San Francisco Bay Area. Pleasanton is approximately 22.4 square miles in size, has a workforce of approximately 500 full-time employees, and manages five Lighting and Landscape Maintenance Districts.

The Landscaping and Lighting Act of 1972 (the "Act") authorized local agencies to impose an annual assessment on real property benefiting from project-specific improvements in order to pay for the construction and maintenance of landscaping and lighting special improvements that benefit those particular parcels.

Based on the Act, the City approved development plans which included the formation of the five separate city-maintained LLMDs starting with Ponderosa-Del Prado in 1984, Windsor and Bonde Ranch in 1993, Oak Tree Farm in 1994, and Moller Ranch in 1995.

Following the formation of the LLMDs, in November 1996 California voter's approved the passage of Proposition 218, commonly referred to as the "Right to Vote on Taxes Act" which required that the City develop an engineering report which identifies the special benefits that accrue to each individual property subject to an assessment. Further, subject to certain exceptions, it established that the majority of the property owners in the assessment district must vote in favor of any proposed increase in an assessment for it to be implemented. No vote to increase an assessment has occurred since the passage of Proposition 218. Furthermore, none of the LLMD's include an inflation factor so each LLMD is underfunded, some more so than others. The City of Pleasanton is seeking an engineering firm experienced in Proposition 218 procedures and compliance to assist the city in evaluating the five LLMDs for compliance and make recommendations for assessment increases that would meet the requirements of Proposition 218.

### **III. SCOPE OF SERVICES**

#### **Summary:**

This section provides a summary of services envisioned by the City at the outset for successful completion of the general objectives described in this RFQ and in more detail below. The consultant is encouraged to expand, contract, and/or modify these services as they recommend as part of their project approach required by this RFQ.

The scope of work for this project includes a multiple-phased approach to increase the assessments for the city's five LLMDs with the first phase, which is the focus of this RFQ, including the necessary public outreach, analysis, and documentation for a Proposition 218-compliant vote to increase the assessments of the following two LLMDs to a sustainable amount:

- 1984-1 – Ponderosa-Del Prado
- 1995-1 – Moller Ranch

The remaining three (3) LLMDs will be analyzed as part of a future phase and are not included in this scope of work. The city's expectation is that, upon successful completion of the first phase, that the contract will be amended to complete the Proposition 218-compliant vote for the final three (3) LLMDs in the following 2-3 years.

**Deliverables:**

The deliverables listed below are to be provided to the City according to a timeline agreed upon by City and Consultant. Anticipated time for completion: **six (6) months** after Consultant receives Notice to Proceed.

**Consultant Services:**

1. Preparation of an Annual Engineer's Report for Ponderosa-Del Prado and Moller Ranch including Levying of Assessments. The report shall comply with the Landscaping and Lighting Act of 1972, the California Constitution Article XIII, Proposition 218 and any related legislation enacted during the term of an agreement entered into as a result of this RFQ. The CONSULTANT shall:
  - a. Prepare an Annual Engineer's Report that demonstrates compliance with Proposition 218.
  - b. Recommend any changes or strategies to optimize landscape maintenance financing and levies that are commensurate with maintenance objectives.
  - c. Assist in the evaluation and preparation of maintenance budgets required for each LLMD, including projected capital improvement costs.
  - d. Evaluate final maps, title documents, and other agreements related to the formation of the LLMDs and propose any changes necessary.
  - e. Prepare and maintain an updated assessment roll commensurate with the changes to assessments for each Assessor Parcel Number (APN). Roll shall be provided in Excel format.
  - f. Provide research for and resolution to any parcel exceptions and submit corrections to the Alameda County Controller/Auditor.
  - g. Respond to questions from the public and City staff as necessary.
  - h. Preparation of required correspondences including, but not limited to, compliance with Proposition 218, Authorized Signature to Request Changes to the Tax Roll and Correction of Fixed Charges letter, Declaration of mailing of Public Notices.
  - i. Prepare an updated map for each LLMD.
  
2. Recommend parcel annexations, LLMD re-organization, or dissolution in a manner consistent with the Landscaping and Lighting Act of 1972, the California Constitution Article XIII, Proposition 218 and any related legislation enacted during the term of an agreement entered into as a result of this RFQ. The CONSULTANT shall:
  - a. Provide assistance in the preparation of all documents necessary for annexations, re-organization of parcels, or dissolution of the LLMDs. The work shall include a schedule outlining the timetable for the submittal of these documents.
  - b. Analyze the finances of both LLMDs and develop a strategy to optimize the maintenance, preservation, and replacement of the landscape, lighting, and other amenities at a level acceptable to the City and property owners.
  - c. Analyze the LLMDs to ensure compliance with Proposition 218 and verify that each property owner is paying their proportional share of the special benefit received.

3. Assist the city in conducting public outreach regarding the proposed rate increases for the two LLMDs (Ponderosa-Del Prado and Moller Ranch) included in the first phase of work. The public outreach assistance shall include:
  - a. Analysis of both LLMDs with a breakdown of how maintenance and Proposition 218 requirements impact the special assessment paid by the property owners.
  - b. Assist the City in public meeting presentations. Assume attendance at up to two (2) public meetings for each LLMD (4 total). Work to include assistance with powerpoint presentations and preparation of documentation supporting the rate increases. City staff will lead these meetings and do not anticipate the need for a consultant that specializes in Public Relations/Outreach.
4. Assist the City with balloting services. The Consultant shall prepare any supporting documents necessary for balloting purposes consistent with Proposition 218 requirements.
5. Assist the City with the preparation of staff reports and resolutions to City Council.
6. Provide up to two (2) public presentations to the City Council.

**Project Management & Administration for All Tasks:**

**Project Management**

- Clarify tasks and deliverables
- Administer the project
- Ensure conformance with City and State Standards and requirements
- Coordinate with City representatives and other pertinent agencies

**Project Meetings**

- Meet with City Staff at planning stage
- Plan review meetings with the City
- Council meetings

Plan coordination and review meetings will address and resolve issues dealing with the technical aspects of the plan, plan standards and procedures, project schedule, along with deliverable format and content.

**City's Responsibility:**

The City will provide the following information to the successful consultant as needed:

1. GIS data
2. City documents

**IV. CONSULTANT PROCUREMENT SCHEDULE**

The procurement schedule is tentatively scheduled as follows:

Advertise RFQ:

July 3, 2024

Last date of Questions to be submitted:	July 17, 2024
<b>RFQ Due:</b>	<b>July 24, 2024</b>
RFQ review and evaluation:	July/August 2024
Invite for Interviews:	August 2024
Oral interviews:	August 2024
Scope of Work &	
Cost Negotiation with first ranked consultant:	August/September 2024
City Council Award:	September/October 2024
Contract Award and Notice to Proceed:	October 2024

**V. STATEMENT OF QUALIFICATIONS (SOQ) REQUIREMENTS**

**A. Format:**

The Proposal shall be limited to twenty-five (25) single-sided pages (8-1/2 inches X 11 inches), inclusive of resumes, graphics, forms, pictures, photographs, dividers, front and back covers, cover letter, etc. Type size and margins for text pages should be in accordance with accepted standard formats for desktop publishing and processing and should result in no more than 500 words per page.

The SOQ shall contain the following information in the order listed:

**B. Content:**

Cover Letter

The cover letter shall include the following information:

- a. Legal name and address of company
- b. Legal form of company
- c. Signed by an individual or individuals authorized to execute legal documents on behalf of the consultant.
- d. Contain a declaration to the effect that the SOQ, including project team, will remain in effect for a minimum of 90 days after the SOQ submittal deadline.
- e. Name, title, email and phone number for the person to contact concerning the submittal.
- f. All addendums received must be acknowledged in the cover letter.

Executive Summary:

Include a 1 to 2-page overview of the entire Statement of Qualifications describing its most important elements.

Consultant Information, Qualifications & Experience:

The city of Pleasanton will only consider submittals from Consultants that demonstrate they have successfully completed comparable contracts and projects. Listed projects must illustrate the quality, type, and past performance of the Consultant. Submittals shall include a detailed description of a minimum of three (3) projects within the past five (5) years which include the following information:

- a. Contracting agency
- b. Contracting agency Project Manager
- c. Contracting agency contact information
- d. Contract amount
- e. Date of contract
- f. Date of completion
- g. Consultant Project Manager and contact information
- h. Project Objective
- i. Project Description
- j. Project Outcome

Organization:

- a. Describe the roles and organization of your proposed team for this project. Indicate the composition of subcontractors and number of project staff, facilities available and experience of your team as it relates to this project.
- b. Describe your project and management approach. Provide a detailed description of how the team and scope of work will be managed.
- c. Describe the roles of key individuals on the team. Provide resumes and references for all key team members. Resumes shall show relevant experience, for the Project's Scope of Work, as well as the length of employment with the proposing Consultant. Key members, especially the Project Manager, shall have significant demonstrated experience with this type of project, and should be committed to stay with the project for the duration of the project.
- d. Describe the project team's experience working in the industry. The industry may be defined as the City's, other similar local agencies', and the State's policies, practices, design criteria and standards that will be drawn upon to accomplish the project. The Consultant shall describe the involvement it has established for maintaining communication with clients' representatives.
- e. If applicable, indicate how local firms are being utilized to ensure a strong understanding of local laws, ordinances, regulations, policies, requirements and permitting. The City's evaluation of the proposal will consider consultant's entire team. Once proposed, no changes in the team composition will be allowed without prior written approval of the City.
- f. Identify proposed sub-consultants (if any) that will be retained to perform specified items of work listed in the "Scope of Services."

Project Methods:

- a. Provide a general discussion about your workflow. The City would like to see consultant's approach to scoping a project.
- b. Describe project deliverables for each phase of your work.
- c. Describe your cost control and budgeting methodology for this project.

Schedule of Work:



Provide a general discussion about your approach to scheduling a project. Provide an example of a typical schedule that could be expected and the proposing Consultant's services including time for reviews and approvals.

**Fee Schedule:**

The SOQ shall include a fee schedule. The fee schedule shall list hourly rates for each personnel classification, direct expense rates, and markups.

A not-to-exceed contract limit will be negotiated with the selected firm as the final scope of work is developed and refined. In the event that a not-to-exceed limit for the required services cannot be negotiated with the selected consultant, the City reserves the right to discontinue negotiations and begin negotiations with another consultant.

**Professional Services Agreement:**

The City's standard Professional Services Agreement can be found at the link included in Attachment C. The consultant shall include a statement indicating that they have reviewed the agreement and will enter into such agreement if selected. If the consultant takes any exceptions to the agreement, they shall indicate these exceptions in this section.

**Conflict of Interest and Litigation Statements:**

The proposing Consultant shall disclose any financial, business or other relationship with the City that may have an impact upon the outcome of the contract. The Consultant shall also list current clients who may have a financial interest in the outcome of this contract. The proposing Consultant shall disclose any financial interest or relationship with any construction company that might submit bids on City projects. See the Professional Services Agreement for additional information.

Indicate if the proposing Consultant was involved with any litigation in connection with prior projects. If yes, briefly describe the nature of the litigation and the result.

**Exceptions to this Request for Qualifications:**

The Consultant shall certify that it takes no exception(s) to this RFQ including, but not limited to, the sample City's Design Professional Services Agreement, Attachment C.

**C. Submittal:**

1. SOQs shall be submitted in Portable Document Format (PDF) to the email addresses listed in this section. The combined PDF file size should not be greater than 20 MB for email transmission. SOQs submitted by mail or by facsimile are not acceptable and will not be considered.

**2. SOQs must be received no later than 2:00 p.m., on July 24, 2024.**

Submit to the following email addresses:  
[pleasantoncityclerk@cityofpleasantonca.gov](mailto:pleasantoncityclerk@cityofpleasantonca.gov) and  
[mgruber@cityofpleasantonca.gov](mailto:mgruber@cityofpleasantonca.gov)

Email subject line:

**LLMD Financial and Engineering Services – Consultant Name**

3. SOQs and/or modifications to SOQs received after the hour and date specified above will not be considered.
4. Once submitted, SOQs shall not be changed without prior written consent.
5. All SOQs shall be submitted according to the specifications set forth in the RFQ. Failure to adhere to these specifications may be cause for rejection.

**VI. PRE-SUBMITTAL ACTIVITIES**

**All requests for clarification for this RFQ must be made in writing by email by 5 p.m. on July 17.** The City cannot respond to verbal questions submitted by telephone or in person. Answers will be posted on the city's website.

Email address: [mgruber@cityofpleasantonca.gov](mailto:mgruber@cityofpleasantonca.gov)

The City reserves the right to revise the RFQ prior to the indicated due date. City may consider extending the due date for submittal of SOQs due to significant revisions.

**VII. CONSULTANT SELECTION PROCESS**

- A. Consultant Selection Committee will be established for this project. The Committee may be composed of City staff that have expertise or experience in the services described herein. Each member of the committee will evaluate each submitted SOQ.
- B. The Committee will select a short-list of firms qualified for this Project to participate in an oral interview. The evaluation of the SOQs shall be within the sole judgment and discretion of the Committee. Interviews will be held via a video conference.
- C. Based on review of SOQs and oral interviews, the Committee will rank the short-listed consultants. The top-ranked firm will be the Selected Firm.
- D. The City reserves the right to make the final consultant ranking and determine the Selected Firm based solely upon evaluation of SOQs and without short-listing firms or conducting oral interviews, should it find it to be in its interest to do so.

E. The City will enter into contract negotiations with the Selected Firm. The negotiations will develop the final scope of work, contract schedule, and project fee. If the City is unable to reach an acceptable agreement with the Selected Firm, the negotiations will be terminated and negotiations with the next ranked firm will be initiated.

F. After negotiating a proposed agreement that is fair and reasonable, the Director of Public Works will recommend to the City Manager the approval of the agreement. Final authority to approve the agreement rests with the City Manager and requires authorization by the City Council.

**VIII. EVALUATION CRITERIA**

The Evaluation Criteria Summary and their respective weights are as follows:

No.	Written Evaluation Criteria	Weight
1	Qualifications & Experience	25
2	Organization & Approach	15
3	Scope of Services	10
4	Schedule of Work	5
5	Local Presence	10
6	References	10
<b>Subtotal:</b>		<b>75</b>

No.	Interview Evaluation Criteria	Weight
7	Presentation by team	15
8	Q&A Response to panel questions	10
<b>Subtotal:</b>		<b>25</b>
<b>Total:</b>		<b>100</b>

**1. Qualifications & Experience (25 points):**

- a. Relevant experience, specific qualifications, and technical expertise of the firm and sub-consultants to conduct arborist services.

**2. Organization & Approach (15 points):**

- a. Describes familiarity of project and demonstrates understanding of work completed to date and project objectives moving forward
- b. Roles and Organization of Proposed Team
  - i. Proposes adequate and appropriate disciplines of project team.
  - ii. Some or all of team members have previously worked together on similar project(s).

- iii. Overall organization of the team is relevant to City of Pleasanton needs.
- c. Project and Management Approach
  - i. Team is managed by an individual with appropriate experience in similar projects. This person's time is appropriately committed to the project.
  - ii. Team successfully addresses Planning and Programming efforts.
  - iii. Project team and management approach responds to project issues. Team structure provides adequate capability to perform both volume and quality of needed work within project schedule milestones.
- d. Roles of Key Individuals on the Team
  - i. Proposed team members, as demonstrated by enclosed resumes, have relevant experience for their role in the project.
  - ii. Key positions required to execute the project team's responsibilities are appropriately staffed.
- e. Working Relationship with city of Pleasanton
  - i. Team and its leaders have experience working in the public sector and knowledge of public sector procurement process.
  - ii. Team leadership understands the nature of public sector work and its decision-making process.
  - iii. Proposal responds to needs of city of Pleasanton.

**3. Scope of Services (10 points):**

- a. Detailed Scope of Services
  - i. Proposed scope of services is appropriate for all phases of the work.
  - ii. Scope addresses all known project needs and appears achievable in the timeframes set forth in the project schedule.
- b. Project Deliverables
  - i. Deliverables are appropriate to schedule and scope set forth in above requirements.
- c. Cost Control and Budgeting Methodology
  - i. Proposer has a system or process for managing cost and budget.
  - ii. Evidence of successful budget management for a similar project.

**4. Schedule of Work (5 points):**

- a. Schedule shows completion of the work within or preferably prior to the city of Pleasanton overall time limits.
- b. The schedule serves as a project timeline, stating all major milestones and required submittals for project management.
- c. The schedule addresses all knowable phases of the project, in accordance with the general requirements of this RFQ.

**5. Local Presence (10 points):**

- a. A statement addressing firm's ability to respond quickly to requests to meet on-site.

**6. References (10 points):**

- a. Provide as reference the name of at least three (3) agencies you currently or have previously consulted for in the past three (3) years.

**7. Presentation by Team (15 points):**

- a. Team presentation conveying project understanding, communication skills, innovative ideas, critical issues and solutions.

**8. Q&A Response to Panel Questions (10 points):**

- a. Proposer provides responses to various interview panel questions.

**IX. SPECIAL CONDITIONS**

**A. Reservations**

This RFQ does not commit the City to award a contract, to pay any costs incurred in the preparation of a SOQ pursuant to this RFQ, or to procure or contract for work. The City reserves the right to accept or reject any or all SOQs as received as a result of this request, to negotiate with any qualified Consultant, or to modify or cancel in part or in its entirety the RFQ if it is in the best interest of the City to do so.

**B. RFQ as a Public Record**

All statements submitted in response to this RFQ become the property of the City and thus become public records and, as such, may be subject to public review.

**C. Right to Cancel**

The City reserves the right to cancel or change, for any or no reason, in part or in its entirety, this RFQ, including but not limited to selection schedule, submittal date, and submittal requirements.

**D. Additional Information**

The City reserves the right to request additional information and/or clarification from any or all respondents to this RFQ.

**E. Public Information**

Consultants who wish to release information regarding the consultant selection process, contract award, or data provided by the City at any Public Hearing, must receive prior written approval from the City before disclosing such information to the public.

F. Contract for Professional Services

The selected consultants will be required to sign the Standard Design Professional Services Agreement and all other required certifications and documentation within 15 calendar days of contract negotiations finalization.

G. Conflict of Interest

The City has established a policy concerning potential conflict of interest in program management, design and construction. This policy applies to all proposers and their proposed consultants/sub-consultants. See Standard Professional Services Agreement for additional information.

H. Insurance and Business License Requirements

The City requires consultants doing business with it to obtain insurance and a City business license, as described in the Standard Professional Services Agreement. The required insurance certificates must comply with all requirements of the standards as described in the contract and must be provided (original copy) within 15 calendar days of contract negotiations finalization and prior to the commencement of any work on the project.

**X. ATTACHMENTS**

The following reference information is available at the links listed below:

1. Sample Professional Services Agreement
2. Agenda Report to Adopt Resolutions Approving the 2024/25 Engineer's Reports

Thank you for your interest in contracting opportunities with the city of Pleasanton.

Sincerely,

A handwritten signature in black ink that reads "Matt Gruber". The signature is fluid and cursive, with the first name "Matt" being more prominent than the last name "Gruber".

Matt Gruber  
Landscape Architect

## PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is entered into this \_\_\_\_ day of \_\_\_\_\_ 202\_, between the CITY OF PLEASANTON, a municipal corporation (“City”), and \_\_\_\_\_, an \_\_\_\_\_, whose address is \_\_\_\_\_, and telephone number is \_\_\_\_\_, (“Consultant”).

### RECITALS

A. Consultant is qualified to and experienced in providing \_\_\_\_\_ for the purposes specified in this Agreement.

B. City finds it necessary and advisable to use the services of the Consultant for the purposes provided in this Agreement.

**NOW THEREFORE**, in consideration of the mutual covenants and conditions in this Agreement, City and Consultant agree as follows:

1. **Consultant’s Services.** Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to City the services described in Exhibit A. Consultant shall provide said services at that time, place and in the manner specified in Exhibit A.
2. **City Assistance, Facilities, Equipment and Clerical Support.** Except as set forth in Exhibit A, Consultant shall, at its sole cost and expense, furnish all facilities and equipment that may be required for furnishing services pursuant to this Agreement. City shall furnish to Consultant only the facilities and equipment listed in Exhibit A according to the terms and conditions set forth in Exhibit A.
3. **Term.** This contract shall commence on the date written above and shall expire on \_\_\_\_\_.
4. **Compensation.** City shall pay Consultant for services rendered pursuant to this Agreement as described more particularly in Exhibit A. The payments shall be made on a monthly basis upon receipt and approval of Consultant’s invoice. Total compensation for services and reimbursement for costs shall not exceed \$\_\_\_\_\_.
  - a. Invoices submitted to City must contain a brief description of work performed, time used and City reference number. Payment shall be made within thirty (30) days of receipt of Consultant’s invoice and approved by City.
  - b. Upon completion of work and acceptance by City, Consultant shall have sixty (60) days in which to submit final invoicing for payment. An extension may be granted by City upon receiving a written request thirty (30) days in advance of said time limitation. The City shall have no obligation or liability to pay any invoice for work performed which the Consultant fails or neglects to submit within sixty (60) days, or any extension thereof granted by the City, after the work is accepted by the City.

5. **Sufficiency of Consultant's Work**. All work product and all other documents prepared by Consultant shall be adequate and sufficient to meet the purposes for which they are prepared.

6. **Ownership of Work**. All work product and all other documents completed or partially completed by Consultant in the performance of this Agreement shall become the property of the City. All materials shall be delivered to the City upon completion or termination of the work under this Agreement. If any materials are lost, damaged or destroyed before final delivery to the City, the Consultant shall replace them at its own expense. Any and all copyrightable subject matter in all materials is hereby assigned to the City and the Consultant agrees to execute any additional documents that may be necessary to evidence such assignment. Consultant shall keep materials confidential. Materials shall not be used for purposes other than performance of services under this Agreement and shall not be disclosed to anyone not connected with these services, unless the City provides prior written consent.

7. **Changes**. City may request changes in the scope of services to be provided by Consultant. Any changes and related fees shall be mutually agreed upon between the parties and subject to a written amendment to this Agreement.

8. **Consultant's Status**. In performing the obligations set forth in this Agreement, Consultant shall have the status of an independent contractor and Consultant shall not be considered to be an employee of the City for any purpose. All persons working for or under the direction of Consultant are its agents and employees and are not agents or employees of City.

9. **Termination for Convenience of City**. The City may terminate this Agreement at any time by mailing a notice in writing to Consultant. The Agreement shall then be deemed terminated, and no further work shall be performed by Consultant. If the Agreement is so terminated, the Consultant shall be paid for that percentage of the work actually completed at the time the notice of termination is received.

10. **Non-Assignability**. The Consultant shall not assign, sublet, or transfer this Agreement or any interest or obligation in the Agreement without the prior written consent of the City, and then only upon such terms and conditions as City may set forth in writing. Consultant shall be solely responsible for reimbursing subcontractors.

11. **Indemnity and Hold Harmless**. Consultant shall defend, indemnify, and hold harmless, the City and its officers, agents and employees from and against all claims, losses, damage, injury, and liability for damages arising from, or alleged to have arisen from, errors, omissions, negligent or wrongful acts of the Consultant in the performance of its services under this Agreement, regardless of whether the City has reviewed or approved the work or services which has given rise to the claim, loss, damage, injury or liability for damages. This indemnification shall extend for a reasonable period of time after completion of the project as well as during the period of actual performance of services under this Agreement. The City's acceptance of the insurance certificates required under this Agreement does not relieve the Consultant from its obligation under this paragraph.

12. **Insurance**. During the term of this Agreement, Consultant shall maintain in full force and effect, at its own cost and expense, insurance coverages with insurers with an A.M. Best's rating of no less than A:VII. Contractor shall have the obligation to furnish City, as additional insured, the minimum coverages identified below, or such greater or broader coverage for City, if available in the Contractor's policies:



a. General Liability and Bodily Injury Insurance. Commercial general liability insurance with limits of at least \$2,000,000 combined limit for bodily injury and property damage that provides that the City, its officers, employees and agents are named as additional insureds under the policy as evidenced by an additional insured endorsement satisfactory to the City Attorney. The policy shall state in writing either on the Certificate of Insurance or attached rider that this insurance will operate as primary insurance for work performed by Consultant and its subconsultants, and that no other insurance effected by City or other named insured will be called on to cover a loss.

b. Automobile Liability Insurance. Automobile liability insurance with limits not less than \$2,000,000 per person/per occurrence.

c. Workers' Compensation Insurance. Workers' Compensation Insurance for all of Consultant's employees, in strict compliance with State laws, including a waiver of subrogation and Employer's Liability Insurance with limits of at least \$1,000,000.

d. Professional Liability Insurance. Professional liability insurance in the amount of \$2,000,000.

e. Certificate of Insurance. Consultant shall file a certificate of insurance with the City prior to the City's execution of this Agreement, and prior to engaging in any operation or activity set forth in this Agreement. The Certificate of Insurance shall provide in writing that the insurance afforded by this Certificate shall not be suspended, voided, canceled, reduced in coverage or in limits without providing notice to the City in accordance with California Insurance Code section 677.2 which requires the notice of cancellation to: 1) include the effective date of the cancellation; 2) include the reasons for the cancellation; and 3) be given at least 30 days prior to the effective date of the cancellation, except that in the case of cancellation for nonpayment of premiums or for fraud, the notice shall be given no less than 10 days prior to the effective date of the cancellation. Notice shall be sent by certified mail, return receipt requested. In addition, the insured shall provide thirty (30) days prior written notice to the City of any cancellation, suspension, reduction of coverage or in limits, or voiding of the insurance coverage required by this agreement. The City reserves the right to require complete certified copies of policies.

f. Waiver of Subrogation. The insurer agrees to waive all rights of subrogation against the City, its officers, employees and agents.

g. Defense Costs. Coverage shall be provided on a "pay on behalf of" basis, with defense costs payable in addition to policy limits. There shall be no cross liability exclusions. These provisions do not apply to Professional Liability.

h. Subcontractors. Consultant shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated in this Agreement, including but not limited naming additional insureds.

13. **Notices.** All notices herein required shall be in writing and shall be sent by certified or registered mail, postage prepaid, addressed as follows:

To Consultant: \_\_\_\_\_  
\_\_\_\_\_

To City: City Manager  
City of Pleasanton

14. **Conformance to Applicable Laws.** Consultant shall comply with all applicable Federal, State, and Municipal laws, rules, and ordinances. Consultant shall not discriminate in the employment of persons or in the provision of services under this Agreement on the basis of any legally protected classification, including race, color, national origin, ancestry, sex or religion of such person.

15. **Licenses, Certifications and Permits.** Prior to the City's execution of this Agreement and prior to the Consultant's engaging in any operation or activity set forth in this Agreement, Consultant shall obtain a City of Pleasanton business license, which must be kept in effect during the term of this Agreement. Consultant covenants that it has obtained all certificates, licenses, permits and the like required to perform the services under this Agreement.

16. **Records and Audits.** Consultant shall maintain all records regarding this Agreement and the services performed for a period of three years from the date that final payment is made. At any time during normal business hours, the records shall be made available to the City to inspect and audit.

17. **Confidentiality.** Consultant shall exercise reasonable precautions to prevent the unauthorized disclosure and use of City reports, information or conclusions.

18. **Conflicts of Interest.** Consultant covenants that other than this Agreement, Consultant has no financial interest with any official, employee or other representative of the City. Consultant and its principals do not have any financial interest in real property, sources of income or investment that would be affected in any manner of degree by the performance of Consultant's services under this Agreement. If such an interest arises, Consultant will immediately notify the City.

19. **Waiver.** In the event either City or Consultant at any time waive any breach of this Agreement by the other, such waiver shall not constitute a waiver of any other or succeeding breach of this Agreement, whether of the same or of any other covenant, condition or obligation.

20. **Governing Law.** California law shall govern any legal action pursuant to this Agreement with venue in the applicable court or forum for Alameda County.

21. **No Personal Liability.** No official or employee of City shall be personally liable to Consultant in the event of any default or breach by the City or for any amount due Consultant.

22. **Exhibits.** All exhibits referred to herein are attached hereto and are by this reference incorporated herein.

23. **Counterparts and Electronic Signatures.** This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement. Counterparts may be delivered via facsimile, electronic mail (including pdf or any electronic signature complying with U.S. federal E-Sign Act of 2000 (15 U.S. Code §7001 et seq.), California Uniform Electronic Transactions Act (Cal. Civil Code §1633.1 et seq.), or other applicable law) or other transmission method, and any counterpart so delivered shall be deemed to have been duly and validly delivered and be valid and effective for all purposes.

24. **Scope of Agreement.** This writing constitutes the entire Agreement between the parties. Any modification to the Agreement shall be in writing and signed by both parties.

**THIS AGREEMENT** executed the date and year first above written.

**CITY OF PLEASANTON**

**CONSULTANT**

\_\_\_\_\_  
Gerry Beaudin, City Manager

By: \_\_\_\_\_  
Signature

ATTEST:

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Jocelyn Kwong, City Clerk

Its: \_\_\_\_\_  
Title

Approved as to form:

\_\_\_\_\_  
Daniel G. Sodergren, City Attorney

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print name

Its: \_\_\_\_\_  
Title

*[If Consultant is a corporation, signatures must comply with California Corporations Code §313]*

**EXHIBIT A**

**Scope of Consultant's Services**

**Compensation**



## CITY COUNCIL AGENDA REPORT

May 21, 2024  
Public Works - Engineering Division

**TITLE: ADOPT RESOLUTIONS APPROVING THE ENGINEER'S REPORTS FOR LANDSCAPE MAINTENANCE DISTRICTS 1984-1 (PONDEROSA-DEL PRADO), 1993-1 (WINDSOR), 1993-2 (BONDE RANCH), 1994-1 (OAK TREE FARM), AND 1995-1 (MOLLER RANCH), DECLARING THE CITY'S INTENTION TO ASSESS THE PROPERTIES FOR THE COST TO OPERATE AND MAINTAIN THE DISTRICTS; AND SETTING JUNE 18, 2024, AT 7:00 P.M. AS THE DATE AND TIME FOR THE PUBLIC HEARING**

**SUMMARY**

The annual Engineer's Reports for the Landscape Maintenance Districts (LMDs) in the Ponderosa-Del Prado, Windsor, Bonde Ranch, Oak Tree Farm, and Moller Ranch subdivisions have been completed for FY 2024/25. The Engineer's Reports determine the tax assessments that will be levied against property owners within each LMD for the electrical costs, maintenance, and irrigation for the special district improvements installed as part of each development. All assessment amounts remain unchanged from previous years because the original district formation documents did not include an escalation clause to address inflation. While maintenance costs and water rates have increased, the level of maintenance has decreased a corresponding amount thus depleting funding reserves, such that staff will be proceeding with initiation of the Proposition 218 process for two of the districts. Staff recommends the City Council approve the Engineer's Report for each LMD, declare the intention to levy and collect assessments, and schedule a public hearing for 7 p.m. on June 18, 2024, to receive testimony from those that will be subject to the assessments, and direct the City Clerk to advertise a Notice of Annual Hearing 10 days prior to the hearing.

**RECOMMENDATION**

Adopt resolutions approving the Engineer's reports for Landscape Maintenance Districts 1984-1 (Ponderosa-Del Prado), 1993-1 (Windsor), 1993-2 (Bonde Ranch), 1994-1 (Oak Tree Farm), and 1995-1 (Moller Ranch), declaring the City's intention to assess the properties for the cost to operate and maintain the Districts; and setting June 18, 2024, at 7 p.m. as the date and time for the public hearing, and authorize the City Clerk to advertise a Notice of Annual Hearing (Cal. Streets & Highways Code §22626) 10 days prior to the hearing.

**BACKGROUND**

The Landscaping and Lighting Act of 1972 authorizes local agencies to impose an annual assessment on real property benefiting from project-specific improvements to pay for the construction and maintenance of landscaping and lighting special improvements that benefit those parcels. The assessments are collected by the Alameda County Assessor's Office to be applied to each owner's property tax bill.

For each LMD, City staff follows a statutorily imposed process for yearly administration. Staff

performs regular field inspections to ensure satisfactory performance by a City-hired maintenance contractor, completes reviews, addresses complaints or concerns from property owners, and processes progress payments to the contractor. City administration generally includes the following steps:

1. Solicit competitive bids from contractors to perform the required maintenance work
2. Review bids and recommend acceptance of the lowest responsive bid
3. Review maintenance costs, estimate annual costs (water, electricity, etc.) and prepare a budget to be included in the annual Engineer's Report and City budget
4. Prepare the Engineer's Report for each district disclosing the annual assessment amounts
5. Present the Engineer's Reports to the City Council during a public hearing
6. Adopt the annual assessments and coordinate with the City's Finance Department and City Clerk to authorize collection of assessments with the Alameda County Assessor's Office and receipt of the assessments as special revenue.

### Effects of Proposition 218

Proposition 218, commonly referred to as the "Right to Vote on Taxes Act," was passed by California voters in November 1996. The Proposition amends the State's Constitution by adding Articles XIII(C) and XIII(D) to do the following:

- Limit the authority of local governments (including cities, counties, special districts and school districts) to impose taxes and property-related assessments, fees, and charges; and
- Establish procedures for implementing annual assessments which include maintenance assessments for landscaping and lighting maintenance districts. Procedures include a requirement that the city develop an Engineer's Report which identifies the special benefits that will accrue to each property as a result of the assessment. Subject to certain exceptions, it also establishes that the majority of property owners in the district must vote in favor of any proposed increase in an assessment prior to its implementation.

To date, the Proposition 218 procedures have not been necessary in Pleasanton as assessments have not been increased since district formation.

### **DISCUSSION**

The City currently operates five Landscape Maintenance Districts that are assessed. The assessments include an added 1.7 percent to the base assessment as an administration fee imposed by the county. The assessments on the City-owned parcels located within the Ponderosa-Del Prado, Bonde Ranch, Oak Tree Farm, and Moller Ranch districts do not include the 1.7 percent county administration fee as the Finance Department transfers the

money from the General Fund into the specific district fund without involving the county.

The table below lists the assessments to be collected within each district as well as the total expected special revenue and the total available reserves:

LMD Name	LMD Number	Private Property Assessment x Number of Parcels	Public Property Assessment x Number of Parcels	Total Special Revenue per year	Total Available Reserves
Ponderosa-Del Prado	1984-1	\$16.90 x 343 parcels	\$16.62 x 1 parcel	\$5,813	\$84,000
Windsor	1993-1	\$269.62 x 90 parcels	N/A	\$24,266	<\$14,000>
Bonde Ranch	1993-2	\$257.22 x 102 parcels	\$252.91 x 1 parcel	\$26,489	\$25,000
Oak Tree Farm	1994-1	\$473.66 x 41 parcels	\$465.75 x 1 parcel	\$19,886	\$72,000
Moller Ranch	1995-1	\$570.06 x 99 parcels	\$560.53 x 2 parcels	\$57,557	\$273,000

The engineer's budget for each district includes a reserve fund to provide for the replacement of capital improvements such as planting, irrigation, decorative entry walls, signage, light fixtures, etc. Currently, the reserve funds are insufficient to cover these replacement costs. Furthermore, irrigation systems have been turned off at Bonde Ranch and Oak Tree Farms and portions of Moller Ranch due to numerous needed repairs. The Windsor at Laguna Oaks HOA has accepted the landscape maintenance responsibilities and water costs as a first step to address the depletion of reserves at the Windsor LMD.

Landscape Maintenance District 1984-1, Ponderosa-Del Prado

The Ponderosa Homes subdivision (District 1984-1) has been in place for 40 years. Maintenance in this district includes the care of masonry walls, trees, shrubbery, groundcover and irrigation systems along Paseo Santa Cruz, between Corte Santa Maria and Corte Pacifica. The overall assessments provide enough funding for the maintenance and plant replacement costs in all the special district areas along Paseo Santa Cruz, including water and electrical costs, county administration fees, and City administration fees; however, this amount does not provide adequate funding to cover the emergency repair costs or the capital replacement cost of the irrigation systems, planting in the general benefit area, pruning, masonry walls, and any additional emergency repair services or other required improvements.

This district's fund balance for capital repair and replacement is approximately \$84,000. This amount is not enough for several improvements for which replacement must be considered in the near term, including an extensive irrigation system replacement and plant replacement, tree pruning, and other features. Additionally, this amount is insufficient to repair the existing sound wall if it needs repair in the future.

City staff intends to proceed with a Proposition 218-compliant vote this coming fiscal year to request an increase in assessment amount based on the expected funding shortfall for capital improvements, maintenance, electricity, and water costs. The maintenance, water, and electricity costs are projected to cost about \$6,700 more than the collected assessment while another \$40,000 is necessary for a Proposition 218-compliant vote, thus requiring about \$46,700 in reserve fund use. The irrigation system repairs will cut down on leaks and, therefore, unnecessarily high water costs. Staff estimates the annual assessment would need to be increased from \$16.90 to \$40-\$50 (an increase of \$2-\$3 per month per property), and an annual inflation escalator will be sought for district funding to be self-sustaining. If the Proposition 218-compliant vote does not pass, staff intends to permanently turn off a portion of the irrigation system as a means of cost control.

#### Landscape Maintenance District 1993-1, Windsor

The Windsor subdivision (District 1993-1) has been in place for 31 years. Maintenance in this district includes masonry walls, trees, shrubbery, groundcover, irrigation systems, entry features and common area drainage ditches along with furnishing all water and electricity for the irrigation system, situated in Lot A, on the northeast side of Tapestry Way and Minton Court, and in the northwest corner of the subdivision, and also Lot C in the southwest corner of the subdivision. The assessments for the coming year are not enough to fund the maintenance of the district areas to the same level as in past years. The county assessment fee will continue to be paid, as will the City administration fee. Due to the increasing cost of water and maintenance services, and because of the aging plant material, irrigation system, and improvements, the cash reserve for the district has been depleted. Major breaks in the irrigation system have led to significant water loss, high water bills, and expensive repairs over the last few years.

Despite a significant reduction in the level of maintenance of the landscaped areas, there is a fund deficit of \$14,000 for this district due to the significant irrigation breaks and repairs and the tree and tree limb failures that have occurred over the last few years. The winter storms of 2022/23 especially impacted the trees in the Windsor LMD due to a lack of funding for pruning.

City staff began the process of increasing the assessments for the Windsor LMD in early 2022 by initiating a Proposition 218 discussion about an assessment increase. However, the property owners that attended the neighborhood outreach meeting on February 2, 2022, voiced their desire for the City to undertake more significant outreach prior to conducting a vote. Staff met with owners again on October 18, 2022. The homeowners expressed a desire to have more control over the landscape maintenance and how money was spent but opposed approval of an assessment increase. Staff worked with the HOA Board to pursue an alternative the HOA would approve. The HOA chose to take over the routine plant maintenance and water costs and in February 2024 entered into an agreement with the City to do so. This positive step from the HOA equates to approximately \$17,000 annually in cost reductions to the LMD. The other LMD maintenance responsibilities beyond plant care and water costs, such as maintenance of the sound wall, irrigation repairs, tree pruning, etc. would continue to be managed by the City as part of the Windsor LMD.

Although the transfer of the routine LMD maintenance responsibilities and water costs to the Windsor HOA is a significant step toward returning the LMD to a positive fund balance, over the long term an increase in the annual assessment will still be necessary to continue the maintenance standards of the district and replenish the reserve needed to fund eventual



capital repair and replacement costs. Annual assessments would need to be increased from \$269.62 to about \$360-\$400 (an increase of about \$8-\$10 per month per property), and the inclusion of an inflation escalator will be needed. Additionally, \$40,000 would be necessary in the future to conduct a Proposition 218-compliant vote.

#### Landscape Maintenance District 1993-2, Bonde Ranch

The Bonde Ranch subdivision (District 1993-2) has been in place for 30 years. Maintenance in this district includes entry features, open space areas, firebreaks, trees, shrubbery, groundcover and irrigation systems for the subdivision known as Tracts 6483 and 6518. The assessments are not enough to fund the maintenance of the district areas to the same level as in past years. This amount will fund the district's reduced maintenance, county assessment fees, and City administration fees but will not fund capital repair or replacement costs.

This district's fund balance for capital repair and replacement is \$25,000. This amount is not enough for the significant improvements for which replacement must be considered in the near term.

Despite shutting off the water due to existing leaks in the irrigation system, the fund balance for Bonde Ranch is insufficient for other basic maintenance tasks such as mulch replacement and more extensive fence repair, replacement, and painting. An increase in the annual assessment will be necessary to continue the maintenance standards of the district and replenish the reserve needed to fund eventual capital repair and replacement costs. In 2022, City staff initiated a discussion about increasing the assessments through a Proposition 218-compliant vote. However, the property owners at the neighborhood outreach meeting expressed strong opposition to increasing the assessment, so staff paused this effort.

Capital improvements, maintenance, electricity, and water costs are projected to continue to increase. Weed management consumes over 40 percent of the LMD budget. To return the district to a similar level of maintenance as was intended when the Bonde Ranch LMD was approved, the annual assessments would need to be increased from \$257.22 to about \$620-\$750 (an increase of about \$30-\$40 per month per property). The inclusion of an inflation escalator would be sought. Additionally, \$40,000 would be needed to conduct a Proposition 218-compliant vote.

#### Landscape Maintenance District 1994-1, Oak Tree Farm

The Oak Tree Farm subdivision (District 1994-1) has been in place for 30 years. Maintenance in this district includes open space areas, entry features, decorative lighting, firebreaks, trees, shrubbery, groundcover and irrigation systems. The assessments are not enough to fund the maintenance of the district areas to the same level as in past years. This amount is adequate to fund the reduced maintenance of the district, county assessment fees, City administration fees, and minor district improvements, but not enough to cover any required capital replacement costs or additional emergency repair services. City staff continues to work closely with the maintenance contractor to increase the efficiency of landscape maintenance operations and has shut off water due to leaks in the irrigation system. An increase in the annual assessment will be necessary in the future to continue the maintenance standards of past years.

This district's fund balance for capital repair and replacement is \$72,000. This amount is not enough for several improvements for which replacement must be considered in the near term. The improvements consist of extensive irrigation system replacement and plant replacement,

decorative fence repairs, tree pruning, lighting replacement, and repair or replacement of other features.

Capital improvements, maintenance, and electricity costs are projected to continue to increase. To return the district to a similar level of maintenance and to address the necessary wildland vegetation management as was intended when the Oak Tree Farm LMD was approved, the annual assessments would need to be increased from \$465.75 to about \$850-\$950 (an increase of about \$30-\$40 per month per property). The inclusion of an inflation escalator would be sought and \$40,000 would be required for a Proposition 218-compliant vote.

#### Landscape Maintenance District 1995-1, Moller Ranch

The Moller Ranch subdivision (District 1995-1) has been in place for 29 years. Maintenance in this district includes open space areas, entry features, lighting, firebreaks, trees, shrubbery, groundcover and irrigation systems. The assessments will be sufficient to fund the reduced maintenance level of the district including water and electrical costs, county assessment fees, City administration fees, and operating and maintenance costs, but is not enough to increase the capital repair or replacement reserve.

Although this district's fund balance for capital repair and replacement is \$273,000, there are several improvements for which replacement must be considered in the near term. The improvements consist of extensive irrigation system replacement and plant replacement, decorative fence repairs, and repair or replacement of other features. A portion of the irrigation system that waters established plants has been turned off due to numerous breaks.

Several years ago, staff met with the Moller Ranch HOA to discuss increased assessments to meet its repair/replacement capital improvement requirements. While support for an increase in the assessment amount was not overwhelming, the HOA was interested in exploring the cost-benefit aspects of an increase. Further discussions with the Moller Ranch HOA are now planned. Staff has a meeting scheduled with the HOA Board of Directors in May 2024 to discuss a Proposition 218-compliant vote in the upcoming fiscal year to address the funding shortfall projected to be about \$21,500. Another \$40,000 is necessary for a Proposition 218-compliant vote, totaling \$61,500 in projected reserve fund use. Staff estimates that the annual assessment would need to be increased from \$560.53 to approximately \$700-\$800 (an increase of about \$10-\$20 per month per property). In addition, an annual inflation escalator would be sought.

#### Increases to Assessments

City staff, in consultation with SCI Consulting Group which specializes in the formation of LMDs, previously began an analysis of potential Proposition 218 compliant votes to increase assessments for the two most underfunded LMDs: Windsor and Bonde Ranch. This effort was paused due to the Bonde Ranch residents' opposition to the increase at the February 3, 2022, neighborhood outreach meeting. The voting process for the Windsor LMD was also paused based on the input from residents at the February 2, 2022, outreach meeting, and based on the HOA's aforementioned agreement with the City to take over the routine plant maintenance and water costs. For both of these LMDs, the irrigation water has already been turned off to save additional costs. Proposition 218-compliant efforts for Ponderosa and Moller Ranch will proceed in the upcoming fiscal year, as the City is still delivering water to their irrigation systems despite the need for repairs.

The information contained in this report regarding staff’s intention to pursue an increase assessments is informational only with respect to the proposed public hearing on June 18, 2024. Specific action required of the City Council will be presented at a future date.

**PUBLIC COMMENT**

Staff provides general information to residents within the Landscape and Lighting Maintenance Districts as a part of the public notice for confirmation of the Engineer's Report. This annual notice provides the name and phone number of a staff contact person should questions arise. If questions are received and answered prior to the public hearing on June 18, 2024, staff will provide the City Council with those questions and staff’s answers at or before the public hearing.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

There is no environmental impact from a change to the assessment or due to maintenance and repair work. Maintenance work within each LMD is categorically exempt from CEQA under Guidelines Section 15302, “Replacement or Reconstruction.”

**EQUITY AND SUSTAINABILITY**

Not applicable, as this item is a routine matter of City business.

**OUTREACH**

The City Clerk will send notices to owners of real property within each LMD informing them about the date and time of the public hearing for the City Council to receive any protests concerning the proposed assessments.

**STRATEGIC PLAN ALIGNMENT**

Approval of this action advances the Citywide ONE Pleasanton strategic plan goal of *Funding our Future* to support financial health and sound fiscal policies through long-term planning, cost recovery, increased revenue, and cost containment.

**FISCAL IMPACT**

The LMDs are special assessment districts managed by the City. Each LMD fund can only be spent within the individual LMD where the assessments were collected (i.e., no commingling). As required by law, the City will continue to incur a fiscal impact for those parcels that provide a “general benefit” and are City-owned. To that end, the City will pay for LMD parcels as follows:

Location	Fiscal Impact
Parcel 946-4563-125 (Ponderosa - Del Prado Park)	\$ 16.62
General benefit area along the Alamo Canal in District 1984-1 (Ponderosa - Del Prado)	\$ 9,703.00
Parcel 948-0014-1-39 (water tank site) in District 1993-2 (Bonde Ranch)	\$ 252.91
Parcels 941-1803-62 and 941-1801-02 (water tank site and trails staging area) in District 1995-1 (Moller Ranch)	\$ 1,121.06

Parcel 946-4585-044 (sewer lift station) in District 1994-1 (Oak Tree Farm)	\$ 465.75
<b>Total</b>	<b>\$11,559.34</b>

Consistent with the prior year's assessments, staff recommends the total of \$11,560 be appropriated from the General Fund to the LMDs. The proposed FY 2024/25 budget includes this expense from the General Fund.

Prepared by:



Matthew Gruber, Landscape Architect

Submitted by:



Siew-Chin Yeong, Director of Public Works

Approved by:



Gerry Beaudin, City Manager

Attachments:

1. Summary Table of Landscaping and Lighting Maintenance Districts
2. Resolution to Approve Engineer's Report & Assessments (Ponderosa - Del Prado)
3. Resolution to Approve Engineer's Report & Assessments (Windsor)
4. Resolution to Approve Engineer's Report & Assessments (Bonde Ranch)
5. Resolution to Approve Engineer's Report & Assessments (Oak Tree Farm)
6. Resolution to Approve Engineer's Report & Assessments (Moller Ranch)

SUMMARY TABLE  
**Landscape Maintenance Districts (LMD's)**

<u>District Name</u>	<u>Properties in District</u>	<u>Assessment per Property</u>	<u>Annual Revenue</u>	<u>General Benefit Area Revenue</u>	<u>Total Revenue</u>	<u>Projected Annual Expenditures</u>	<u>Approx. Reserve Balance</u>	<u>Amount to/(from) Reserve</u>	<u>Anticipated fund Balance</u>
1984-1 Ponderosa (Del Prado)	344	\$ 16.90	\$ 5,813.32	\$ 9,703.00	\$ 15,516.32	* \$ 62,158.04	\$ 84,000.00	\$(46,641.72)	\$ 37,358.28
1993-1 Windsor	90	\$ 269.62	\$ 24,265.80	\$ -	\$ 24,265.80	** \$ 14,480.90	\$ (14,000.00)	\$ 9,784.90	\$ (4,215.10)
1993-2 Bonde Ranch	103	\$ 257.22	\$ 26,489.35	\$ -	\$ 26,489.35	\$ 26,489.35	\$ 25,000.00	\$ -	\$ 25,000.00
1994-1 Oak Tree Farm	42	\$ 473.66	\$ 19,885.81	\$ -	\$ 19,885.81	*** \$ 21,424.31	\$ 72,000.00	\$ (1,538.50)	\$ 70,461.50
1995-1 Moller Ranch	101	\$ 570.06	\$ 57,557.00	\$ -	\$ 57,557.00	* \$ 119,003.47	\$ 273,000.00	\$(61,446.47)	\$211,553.53

\* projected annual expenditures are higher than the total revenue to address the Proposition 218-compliant vote and both routine maintenance and potential non-routine maintenance such as pruning, tree removal, and irrigation repairs  
 \*\* projected annual expenditures are lower than total revenue to contribute to the reduction of the fund balance deficit which is possible due to the recent agreement with the HOA to accept some maintenance responsibilities  
 \*\*\* projected annual expenditures are higher than the total revenue to address both routine maintenance and potential non-routine maintenance such as pruning and tree removal

RESOLUTION NO. 2024-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON DECLARING THE INTENTION TO ORDER IMPROVEMENTS FOR THE LIGHTING & LANDSCAPE MAINTENANCE DISTRICT NO. 1984-1 PONDEROSA FOR FISCAL YEAR 2024/25; DECLARING THE INTENTION TO CONTINUE THE LEVY AND COLLECTION ASSESSMENTS; AND SETTING THE DATE FOR THE PUBLIC HEARING**

**WHEREAS**, as required by Section 22622 of the California Streets and Highways Code, the City Council of the City of Pleasanton has described proposed improvements to be included for the determination of annual assessments levied for Lighting and Landscape Maintenance District No. 1984-1 Ponderosa, created under the Lighting & Landscape Act of 1972, and ordered the preparation of an Engineer's Report to determine the annual levy of assessments for such District; and

**WHEREAS**, as required by Section 22622 of the California Streets and Highways Code, the Engineer has filed with the City Clerk a Preliminary Engineer's Report for the Lighting & Landscape Maintenance District No. 1984-1 Ponderosa for Fiscal Year 2024/25.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:**

**SECTION 1.** The City Engineer is designated by this Council as the Engineer of Work for Lighting & Landscape Maintenance District No. 1984-1, Ponderosa, during fiscal year 2024/25. The area of land to be assessed is located in the City of Pleasanton, Alameda County.

**SECTION 2.** The City Council intends to continue to levy and collect assessments within Lighting & Landscape Maintenance District No. 1984-1, Ponderosa, during fiscal year 2024/25.

**SECTION 3.** The improvements to be made in this assessment district are generally described as follows:

Maintenance of a landscaped strip north of Corte de Flores on the west side of Paseo Santa Cruz and north of Corte Pacifica on the east side of Paseo Santa Cruz and the landscaped area on the east side of the Arroyo de la Laguna trail between the Pleasanton Canal and Arroyo del Valle.

**SECTION 4.** In accordance with this resolution directing the filing of an annual report, the City Engineer has filed with the City Clerk the report required by the Landscaping and

Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessments upon assessable lots and parcels of land within the assessment district.

**SECTION 5.** On Tuesday, the 18<sup>th</sup> day of June 2024, at the hour of 7 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The Council meeting will be held in accordance with Government Code Section 54954(e). To improve access to public information, residents may access meetings remotely through the City's website.

**SECTION 6.** The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

**SECTION 7.** City Clerk shall certify to the passage of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on May 21, 2024.

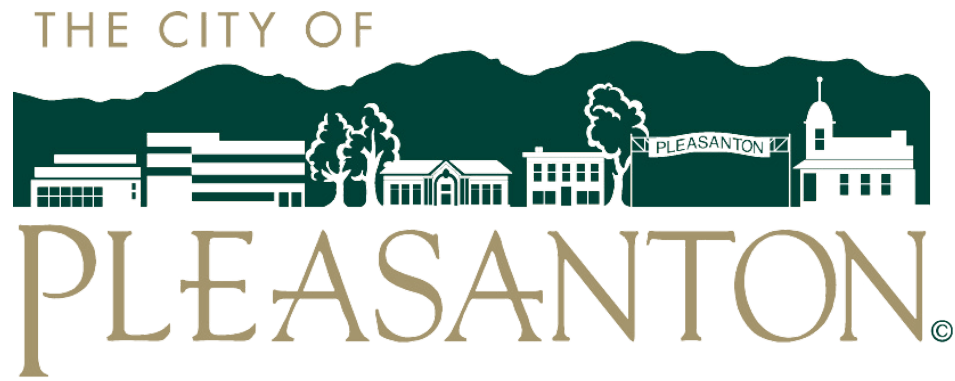
I, Jocelyn Kwong, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 21<sup>st</sup> day of May 2024 by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

\_\_\_\_\_  
Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel Sodergren, City Attorney



## **CITY OF PLEASANTON**

Landscape Maintenance District No. 1984-1, Ponderosa

### **Engineer's Report**

Fiscal Year 2024-25

May 2024

Pursuant to the Landscaping and Lighting Act of 1972, government code and article  
XIIID of the California Constitution



(This page intentionally left blank)

## City of Pleasanton

---

### **Mayor and City Council**

Karla Brown, Mayor  
Julie Testa, Vice Mayor  
Valerie Arkin, Councilmember  
Jack Balch, Councilmember  
Jeff Nibert, Councilmember

### **City Manager**

Gerry Beaudin

### **City Engineer**

Adam Nelkie

# Table of Contents

---

	<u>PAGE NO.</u>
<b>Introduction .....</b>	<b>1</b>
<b>Overview .....</b>	<b>1</b>
Landscape Maintenance District No. 1984-1, Ponderosa .....	1
Engineer’s Report and Continuation of Assessments.....	2
Legal Requirements .....	3
<b>Plans &amp; Specifications .....</b>	<b>4</b>
Introduction .....	4
Ponderosa Description of Improvements .....	5
Recommended Capital Improvements.....	6
<b>Estimate of Cost and Budget – Fiscal Year 2024-25 .....</b>	<b>7</b>
Notes to Estimate .....	7
<b>Method of Assessment Apportionment .....</b>	<b>9</b>
Method of Apportionment .....	9
Discussion of Benefits .....	9
General vs. Special Benefits .....	11
Calculating General Benefit and Special Benefit Paid from Other Funds .....	12
Zones of Benefit.....	16
Method of Assessment.....	17
Residential Properties .....	18
Other Properties .....	18
The Assessment Rate does not Increase Annually .....	18
Appeal of Assessments Levied to Property .....	18
Assessment Funds Must be Expended Within the Maintenance District Area.....	19
<b>Assessment .....</b>	<b>20</b>
<b>Certificates Page .....</b>	<b>22</b>
<b>Assessment Diagram .....</b>	<b>23</b>
<b>Assessment Roll FY 2024-25 – Landscape Maintenance District No. 1984-1 Ponderosa .....</b>	<b>24</b>

## City of Pleasanton

## List of Figures

---

**Figure 1 – Estimate of Costs and Revenues**..... 7

**Figure 2 – Summary Cost Estimate – Ponderosa LMD No. 1984-1** ..... 20

**Figure 3 – Assessment Roll FY 2024-25 – Ponderosa LMD No. 1984-1**..... 24

## Introduction

---

### Overview

The City of Pleasanton (“City”) is located in Alameda County, and covers an area of 24.3 square miles, with over 24,500 assessor parcels, and approximately 80,000 residents. The City currently has five Landscape Maintenance Districts (“Districts”) that provide services to a combined total of 680 parcels:

- 1984-1 Ponderosa (Del Prado) – 344 parcels
- 1993-1 Windsor – 90 parcels
- 1993-2 Bonde Ranch – 103 parcels
- 1994-1 Oak Tree Farm – 42 parcels
- 1995-1 Moller Ranch – 101 parcels

The five District’s benefit assessments were established prior to the approval of Proposition 218 in 1996. The purpose of these Districts is to provide funding for the installation, maintenance and servicing of local landscaping and lighting improvements (“Improvements”) within each District’s service area.

### Landscape Maintenance District No. 1984-1, Ponderosa

#### Assessment Background

The Ponderosa Landscape Maintenance District No. 1984-1 (“District 1984-1” or “Maintenance District”) was formed in 1984 as a Condition of Approval for the Ponderosa development, to fund certain landscape improvements within the Ponderosa subdivision.

The Ponderosa single-family residential project was approved in two phases, October 1983 and January 1985. The Ponderosa Landscape Maintenance District No. 1984-1 has a total of 344 parcels, 343 are single family residences, and 1 parcel is owned by the City, which is the location of Del Prado Park.

The Ponderosa Landscape Maintenance District No. 1984-1 purpose is to fund the maintenance of the existing Ponderosa subdivision landscaping, trees, shrubbery, groundcover, irrigation systems and soundwalls in the area north of Corte Flores on the west side of Paseo Santa Cruz, and north of Corte Pacifica on the east side of Paseo Santa Cruz.

District 1984-1 is funded by the benefit assessment approved in 1984 (“Assessment”), and it does not receive any direct revenues from property taxes or any other funding sources. The fiscal year 2024-25 assessments for District 1984-1 will remain at the same assessment rate of \$16.90 per parcel per year. With a total of 344 parcels in the District, the fiscal year 2024-25 total assessment will be \$5,813.32.

Over the years, operational costs and utility costs have increased, however the assessment revenues have remained the same. The fiscal year 2024-25 total assessment revenue will not be sufficient to fund the maintenance of all common areas, including water costs, county assessment fees, city administration fees, replacement of plantings, irrigation systems, and other district improvements. The Engineer's Report projects a shortage that will require the City to reduce landscape maintenance and water use so that maintenance costs remain below assessments.

An increase in the annual assessment will be necessary to meet the maintenance standards of the District into the future. The city can no longer subsidize staff administration time or the consultant fees for a Proposition 218-compliant vote. The consultant fees for the Proposition 218-compliant vote will cost approximately \$40,000 and will come out of the reserve fund. Water costs, which require a significant portion of the LMD budget, increased thirty percent starting in calendar year 2024, are scheduled to be increased another twelve percent in 2025, and are projected to continue to increase in future years to pay for necessary infrastructure and treatment costs.

The rate increases will have a significant impact to the LMD budget and continued cuts in maintenance will be required to pay for the increased water and maintenance costs. The landscape will continue to decline well below the necessary maintenance standards of the district established by Ordinances 1102 and 1174. This can open the district up to fines or litigation. To limit liability for the district, staff is pursuing a Proposition 218-compliant vote for 2025/26. It will be necessary for the city to continue to pursue a proposition 218-compliant vote, incurring significant consultant costs each time, until a sustainable assessment has been agreed to by property owners.

If additional funding from a new or increased assessment is not implemented, the City will be forced to continue to reduce maintenance and postpone facilities upgrades, resulting in a continuing deterioration of the grounds and facilities.

### **Engineer's Report and Continuation of Assessments**

Each year for which the assessments will be continued, the City Council must direct the preparation of an Engineer's Report, budgets, and proposed assessments for the upcoming fiscal year. After the Engineer's Report is completed, the City Council may preliminarily approve the Engineer's Report and proposed assessments and establish the date for a public hearing on the continuation of the assessments. This Report was prepared pursuant to the direction of the City Council.

This Engineer's Report ("Report") was prepared to establish the budget for the continued maintenance, improvements, and services ("Improvements") that would be funded by the proposed fiscal year 2024-25 assessments, determine the benefits received by property from the Improvements, and the method of assessment apportionment to lots and parcels within the Maintenance District. This Report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code ("Act") and Article XIID of the California Constitution ("Article").

### **City of Pleasanton**

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25

If the City Council approves this Engineer's Report and the continuation of the assessments by resolution, a notice of public hearing must be published in a local paper at least 10 days prior to the date of the public hearing. The resolution preliminarily approving the Engineer's Report and establishing the date for a public hearing is used for this notice.

Following the minimum 10-day period after publishing the notice, a public hearing is held for the purpose of allowing public testimony about the proposed continuation of the assessments. This hearing is currently scheduled for June 18, 2024. At this hearing, the City Council would consider approval of a resolution confirming the continuation of the assessments for fiscal year 2024-25. If so confirmed and approved, the assessments would be submitted to the County Auditor/Controller for inclusion on the property tax rolls for Fiscal Year 2024-25.

## **Legal Requirements**

### **Proposition 218**

The City of Pleasanton's five Landscape Maintenance Districts were formed prior to the passage of Proposition 218, "The Right to Vote on Taxes Act," which was approved by the voters of California on November 6, 1996 and is now Article XIIC and XIID of the California Constitution. (Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property). Although these assessments are consistent with Proposition 218, the California judiciary has generally referred to pre-Proposition 218 assessments as "grandfathered assessments" and held them to a lower standard than post Proposition 218 assessments.

The existing Assessment Districts will be re-assessed consistent with the procedures and requirements imposed by Proposition 218, which describes several important requirements, including property-owner balloting and approval for the imposition of new or increased assessments.

This Engineer's Report is consistent with the requirements of Article XIIC and XIID of the California Constitution because the Improvements to be funded are clearly defined, the Improvements are directly available to and directly benefit property in the Maintenance District, and the Improvements provide a direct advantage to property in the Maintenance District that would not be received in absence of the assessments.

## Plans & Specifications

---

### Introduction

The work and Improvements to be undertaken by the City of Pleasanton within the Landscape Maintenance District No. 1984-1, Ponderosa, and the costs thereof paid from the levy of the annual assessments, provide special benefit to Assessor Parcels within the Maintenance District as defined in the Method of Assessment herein.

The Landscaping and Lighting Act of 1972 (Streets & Highways Code § 22525 et seq.), (the “Act”), defines improvement, maintenance, servicing, and incidental expenses as follows:

*“Improvement” means one or any combination of the following:*

*The installation or planting of landscaping.*

*The installation or construction of statuary, fountains, and other ornamental structures and facilities.*

*installation or construction of public lighting facilities, including, but not limited to, traffic signals.*

*installation or construction of any facilities which are appurtenant to any of the foregoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.*

*The installation of park or recreational improvements, including, but not limited to, all of the following:*

*preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.*

*Lights, playground equipment, play courts, and public restrooms.*

*The maintenance or servicing, or both, of any of the foregoing, and of any improvement authorized by subdivision (i).*

*The acquisition of land for park, recreational, or open-space purposes.*

*The acquisition of any existing improvement otherwise authorized pursuant to this section.*

*The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.*

*“Maintain” or “maintenance” means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:*

*Repair, removal, or replacement of all or any part of any improvement for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.*

### City of Pleasanton

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25



*The removal of trimmings, rubbish, debris, and other solid waste.  
The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.*

*“Service” or “servicing” means the furnishing of:*

*Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.  
Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.*

*“Incidental expenses” include all of the following:*

*The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.*

*The costs of printing, advertising, and the giving of published, posted, and mailed notices.*

*Compensation payable to the county for collection of assessments.*

*Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.*

*Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements.*

*Any expenses incidental to the issuance of bonds or notes pursuant to Section 22662.5.*

*Costs associated with any elections held for the approval of a new or increased assessment.*

The City of Pleasanton’s work and Improvements (“Improvements”) for the property within the Maintenance District that is owned or maintained by the City of Pleasanton, are consistent with these definitions. Plans and specifications for these Improvements are filed with the City of Pleasanton Landscape Architect and are incorporated herein by reference.

### **Ponderosa Description of Improvements**

The improvements which are the subject of this Report are briefly described as follows:

Landscaping, including trees, shrubs and irrigation system all as delineated on the landscape and irrigation plans for Tract 5256 (Phase III Landscape Maintenance District 1984-1) and Tract 4986 (Arroyo de la Laguna Improvements).

Said improvements are within the following areas:

North of Corte de Flores on the west side of Paseo Santa Cruz approximately 160 feet long by 6 feet wide, and north of Corte Pacifica on the east side of Paseo Santa Cruz approximately 1,370 feet long by 6 feet wide.

Plans and specifications for the improvements to this Landscape Maintenance District are those prepared by The Environmental Center, dated October 30, 1984, and January

### **City of Pleasanton**

Landscape Maintenance District No. 1984-1, Ponderosa Engineer’s Report, Fiscal Year 2024-25

13, 1986. These plans and specifications have been filed separately with the City Clerk of the legislative body and are incorporated in this Report by reference.

### **Recommended Capital Improvements**

Improvements in Landscape Maintenance District No. 1984-1, Ponderosa, are overdue for much needed upgrades and repairs. However, the Maintenance District reserve fund balance is insufficient to make these improvements.

The City drafted a schedule of recommended capital improvement projects that need to be addressed, such as the replacement of the irrigation system and planting improvements, and their respective estimated cost, as well as a planned replacement/renovation schedule. To fund the necessary capital improvements, fund the approved and projected water rate increases, and maintain the District to a similar level to when the District was created staff estimates that the annual assessments would need to be increased from \$16.90 to around \$40 - 50 depending on level of maintenance. The City intends to begin efforts with the property owners and consultant to develop the level of maintenance and recommended capital improvements in 2025-26 to create a comprehensive maintenance and improvement plan and associated costs in preparation of a 2025-26 Proposition 218-compliant vote.

## Estimate of Cost and Budget – Fiscal Year 2024-25

The following budget shows the estimate of cost of the Improvements to be funded by the Maintenance District in Fiscal Year 2024-25.

**Figure 1 – Estimate of Costs and Revenues**

<b>City of Pleasanton</b>			
<b>Landscape Maintenance District No. 1984-1, Ponderosa</b>			
<b>2024-25 Estimate of Costs</b>			
			<u>Budget</u>
Installation, Maintenance, and Servicing Costs			
Landscaping (maintenance)			
	Basic maintenance		\$2,600.00
	Other maintenance <sup>i</sup>		\$7,332.00
	Extra work <sup>ii</sup>		\$5,000.00
	Water – All planting		\$5,000.00
	Power – One controller		<u>\$330.00</u>
Total for Installation, Maintenance and Servicing			\$20,262.00
Incidental and Administration Costs <sup>iii</sup>			
	City of Pleasanton Assessment Administration		\$1,800.00
	County Fees for Collection of Assessment		\$96.04
	Proposition 218-compliant voting process		<u>\$40,000.00</u>
Total Incidental and Administrative Costs			\$41,896.04
Amount to/(from) Reserve Fund <sup>iv</sup>			
	Reserve/Long-term Replacement Fund for scheduled long-term replacement of various district improvements		(\$46,641.72)
General Fund Contribution for General Benefits <sup>v</sup>			(\$9,703)
<b>Total Costs</b>			<b>\$5,813.32</b>
<b>Budget Allocation to Property</b>			
	Number of Parcels/Units	Single Family Equivalent Units (SFE) <sup>vi</sup>	Assessment Rate
	344	344	\$16.90
			<b>Total Assessment<sup>vii</sup></b>
			<b>\$5,813.32</b>

Explanation of Annual Assessment Rate per Unit:

343 units @ \$16.90 assessment per year (= \$16.62 + \$0.28 County Collection Fee)

1 unit @ \$16.62 assessment per year (City parcel, savings of the \$0.28 County Collection Fee)

### Notes to Estimate

- i. Cost for the routine maintenance of the general benefit area paid for by the City of Pleasanton

### City of Pleasanton

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25

- ii. Contingency to address maintenance that is not routine in nature, such as repair or replacement of broken irrigation valves and lines or pruning/removing failed trees or tree limbs.
- iii. Incidental and administration cost estimates include City staff hours dedicated to the administration of the assessment (including staff time to bid work, monitor contracts and contractors, respond to residents' inquiries, etc.), county charges for inclusion of assessments on property tax bills, and other incidental costs.
- iv. At the time of this report a fund balance of approximately \$84,000 remains for Landscape Maintenance District 1984-1. The projected 2024-25 expenses, if current maintenance levels and water use were maintained, are higher than the projected annual revenues. Therefore, and since the fund balance will not be sufficient to cover this gap, the City will need to reduce maintenance and water use to begin to return the account to a balanced budget. Reserve/replacement funds are held in an interest-bearing account until needed for repairs to the irrigation system, landscaping or other District features.
- v. The City will make a contribution of \$9,703 from the General Fund for the cost of maintenance of the "general benefit" area along Arroyo, that was at one time included in this district.
- vi. The rate shown here is for a single-family home or its equivalent. For the definition of the term Single Family Equivalent (SFE) and rates for other types of property, see the section titled, "Method of Assessment" and the sections following it in this report.
- vii. The Act requires that proceeds from the assessments must be deposited into a special fund that has been set up for the revenues and expenditures of the Maintenance District. Moreover, funds raised by the assessment shall be used only for the purposes stated within this Report. Any balance remaining at the end of the Fiscal Year, June 30, must be carried over to the next Fiscal Year. The District may also establish a reserve fund for contingencies and special projects as well as a capital improvement fund for accumulating funds for larger capital improvement projects or capital renovation needs. Any remaining balance would either be placed in the reserve fund, the capital improvement fund, or would be used to reduce future years' assessments. The Landscape Maintenance District 1984-1 reserve/replacement funds are held in an interest-bearing account until needed for repairs to the irrigation system, landscaping or other District features.

## Method of Assessment Apportionment

---

### Method of Apportionment

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of Improvements and landscaping for the Maintenance District and the methodology used to apportion the total assessment to the properties within the Maintenance District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the Maintenance District over and above general benefits conferred on real property or to the public at large. The assessment is apportioned to lots and parcels in proportion to the relative cost of the special benefits from the Improvements. Special benefit is calculated for each parcel in the Maintenance District using the following process:

- i. Identification of all benefit factors derived from the Improvements.
- ii. Calculation of the proportion of these benefits that are general.
- iii. Determination of the relative special benefit per property type.
- iv. Calculation of the specific assessment for each individual parcel based upon special vs. general benefit, location, property type, property characteristics, improvements on property and other supporting attributes.

The parcels within the Landscape Maintenance District No. 1984-1, Ponderosa, consist of all Assessor Parcels within the boundaries as defined by the Assessment Diagram included within this Report and the Assessor Parcel Numbers listed within the included Assessment Roll. The method used for apportioning the assessments is based upon the proportional special benefits to be derived by the properties in the Maintenance District, over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the Improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

### Discussion of Benefits

The assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

*"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which 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."*

### City of Pleasanton

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25

Proposition 218, as codified in Article XIII D of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

*"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."*

In this case, the 2008 Silicon Valley Taxpayers Association, Inc. vs Santa Clara County Open Space Authority ("SVTA") decision provides enhanced clarity to the definition of special benefits to properties from similar public improvements in three distinct areas:

- i. Proximity
- ii. Expanded or improved access
- iii. Views

The SVTA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel, and that indirect or derivative advantages resulting from the overall public benefits from a service or improvement are general benefits.

Proximity, improved access and views, in addition to the other special benefits listed herein further strengthen the basis of these assessments.

The following benefit categories summarize the types of special benefit to residential and other lots and parcels resulting from installation, maintenance and servicing of landscaping, irrigation, sidewalks, signs, lights, and other improvements to be provided with the assessment proceeds. These categories of special benefits are derived from the statutes passed by the California Legislature and studies which describe the types of special benefit received by property from maintenance and improvements such as those provided by the City of Pleasanton, Landscape Maintenance District No. 1984-1, Ponderosa. These types of special benefit are summarized as follows:

- i. Improved access to landscaped areas and other permanent public improvements
- ii. Proximity to improved landscaped areas and other permanent public improvement.
- iii. Improved views.
- iv. Extension of a property's outdoor areas and landscaped areas for properties within close proximity to the Improvements.
- v. Creation of individual lots for residential use that, in absence of the assessments, would not have been.

The above benefit factors, when applied to property in the Maintenance District, specifically increase the utility and usefulness of the property within the Maintenance District. For example, the assessments will provide funding to improve and maintain the public landscaping next to the parcels within the Maintenance District. Such improved and well-maintained landscaping enhances the overall quality, desirability, utility and safety of the properties.

## **City of Pleasanton**

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25

**General vs. Special Benefits**

Article XIII D, Section 4(a) of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to “separate the general benefits from the special benefits conferred on a parcel.” The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. Property may be assessed to fund improvements to the extent of the special benefits conferred by the Improvements; but general benefits are not assessable. Accordingly, a separate estimate of the special and general benefit is given in this section.

Article XIII D never defines the term “general benefit.” The definition of special benefit in Section 2(i) includes the statement that general enhancement of property value does not constitute special benefit. General benefit may be described as “an indirect, derivative advantage” resulting from the improvements. One infers from Article XIII D that all benefit is either general or special.

In other words:

<b>Total Benefit</b>	=	<b>General Benefit</b>	+	<b>Special Benefit</b>
--------------------------	---	----------------------------	---	----------------------------

There is no widely accepted or statutory formula for quantifying the amount of any general benefit that is identified.

In this Report, the general benefit is first identified, generously estimated, and then budgeted so that it is funded, as required by Proposition 218, by sources other than the Assessment.

A formula to estimate the general benefit is listed below:

<b>General Benefit</b>	=	<b>Benefit to Real Property Outside the Assessment District</b>	+	<b>Benefit to Real Property Inside the Assessment District that is Indirect and Derivative</b>	+	<b>Benefit to the Public at Large</b>
----------------------------	---	---	---	--	---	---

Special benefit, on the other hand, is defined in the California constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large”. A special benefit is conferred to a property if the property “receives a direct advantage from the improvement (e.g., proximity to setback landscaping).” In the Maintenance District, as noted, properties have close and unique proximity, views of and access to the Improvements, and uniquely improved utility and desirability from the Improvements, and other properties and the public at large do not receive such benefits because they do not have proximity, access to or views of the Improvements. Therefore, the overwhelming proportion of the benefits conferred to property is special, and only minimal general benefit is conferred on property outside the Maintenance District or to the public at large.

**City of Pleasanton**

This Engineer's Report includes a specific, quantified calculation of general benefits, as described below, that is based in part on the use by people outside of the Maintenance District. Moreover, the proportionality of the Assessments to the special benefits conferred on each parcel, based in large part on proximity, is established as well.

### **Calculating General Benefit and Special Benefit Paid from Other Funds**

In this section, the total general benefit, which must be paid from other non-assessment funds, is conservatively estimated, quantified, described, and separated, and then budgeted to absolutely ensure that it is funded by sources other than this assessment.

#### **Benefit to Property Outside the Maintenance District = 1.9%**

In summary, real property located within the boundaries of the Maintenance District distinctly and directly benefit from closer proximity, access and views of the Improvements funded by the Assessments, the creation of developable parcels, and from the extension of usable land area provided by the assessments. The Improvements are specifically designed to serve local properties in the Maintenance District, not other properties nor the public at large. The Maintenance District has been narrowly drawn to include those parcels that receive a direct advantage from the Improvements. The public at large and other properties outside the Maintenance District receive only limited benefits from the Improvements because they do not have proximity, good access or views of the Improvements. These are special benefits to property in the Maintenance District in much the same way that sewer and water facilities, sidewalks and paved streets enhance the utility and desirability of specific proximate properties and make them more functional to use, safer and easier to access.

Properties within the proposed Maintenance District receive almost all the special benefits from the Improvements because properties in the Maintenance District enjoy unique and close proximity and access to the Improvements that are enjoyed less by other properties or the public at large. The landscaping Improvements are specifically designed to benefit the properties in the Maintenance District.

Furthermore, there are multiple, proximate open space, landscaped areas, and other improvements outside of the Maintenance District, funded by other sources, that provide most of the open space and landscaping benefits to nearby parcels that are outside of the Maintenance District.

In other words, the landscaping Improvements maintained by the proposed Assessments specially benefit the properties within the Maintenance District, but other nearby improvements primarily benefit other proximate properties. Nonetheless, there are certain properties that are outside the boundaries of the Maintenance District that may benefit from the landscape improvements. A total of no more than 6 proximate parcels have been identified that receive some special benefit from the improvements including improved views, proximity and/or

### **City of Pleasanton**



access, but do not receive extension of outdoor areas nor the special benefit of parcel creation. Since these adjacent properties only receive a 3 of the 5 major special benefits, a 60% factor is applied.

Total General Benefit to Properties Outside of the District = 1.9%

### **Assumptions**

11 parcels outside and adjacent to the District  
344 parcels in the Maintenance District

### **Calculation**

General Benefit to Property outside the Improvement District =  
 $(11 / (11 + 344)) * 60\% = 1.9 \%$

Although it can reasonably be argued that Improvements inside, but near the Maintenance District boundaries are offset by similar landscape improvements provided outside, we use the more generous approach of finding that 1.9% of the Improvements may be of benefit to property outside of the Maintenance District.

### **Benefit to Property Inside the District that is Indirect and Derivative = 0.0%**

The “indirect and derivative” benefit to property within the Maintenance District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Maintenance District is special because the Improvements are clearly “over and above” and “particular and distinct” when compared with the unique proximity, access and views of the Improvements enjoyed by benefiting properties in the Maintenance District.

Nevertheless, the SVTA decision indicates that there may be general benefit “conferred on real property located in the district.” A measure of the general benefits to property within the Maintenance District is the percentage of land area within the Maintenance District that is publicly owned, open to the public, and used for regional purposes such as major roads, rail lines, hospitals, and other regional facilities because such properties, while physically within the Maintenance District, are used for regional purposes and could provide indirect benefits to the public at large. In this case, essentially 0% of the land area is used for such regional purposes.

### **Benefit to the Public at Large = 10%**

The general benefit to the public at large can be estimated by the proportionate amount of time that the Maintenance District’s public landscaped areas and facilities are used and enjoyed by individuals who are not residents, employees, customers, or property owners in the Assessment Area. Based on surveys and research in which visitors to similar landscape, open space and parks, at various times of the day, evening, and week, were asked to look at a District map and to identify whether they lived or worked within the City, less than 5% of the use of

similar landscape, open space, parks or recreation areas is by the public at large. When people outside the Maintenance District use landscape, open space, parks, or recreation areas, they diminish the availability of such facilities for people within the Maintenance District. Therefore, another 5% of general benefits are allocated for people within the Maintenance District. Combining these two elements of general benefit, we find that 10% of the benefits from the Improvements are general benefits to the public at large.

**Total General Benefits to be Financially Contributed from Other Funds = 11.9%**

Using a sum of these three measures of general benefit, we find that approximately 11.9% of the benefits conferred by the Improvements may be general in nature and should be funded by sources other than the Assessments.

**General Benefit Calculation**

$$\begin{array}{r}
 1.9\% \text{ (Outside the Maintenance District)} \\
 + \quad 0.0\% \text{ (Inside the Maintenance District – indirect and derivative)} \\
 + \quad \underline{10.0\%} \text{ (Public at Large)} \\
 \\
 = \quad 11.9\% \text{ (Total General Benefit)}
 \end{array}$$

**Source of Financial Contributions from Other Funds to Satisfy the 11.9% Requirement**

The general benefit contribution is paid in part from other “in-kind”, non-monetary contributions from the City in the form of infrastructure critical to the continued maintenance of the Maintenance District Improvements, as described below. Also, general benefit contributions come from the “annuity” value of the improvements that were constructed by the developer.

The City of Pleasanton owns, maintains, rehabilitates, and replaces the curb and gutter along the border of the Maintenance District. This curb and gutter serve to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the Improvements. The contribution from the City of Pleasanton toward general benefit from the maintenance, rehabilitation, and replacement of the curb and gutter is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In other words, if the Maintenance District were required to construct and maintain the local curb and gutter, the budget would increase by at least 10%.

The City of Pleasanton owns and maintains a storm drainage system along the border of the Maintenance District. This system serves to prevent flooding and associated damage to the improvements and to manage urban runoff including local pollutants loading from the improvements. The contribution from the City of Pleasanton toward general benefit from the maintenance, rehabilitation, and

**City of Pleasanton**

replacement of the local storm drainage system is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In other words, if the Maintenance District were required to construct and maintain the local storm drainage system, the budget would increase by at least 10%.

The City of Pleasanton owns and maintains local public streets throughout the Maintenance District. These public streets provide access to the Improvements for its enjoyment as well as efficient maintenance. The contribution from the City of Pleasanton toward general benefit from the maintenance, rehabilitation, and replacement of the local public streets is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In other words, if the Maintenance District were required to construct and maintain the local public streets, the budget would increase by at least 10%.

The value of the initial Improvements constructed by the Developer can be quantified and monetized as an annuity to be amortized. Since the initial Improvements were performed and paid for by non-assessment funds, this “annuity” can be used to offset general benefit costs and is conservatively estimated to contribute 20%. In other words, if the Maintenance District were required to construct all the Improvements, the annual budget would increase by at least 20%.

In other words, there is a 11.9% contribution needed to offset the general benefits conferred by the Improvements, and there is a 50% contribution from City of Pleasanton supporting local infrastructure, along with the amortized value of initial construction. This 50% contribution more than satisfies the general benefit requirements.

The estimates used above for the City of Pleasanton’s “in-kind,” non-monetary contributions for the maintenance, rehabilitation and replacement of the curbs and gutters, storm drainage systems, local streets (the “supportive infrastructure”), and the value of the initial Improvements constructed by the Developer, are based on industry standards; typical and standard quantity ratios between this supportive infrastructure (including the City’s relative associated maintenance costs) and similar Improvements; and on the assessment Engineer’s professional experience on planning and working in such projects.

The City will also make a contribution of \$9,703 from the General Fund for the cost of maintenance of the “general benefit” area along Arroyo, that was at one time included in this district.

### Source of Contributions from Other Funds to Satisfy 11.9% Requirement

City non-monetary contributions:

- 10.0% (Curb and gutter)
- + 10.0% (Storm drainage system)
- + 10.0% (Public roads)
- + 20.0% (Amortized value of initial construction)
- = 50.0% (Total General Benefit paid from Other Funds)

### City Monetary Contributions

- + \$9,703 General Fund contribution for maintenance of area along Arroyo

### Zones of Benefit

The boundaries of the Assessment Area are carefully drawn to only include the properties that are proximate to the Improvements and that would materially benefit from the Improvements.

In SVTA, the court noted that even a local agency-wide assessment district is appropriate under the right conditions:

*“Thus, if an assessment district is narrowly drawn, the fact that a benefit is conferred throughout the district does not make it general rather than special. In that circumstance, the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g., proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g., general enhancement of the district's property values).”*

The court therefore acknowledged the appropriateness of a District-wide assessment so long as each parcel receives a direct advantage from the assessment-funded improvement or service. As demonstrated in this Report, each parcel in the Maintenance District receives a direct advantage and special benefit from the Improvements.

In the Maintenance District, the advantage that each parcel receives from the Improvements is direct, and the boundaries are narrowly drawn to include only parcels that benefit from the Assessment. Therefore, the even spread of assessment throughout the narrowly drawn district is indeed consistent with the SVTA decision. The benefits from the Improvements within the Maintenance District do not vary further based on proximity of the parcels to the Improvements because the increased benefits of greater proximity to the Improvements are generally offset by a parallel increase in

### City of Pleasanton

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25

negative factors such as higher levels of traffic, noise, etc. that comes with increased proximity.

Consequently, since all parcels in the Maintenance District have good access and proximity to the Improvements and the benefits to relatively closer proximity are offset by other factors, additional proximity is not considered to be a factor in determining benefit within the Maintenance District. Therefore, zones of benefit are not justified or needed within the Maintenance District.

### **Method of Assessment**

As previously discussed, the Assessments provide comprehensive Improvements that clearly confers direct and special benefits to properties in the Maintenance District.

The allocation of special benefits to property is primarily based on the type of property and the size of property. These benefits can also partially be measured by the occupants on property in the Maintenance District because such parcel population density is a measure of the relative benefit a parcel receives from the Improvements. It should be noted that many other types of “traditional” assessments also use parcel population densities to apportion the assessments. For example, the assessments for sewer systems, roads and water systems are typically allocated based on the population density of the parcels assessed. Therefore, the apportionment of benefit is reasonably based on the type of parcel, the size of parcels and the population density of parcels.

A critical step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a single-family home, or, in other words, on the basis of Single-Family Equivalent (SFE) units. This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer’s Report, all properties are designated an SFE value, which is each property’s relative benefit in relation to a single-family home on one parcel. In this case, the “benchmark” property is the single family detached dwelling which is one Single Family Equivalent unit or one SFE.

Finally, the special benefits to be derived from the Assessments will be conferred on property and are not based on a specific property owner’s use of the Improvements, a specific property owner’s occupancy of property, or the property owner’s demographic status such as age or number of dependents. The benefits derived to property are related to the average number of people who could potentially live on, work at, or otherwise could occupy a property, not how the property is currently used by the present owner. Therefore, the number of people who could, or potentially, live on, work at, or otherwise occupy a property is one indicator of the relative level of benefit received by a property.

### **City of Pleasanton**

In conclusion, the Assessment Engineer determined that the appropriate method of assessment apportionment should be based on the type of property, the relative size of the property, property location, its relative population, and its proximity to the landscaping and open space facilities. This method is further described below.

### **Residential Properties**

The Ponderosa development is a residential single family development project consisting of a total of 344 parcels, 343 single family home parcels, and 1 City owned parcel that is the location of Del Prado Park. As such, each residential property receives similar benefit from the proposed Improvements.

Therefore, the Engineer has determined that the appropriate method of apportionment of the benefits derived by all parcels is on a dwelling unit or single-family residence basis. All improved properties, or properties proposed for development, are assigned one Single Family Equivalent unit or 1 SFE factor equal to the number of dwelling units developed or planned for the property.

### **Other Properties**

Article XIID stipulates that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the Assessment.

All properties that are specially benefited are assessed. Other publicly owned property that is used for purposes similar to private residential, commercial, industrial, or institutional uses is benefited and assessed at the same rate as such privately owned property.

Miscellaneous, small, and other parcels such as roads, right-of-way parcels, and common areas typically do not generate significant numbers of employees, residents, customers, or guests, who would have access to or use the Improvements. These miscellaneous parcels therefore receive no benefit from the Improvements and are assessed an SFE benefit factor of 0 SFEs.

### **The Assessment Rate does not Increase Annually**

It should also be noted that the Maintenance District assessment rates cannot be increased annually, and the total revenues remain the same year after year, assessing \$16.90 per SFE or parcel, which is the maximum authorized assessment. In order to increase the annual assessment rate or to add an annual Consumer Price Index escalator to the assessment rate, approval of the property owners is required via a Proposition 218 assessment ballot proceeding.

### **Appeal of Assessments Levied to Property**

Any property owner who feels that the assessment levied on their property is in error as a result of incorrect information being used to apply the foregoing method of assessment may file a written appeal with the City of Pleasanton City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then

### **City of Pleasanton**

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25

current Fiscal Year and applicable law. Upon the filing of any such appeal, the City of Pleasanton City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City of Pleasanton City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the Assessment Roll. If any such changes are approved after the Assessment Roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction.

**Assessment Funds Must be Expended Within the Maintenance District Area**

The net available Assessment funds, after incidental, administrative, financing, and other costs, shall be expended exclusively for Improvements within the boundaries of the Maintenance District and appropriate incidental and administrative costs as defined in the Plans and Specifications section.

## Assessment

**WHEREAS**, the City of Pleasanton City Council directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the Maintenance District, and an assessment of the estimated costs of the Improvements upon all assessable parcels within the Maintenance District;

**NOW, THEREFORE**, the undersigned, by virtue of the power vested in me under the Act, Article XIID of the California Constitution, and the order of the City Council of the City of Pleasanton, hereby makes the following assessment to cover the portion of the estimated cost of the Improvements, and the costs and expenses incidental thereto to be paid by the Maintenance District.

The amount to be paid for said Improvements and the expense incidental thereto, to be paid by the Maintenance District for the Fiscal Year 2024-25 is generally as follows:

**Figure 2 – Summary Cost Estimate – Ponderosa LMD No. 1984-1**

<b>Budget Item</b>	<b>Budgeted Cost</b>
Installation, Maintenance, and Servicing Costs	\$20,262.00
Incidental and Administration Costs	\$41,896.04
Amount to/(from) Reserve Fund	\$(46,641.72)
General Fund contribution for General Benefits	\$(9,703.00)
Total Budget	<u>\$5,813.32</u>

As required by the Act, an Assessment Diagram showing the exterior boundaries of the Maintenance District is hereto attached and incorporated herein by reference. The distinctive number of each parcel or lot of land in the Maintenance District is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby assess and apportion the net amount of the cost and expenses of the Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within the Maintenance District, in accordance with the special benefits to be received by each parcel or lot, from the Improvements, and more particularly set forth in the Estimate of Cost and Method of Assessment in the Report.

### City of Pleasanton

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25



The Assessment is made upon the parcels or lots of land within the Maintenance District in proportion to the special benefits to be received by the parcels or lots of land, from the Improvements.

The Maintenance District's assessment rate for fiscal year 2024-25 remains unchanged at the same assessment rate used last year of \$16.90 per single family equivalent (SFE) benefit unit.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as will be shown on the Assessor's Maps of Alameda County for the Fiscal Year 2024-25. For a more particular description of the property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby will place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the Fiscal Year 2024-25 for each parcel or lot of land within the Maintenance District.

City Engineer/Engineer of Work

By: \_\_\_\_\_  
Adam M. Nelkie, License No. C78830

## Certificates Page

---

LANDSCAPE MAINTENANCE DISTRICT 1984-1, PONDEROSA CITY OF PLEASANTON, ALAMEDA COUNTY, CALIFORNIA

(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed Engineer's Report and does hereby certify that this Engineer's Report and the Assessment have been prepared by me as directed by the City Council.

Adam M. Nelkie, City Engineer, License No. 78830

City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Jocelyn Kwong, City Clerk

City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Pleasanton, Alameda County, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Jocelyn Kwong, City Clerk

City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that a certified copy of the enclosed Engineer's Report, including Assessment Roll and Assessment Diagram was filed with the County Auditor of the County of Alameda, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Jocelyn Kwong, City Clerk

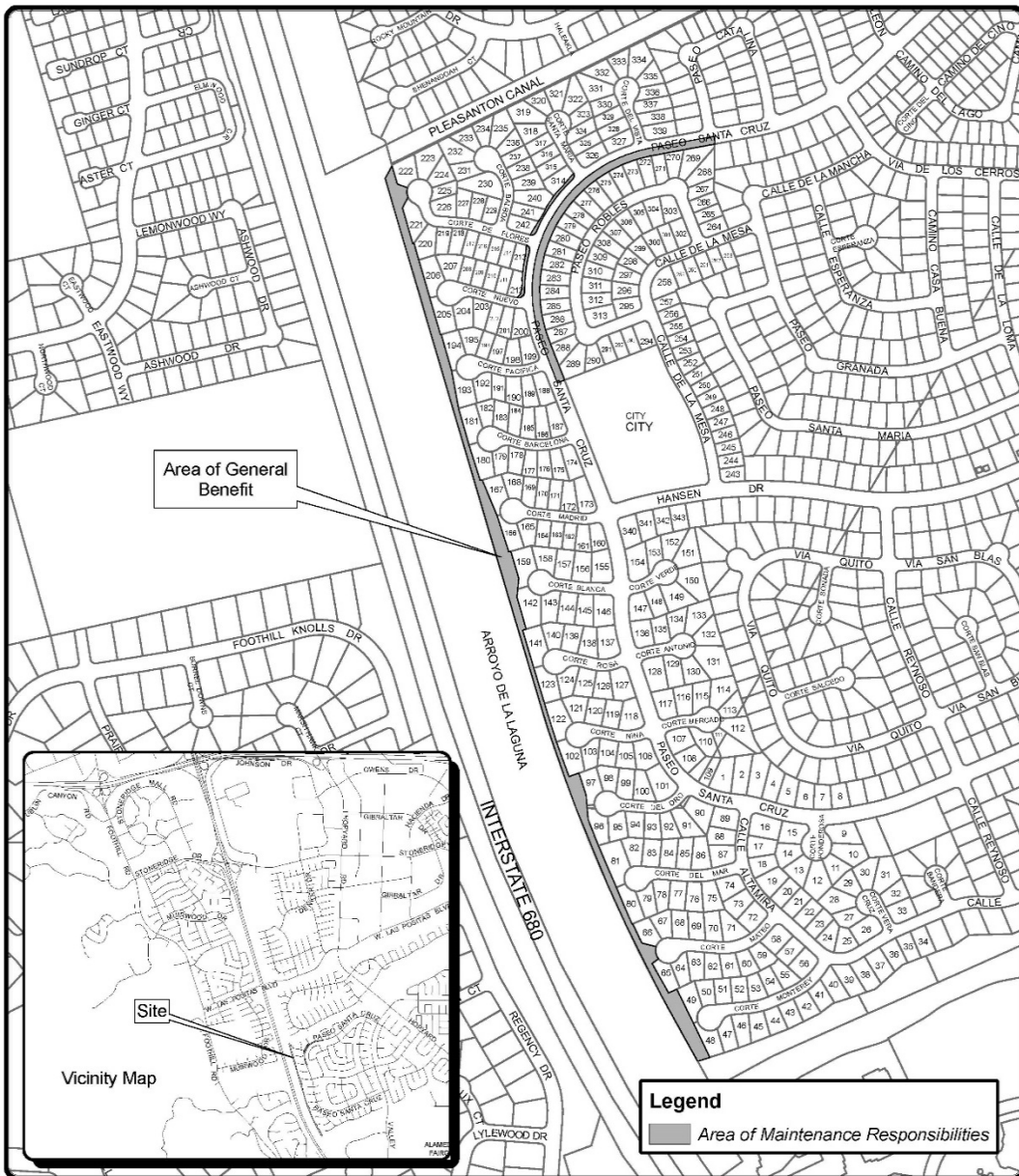
City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

### City of Pleasanton

# Assessment Diagram

The Maintenance District includes all properties within the Ponderosa subdivision, as displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Maintenance District are those lines and dimensions as shown on the maps of the Assessor of Alameda County for Fiscal Year 2024-25, and are incorporated herein by reference, and made a part of this Diagram and this Report.



\\Pleasanton\GIS\_Data\GIS\_Data\Arch\Projects\Lighting\Landscaping\Lighting\_Landscaping\_Ponderosa2012.mxd Updated 04/11/12 - WW

1 inch = 500 feet

### LANDSCAPE MAINTENANCE DISTRICT 1984-1 PONDEROSA

For a more detailed description, refer to assessor parcel map book 946, page 3541 and 3542, tract 6320.



## City of Pleasanton

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25

## Assessment Roll FY 2024-25 - Ponderosa LMD No. 1984-1

ASSESSMENT DIAGRAM NO.	ASSESSOR'S PARCEL NUMBER	ASSESSMENT AMOUNT	COLLECTION CHARGE .017	TOTAL
1	946-4556-010	\$16.62	\$0.28	\$16.90
2	946-4556-009	16.62	0.28	16.90
3	946-4556-008	16.62	0.28	16.90
4	946-4556-007	16.62	0.28	16.90
5	946-4556-006	16.62	0.28	16.90
6	946-4556-005	16.62	0.28	16.90
7	946-4556-004	16.62	0.28	16.90
8	946-4556-003	16.62	0.28	16.90
9	946-4556-011	16.62	0.28	16.90
10	946-4556-012	16.62	0.28	16.90
11	946-4556-013	16.62	0.28	16.90
12	946-4556-014	16.62	0.28	16.90
13	946-4556-015	16.62	0.28	16.90
14	946-4556-016	16.62	0.28	16.90
15	946-4556-017	16.62	0.28	16.90
16	946-4556-018	16.62	0.28	16.90
17	946-4556-019	16.62	0.28	16.90
18	946-4556-020	16.62	0.28	16.90
19	946-4556-021	16.62	0.28	16.90
20	946-4556-031	16.62	0.28	16.90
21	946-4556-032	16.62	0.28	16.90
22	946-4556-033	16.62	0.28	16.90
23	946-4556-034	16.62	0.28	16.90
24	946-4556-035	16.62	0.28	16.90
25	946-4556-036	16.62	0.28	16.90
26	946-4556-037	16.62	0.28	16.90
27	946-4556-038	16.62	0.28	16.90
28	946-4556-039	16.62	0.28	16.90
29	946-4556-040	16.62	0.28	16.90
30	946-4556-041	16.62	0.28	16.90
31	946-4556-042	16.62	0.28	16.90
32	946-4556-043	16.62	0.28	16.90
33	946-4556-044	16.62	0.28	16.90
34	946-4556-045	16.62	0.28	16.90
35	946-4556-046	16.62	0.28	16.90
36	946-4556-047	16.62	0.28	16.90
37	946-4556-048	16.62	0.28	16.90
38	946-4556-049	16.62	0.28	16.90
39	946-4556-050	16.62	0.28	16.90
40	946-4556-051	16.62	0.28	16.90
41	946-4556-052	16.62	0.28	16.90
42	946-4556-053	16.62	0.28	16.90
43	946-4556-054	16.62	0.28	16.90

### City of Pleasanton

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25

44	946-4556-055	16.62	0.28	16.90
45	946-4556-056	16.62	0.28	16.90
46	946-4556-057	16.62	0.28	16.90
47	946-4556-058	16.62	0.28	16.90
48	946-4556-059-2	16.62	0.28	16.90
49	946-4556-060-2	16.62	0.28	16.90
50	946-4556-061	16.62	0.28	16.90
51	946-4556-062	16.62	0.28	16.90
52	946-4556-063	16.62	0.28	16.90
53	946-4556-064	16.62	0.28	16.90
54	946-4556-065	16.62	0.28	16.90
55	946-4556-066	16.62	0.28	16.90
56	946-4556-030	16.62	0.28	16.90
57	946-4556-029	16.62	0.28	16.90
58	946-4556-028	16.62	0.28	16.90
59	946-4556-067	16.62	0.28	16.90
60	946-4556-068	16.62	0.28	16.90
61	946-4556-069	16.62	0.28	16.90
62	946-4556-070	16.62	0.28	16.90
63	946-4556-071	16.62	0.28	16.90
64	946-4556-072	16.62	0.28	16.90
65	946-4556-073-1	16.62	0.28	16.90
66	946-4556-074-1	16.62	0.28	16.90
67	946-4556-075	16.62	0.28	16.90
68	946-4556-076	16.62	0.28	16.90
69	946-4556-077	16.62	0.28	16.90
70	946-4556-078	16.62	0.28	16.90
71	946-4556-079	16.62	0.28	16.90
72	946-4556-027	16.62	0.28	16.90
73	946-4556-026	16.62	0.28	16.90
74	946-4556-025	16.62	0.28	16.90
75	946-4556-082	16.62	0.28	16.90
76	946-4556-083	16.62	0.28	16.90
77	946-4556-084	16.62	0.28	16.90
78	946-4556-085	16.62	0.28	16.90
79	946-4556-086	16.62	0.28	16.90
80	946-4556-087-1	16.62	0.28	16.90
81	946-4556-088-1	16.62	0.28	16.90
82	946-4556-089	16.62	0.28	16.90
83	946-4556-090	16.62	0.28	16.90
84	946-4556-091	16.62	0.28	16.90
85	946-4556-092	16.62	0.28	16.90
86	946-4556-093	16.62	0.28	16.90
87	946-4556-024	16.62	0.28	16.90
88	946-4556-023	16.62	0.28	16.90
89	946-4556-022	16.62	0.28	16.90
90	946-4556-094	16.62	0.28	16.90
91	946-4556-097	16.62	0.28	16.90
92	946-4556-098	16.62	0.28	16.90
93	946-4556-099	16.62	0.28	16.90

## City of Pleasanton

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25

94	946-4556-100	16.62	0.28	16.90
95	946-4556-101	16.62	0.28	16.90
96	946-4556-102-1	16.62	0.28	16.90
97	946-4556-104-1	16.62	0.28	16.90
98	946-4556-105	16.62	0.28	16.90
99	946-4556-106	16.62	0.28	16.90
100	946-4556-107	16.62	0.28	16.90
101	946-4556-108	16.62	0.28	16.90
102	946-4562-040-1	16.62	0.28	16.90
103	946-4562-039	16.62	0.28	16.90
104	946-4562-038	16.62	0.28	16.90
105	946-4562-037	16.62	0.28	16.90
106	946-4562-036	16.62	0.28	16.90
107	946-4562-004	16.62	0.28	16.90
108	946-4562-003	16.62	0.28	16.90
109	946-4562-001	16.62	0.28	16.90
110	946-4562-005	16.62	0.28	16.90
111	946-4562-007	16.62	0.28	16.90
112	946-4562-010-1	16.62	0.28	16.90
113	946-4562-011	16.62	0.28	16.90
114	946-4562-013	16.62	0.28	16.90
115	946-4562-014	16.62	0.28	16.90
116	946-4562-015	16.62	0.28	16.90
117	946-4562-016	16.62	0.28	16.90
118	946-4562-045	16.62	0.28	16.90
119	946-4562-044	16.62	0.28	16.90
120	946-4562-043	16.62	0.28	16.90
121	946-4562-042	16.62	0.28	16.90
122	946-4562-041-1	16.62	0.28	16.90
123	946-4562-050-1	16.62	0.28	16.90
124	946-4562-049	16.62	0.28	16.90
125	946-4562-048	16.62	0.28	16.90
126	946-4562-047	16.62	0.28	16.90
127	946-4562-046	16.62	0.28	16.90
128	946-4562-017	16.62	0.28	16.90
129	946-4562-018	16.62	0.28	16.90
130	946-4562-019	16.62	0.28	16.90
131	946-4562-020	16.62	0.28	16.90
132	946-4562-021	16.62	0.28	16.90
133	946-4562-022	16.62	0.28	16.90
134	946-4562-023	16.62	0.28	16.90
135	946-4562-024	16.62	0.28	16.90
136	946-4562-025	16.62	0.28	16.90
137	946-4562-055	16.62	0.28	16.90
138	946-4562-054	16.62	0.28	16.90
139	946-4562-053	16.62	0.28	16.90
140	946-4562-052	16.62	0.28	16.90
141	946-4562-051-1	16.62	0.28	16.90
142	946-4562-060	16.62	0.28	16.90
143	946-4562-059	16.62	0.28	16.90

## City of Pleasanton

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25

144	946-4562-058	16.62	0.28	16.90
145	946-4562-057	16.62	0.28	16.90
146	946-4562-056	16.62	0.28	16.90
147	946-4562-026	16.62	0.28	16.90
148	946-4562-027	16.62	0.28	16.90
149	946-4562-028	16.62	0.28	16.90
150	946-4562-029	16.62	0.28	16.90
151	946-4562-030	16.62	0.28	16.90
152	946-4562-031	16.62	0.28	16.90
153	946-4562-032	16.62	0.28	16.90
154	946-4562-033	16.62	0.28	16.90
155	946-4562-065	16.62	0.28	16.90
156	946-4562-064	16.62	0.28	16.90
157	946-4562-063	16.62	0.28	16.90
158	946-4562-062	16.62	0.28	16.90
159	946-4562-061-1	16.62	0.28	16.90
160	946-4562-066	16.62	0.28	16.90
161	946-4562-067	16.62	0.28	16.90
162	946-4562-068	16.62	0.28	16.90
163	946-4562-069	16.62	0.28	16.90
164	946-4562-070	16.62	0.28	16.90
165	946-4563-001	16.62	0.28	16.90
166	946-4563-002-1	16.62	0.28	16.90
167	946-4563-004-1	16.62	0.28	16.90
168	946-4563-005	16.62	0.28	16.90
169	946-4563-006	16.62	0.28	16.90
170	946-4563-007	16.62	0.28	16.90
171	946-4563-008	16.62	0.28	16.90
172	946-4563-009	16.62	0.28	16.90
173	946-4563-010	16.62	0.28	16.90
174	946-4563-011-2	16.62	0.28	16.90
175	946-4563-012-1	16.62	0.28	16.90
176	946-4563-013	16.62	0.28	16.90
177	946-4563-014	16.62	0.28	16.90
178	946-4563-015	16.62	0.28	16.90
179	946-4563-016	16.62	0.28	16.90
180	946-4563-017-1	16.62	0.28	16.90
181	946-4563-018-1	16.62	0.28	16.90
182	946-4563-019	16.62	0.28	16.90
183	946-4563-020	16.62	0.28	16.90
184	946-4563-021	16.62	0.28	16.90
185	946-4563-022	16.62	0.28	16.90
186	946-4563-023	16.62	0.28	16.90
187	946-4563-024	16.62	0.28	16.90
188	946-4563-025	16.62	0.28	16.90
189	946-4563-026	16.62	0.28	16.90
190	946-4563-027	16.62	0.28	16.90
191	946-4563-028	16.62	0.28	16.90
192	946-4563-029	16.62	0.28	16.90
193	946-4563-030-1	16.62	0.28	16.90

## City of Pleasanton

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25

194	946-4563-031-1	16.62	0.28	16.90
195	946-4563-032	16.62	0.28	16.90
196	946-4563-033	16.62	0.28	16.90
197	946-4563-034	16.62	0.28	16.90
198	946-4563-035	16.62	0.28	16.90
199	946-4563-036	16.62	0.28	16.90
200	946-4563-037	16.62	0.28	16.90
201	946-4563-038-1	16.62	0.28	16.90
202	946-4563-039-3	16.62	0.28	16.90
203	946-4563-040-2	16.62	0.28	16.90
204	946-4563-041	16.62	0.28	16.90
205	946-4563-042	16.62	0.28	16.90
206	946-4563-043	16.62	0.28	16.90
207	946-4563-044	16.62	0.28	16.90
208	946-4563-045	16.62	0.28	16.90
209	946-4563-046	16.62	0.28	16.90
210	946-4563-047	16.62	0.28	16.90
211	946-4563-048	16.62	0.28	16.90
212	946-4563-049	16.62	0.28	16.90
213	946-4563-050	16.62	0.28	16.90
214	946-4563-051	16.62	0.28	16.90
215	946-4563-052	16.62	0.28	16.90
216	946-4563-053	16.62	0.28	16.90
217	946-4563-054	16.62	0.28	16.90
218	946-4563-055	16.62	0.28	16.90
219	946-4563-056	16.62	0.28	16.90
220	946-4563-057	16.62	0.28	16.90
221	946-4563-058-3	16.62	0.28	16.90
222	946-4563-060-2	16.62	0.28	16.90
223	946-4563-061	16.62	0.28	16.90
224	946-4563-062	16.62	0.28	16.90
225	946-4563-063	16.62	0.28	16.90
226	946-4563-064	16.62	0.28	16.90
227	946-4563-065	16.62	0.28	16.90
228	946-4563-066	16.62	0.28	16.90
229	946-4563-067	16.62	0.28	16.90
230	946-4563-068	16.62	0.28	16.90
231	946-4563-069	16.62	0.28	16.90
232	946-4563-070	16.62	0.28	16.90
233	946-4563-071	16.62	0.28	16.90
234	946-4563-072	16.62	0.28	16.90
235	946-4563-073	16.62	0.28	16.90
236	946-4563-074	16.62	0.28	16.90
237	946-4563-075	16.62	0.28	16.90
238	946-4563-076	16.62	0.28	16.90
239	946-4563-077	16.62	0.28	16.90
240	946-4563-078-2	16.62	0.28	16.90
241	946-4563-079-1	16.62	0.28	16.90
242	946-4563-080	16.62	0.28	16.90
243	946-4563-082	16.62	0.28	16.90

## City of Pleasanton

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25



244	946-4563-083	16.62	0.28	16.90
245	946-4563-084	16.62	0.28	16.90
246	946-4563-085	16.62	0.28	16.90
247	946-4563-086	16.62	0.28	16.90
248	946-4563-087	16.62	0.28	16.90
249	946-4563-088	16.62	0.28	16.90
250	946-4563-089	16.62	0.28	16.90
251	946-4563-090	16.62	0.28	16.90
252	946-4563-091	16.62	0.28	16.90
253	946-4563-092	16.62	0.28	16.90
254	946-4563-093	16.62	0.28	16.90
255	946-4563-094	16.62	0.28	16.90
256	946-4563-095	16.62	0.28	16.90
257	946-4563-096	16.62	0.28	16.90
258	946-4563-097	16.62	0.28	16.90
259	946-4563-130	16.62	0.28	16.90
260	946-4563-129	16.62	0.28	16.90
261	946-4563-128	16.62	0.28	16.90
262	946-4563-127	16.62	0.28	16.90
263	946-4563-126	16.62	0.28	16.90
264	946-4563-140	16.62	0.28	16.90
265	946-4563-141	16.62	0.28	16.90
266	946-4563-142	16.62	0.28	16.90
267	946-4563-143	16.62	0.28	16.90
268	946-4563-182	16.62	0.28	16.90
269	946-4563-183	16.62	0.28	16.90
270	946-4563-146	16.62	0.28	16.90
271	946-4563-147	16.62	0.28	16.90
272	946-4563-148	16.62	0.28	16.90
273	946-4563-149	16.62	0.28	16.90
274	946-4563-150	16.62	0.28	16.90
275	946-4563-151	16.62	0.28	16.90
276	946-4563-152	16.62	0.28	16.90
277	946-4563-153	16.62	0.28	16.90
278	946-4563-154	16.62	0.28	16.90
279	946-4563-113	16.62	0.28	16.90
280	946-4563-112	16.62	0.28	16.90
281	946-4563-111	16.62	0.28	16.90
282	946-4563-110	16.62	0.28	16.90
283	946-4563-109	16.62	0.28	16.90
284	946-4563-108	16.62	0.28	16.90
285	946-4563-107	16.62	0.28	16.90
286	946-4563-106	16.62	0.28	16.90
287	946-4563-105	16.62	0.28	16.90
288	946-4563-104	16.62	0.28	16.90
289	946-4563-103	16.62	0.28	16.90
290	946-4563-102	16.62	0.28	16.90
291	946-4563-101	16.62	0.28	16.90
292	946-4563-100	16.62	0.28	16.90
293	946-4563-099	16.62	0.28	16.90

## City of Pleasanton

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25

294	946-4563-098	16.62	0.28	16.90
295	946-4563-120	16.62	0.28	16.90
296	946-4563-121	16.62	0.28	16.90
297	946-4563-122	16.62	0.28	16.90
298	946-4563-123	16.62	0.28	16.90
299	946-4563-134	16.62	0.28	16.90
300	946-4563-133	16.62	0.28	16.90
301	946-4563-132	16.62	0.28	16.90
302	946-4563-131	16.62	0.28	16.90
303	946-4563-139	16.62	0.28	16.90
304	946-4563-138	16.62	0.28	16.90
305	946-4563-137	16.62	0.28	16.90
306	946-4563-136	16.62	0.28	16.90
307	946-4563-135	16.62	0.28	16.90
308	946-4563-114	16.62	0.28	16.90
309	946-4563-115	16.62	0.28	16.90
310	946-4563-116	16.62	0.28	16.90
311	946-4563-117	16.62	0.28	16.90
312	946-4563-118	16.62	0.28	16.90
313	946-4563-119	16.62	0.28	16.90
314	946-4563-155	16.62	0.28	16.90
315	946-4563-156	16.62	0.28	16.90
316	946-4563-157	16.62	0.28	16.90
317	946-4563-158	16.62	0.28	16.90
318	946-4563-159	16.62	0.28	16.90
319	946-4563-160	16.62	0.28	16.90
320	946-4563-161	16.62	0.28	16.90
321	946-4563-162	16.62	0.28	16.90
322	946-4563-163	16.62	0.28	16.90
323	946-4563-164	16.62	0.28	16.90
324	946-4563-165	16.62	0.28	16.90
325	946-4563-166	16.62	0.28	16.90
326	946-4563-167	16.62	0.28	16.90
327	946-4563-168	16.62	0.28	16.90
328	946-4563-169	16.62	0.28	16.90
329	946-4563-170	16.62	0.28	16.90
330	946-4563-171	16.62	0.28	16.90
331	946-4563-172	16.62	0.28	16.90
332	946-4563-173	16.62	0.28	16.90
333	946-4563-174	16.62	0.28	16.90
334	946-4563-175	16.62	0.28	16.90
335	946-4563-176	16.62	0.28	16.90
336	946-4563-177	16.62	0.28	16.90
337	946-4563-178	16.62	0.28	16.90
338	946-4563-179	16.62	0.28	16.90
339	946-4563-180	16.62	0.28	16.90
340	946-4562-071	16.62	0.28	16.90
341	946-4562-072	16.62	0.28	16.90
342	946-4562-073	16.62	0.28	16.90
343	946-4562-074	16.62	0.28	16.90

## City of Pleasanton

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25

CITY	946-4563-125	16.62	n/a	16.62
344	<b>TOTAL ASSESSMENTS:</b>	<b>\$5,717.28</b>	<b>\$96.04</b>	<b>\$5,813.32</b>

---

**City of Pleasanton**

Landscape Maintenance District No. 1984-1, Ponderosa Engineer's Report, Fiscal Year 2024-25

**RESOLUTION NO. 2024-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON DECLARING THE INTENTION TO ORDER IMPROVEMENTS FOR THE LIGHTING & LANDSCAPE MAINTENANCE DISTRICT NO. 1993-1 WINDSOR FOR FISCAL YEAR 2024/25; DECLARING THE INTENTION TO CONTINUE THE LEVY AND COLLECTION OF ASSESSMENTS; AND SETTING THE DATE FOR THE PUBLIC HEARING**

**WHEREAS**, as required by Section 22622 of the California Streets and Highways Code, the City Council of the City of Pleasanton has described proposed improvements to be included for the determination of annual assessments levied for Lighting and Landscape Maintenance District No. 1993-1 Windsor, created under the Lighting & Landscape Act of 1972, and ordered the preparation of an Engineer's Report to determine the annual levy of assessments for such District; and

**WHEREAS**, as required by Section 22622 of the California Streets and Highways Code, the Engineer has filed with the City Clerk a Preliminary Engineer's Report for the Lighting & Landscape Maintenance District No. 1993-1 Windsor for Fiscal Year 2024/25.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:**

**SECTION 1.** The City Engineer is designated by this Council as the Engineer of Work for Lighting & Landscape Maintenance District No. 1993-1, Windsor, during fiscal year 2024/25. The area of land to be assessed is located in the City of Pleasanton, Alameda County.

**SECTION 2.** The City Council intends to continue to levy and collect assessments within Lighting & Landscape Maintenance District No. 1993-1 Windsor, during fiscal year 2024/25.

**SECTION 3.** The improvements to be made in this assessment district are generally described as follows:

Maintenance of the masonry walls, trees, shrubbery, groundcover, and irrigation systems situated on the northeast side of Tapestry Way and Minton Court, Lot A in the northwest corner of the subdivision and also Lot C in the southwest corner of the subdivision.

**SECTION 4.** In accordance with this resolution directing the filing of an annual report, the City Engineer has filed with the City Clerk the report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessments upon assessable lots and parcels of land within the assessment district.

**SECTION 5.** On Tuesday, the 18<sup>th</sup> day of June 2024, at the hour of 7:00 pm, the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The Council meeting will be held in accordance with Government Code Section 54954(e). To improve access to public information, residents may access meetings remotely through the City's website.

**SECTION 6.** The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

**SECTION 7.** City Clerk shall certify to the passage of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on May 21, 2024.

I, Jocelyn Kwong, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 21<sup>st</sup> day of May, 2024, by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

---

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

---

Daniel G. Sodergren, City Attorney



## **CITY OF PLEASANTON**

Landscape Maintenance District No. 1993-1, Windsor

### **Engineer's Report**

Fiscal Year 2024-25

May 2024

Pursuant to the Landscaping and Lighting Act of 1972, government code and article  
XIIID of the California Constitution

(This page intentionally left blank)

# City of Pleasanton

---

## Mayor and City Council

- Karla Brown, Mayor
- Julie Testa, Vice Mayor
- Valerie Arkin, Councilmember
- Jack Balch, Councilmember
- Jeff Nibert, Councilmember

## City Manager

Gerry Beaudin

## City Engineer

Adam M. Nelkie



# Table of Contents

---

	<u>PAGE NO.</u>
<b>Introduction .....</b>	<b>1</b>
<b>Overview .....</b>	<b>1</b>
Landscape Maintenance District No. 1993-1, Windsor.....	1
Engineer’s Report and Continuation of Assessments.....	3
Legal Requirements .....	3
<b>Plans &amp; Specifications .....</b>	<b>5</b>
Introduction .....	5
Windsor Description of Improvements .....	6
Recommended Capital Improvements.....	7
<b>Estimate of Cost and Budget – Fiscal Year 2024-25 .....</b>	<b>8</b>
Notes to Estimate .....	8
<b>Method of Assessment Apportionment .....</b>	<b>10</b>
Method of Apportionment.....	10
Discussion of Benefits .....	10
General vs. Special Benefits .....	12
Calculating General Benefit and Special Benefit Paid from Other Funds .....	13
Zones of Benefit.....	17
Method of Assessment.....	18
Residential Properties .....	19
Other Properties .....	19
The Assessment Rate does not Increase Annually .....	19
Appeal of Assessments Levied to Property .....	19
Assessment Funds Must be Expended Within the Maintenance District Area.....	20
<b>Assessment .....</b>	<b>21</b>
<b>Certificates Page .....</b>	<b>23</b>
<b>Assessment Diagram .....</b>	<b>24</b>
<b>Assessment Roll FY 2024-25 – Landscape Maintenance District No. 1993-1 Windsor .....</b>	<b>25</b>

## City of Pleasanton

Landscape Maintenance District No. 1993-1, Windsor Engineer's Report, Fiscal Year 2024-25

## List of Figures

---

**Figure 1 – Estimate of Costs and Revenues**..... 7

**Figure 2 – Summary Cost Estimate – Windsor LMD No. 1993-1**..... 20

**Figure 3 – Assessment Roll FY 2024-25 – Windsor LMD No. 1993-1** ..... 24

## Introduction

---

### Overview

The City of Pleasanton (“City”) is located in Alameda County, and covers an area of 24.3 square miles, with over 24,500 assessor parcels, and approximately 80,000 residents. The City currently has five Landscape Maintenance Districts (“Districts”) that provide services to a combined total of 680 parcels:

- 1984-1 Ponderosa (Del Prado) – 344 parcels
- 1993-1 Windsor – 90 parcels
- 1993-2 Bonde Ranch – 103 parcels
- 1994-1 Oak Tree Farm – 42 parcels
- 1995-1 Moller Ranch – 101 parcels

The five District’s benefit assessments were established prior to the approval of Proposition 218 in 1996. The purpose of these Districts is to provide funding for the installation, maintenance and servicing of local landscaping and lighting improvements (“Improvements”) within each District’s service area.

### Landscape Maintenance District No. 1993-1, Windsor

#### Assessment Background

The Windsor Landscape Maintenance District No. 1993-1 (“District 1993-1” or “Maintenance District”) was formed in 1993 as a Condition of Approval for the Windsor development, to fund certain landscape improvements within the Windsor subdivision. The Maintenance District has a total of 90 single-family residential parcels.

The Windsor Landscape Maintenance District No. 1993-1 purpose is to fund the maintenance and repair of designated landscaped areas and open space areas, entry features, masonry soundwalls, common area drainage ditches, irrigation systems, trees and plantings in designated landscaped areas, furnishing of water and power for irrigation systems, and streetlights.

District 1993-1 is funded by the benefit assessment approved in 1993 (“Assessment”), and it does not receive any direct revenues from property taxes or any other funding sources. The fiscal year 2024-25 assessments for District 1993-1 will remain at the same assessment rate of \$269.62 per parcel per year. With a total of 90 parcels in the Maintenance District, fiscal year 2024-25 total assessment will be \$24,265.80.

Over the years, operational costs and utility costs have increased, however the assessment revenues have remained the same. The fiscal year 2024-25 total assessment revenue will not be sufficient to fund the maintenance of all landscaped areas, including water costs, county assessment fees, city administration fees, replacement of plantings, irrigation systems, and other district improvements. The

Engineer's Report projects a shortage that will require the City to reduce landscape maintenance and water use so that maintenance costs remain below assessments.

City staff began the process of potentially increasing the assessments for the Windsor Landscape Maintenance District in 2022 through a Proposition 218 compliant voting procedure. However, the property owners that attended the neighborhood outreach meeting on February 2, 2022, voiced their desire that the City undertake more significant outreach to discuss increasing the assessment prior to taking the decision to vote. Staff set up a meeting with the Windsor neighborhood again on October 18, 2022, to discuss the assessments. A notification was sent via mail to all property owners and the HOA manager notified the residents of the meeting via email. About ten residents attended the meeting to discuss the need for and process for a vote to increase the assessment. The residents expressed an interest in having more control on how the money is spent and requested that the City provide additional information to them regarding the formation of the Windsor Landscape Maintenance District.

On November 3, staff sent an email to the Windsor HOA property manager that defined the maintenance responsibilities associated with the development and included the formation documents for the development. After receiving the formation documents, the HOA Board expressed their interest in partially taking over the maintenance responsibilities of the LMD rather than taking the assessment increase to a vote by the homeowners. Staff worked with the HOA Board President to determine what that shared maintenance would look like. On March 29, 2023, the Board submitted a letter stating their commitment to take over the monthly maintenance of the planting and paying the costs of water and on February 6, 2024, the HOA took over the monthly maintenance and water payments. The Windsor LMD retained the other maintenance responsibilities/costs, including but not limited to irrigation repairs, soundwall repair, tree pruning, etc.

Although the HOA accepted the costs for routine plant maintenance and water to help to alleviate the fund balance deficit, it is not a permanent solution. An increase in the annual assessment will be necessary to meet the maintenance standards of the District in the future. The city can no longer subsidize staff administration time or the consultant fees for a Proposition 218-compliant vote. The consultant fees for the Proposition 218-compliant vote will cost approx. \$40,000 and will come out of the reserve fund. Water costs are not a factor for the Windsor LMD since the HOA took over payment and that will reduce the proposed assessment increase amount, but significant tree pruning and capital improvement repair and replacement costs are substantial.

The landscape will continue to decline below the necessary maintenance standards of the district established by Ordinance 2458. This can open the district up to fines or litigation. To limit liability for the district, staff is pursuing a Proposition 218-compliant vote for 2025/26. It will be necessary for the city to continue to pursue a proposition 218-compliant vote, incurring significant consultant costs each time, until a sustainable assessment has been agreed to by property owners.

## **City of Pleasanton**

Landscape Maintenance District No. 1993-1, Windsor Engineer's Report, Fiscal Year 2024-25

If additional funding from a new or increased assessment is not implemented, the City will be forced to continue to reduce maintenance and postpone facilities upgrades, resulting in a continuing deterioration of the grounds and facilities.

### **Engineer's Report and Continuation of Assessments**

Each year for which the assessments will be continued, the City Council must direct the preparation of an Engineer's Report, budgets, and proposed assessments for the upcoming fiscal year. After the Engineer's Report is completed, the City Council may preliminarily approve the Engineer's Report and proposed assessments and establish the date for a public hearing on the continuation of the assessments. This Report was prepared pursuant to the direction of the City Council.

This Engineer's Report ("Report") was prepared to establish the budget for the continued maintenance, improvements, and services ("Improvements") that would be funded by the proposed fiscal year 2024-25 assessments, determine the benefits received by property from the Improvements, and the method of assessment apportionment to lots and parcels within the Maintenance District. This Report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code ("Act") and Article XIID of the California Constitution ("Article").

If the City Council approves this Engineer's Report and the continuation of the assessments by resolution, a notice of public hearing must be published in a local paper at least 10 days prior to the date of the public hearing. The resolution preliminarily approving the Engineer's Report and establishing the date for a public hearing is used for this notice.

Following the minimum 10-day period after publishing the notice, a public hearing is held for the purpose of allowing public testimony about the proposed continuation of the assessments. This hearing is currently scheduled for June 18, 2024. At this hearing, the City Council would consider approval of a resolution confirming the continuation of the assessments for fiscal year 2024-25. If so confirmed and approved, the assessments would be submitted to the County Auditor/Controller for inclusion on the property tax rolls for Fiscal Year 2024-25.

### **Legal Requirements**

#### **Proposition 218**

The City of Pleasanton's five Landscape Maintenance Districts were formed prior to the passage of Proposition 218, "The Right to Vote on Taxes Act," which was approved by the voters of California on November 6, 1996, and is now Article XIIC and XIID of the California Constitution. (Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property). Although these assessments are consistent with Proposition 218, the California judiciary has generally referred to pre-Proposition 218 assessments as "grandfathered

#### **City of Pleasanton**

Landscape Maintenance District No. 1993-1, Windsor Engineer's Report, Fiscal Year 2024-25

assessments” and held them to a lower standard than post Proposition 218 assessments.

The existing Assessment Districts will be re-assessed consistent with the procedures and requirements imposed by Proposition 218, which describes several important requirements, including property-owner balloting and approval for the imposition of new or increased assessments.

This Engineer’s Report is consistent with the requirements of Article XIIC and XIID of the California Constitution because the Improvements to be funded are clearly defined, the Improvements are directly available to and directly benefit property in the Maintenance District, and the Improvements provide a direct advantage to property in the Maintenance District that would not be received in absence of the assessments.

## Plans & Specifications

---

### Introduction

The work and Improvements to be undertaken by the City of Pleasanton within the Landscape Maintenance District No. 1993-1, Windsor, and the costs thereof paid from the levy of the annual assessments, provide special benefit to Assessor Parcels within the Maintenance District as defined in the Method of Assessment herein.

The Landscaping and Lighting Act of 1972 (Streets & Highways Code § 22525 et seq.), (the “Act”), defines improvement, maintenance, servicing, and incidental expenses as follows:

*“Improvement” means one or any combination of the following:*

*The installation or planting of landscaping.*

*The installation or construction of statuary, fountains, and other ornamental structures and facilities.*

*installation or construction of public lighting facilities, including, but not limited to, traffic signals.*

*installation or construction of any facilities which are appurtenant to any of the foregoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.*

*The installation of park or recreational improvements, including, but not limited to, all of the following:*

*preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.*

*Lights, playground equipment, play courts, and public restrooms.*

*The maintenance or servicing, or both, of any of the foregoing, and of any improvement authorized by subdivision (i).*

*The acquisition of land for park, recreational, or open-space purposes.*

*The acquisition of any existing improvement otherwise authorized pursuant to this section.*

*The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.*

*“Maintain” or “maintenance” means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:*

*Repair, removal, or replacement of all or any part of any improvement for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.*

### City of Pleasanton

Landscape Maintenance District No. 1993-1, Windsor Engineer's Report, Fiscal Year 2024-25

*The removal of trimmings, rubbish, debris, and other solid waste.  
The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.*

*“Service” or “servicing” means the furnishing of:*

*Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.  
Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.*

*“Incidental expenses” include all of the following:*

*The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.  
The costs of printing, advertising, and the giving of published, posted, and mailed notices.  
Compensation payable to the county for collection of assessments.  
Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.  
Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements.  
Any expenses incidental to the issuance of bonds or notes pursuant to Section 22662.5.  
Costs associated with any elections held for the approval of a new or increased assessment.*

The City of Pleasanton’s work and Improvements (“Improvements”) for the property within the Maintenance District that is owned or maintained by the City of Pleasanton, are consistent with these definitions. Plans and specifications for these Improvements are filed with the City of Pleasanton Landscape Architect and are incorporated herein by reference.

### **Windsor Description of Improvements**

The improvements which are the subject of this Report are briefly described as follows:

The maintenance and repair of designated landscaped areas and open space areas, entry features, masonry soundwalls, common area drainage ditches, irrigation systems, trees and plantings in designated landscaped areas, furnishing of water and power for irrigation systems, and streetlights, together with all appurtenant and incidental expenses within Tract 6320, City of Pleasanton.

Landscape Plans and specifications for the improvements to this Lighting and Landscape Maintenance District are those prepared by Thomas Baak & Associates, dated July 1993, Grading Plans dated March 1990, and Improvement Plans Prepared by DK Associates, dated May 1990. These plans and specifications have been filed separately with the Clerk of the Legislative body and are incorporated in this report by reference.

### **City of Pleasanton**

Landscape Maintenance District No. 1993-1, Windsor Engineer's Report, Fiscal Year 2024-25



### **Recommended Capital Improvements**

Some of the Improvements including the irrigation system, trees and other plants, in the Landscape Maintenance District No. 1993-1, Windsor, are overdue for some much-needed upgrades and repairs. However, the Maintenance District reserve fund balance is insufficient to make these improvements.

The city drafted a schedule of recommended capital improvement projects that need to be addressed and their respective cost estimate, as well as a planned replacement/renovation schedule. To fund the necessary capital improvements and maintain the district to a similar level to when the LMD was created. Even with the HOA taking over partial maintenance responsibilities, staff estimates that the annual assessments would need to be increased from \$269.62 to approximately \$380 with the inclusion of an inflation factor. The city is working with a consultant and the HOA to develop the level of maintenance and recommended capital improvements during the upcoming year to create a comprehensive maintenance and improvement plan and associated costs.

## Estimate of Cost and Budget – Fiscal Year 2024-25

The following budget shows the estimate of cost of the Improvements to be funded by the Maintenance District in Fiscal Year 2024-25.

**Figure 1 – Estimate of Costs and Revenues**

<b>City of Pleasanton</b>			
<b>Landscape Maintenance District No. 1993-1, Windsor</b>			
<b>2024-25 Estimate of Costs</b>			
			<u>Budget</u>
Installation, Maintenance, and Servicing Costs			
Landscaping (maintenance)			
	Basic landscape maintenance		\$0.00
	Extra work <sup>i</sup>		\$12,000.00
	Water – All planting <sup>ii</sup>		\$0.00
	Power – Two controllers		<u>\$275.00</u>
Total for Installation, Maintenance and Servicing			\$12,275.00
Incidental and Administration Costs <sup>iii</sup>			
	City of Pleasanton Assessment Administration		\$1,800.00
	County Fees for Collection of Assessment		<u>\$405.90</u>
Total Incidental and Administrative Costs			\$2,205.90
Amount to/(from) Reserve Fund <sup>iv</sup>			
	Reserve/Long-term Replacement Fund for scheduled long-term replacement of various district improvements		\$9,784.90
<b>Total Costs</b>			<b>\$24,265.80</b>
<b>Budget Allocation to Property</b>			
	Number of Parcels/Units	Single Family Equivalent Units (SFE) <sup>v</sup>	Assessment Rate
	90	90	\$269.62
			<b>Total Assessment<sup>vi</sup> \$24,265.80</b>

Explanation of Annual Assessment Rate per Unit:

90 units @ \$269.62 assessment per year (= \$265.11 + \$4.51 County Collection Fee)

### Notes to Estimate

- i. Contingency to address maintenance that is not routine in nature, such as repair or replacement of broken irrigation valves and lines or pruning/removing failed trees or tree limbs.
- ii. The HOA has accepted responsibility for the water costs.

### City of Pleasanton

Landscape Maintenance District No. 1993-1, Windsor Engineer's Report, Fiscal Year 2024-25

- iii. Incidental and administration cost estimates include City staff hours dedicated to the administration of the assessment (including staff time to bid work, monitor contracts and contractors, respond to residents' inquiries, etc.), county charges for inclusion of assessments on property tax bills, and other incidental costs.
- iv. At the time of this report a fund balance deficit of approximately \$(14,000) exists for the Landscape Maintenance District 1993-1. This deficit may increase due to tree failures and irrigation issues. The projected 2024-25 expenses reflect a reduced amount of maintenance to begin to recover the deficit, although it is likely that the irrigation system will continue to fail and cause significant expenses due to loss of water and repair costs. The reserve fund is running as a deficit and no other city funds have been impacted by the deficit. Reserve/replacement funds will go toward paying Windsor's deficit and are held in an interest-bearing account until needed for repairs to the irrigation system, landscaping or other District features.
- v. The rate shown here is for a single-family home or its equivalent. For the definition of the term Single Family Equivalent (SFE) and rates for other types of property, see the section titled, "Method of Assessment" and the sections following it in this report.
- vi. The Act requires that proceeds from the assessments must be deposited into a special fund that has been set up for the revenues and expenditures of the Maintenance District. Moreover, funds raised by the assessment shall be used only for the purposes stated within this Report. Any balance remaining at the end of the Fiscal Year, June 30, must be carried over to the next Fiscal Year. The District may also establish a reserve fund for contingencies and special projects as well as a capital improvement fund for accumulating funds for larger capital improvement projects or capital renovation needs. Any remaining balance would either be placed in the reserve fund, the capital improvement fund, or would be used to reduce future years' assessments. The Landscape Maintenance District 1993-1, Windsor, reserve/replacement funds are held in an interest-bearing account until needed for repairs to the irrigation system, landscaping or other District features.

## Method of Assessment Apportionment

---

### Method of Apportionment

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of Improvements and landscaping for the Maintenance District and the methodology used to apportion the total assessment to the properties within the Maintenance District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the Maintenance District over and above general benefits conferred on real property or to the public at large. The assessment is apportioned to lots and parcels in proportion to the relative cost of the special benefits from the Improvements. Special benefit is calculated for each parcel in the Maintenance District using the following process:

- i. Identification of all benefit factors derived from the Improvements.
- ii. Calculation of the proportion of these benefits that are general.
- iii. Determination of the relative special benefit per property type.
- iv. Calculation of the specific assessment for each individual parcel based upon special vs. general benefit, location, property type, property characteristics, improvements on property and other supporting attributes.

The parcels within the Landscape Maintenance District No. 1993-1, Windsor, consist of all Assessor Parcels within the boundaries as defined by the Assessment Diagram included within this Report and the Assessor Parcel Numbers listed within the included Assessment Roll. The method used for apportioning the assessments is based upon the proportional special benefits to be derived by the properties in the Maintenance District, over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the Improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

### Discussion of Benefits

The assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

*"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which 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."*

### City of Pleasanton

Landscape Maintenance District No. 1993-1, Windsor Engineer's Report, Fiscal Year 2024-25

Proposition 218, as codified in Article XIII D of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

*"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."*

In this case, the 2008 Silicon Valley Taxpayers Association, Inc. vs Santa Clara County Open Space Authority ("SVTA") decision provides enhanced clarity to the definition of special benefits to properties from similar public improvements in three distinct areas:

- i. Proximity
- ii. Expanded or improved access
- iii. Views

The SVTA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel, and that indirect or derivative advantages resulting from the overall public benefits from a service or improvement are general benefits.

Proximity, improved access and views, in addition to the other special benefits listed herein further strengthen the basis of these assessments.

The following benefit categories summarize the types of special benefit to residential and other lots and parcels resulting from installation, maintenance and servicing of landscaping, irrigation, sidewalks, signs, lights, and other improvements to be provided with the assessment proceeds. These categories of special benefits are derived from the statutes passed by the California Legislature and studies which describe the types of special benefit received by property from maintenance and improvements such as those provided by the City of Pleasanton, Landscape Maintenance District No. 1993-1, Windsor. These types of special benefit are summarized as follows:

- i. Improved access to landscaped areas and other permanent public improvements
- ii. Proximity to improved landscaped areas and other permanent public improvement.
- iii. Improved views.
- iv. Extension of a property's outdoor areas and landscaped areas for properties within close proximity to the Improvements.
- v. Creation of individual lots for residential use that, in absence of the assessments, would not have been.

The above benefit factors, when applied to property in the Maintenance District, specifically increase the utility and usefulness of the property within the Maintenance District. For example, the assessments will provide funding to improve and maintain the public landscaping next to the parcels within the Maintenance District. Such improved and well-maintained landscaping enhances the overall quality, desirability, utility and safety of the properties.

## **City of Pleasanton**

Landscape Maintenance District No. 1993-1, Windsor Engineer's Report, Fiscal Year 2024-25

**General vs. Special Benefits**

Article XIII D, Section 4(a) of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to “separate the general benefits from the special benefits conferred on a parcel.” The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. Property may be assessed to fund improvements to the extent of the special benefits conferred by the Improvements; but general benefits are not assessable. Accordingly, a separate estimate of the special and general benefit is given in this section.

Article XIII D never defines the term “general benefit.” The definition of special benefit in Section 2(i) includes the statement that general enhancement of property value does not constitute special benefit. General benefit may be described as “an indirect, derivative advantage” resulting from the improvements. One infers from Article XIII D that all benefit is either general or special.

In other words:

<b>Total Benefit</b>	=	<b>General Benefit</b>	+	<b>Special Benefit</b>
--------------------------	---	----------------------------	---	----------------------------

There is no widely accepted or statutory formula for quantifying the amount of any general benefit that is identified.

In this Report, the general benefit is first identified, generously estimated, and then budgeted so that it is funded, as required by Proposition 218, by sources other than the Assessment.

A formula to estimate the general benefit is listed below:

<b>General Benefit</b>	=	<b>Benefit to Real Property Outside the Assessment District</b>	+	<b>Benefit to Real Property Inside the Assessment District that is Indirect and Derivative</b>	+	<b>Benefit to the Public at Large</b>
----------------------------	---	---	---	--	---	---

Special benefit, on the other hand, is defined in the California constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large”. A special benefit is conferred to a property if the property “receives a direct advantage from the improvement (e.g., proximity to setback landscaping).” In the Maintenance District, as noted, properties have close and unique proximity, views of and access to the Improvements, and uniquely improved utility and desirability from the Improvements, and other properties and the public at large do not receive such benefits because they do not have proximity, access to or views of the Improvements. Therefore, the overwhelming proportion of the benefits conferred to property is special, and only minimal general benefit is conferred on property outside the Maintenance District or to the public at large.

**City of Pleasanton**

This Engineer's Report includes a specific, quantified calculation of general benefits, as described below, that is based in part on the use by people outside of the Maintenance District. Moreover, the proportionality of the Assessments to the special benefits conferred on each parcel, based in large part on proximity, is established as well.

### **Calculating General Benefit and Special Benefit Paid from Other Funds**

In this section, the total general benefit, which must be paid from other non-assessment funds, is conservatively estimated, quantified, described, and separated, and then budgeted to absolutely ensure that it is funded by sources other than this assessment.

#### **Benefit to Property Outside the Maintenance District = 0.0%**

In summary, real property located within the boundaries of the Maintenance District distinctly and directly benefit from closer proximity, access and views of the Improvements funded by the Assessments, the creation of developable parcels, and from the extension of usable land area provided by the assessments. The Improvements are specifically designed to serve local properties in the Maintenance District, not other properties nor the public at large. The Maintenance District has been narrowly drawn to include those parcels that receive a direct advantage from the Improvements. The public at large and other properties outside the Maintenance District receive only limited benefits from the Improvements because they do not have proximity, good access or views of the Improvements. These are special benefits to property in the Maintenance District in much the same way that sewer and water facilities, sidewalks and paved streets enhance the utility and desirability of specific proximate properties and make them more functional to use, safer and easier to access.

Properties within the proposed Maintenance District receive almost all the special benefits from the Improvements because properties in the Maintenance District enjoy unique and close proximity and access to the Improvements that are enjoyed less by other properties or the public at large. The landscaping Improvements are specifically designed to benefit the properties in the Maintenance District.

Furthermore, there are multiple, proximate open space, landscaped areas, and other improvements outside of the Maintenance District, funded by other sources, that provide most of the open space and landscaping benefits to nearby parcels that are outside of the Maintenance District.

In other words, the landscaping Improvements maintained by the proposed Assessments specially benefit the properties within the Maintenance District, but other nearby improvements primarily benefit other proximate properties.

Nonetheless, there could be certain properties that are outside the boundaries of the Maintenance District and that may benefit from the landscape Improvements. After close examination, and based on the location of the Windsor development,

## **City of Pleasanton**

with Interstate 680 to the east, Arroyo de la Laguna to the west, and Bernal Avenue to the south, it was concluded that there are no proximate parcels that could be identified as receiving any special benefit from the Maintenance District Improvements.

If any parcels were proximate to the Windsor development, and if it was identified that those parcels receive some special benefit from the improvements, those benefits would likely be improved views, proximity and/or access, but would not receive extension of outdoor areas nor the special benefit of parcel creation. Since those adjacent properties would only receive a 3 of the 5 major special benefits, a 60% factor would be applied.

Total General Benefit to Properties Outside of the District = 0.0%

### **Assumptions**

0 parcels outside and adjacent to the District  
90 parcels in the Maintenance District

### **Calculation**

General Benefit to Property outside the Improvement District =  
 $(0 / (0 + 90)) * 60\% = 0.0 \%$

### **Benefit to Property Inside the District that is Indirect and Derivative = 0.0%**

The “indirect and derivative” benefit to property within the Maintenance District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Maintenance District is special because the Improvements are clearly “over and above” and “particular and distinct” when compared with the unique proximity, access and views of the Improvements enjoyed by benefiting properties in the Maintenance District.

Nevertheless, the SVTA decision indicates that there may be general benefit “conferred on real property located in the district.” A measure of the general benefits to property within the Maintenance District is the percentage of land area within the Maintenance District that is publicly owned, open to the public, and used for regional purposes such as major roads, rail lines, hospitals, and other regional facilities because such properties, while physically within the Maintenance District, are used for regional purposes and could provide indirect benefits to the public at large. In this case, essentially 0% of the land area is used for such regional purposes.

### **Benefit to the Public at Large = 10%**

The general benefit to the public at large can be estimated by the proportionate amount of time that the Maintenance District’s public landscaped areas and facilities are used and enjoyed by individuals who are not residents, employees, customers, or property owners in the Assessment Area. Based on surveys and

## **City of Pleasanton**



research in which visitors to similar landscape, open space and parks, at various times of the day, evening, and week, were asked to look at a District map and to identify whether they lived or worked within the City, less than 5% of the use of similar landscape, open space, parks or recreation areas is by the public at large. When people outside the Maintenance District use landscape, open space, parks, or recreation areas, they diminish the availability of such facilities for people within the Maintenance District. Therefore, another 5% of general benefits are allocated for people within the Maintenance District. Combining these two elements of general benefit, we find that 10% of the benefits from the Improvements are general benefits to the public at large.

**Total General Benefits to be Financially Contributed from Other Funds = 10.0%**

Using a sum of these three measures of general benefit, we find that approximately 10.0% of the benefits conferred by the Improvements may be general in nature and should be funded by sources other than the Assessments.

**General Benefit Calculation**

$$\begin{array}{r}
 0.0\% \text{ (Outside the Maintenance District)} \\
 + \quad 0.0\% \text{ (Inside the Maintenance District – indirect and derivative)} \\
 + \quad \underline{10.0\%} \text{ (Public at Large)} \\
 \\
 = \quad 10.0\% \text{ (Total General Benefit)}
 \end{array}$$

**Source of Financial Contributions from Other Funds to Satisfy the 10.0% Requirement**

The general benefit contribution is paid in part from other “in-kind”, non-monetary contributions from the City in the form of infrastructure critical to the continued maintenance of the Maintenance District Improvements, as described below. Also, general benefit contributions come from the “annuity” value of the improvements that were constructed by the developer.

The City of Pleasanton owns, maintains, rehabilitates, and replaces the curb and gutter along the border of the Maintenance District. This curb and gutter serve to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the Improvements. The contribution from the City of Pleasanton toward general benefit from the maintenance, rehabilitation, and replacement of the curb and gutter is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In other words, if the Maintenance District were required to construct and maintain the local curb and gutter, the budget would increase by at least 10%.

The City of Pleasanton owns and maintains a storm drainage system along the border of the Maintenance District. This system serves to prevent flooding and

**City of Pleasanton**

associated damage to the improvements and manage urban runoff including local pollutants loading from the Improvements. The contribution from the City of Pleasanton toward general benefit from the maintenance, rehabilitation, and replacement of the local storm drainage system is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In other words, if the Maintenance District were required to construct and maintain the local storm drainage system, the budget would increase by at least 10%.

The City of Pleasanton owns and maintains local public streets throughout the Maintenance District. These public streets provide access to the Improvements for its enjoyment as well as efficient maintenance. The contribution from the City of Pleasanton toward general benefit from the maintenance, rehabilitation, and replacement of the local public streets is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In other words, if the Maintenance District were required to construct and maintain the local public streets, the budget would increase by at least 10%.

The value of the initial Improvements constructed by the Developer can be quantified and monetized as an annuity to be amortized. Since the initial Improvements were performed and paid for by non-assessment funds, this “annuity” can be used to offset general benefit costs and is conservatively estimated to contribute 20%. In other words, if the Maintenance District were required to construct all the Improvements, the annual budget would increase by at least 20%.

In other words, there is a 10.0% contribution needed to offset the general benefits conferred by the Improvements, and there is a 50% contribution from City of Pleasanton supporting local infrastructure, along with the amortized value of initial construction. This 50% contribution more than satisfies the general benefit requirements.

The estimates used above for the City of Pleasanton’s “in-kind”, non-monetary contributions for the maintenance, rehabilitation and replacement of the curbs and gutters, storm drainage systems, local streets (the “supportive infrastructure”), and the value of the initial Improvements constructed by the Developer, are based on industry standards; typical and standard quantity ratios between this supportive infrastructure (including the City’s relative associated maintenance costs) and similar Improvements; and on the assessment Engineer’s professional experience on planning and working in such projects.

### Source of Contributions from Other Funds to Satisfy 10.0% Requirement

City non-monetary contributions:

	10.0% (Curb and gutter)
+	10.0% (Storm drainage system)
+	10.0% (Public roads)
+	<u>20.0%</u> (Amortized value of initial construction)
=	50.0% (Total General Benefit paid from Other Funds)

### Zones of Benefit

The boundaries of the Assessment Area are carefully drawn to only include the properties that are proximate to the Improvements and that would materially benefit from the Improvements.

In SVTA, the court noted that even a local agency-wide assessment district is appropriate under the right conditions:

*“Thus, if an assessment district is narrowly drawn, the fact that a benefit is conferred throughout the district does not make it general rather than special. In that circumstance, the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g., proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g., general enhancement of the district's property values).”*

The court therefore acknowledged the appropriateness of a District-wide assessment so long as each parcel receives a direct advantage from the assessment-funded improvement or service. As demonstrated in this Report, each parcel in the Maintenance District receives a direct advantage and special benefit from the Improvements.

In the Maintenance District, the advantage that each parcel receives from the Improvements is direct, and the boundaries are narrowly drawn to include only parcels that benefit from the Assessment. Therefore, the even spread of assessment throughout the narrowly drawn district is indeed consistent with the SVTA decision. The benefits from the Improvements within the Maintenance District do not vary further based on proximity of the parcels to the Improvements because the increased benefits of greater proximity to the Improvements are generally offset by a parallel increase in negative factors such as higher levels of traffic, noise, etc. that comes with increased proximity.

### City of Pleasanton

Landscape Maintenance District No. 1993-1, Windsor Engineer's Report, Fiscal Year 2024-25

Consequently, since all parcels in the Maintenance District have good access and proximity to the Improvements and the benefits to relatively closer proximity are offset by other factors, additional proximity is not considered to be a factor in determining benefit within the Maintenance District. Therefore, zones of benefit are not justified or needed within the Maintenance District.

### **Method of Assessment**

As previously discussed, the Assessments provide comprehensive Improvements that clearly confers direct and special benefits to properties in the Maintenance District.

The allocation of special benefits to property is primarily based on the type of property and the size of property. These benefits can also partially be measured by the occupants on property in the Maintenance District because such parcel population density is a measure of the relative benefit a parcel receives from the Improvements. It should be noted that many other types of "traditional" assessments also use parcel population densities to apportion the assessments. For example, the assessments for sewer systems, roads and water systems are typically allocated based on the population density of the parcels assessed. Therefore, the apportionment of benefit is reasonably based on the type of parcel, the size of parcels and the population density of parcels.

A critical step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a single-family home, or, in other words, on the basis of Single-Family Equivalent (SFE) units. This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated an SFE value, which is each property's relative benefit in relation to a single-family home on one parcel. In this case, the "benchmark" property is the single family detached dwelling which is one Single Family Equivalent unit or one SFE.

Finally, the special benefits to be derived from the Assessments will be conferred on property and are not based on a specific property owner's use of the Improvements, a specific property owner's occupancy of property, or the property owner's demographic status such as age or number of dependents. The benefits derived to property are related to the average number of people who could potentially live on, work at, or otherwise could occupy a property, not how the property is currently used by the present owner. Therefore, the number of people who could, or potentially, live on, work at, or otherwise occupy a property is one indicator of the relative level of benefit received by a property.

In conclusion, the Assessment Engineer determined that the appropriate method of assessment apportionment should be based on the type of property, the relative size of the property, property location, its relative population, and its proximity to the landscaping and open space facilities. This method is further described below.

### **City of Pleasanton**

Landscape Maintenance District No. 1993-1, Windsor Engineer's Report, Fiscal Year 2024-25

### **Residential Properties**

The Windsor development is a residential single-family development project consisting of a total of 90 single-family home parcels. As such, each residential property receives similar benefit from the proposed Improvements.

Therefore, the Engineer has determined that the appropriate method of apportionment of the benefits derived by all parcels is on a dwelling unit or single-family residence basis. All improved properties, or properties proposed for development, are assigned one Single Family Equivalent unit or 1 SFE factor equal to the number of dwelling units developed or planned for the property.

### **Other Properties**

Article XIID stipulates that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the Assessment.

All properties that are specially benefited are assessed. Other publicly owned property that is used for purposes similar to private residential, commercial, industrial, or institutional uses is benefited and assessed at the same rate as such privately owned property.

Miscellaneous, small, and other parcels such as roads, right-of-way parcels, and common areas typically do not generate significant numbers of employees, residents, customers, or guests, who would have access to or use the Improvements. These miscellaneous parcels therefore receive no benefit from the Improvements and are assessed an SFE benefit factor of 0 SFEs.

### **The Assessment Rate does not Increase Annually**

It should also be noted that the Maintenance District assessment rates cannot be increased annually, and the total revenues remain the same year after year, assessing \$269.62 per SFE or parcel, which is the maximum authorized assessment. To increase the annual assessment rate or to add an annual Consumer Price Index escalator to the assessment rate, approval of the property owners is required via a Proposition 218 assessment ballot proceeding.

### **Appeal of Assessments Levied to Property**

Any property owner who feels that the assessment levied on their property is in error as a result of incorrect information being used to apply the foregoing method of assessment may file a written appeal with the City of Pleasanton City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current Fiscal Year and applicable law. Upon the filing of any such appeal, the City of Pleasanton City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City of Pleasanton City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the Assessment Roll. If any such changes are approved after

### **City of Pleasanton**

Landscape Maintenance District No. 1993-1, Windsor Engineer's Report, Fiscal Year 2024-25

the Assessment Roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction.

**Assessment Funds Must be Expended Within the Maintenance District Area**

The net available Assessment funds, after incidental, administrative, financing, and other costs, shall be expended exclusively for Improvements within the boundaries of the Maintenance District and appropriate incidental and administrative costs as defined in the Plans and Specifications section.

## Assessment

**WHEREAS**, the City of Pleasanton City Council directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the Maintenance District, and an assessment of the estimated costs of the Improvements upon all assessable parcels within the Maintenance District;

**NOW, THEREFORE**, the undersigned, by virtue of the power vested in me under the Act, Article XIII D of the California Constitution, and the order of the City Council of the City of Pleasanton, hereby makes the following assessment to cover the portion of the estimated cost of the Improvements, and the costs and expenses incidental thereto to be paid by the Maintenance District.

The amount to be paid for said Improvements and the expense incidental thereto, to be paid by the Maintenance District for the Fiscal Year 2024-25 is generally as follows:

**Figure 2 – Summary Cost Estimate – Windsor LMD No. 1993-1**

<b>Budget Item</b>	<b>Budgeted Cost</b>
Installation, Maintenance, and Servicing Costs	\$12,275.00
Incidental and Administration Costs	\$2,205.90
Amount to/(from) Reserve Fund	\$9,784.90
Total Budget	\$24,265.80

As required by the Act, an Assessment Diagram showing the exterior boundaries of the Maintenance District is hereto attached and incorporated herein by reference. The distinctive number of each parcel or lot of land in the Maintenance District is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby assess and apportion the net amount of the cost and expenses of the Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within the Maintenance District, in accordance with the special benefits to be received by each parcel or lot, from the Improvements, and more particularly set forth in the Estimate of Cost and Method of Assessment in the Report.

### City of Pleasanton

Landscape Maintenance District No. 1993-1, Windsor Engineer's Report, Fiscal Year 2024-25

The Assessment is made upon the parcels or lots of land within the Maintenance District in proportion to the special benefits to be received by the parcels or lots of land, from the Improvements.

The Maintenance District's assessment rate for fiscal year 2024-25 remains unchanged at the same assessment rate used last year of \$269.62 per single-family equivalent (SFE) benefit unit.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as will be shown on the Assessor's Maps of Alameda County for the Fiscal Year 2024-25. For a more particular description of the property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby will place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the Fiscal Year 2024-25 for each parcel or lot of land within the Maintenance District.

City Engineer/Engineer of Work

By: \_\_\_\_\_  
Adam M. Nelkie, License No. C78830



## Certificates Page

---

LANDSCAPE MAINTENANCE DISTRICT 1993-1, WINDSOR CITY OF PLEASANTON, ALAMEDA COUNTY, CALIFORNIA

(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed Engineer's Report and does hereby certify that this Engineer's Report and the Assessment have been prepared by me as directed by the City Council.

Adam M. Nelkie, City Engineer, License No. C78830

City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Jocelyn Kwong, City Clerk

City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Pleasanton, Alameda County, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Jocelyn Kwong, City Clerk

City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that a certified copy of the enclosed Engineer's Report, including Assessment Roll and Assessment Diagram was filed with the County Auditor of the County of Alameda, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Jocelyn Kwong, City Clerk

City of Pleasanton, Alameda County, California

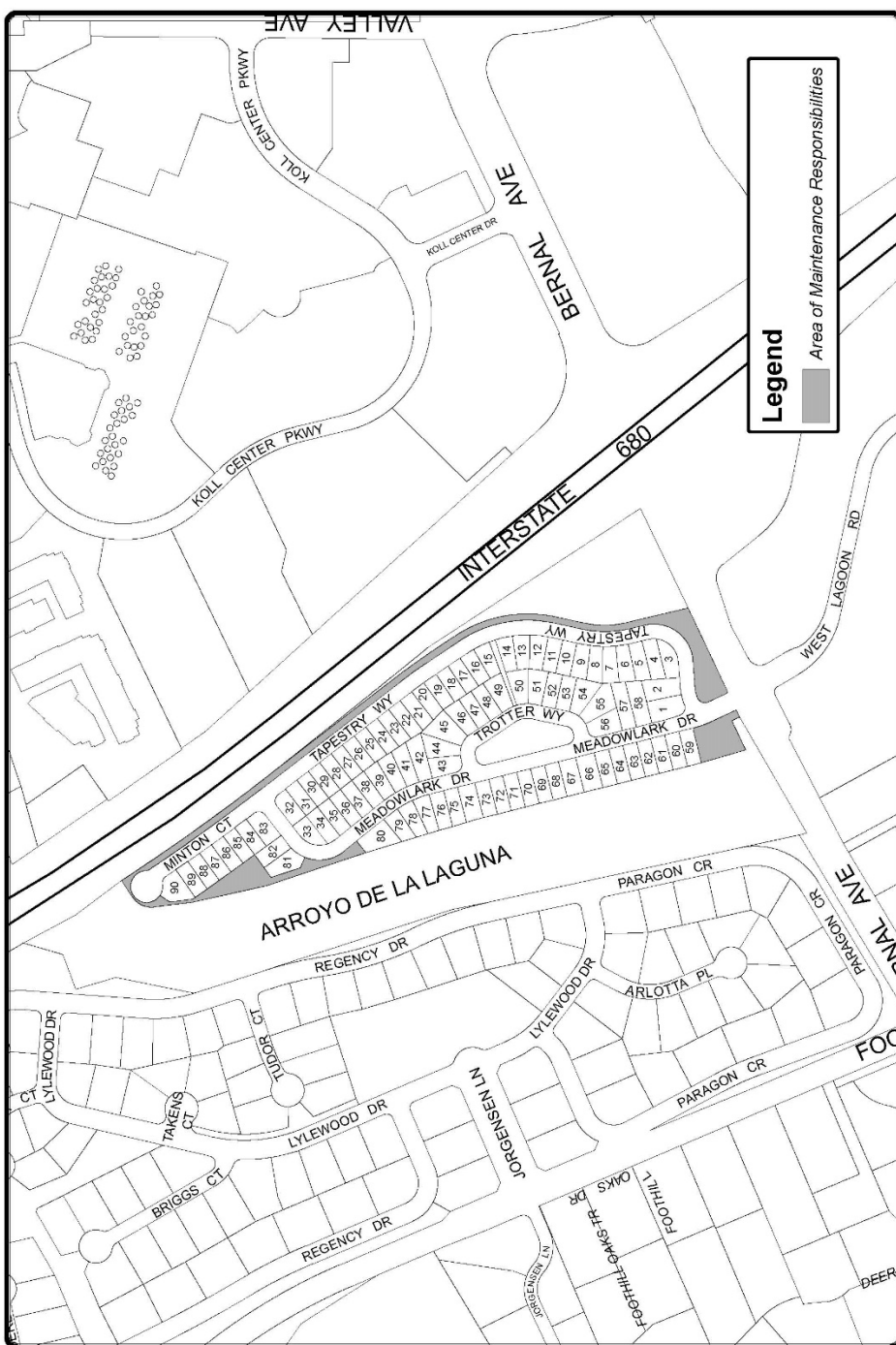
By: \_\_\_\_\_

### City of Pleasanton

Landscape Maintenance District No. 1993-1, Windsor Engineer's Report, Fiscal Year 2024-25

## Assessment Diagram

The Maintenance District includes all properties within the Windsor subdivision, as displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Maintenance District are those lines and dimensions as shown on the maps of the Assessor of Alameda County for Fiscal Year 2024-25, and are incorporated herein by reference, and made a part of this Diagram and this Report.



\\sagep\_dms\GIS\_Data\Land\_Acct\Project\Lighting\Landscaping\Windsor\012.mxd (Updated 04/12/2012 .mxd)



### LIGHTING & LANDSCAPE MAINTENANCE DISTRICT 1993-1 WINDSOR

For a more detailed description, refer to assessor parcel map book 946, page 3541 and 3542, tract 6320



1 inch = 400 feet

## Assessment Roll FY 2024-25 - Windsor LMD No. 1993-1

ASSESSMENT DIAGRAM NO.	ASSESSOR'S PARCEL NUMBER	ASSESSMENT AMOUNT	COLLECTION	TOTAL
			CHARGE 0.017	
1	946-3541-06	\$265.11	\$4.51	\$269.62
2	946-3541-07	265.11	\$4.51	269.62
3	946-3541-08	265.11	\$4.51	269.62
4	946-3541-09	265.11	\$4.51	269.62
5	946-3541-10	265.11	\$4.51	269.62
6	946-3541-11	265.11	\$4.51	269.62
7	946-3541-12	265.11	\$4.51	269.62
8	946-3541-13	265.11	\$4.51	269.62
9	946-3541-14	265.11	\$4.51	269.62
10	946-3541-15	265.11	\$4.51	269.62
11	946-3541-16	265.11	\$4.51	269.62
12	946-3541-17	265.11	\$4.51	269.62
13	946-3541-18	265.11	\$4.51	269.62
14	946-3541-19	265.11	\$4.51	269.62
15	946-3541-20	265.11	\$4.51	269.62
16	946-3541-21	265.11	\$4.51	269.62
17	946-3541-22	265.11	\$4.51	269.62
18	946-3541-23	265.11	\$4.51	269.62
19	946-3541-24	265.11	\$4.51	269.62
20	946-3541-25	265.11	\$4.51	269.62
21	946-3541-26	265.11	\$4.51	269.62
22	946-3542-01	265.11	\$4.51	269.62
23	946-3542-02	265.11	\$4.51	269.62
24	946-3542-03	265.11	\$4.51	269.62
25	946-3542-04	265.11	\$4.51	269.62
26	946-3542-05	265.11	\$4.51	269.62
27	946-3542-06	265.11	\$4.51	269.62
28	946-3542-07	265.11	\$4.51	269.62
29	946-3542-08	265.11	\$4.51	269.62
30	946-3542-09	265.11	\$4.51	269.62
31	946-3542-10	265.11	\$4.51	269.62
32	946-3542-11	265.11	\$4.51	269.62
33	946-3542-12	265.11	\$4.51	269.62
34	946-3542-13	265.11	\$4.51	269.62
35	946-3542-14	265.11	\$4.51	269.62
36	946-3542-15	265.11	\$4.51	269.62
37	946-3542-16	265.11	\$4.51	269.62
38	946-3542-17	265.11	\$4.51	269.62
39	946-3542-18	265.11	\$4.51	269.62
40	946-3542-19	265.11	\$4.51	269.62
41	946-3542-20	265.11	\$4.51	269.62
42	946-3542-21	265.11	\$4.51	269.62
43	946-3541-27	265.11	\$4.51	269.62

### City of Pleasanton

Landscape Maintenance District No. 1993-1, Windsor Engineer's Report, Fiscal Year 2024-25

44	946-3541-28	265.11	\$4.51	269.62
45	946-3541-29	265.11	\$4.51	269.62
46	946-3541-30	265.11	\$4.51	269.62
47	946-3541-31	265.11	\$4.51	269.62
48	946-3541-32	265.11	\$4.51	269.62
49	946-3541-33	265.11	\$4.51	269.62
50	946-3541-34	265.11	\$4.51	269.62
51	946-3541-35	265.11	\$4.51	269.62
52	946-3541-36	265.11	\$4.51	269.62
53	946-3541-37	265.11	\$4.51	269.62
54	946-3541-38	265.11	\$4.51	269.62
55	946-3541-39-1	265.11	\$4.51	269.62
56	946-3541-40-2	265.11	\$4.51	269.62
57	946-3541-41	265.11	\$4.51	269.62
58	946-3541-42	265.11	\$4.51	269.62
59	946-3541-43	265.11	\$4.51	269.62
60	946-3541-44	265.11	\$4.51	269.62
61	946-3541-45	265.11	\$4.51	269.62
62	946-3541-46	265.11	\$4.51	269.62
63	946-3541-47	265.11	\$4.51	269.62
64	946-3541-48	265.11	\$4.51	269.62
65	946-3541-49	265.11	\$4.51	269.62
66	946-3541-50	265.11	\$4.51	269.62
67	946-3541-51	265.11	\$4.51	269.62
68	946-3541-52	265.11	\$4.51	269.62
69	946-3541-53	265.11	\$4.51	269.62
70	946-3541-54	265.11	\$4.51	269.62
71	946-3541-55	265.11	\$4.51	269.62
72	946-3541-56	265.11	\$4.51	269.62
73	946-3541-57	265.11	\$4.51	269.62
74	946-3541-58	265.11	\$4.51	269.62
75	946-3541-59	265.11	\$4.51	269.62
76	946-3542-22	265.11	\$4.51	269.62
77	946-3542-23	265.11	\$4.51	269.62
78	946-3542-24	265.11	\$4.51	269.62
79	946-3542-25	265.11	\$4.51	269.62
80	946-3542-26	265.11	\$4.51	269.62
81	946-3542-27	265.11	\$4.51	269.62
82	946-3542-28	265.11	\$4.51	269.62
83	946-3542-29	265.11	\$4.51	269.62
84	946-3542-30	265.11	\$4.51	269.62
85	946-3542-31	265.11	\$4.51	269.62
86	946-3542-32	265.11	\$4.51	269.62
87	946-3542-33	265.11	\$4.51	269.62
88	946-3542-34	265.11	\$4.51	269.62
89	946-3542-35	265.11	\$4.51	269.62
90	946-3542-36	265.11	\$4.51	269.62
90	<b>TOTAL ASSESSMENTS:</b>	<b>\$23,859.90</b>	<b>\$405.90</b>	<b>\$24,265.80</b>

## City of Pleasanton

Landscape Maintenance District No. 1993-1, Windsor Engineer's Report, Fiscal Year 2024-25



**RESOLUTION NO. 2024-****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON DECLARING THE INTENTION TO ORDER IMPROVEMENTS FOR THE LIGHTING & LANDSCAPE MAINTENANCE DISTRICT NO. 1993-2 BONDE RANCH FOR FISCAL YEAR 2024/25; DECLARING THE INTENTION TO CONTINUE THE LEVY AND COLLECTION OF ASSESSMENTS; AND SETTING THE DATE FOR THE PUBLIC HEARING**

**WHEREAS**, as required by Section 22622 of the California Streets and Highways Code, the City Council of the City of Pleasanton has described proposed improvements to be included for the determination of annual assessments levied for Lighting and Landscape Maintenance District No. 1993-2 Bonde Ranch, created under the Lighting & Landscape Act of 1972, and ordered the preparation of an Engineer's Report to determine the annual levy of assessments for such District; and

**WHEREAS**, as required by Section 22622 of the California Streets and Highways Code, the Engineer has filed with the City Clerk a Preliminary Engineer's Report for the Lighting & Landscape Maintenance District No. 1993-2 Bonde Ranch for Fiscal Year 2024/25.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:**

**SECTION 1.** The City Engineer is designated by this Council as the Engineer of Work for Lighting & Landscape Maintenance District No. 1993-2, Bonde Ranch, during fiscal year 2024/25. The area of land to be assessed is located in the City of Pleasanton, Alameda County.

**SECTION 2.** The City Council intends to continue to levy and collect assessments within Lighting & Landscape Maintenance District No. 1993-2, Bonde Ranch, during fiscal year 2024/25.

**SECTION 3.** The improvements to be made in this assessment district are generally described as follows:

The maintenance and repair of designated landscaped areas, open space slopes, fuel transition zones (fire breaks), entry features, open space drainage ditches, irrigation systems, trees in the open space and designated landscape areas, and the furnishing of water and power for irrigation systems, together with all appurtenance and incidental expenses within Tract 6483 and Tract 6518, City of Pleasanton.

**SECTION 4.** In accordance with this resolution directing the filing of an annual report, the City Engineer has filed with the City Clerk the report required by the Landscaping and

Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessments upon assessable lots and parcels of land within the assessment district.

**SECTION 5.** On Tuesday, the 18<sup>th</sup> day of June 2024, at the hour of 7:00 pm, the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The Council meeting will be held in accordance with Government Code Section 54954(e). To improve access to public information, residents may access meetings remotely through the City's website.

**SECTION 6.** The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

**SECTION 7.** City Clerk shall certify to the passage of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on May 21, 2024.

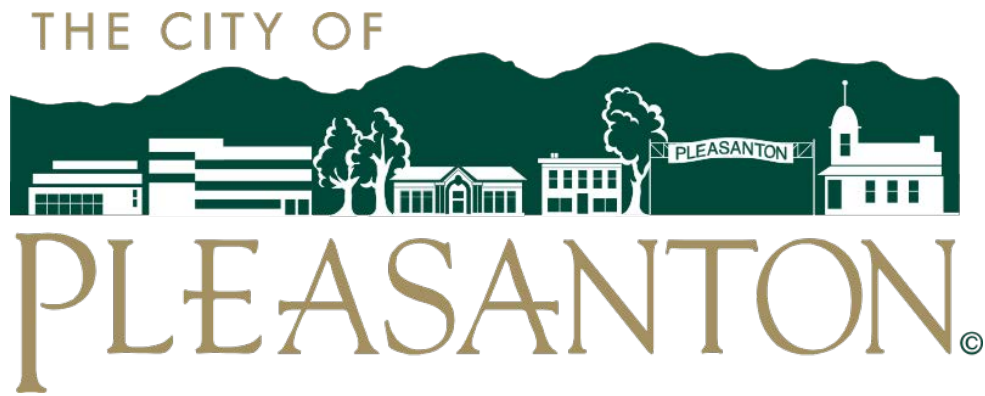
I, Jocelyn Kwong, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 21<sup>st</sup> day of May, 2024, by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

\_\_\_\_\_  
Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel G. Sodergren, City Attorney



## **CITY OF PLEASANTON**

Landscape Maintenance District No. 1993-2, Bonde Ranch

### **Engineer's Report**

Fiscal Year 2024-25

May 2024

Pursuant to the Landscaping and Lighting Act of 1972, government code and article  
XIIID of the California Constitution



(This page intentionally left blank)

## City of Pleasanton

---

### **Mayor and City Council**

Karla Brown, Mayor  
Julie Testa, Vice Mayor  
Valerie Arkin, Councilmember  
Jack Balch, Councilmember  
Jeff Nibert, Councilmember

### **City Manager**

Gerry Beaudin

### **City Engineer**

Adam Nelkie

# Table of Contents

---

	<u>PAGE NO.</u>
<b>Introduction .....</b>	<b>1</b>
<b>Overview .....</b>	<b>1</b>
Landscape Maintenance District No. 1993-2, Bonde Ranch .....	1
Engineer's Report and Continuation of Assessments.....	2
Legal Requirements .....	3
<b>Plans &amp; Specifications .....</b>	<b>5</b>
Introduction .....	5
Bonde Ranch Description of Improvements.....	6
Recommended Capital Improvements.....	7
<b>Estimate of Cost and Budget – Fiscal Year 2024-25 .....</b>	<b>8</b>
Notes to Estimate .....	8
<b>Method of Assessment Apportionment .....</b>	<b>10</b>
Method of Apportionment .....	10
Discussion of Benefits .....	10
General vs. Special Benefits .....	12
Calculating General Benefit and Special Benefit Paid from Other Funds .....	13
Zones of Benefit.....	17
Method of Assessment.....	18
Residential Properties .....	19
Other Properties .....	19
The Assessment Rate does not Increase Annually .....	19
Appeal of Assessments Levied to Property .....	19
Assessment Funds Must be Expended Within the Maintenance District Area.....	20
<b>Assessment .....</b>	<b>21</b>
<b>Certificates Page .....</b>	<b>23</b>
<b>Assessment Diagram .....</b>	<b>24</b>
<b>Assessment Roll FY 2024-25 – Landscape Maintenance District No. 1993-2 Bonde Ranch.....</b>	<b>25</b>

## City of Pleasanton

Landscape Maintenance District No. 1993-2, Bonde Ranch Engineer's Report, Fiscal Year 2024-25

# List of Figures

---

**Figure 1 – Estimate of Costs and Revenues..... 7**

**Figure 2 – Summary Cost Estimate – Bonde Ranch LMD No. 1993-2..... 20**

**Figure 3 – Assessment Roll FY 2024-25 – Bonde Ranch LMD No. 1993-2 ..... 24**

## Introduction

---

### Overview

The City of Pleasanton (“City”) is located in Alameda County, and covers an area of 24.3 square miles, with over 24,500 assessor parcels, and approximately 80,000 residents. The City currently has five Landscape Maintenance Districts (“Districts”) that provide services to a combined total of 680 parcels:

- 1984-1 Ponderosa (Del Prado) – 344 parcels
- 1993-1 Windsor – 90 parcels
- 1993-2 Bonde Ranch – 103 parcels
- 1994-1 Oak Tree Farm – 42 parcels
- 1995-1 Moller Ranch – 101 parcels

The five District’s benefit assessments were established prior to the approval of Proposition 218 in 1996. The purpose of these Districts is to provide funding for the installation, maintenance and servicing of local landscaping and lighting improvements (“Improvements”) within each District’s service area.

### Landscape Maintenance District No. 1993-2, Bonde Ranch

#### Assessment Background

The Bonde Ranch Landscape Maintenance District No. 1993-2 (“District 1993-2” or “Maintenance District”) was formed in 1993 as a Condition of Approval for the Bonde Ranch development, to fund certain landscape improvements within the Bonde Ranch subdivision.

The subdivision includes 102 single-family residence parcels and 1 parcel owned by the City that has a water tank. The total number of parcels served by District 1993-2 at present time is 103 parcels.

The Bonde Ranch Landscape Maintenance District No. 1993-2 purpose is to fund the maintenance of the existing Bonde Ranch designated landscaped areas, open space slopes, fuel transition zones (fire breaks), entry features, open space drainage ditches, irrigation systems, trees in the open space and designated landscaped areas, groundcover and irrigation systems.

District 1993-2 is funded by the benefit assessment approved in 1993 (“Assessment”), and it does not receive any direct revenues from property taxes or any other funding sources. The fiscal year 2024-25 assessments for District 1993-2 will remain at the same assessment rate of \$257.22 per parcel per year. With a total of 103 parcels in the district (including one public parcel), the fiscal year 2024-25 total assessment will be \$26,489.35.

Over the years, operational costs and utility costs have increased, however, the assessment revenues were lowered in 1999 and 2000 and have remained the same since 2000. The fiscal year 2024-25 total assessment revenue will not be sufficient to fund the maintenance of all common areas, including water costs, county assessment fees, city administration fees, replacement of plantings, irrigation systems, fencing, and other district improvements. The Engineer's Report projects a shortage that will require the City to continue to reduce landscape maintenance and water use so that maintenance costs remain below assessments.

Water costs increased thirty percent starting in calendar year 2024, are scheduled to increase another twelve percent in 2025, and are projected to continue to increase in future years to pay for necessary infrastructure and treatment costs. The water has been turned off at the Bonde Ranch LMD because of the state of disrepair of the irrigation system so water rate increases do not currently impact the Bonde Ranch LMD, but the rate increases will have a significant impact if the irrigation system is restored. Continued cuts in maintenance to pay for the increasing fire management and necessary tree pruning/removal costs will lower the level of maintenance well below the maintenance standards of the district established by Ordinance 1509. In addition, the city can no longer continue to subsidize staff administration time or the consultant fees for a Proposition 218-compliant vote. The consultant fees for the Proposition 218-compliant vote will cost approx. \$40,000 plus staff time and will need to come from the reserve fund.

City staff began the process of potentially increasing the assessments for the Bonde Ranch Landscape Maintenance District in early 2022 through a Proposition 218 compliant voting procedure. However, the property owners that attended the neighborhood outreach meeting on February 3, 2022, or communicated to staff via phone or email expressed strong opposition to increasing the assessment. Staff placed the pursuit of a sustainable assessment amount on hold at that time.

If additional funding from a new or increased assessment is not implemented, the city will be forced to continue to reduce maintenance, postpone facilities upgrades and tree pruning, and permanently shut off the irrigation system; resulting in a continuing deterioration of the grounds and facilities. This can open the district up to fines or litigation. To limit liability for the district, it will be necessary for the city to continue to pursue a proposition 218-compliant vote, incurring significant consultant costs each time, until a sustainable assessment has been agreed to by property owners.

### **Engineer's Report and Continuation of Assessments**

Each year for which the assessments will be continued, the City Council must direct the preparation of an Engineer's Report, budgets, and proposed assessments for the upcoming fiscal year. The city staff time to perform this work has been previously subsidized by the city. After the Engineer's Report is completed, the City Council may preliminarily approve the Engineer's Report and proposed assessments and establish

## **City of Pleasanton**

the date for a public hearing on the continuation of the assessments. This Report was prepared pursuant to the direction of the City Council.

This Engineer's Report ("Report") was prepared to establish the budget for the continued maintenance, improvements, and services ("Improvements") that would be funded by the proposed fiscal year 2024-25 assessments, determine the benefits received by property from the Improvements, and the method of assessment apportionment to lots and parcels within the Maintenance District. This Report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code ("Act") and Article XIID of the California Constitution ("Article").

If the City Council approves this Engineer's Report and the continuation of the assessments by resolution, a notice of public hearing must be published in a local paper at least 10 days prior to the date of the public hearing. The resolution preliminarily approving the Engineer's Report and establishing the date for a public hearing is used for this notice.

Following the minimum 10-day period after publishing the notice, a public hearing is held for the purpose of allowing public testimony about the proposed continuation of the assessments. This hearing is currently scheduled for June 18, 2024. At this hearing, the City Council would consider approval of a resolution confirming the continuation of the assessments for fiscal year 2024-25. If so confirmed and approved, the assessments would be submitted to the County Auditor/Controller for inclusion on the property tax rolls for Fiscal Year 2024-25.

## Legal Requirements

### Proposition 218

The City of Pleasanton's five Landscape and Lighting Maintenance Districts were formed prior to the passage of Proposition 218, "The Right to Vote on Taxes Act," which was approved by the voters of California on November 6, 1996, and is now Article XIIC and XIID of the California Constitution. (Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement that benefits the assessed property). Although these assessments are consistent with Proposition 218, the California judiciary has generally referred to pre-Proposition 218 assessments as "grandfathered assessments" and held them to a lower standard than post-Proposition 218 assessments.

The existing Assessment Districts will be re-assessed consistent with the procedures and requirements imposed by Proposition 218, which describes several important requirements, including property-owner balloting and approval for the imposition of new or increased assessments.

This Engineer's Report is consistent with the requirements of Article XIIC and XIID of the California Constitution because the Improvements to be funded are clearly defined,

## City of Pleasanton

Landscape Maintenance District No. 1993-2, Bonde Ranch Engineer's Report, Fiscal Year 2024-25

the Improvements are directly available to and directly benefit property in the Maintenance District, and the Improvements provide a direct advantage to property in the Maintenance District that would not be received in absence of the assessments.



## Plans & Specifications

---

### Introduction

The work and Improvements to be undertaken by the City of Pleasanton within the Landscape Maintenance District No. 1993-2, Bonde Ranch, and the costs thereof paid from the levy of the annual assessments, provide special benefit to Assessor Parcels within the Maintenance District as defined in the Method of Assessment herein.

The Landscaping and Lighting Act of 1972 (Streets & Highways Code § 22525 et seq.), (the “Act”), defines improvement, maintenance, servicing, and incidental expenses as follows:

*“Improvement” means one or any combination of the following:*

*The installation or planting of landscaping.*

*The installation or construction of statuary, fountains, and other ornamental structures and facilities.*

*installation or construction of public lighting facilities, including, but not limited to, traffic signals.*

*installation or construction of any facilities which are appurtenant to any of the foregoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.*

*The installation of park or recreational improvements, including, but not limited to, all of the following:*

*preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.*

*Lights, playground equipment, play courts, and public restrooms.*

*The maintenance or servicing, or both, of any of the foregoing, and of any improvement authorized by subdivision (i).*

*The acquisition of land for park, recreational, or open-space purposes.*

*The acquisition of any existing improvement otherwise authorized pursuant to this section.*

*The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.*

*“Maintain” or “maintenance” means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:*

*Repair, removal, or replacement of all or any part of any improvement for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.*

### City of Pleasanton

Landscape Maintenance District No. 1993-2, Bonde Ranch Engineer’s Report, Fiscal Year 2024-25

*The removal of trimmings, rubbish, debris, and other solid waste.  
The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.*

*“Service” or “servicing” means the furnishing of:*

*Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.  
Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.*

*“Incidental expenses” include all of the following:*

*The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.*

*The costs of printing, advertising, and the giving of published, posted, and mailed notices.*

*Compensation payable to the county for collection of assessments.*

*Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.*

*Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements.*

*Any expenses incidental to the issuance of bonds or notes pursuant to Section 22662.5.*

*Costs associated with any elections held for the approval of a new or increased assessment.*

The City of Pleasanton’s work and Improvements (“Improvements”) for the property within the Maintenance District that is owned or maintained by the City of Pleasanton, are consistent with these definitions. Plans and specifications for these Improvements are filed with the City of Pleasanton Landscape Architect and are incorporated herein by reference.

### **Bonde Ranch Description of Improvements**

The improvements which are the subject of this Report are briefly described as follows:

The maintenance and repair of designated landscaped areas, open space slopes, fuel transition zones (fire breaks), entry features, open space drainage ditches, irrigation systems, trees in the open space and designated landscaped areas, together with all appurtenant and incidental expenses within Tract 6483, City of Pleasanton. The District property directly behind the Ventana Hills neighborhood has been removed from the Bonde Ranch Landscape Maintenance District, as indicated in the updated map, and is now incorporated into the Bonde Ranch Open Space.

Landscape plans and specifications for the improvements to this Landscape District are those prepared by Samson Associates, dated July 1992. These plans and specifications have been filed separately with the Clerk of the Legislative body and are incorporated in this report by reference.

### **City of Pleasanton**

Landscape Maintenance District No. 1993-2, Bonde Ranch Engineer’s Report, Fiscal Year 2024-25

### **Recommended Capital Improvements**

Improvements such as complete irrigation and planting replacement in Landscape Maintenance District No. 1993-2, Bonde Ranch, are overdue. However, the reserve fund balance is insufficient to make these improvements.

The City drafted a schedule of recommended capital improvement projects, such as the replacement of the irrigation system and repair of the fencing, that need to be addressed and their respective cost estimate, as well as a planned replacement/renovation schedule. To fund the necessary capital improvements and maintain the District to a similar level to when the District was created staff estimates that the annual assessments would need to be increased from \$257.22 to \$620-750 depending on the maintenance level. The City intends to re-start efforts with the consultant to develop the level of maintenance and recommended capital improvements in 2025-26 to create a comprehensive maintenance and improvement plan and define associated costs.

## Estimate of Cost and Budget – Fiscal Year 2024-25

The following budget shows the estimate of cost of the Improvements to be funded by the Maintenance District in Fiscal Year 2024-25.

**Figure 1 – Estimate of Costs and Revenues**

<b>City of Pleasanton</b>			
<b>Landscape Maintenance District No. 1993-2, Bonde Ranch</b>			
<b>2024-25 Estimate of Costs</b>			
			<u>Budget</u>
Installation, Maintenance, and Servicing Costs			
Landscaping (maintenance)			
	Basic maintenance		\$6,000.00
	Extra work <sup>i</sup>		\$5,747.73
	Water		\$1,000.00
	Fuel transition Zones (Firebreak) 287,000 sq. ft.		
	Weed abatement		<u>\$11,502.00</u>
Total for Installation, Maintenance and Servicing			\$24,249.73
Incidental and Administration Costs <sup>ii</sup>			
	City of Pleasanton Assessment Administration		\$1,800.00
	County Fees for Collection of Assessment		<u>\$439.62</u>
Total Incidental and Administrative Costs			\$2,239.62
Amount to/(from) Reserve Fund <sup>iii</sup>			
	Reserve/Long-term Replacement Fund for scheduled long-term replacement of various district improvements		(\$0.00)
<b>Total Costs</b>			<b>\$26,489.35</b>
<b>Budget Allocation to Property</b>			
	Number of Parcels/Units	Single Family Equivalent Units (SFE) <sup>iv</sup>	Assessment Rate
	103	103	\$257.22
			<b>Total Assessment<sup>v</sup></b>
			<b>\$26,489.35</b>

Explanation of Annual Assessment Rate per Unit:

102 units @ \$257.22 assessment per year (= \$252.91 + \$4.31 County Collection Fee)

1 unit @ \$252.91 assessment per year (City parcel, savings of the \$4.31 County Collection Fee)

### Notes to Estimate

- i. Contingency to address maintenance that is not routine in nature, such as repair or replacement of broken irrigation valves and lines or pruning/removing failed trees or tree limbs.
- ii. Incidental and administration cost estimates include City staff hours dedicated to the administration of the assessment (including staff time to bid work, monitor contracts and contractors, respond to residents' inquiries, etc.), county charges for inclusion of assessments on property tax bills, and other incidental costs.

### City of Pleasanton

Landscape Maintenance District No. 1993-2, Bonde Ranch Engineer's Report, Fiscal Year 2024-25

- iii. At the time of this report a fund balance of approximately \$25,000 exists for the Landscape Maintenance District 1993-2. Significant capital improvements are required to maintain the landscape and irrigation to previous levels so the City will need to continue to reduce maintenance and water use. Staff intends to utilize a portion of the reserve to perform necessary fence repair and tree maintenance services. Reserve/replacement funds are held in an interest-bearing account until needed for repairs to the irrigation system, landscaping or other District features.
- iv. The rate shown here is for a single-family home or its equivalent. For the definition of the term Single Family Equivalent (SFE) and rates for other types of property, see the section titled, "Method of Assessment" and the sections following it in this report.
- v. The Act requires that proceeds from the assessments must be deposited into a special fund that has been set up for the revenues and expenditures of the Maintenance District. Moreover, funds raised by the assessment shall be used only for the purposes stated within this Report. Any balance remaining at the end of the Fiscal Year, June 30, must be carried over to the next Fiscal Year. The District may also establish a reserve fund for contingencies and special projects as well as a capital improvement fund for accumulating funds for larger capital improvement projects or capital renovation needs. Any remaining balance would either be placed in the reserve fund, the capital improvement fund, or would be used to reduce future years' assessments. The Landscape Maintenance District 1993-2, Bonde Ranch reserve/replacement funds are held in an interest-bearing account until needed for repairs to the masonry walls, entry signage, irrigation systems, landscaping, or other District features.

## Method of Assessment Apportionment

---

### Method of Apportionment

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of Improvements and landscaping for the Maintenance District and the methodology used to apportion the total assessment to the properties within the Maintenance District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the Maintenance District over and above general benefits conferred on real property or to the public at large. The assessment is apportioned to lots and parcels in proportion to the relative cost of the special benefits from the Improvements. Special benefit is calculated for each parcel in the Maintenance District using the following process:

- i. Identification of all benefit factors derived from the Improvements.
- ii. Calculation of the proportion of these benefits that are general.
- iii. Determination of the relative special benefit per property type.
- iv. Calculation of the specific assessment for each parcel based upon special vs. general benefit, location, property type, property characteristics, improvements on property and other supporting attributes.

The parcels within the Landscape Maintenance District No. 1993-2, Bonde Ranch, consist of all Assessor Parcels within the boundaries as defined by the Assessment Diagram included within this Report and the Assessor Parcel Numbers listed within the included Assessment Roll. The method used for apportioning the assessments is based upon the proportional special benefits to be derived by the properties in the Maintenance District, over and above general benefits conferred on real property or to the public at large. The apportionment of special benefits is a two-step process: the first step is to identify the types of special benefits arising from the Improvements, and the second step is to allocate the assessments to properties based on the estimated relative special benefit for each type of property.

### Discussion of Benefits

The assessments can only be levied based on the special benefit to a property. This benefit is received by a property over and above any general benefits. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

*“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which 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.”*

### City of Pleasanton

Proposition 218, as codified in Article XIII D of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

*“No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.”*

In this case, the 2008 Silicon Valley Taxpayers Association, Inc. vs Santa Clara County Open Space Authority (“SVTA”) decision provides enhanced clarity to the definition of special benefits to properties from similar public improvements in three distinct areas:

- i. Proximity
- ii. Expanded or improved access
- iii. Views

The SVTA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel, and that indirect or derivative advantages resulting from the overall public benefits from a service or improvement are general benefits.

Proximity, improved access and views, in addition to the other special benefits listed herein further strengthen the basis of these assessments.

The following benefit categories summarize the types of special benefits to residential and other lots and parcels resulting from the installation, maintenance and servicing of landscaping, irrigation, sidewalks, signs, lights, and other improvements to be provided with the assessment proceeds. These categories of special benefits are derived from the statutes passed by the California Legislature and studies which describe the types of special benefits received by property from maintenance and improvements such as those provided by the City of Pleasanton, Landscape Maintenance District No. 1993-2, Bonde Ranch. These types of special benefits are summarized as follows:

- i. Improved access to landscaped areas and other permanent public improvements
- ii. Proximity to improved landscaped areas and other permanent public improvements
- iii. Improved views
- iv. Extension of a property’s outdoor areas and landscaped areas for properties within close proximity to the Improvements
- v. Creation of individual lots for residential use that, in the absence of the assessments, would not have been

The above benefit factors, when applied to property in the Maintenance District, specifically increase the utility and usefulness of the property within the Maintenance District. For example, the assessments will provide funding to improve and maintain the public landscaping next to the parcels within the Maintenance District. Such improved and well-maintained landscaping enhances the overall quality, desirability, utility and safety of the properties.

## **City of Pleasanton**

Landscape Maintenance District No. 1993-2, Bonde Ranch Engineer’s Report, Fiscal Year 2024-25

**General vs. Special Benefits**

Article XIID, Section 4(a) of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to “separate the general benefits from the special benefits conferred on a parcel.” The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. Property may be assessed to fund improvements to the extent of the special benefits conferred by the Improvements; but general benefits are not assessable. Accordingly, a separate estimate of the special and general benefit is given in this section.

Article XIID never defines the term “general benefit.” The definition of special benefit in Section 2(i) includes the statement that general enhancement of property value does not constitute a special benefit. A general benefit may be described as “an indirect, derivative advantage” resulting from the improvements. One infers from Article XIID that all benefit is either general or special.

In other words:

<b>Total Benefit</b>	=	<b>General Benefit</b>	+	<b>Special Benefit</b>
----------------------	---	------------------------	---	------------------------

There is no widely accepted or statutory formula for quantifying the amount of any general benefit that is identified.

In this Report, the general benefit is first identified, generously estimated, and then budgeted so that it is funded, as required by Proposition 218, by sources other than the Assessment.

A formula to estimate the general benefit is listed below:

<b>General Benefit</b>	=	<b>Benefit to Real Property Outside the Assessment District</b>	+	<b>Benefit to Real Property Inside the Assessment District that is Indirect and Derivative</b>	+	<b>Benefit to the Public at Large</b>
------------------------	---	---	---	--	---	---------------------------------------

Special benefit, on the other hand, is defined in the California constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large”. A special benefit is conferred to a property if the property “receives a direct advantage from the improvement (e.g., proximity to setback landscaping).” In the Maintenance District, as noted, properties have close and unique proximity, views of and access to the Improvements, and uniquely improved utility and desirability from the Improvements, and other properties and the public at large do not receive such benefits because they do not have proximity, access to or views of the Improvements. Therefore, the overwhelming proportion of the benefits conferred to a property is special, and only minimal general benefit is conferred on property outside the Maintenance District or to the public at large.

**City of Pleasanton**



This Engineer's Report includes a specific, quantified calculation of general benefits, as described below, that is based in part on the use by people outside of the Maintenance District. Moreover, the proportionality of the Assessments to the special benefits conferred on each parcel, based in large part on proximity, is established as well.

### **Calculating General Benefit and Special Benefit Paid from Other Funds**

In this section, the total general benefit, which must be paid from other non-assessment funds, is conservatively estimated, quantified, described, and separated, and then budgeted to absolutely ensure that it is funded by sources other than this assessment.

#### **Benefit to Property Outside the Maintenance District = 3.3%**

In summary, real property located within the boundaries of the Maintenance District distinctly and directly benefits from closer proximity, access and views of the Improvements funded by the Assessments, the creation of developable parcels, and from the extension of the usable land area provided by the assessments. The Improvements are specifically designed to serve local properties in the Maintenance District, not other properties nor the public at large. The Maintenance District has been narrowly drawn to include those parcels that receive a direct advantage from the Improvements. The public at large and other properties outside the Maintenance District receive only limited benefits from the Improvements because they do not have proximity, good access or views of the Improvements. These are special benefits to property in the Maintenance District in much the same way that sewer and water facilities, sidewalks and paved streets enhance the utility and desirability of specific proximate properties and make them more functional to use, safer and easier to access.

Properties within the proposed Maintenance District receive almost all the special benefits from the Improvements because properties in the Maintenance District enjoy unique and close proximity and access to the Improvements that are enjoyed less by other properties or the public at large. The landscaping Improvements are specifically designed to benefit the properties in the Maintenance District.

Furthermore, there are multiple, proximate open space, landscaped areas, and other improvements outside of the Maintenance District, funded by other sources, that provide most of the open space and landscaping benefits to nearby parcels that are outside of the Maintenance District.

In other words, the landscaping Improvements maintained by the proposed Assessments especially benefit the properties within the Maintenance District, but other nearby improvements primarily benefit other proximate properties. Nonetheless, there are certain properties that are outside the boundaries of the Maintenance District that may benefit from the landscape improvements. A total of no more than 6 proximate parcels have been identified that receive some special benefit from the improvements including improved views, proximity and/or access, but do not receive extension of outdoor areas nor the special benefit of

## **City of Pleasanton**

parcel creation. Since these adjacent properties only receive a 3 of the 5 major special benefits, a 60% factor is applied.

Total General Benefit to Properties Outside of the District = 3.3%

### **Assumptions**

6 parcels outside and adjacent to the District  
103 parcels in the Maintenance District

### **Calculation**

General Benefit to Property outside the Improvement District =  
 $(6 / (6 + 103)) * 60\% = 3.3 \%$

Although it can reasonably be argued that Improvements inside, but near the Maintenance District boundaries are offset by similar landscape improvements provided outside, we use the more generous approach of finding that 3.3% of the Improvements may be of benefit to property outside of the Maintenance District.

### **Benefit to Property Inside the District that is Indirect and Derivative = 0.0%**

The “indirect and derivative” benefit to property within the Maintenance District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Maintenance District is special because the Improvements are clearly “over and above” and “particular and distinct” when compared with the unique proximity, access and views of the Improvements enjoyed by benefiting properties in the Maintenance District.

Nevertheless, the SVTA decision indicates that there may be a general benefit “conferred on real property located in the district.” A measure of the general benefits to property within the Maintenance District is the percentage of land area within the Maintenance District that is publicly owned, open to the public, and used for regional purposes such as major roads, rail lines, hospitals, and other regional facilities because such properties, while physically within the Maintenance District, are used for regional purposes and could provide indirect benefits to the public at large. In this case, essentially 0% of the land area is used for such regional purposes.

### **Benefit to the Public at Large = 10%**

The general benefit to the public at large can be estimated by the proportionate amount of time that the Maintenance District’s public landscaped areas and facilities are used and enjoyed by individuals who are not residents, employees, customers, or property owners in the Assessment Area. Based on surveys and research in which visitors to similar landscape, open space and parks, at various times of the day, evening, and week, were asked to look at a District map and to identify whether they lived or worked within the City, less than 5% of the use of similar landscape, open space, parks or recreation areas is by the public at large.

## **City of Pleasanton**

When people outside the Maintenance District use landscape, open space, parks, or recreation areas, they diminish the availability of such facilities for people within the Maintenance District. Therefore, another 5% of general benefits are allocated for people within the Maintenance District. Combining these two elements of general benefit, we find that 10% of the benefits from the Improvements are general benefits to the public at large.

**Total General Benefits to be Financially Contributed from Other Funds = 13.3%**

Using a sum of these three measures of general benefit, we find that approximately 13.3% of the benefits conferred by the Improvements may be general in nature and should be funded by sources other than the Assessments.

**General Benefit Calculation**

$$\begin{array}{r}
 3.3\% \text{ (Outside the Maintenance District)} \\
 + \quad 0.0\% \text{ (Inside the Maintenance District – indirect and derivative)} \\
 + \quad \underline{10.0\%} \text{ (Public at Large)} \\
 \\
 = \quad 13.3\% \text{ (Total General Benefit)}
 \end{array}$$

**Source of Financial Contributions from Other Funds to Satisfy the 13.3% Requirement**

The general benefit contribution is paid in part from other “in-kind”, non-monetary contributions from the City in the form of infrastructure critical to the continued maintenance of the Maintenance District Improvements, as described below. Also, general benefit contributions come from the “annuity” value of the improvements that were constructed by the developer.

The City of Pleasanton owns, maintains, rehabilitates, and replaces the curb and gutter along the border of the Maintenance District. This curb and gutter serve to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the Improvements. The contribution from the City of Pleasanton toward general benefit from the maintenance, rehabilitation, and replacement of the curb and gutter is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In other words, if the Maintenance District were required to construct and maintain the local curb and gutter, the budget would increase by at least 10%.

The City of Pleasanton owns and maintains a storm drainage system along the border of the Maintenance District. This system serves to prevent flooding and associated damage to the Improvements and manage urban runoff including local pollutants loading from the Improvements. The contribution from the City of Pleasanton toward general benefit from the maintenance, rehabilitation, and replacement of the local storm drainage system is conservatively estimated to be

**City of Pleasanton**

10%, based upon the relative cost to construct and maintain this critical local infrastructure. In other words, if the Maintenance District were required to construct and maintain the local storm drainage system, the budget would increase by at least 10%.

The City of Pleasanton owns and maintains local public streets throughout the Maintenance District. These public streets provide access to the Improvements for their enjoyment as well as efficient maintenance. The contribution from the City of Pleasanton toward general benefit from the maintenance, rehabilitation, and replacement of the local public streets is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In other words, if the Maintenance District were required to construct and maintain the local public streets, the budget would increase by at least 10%.

The value of the initial Improvements constructed by the Developer can be quantified and monetized as an annuity to be amortized. Since the initial Improvements were performed and paid for by non-assessment funds, this “annuity” can be used to offset general benefit costs and is conservatively estimated to contribute 20%. In other words, if the Maintenance District were required to construct all the Improvements, the annual budget would increase by at least 20%.

In other words, there is a 13.3% contribution needed to offset the general benefits conferred by the Improvements, and there is a 50% contribution from the City of Pleasanton supporting local infrastructure, along with the amortized value of initial construction. This 50% contribution more than satisfies the general benefit requirements.

The estimates used above for the City of Pleasanton’s “in-kind”, non-monetary contributions for the maintenance, rehabilitation and replacement of the curbs and gutters, storm drainage systems, and local streets (the “supportive infrastructure”). The value of the initial Improvements constructed by the Developer are based on industry standards; typical and standard quantity ratios between this supportive infrastructure (including the City’s relative associated maintenance costs) and similar Improvements; and on the assessment Engineer’s professional experience on planning and working on such projects.

### Source of Contributions from Other Funds to Satisfy 13.3% Requirement

City non-monetary contributions:

	10.0% (Curb and gutter)
+	10.0% (Storm drainage system)
+	10.0% (Public roads)
+	<u>20.0%</u> (Amortized value of initial construction)
=	50.0% (Total General Benefit paid from Other Funds)

### Zones of Benefit

The boundaries of the Assessment Area are carefully drawn to only include the properties that are proximate to the Improvements and that would materially benefit from the Improvements.

In SVTA, the court noted that even a local agency-wide assessment district is appropriate under the right conditions:

*“Thus, if an assessment district is narrowly drawn, the fact that a benefit is conferred throughout the district does not make it general rather than special. In that circumstance, the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g., proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g., general enhancement of the district's property values).”*

The court therefore acknowledged the appropriateness of a District-wide assessment so long as each parcel receives a direct advantage from the assessment-funded improvement or service. As demonstrated in this Report, each parcel in the Maintenance District receives a direct advantage and special benefit from the Improvements.

In the Maintenance District, the advantage that each parcel receives from the Improvements is direct, and the boundaries are narrowly drawn to include only parcels that benefit from the Assessment. Therefore, the even spread of assessment throughout the narrowly drawn district is indeed consistent with the SVTA decision. The benefits from the Improvements within the Maintenance District do not vary further based on the proximity of the parcels to the Improvements because the increased benefits of greater proximity to the Improvements are generally offset by a parallel increase in negative factors such as higher levels of traffic, noise, etc. that comes with increased proximity.

### City of Pleasanton

Landscape Maintenance District No. 1993-2, Bonde Ranch Engineer's Report, Fiscal Year 2024-25

Consequently, since all parcels in the Maintenance District have good access and proximity to the Improvements and the benefits of relatively closer proximity are offset by other factors, additional proximity is not considered to be a factor in determining benefits within the Maintenance District. Therefore, zones of benefit are not justified or needed within the Maintenance District.

### **Method of Assessment**

As previously discussed, the Assessments provide comprehensive Improvements that clearly confer direct and special benefits to properties in the Maintenance District.

The allocation of special benefits to property is primarily based on the type of property and the size of a property. These benefits can also partially be measured by the occupants on property in the Maintenance District because such parcel population density is a measure of the relative benefit a parcel receives from the Improvements. It should be noted that many other types of "traditional" assessments also use parcel population densities to apportion the assessments. For example, the assessments for sewer systems, roads and water systems are typically allocated based on the population density of the parcels assessed. Therefore, the apportionment of benefits is reasonably based on the type of parcel, the size of parcels and the population density of parcels.

A critical step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a single-family home, or, in other words, on the basis of Single-Family Equivalent (SFE) units. This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefits and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated an SFE value, which is each property's relative benefit in relation to a single-family home on one parcel. In this case, the "benchmark" property is the single-family detached dwelling which is one Single Family Equivalent unit or one SFE.

Finally, the special benefits to be derived from the Assessments will be conferred on a property and are not based on a specific property owner's use of the Improvements, a specific property owner's occupancy of a property, or the property owner's demographic status such as age or the number of dependents. The benefits allotted to a property are related to the average number of people who could potentially live on, work at, or otherwise could occupy a property, not how the property is currently used by the present owner. Therefore, the number of people who could, or potentially, live on, work at, or otherwise occupy a property is one indicator of the relative level of benefit received by a property.

In conclusion, the Assessment Engineer determined that the appropriate method of assessment apportionment should be based on the type of property, the relative size of the property, its location, its relative population, and its proximity to the landscaping and open space facilities. This method is further described below.

### **City of Pleasanton**

Landscape Maintenance District No. 1993-2, Bonde Ranch Engineer's Report, Fiscal Year 2024-25

### **Residential Properties**

The Bonde Ranch development is a residential single-family development project consisting of a total of 103 parcels, 102 single-family home parcels, and 1 publicly owned parcel used for a water tank. As such, each residential property receives similar benefit from the proposed Improvements.

Therefore, the Engineer has determined that the appropriate method of apportionment of the benefits derived by all parcels is on a dwelling unit or single-family residence basis. All improved properties, or properties proposed for development, are assigned one Single Family Equivalent unit or 1 SFE factor equal to the number of dwelling units developed or planned for the property.

### **Other Properties**

Article XIID stipulates that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the Assessment.

All properties that are specially benefited are assessed. Another publicly owned property that is used for purposes similar to private residential, commercial, industrial, or institutional uses are benefited and assessed at the same rate as such privately owned property.

Miscellaneous, small, and other parcels such as roads, right-of-way parcels, and common areas typically do not generate significant numbers of employees, residents, customers, or guests, who would have access to or use the Improvements. These miscellaneous parcels, therefore, receive no benefit from the Improvements and are assessed an SFE benefit factor of 0 SFEs.

### **The Assessment Rate does not Increase Annually**

It should also be noted that the Maintenance District assessment rates cannot be increased annually, and the total revenues remain the same year after year, assessing \$257.22 per SFE or parcel, which is the amount assessed since 2000-01. To increase the annual assessment rate beyond the original assessment rate or to add an annual Consumer Price Index escalator to the assessment rate, approval of the property owners is required via a Proposition 218 assessment ballot proceeding.

### **Appeal of Assessments Levied to Property**

Any property owner who feels that the assessment levied on their property is in error as a result of incorrect information being used to apply the foregoing method of assessment may file a written appeal with the City of Pleasanton City Engineer or his or her designee. Any such appeal is limited to the correction of an assessment during the then-current Fiscal Year and applicable law. Upon the filing of any such appeal, the City of Pleasanton City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City of Pleasanton City Engineer or his or her designee finds that the assessment should be modified, the appropriate

### **City of Pleasanton**

Landscape Maintenance District No. 1993-2, Bonde Ranch Engineer's Report, Fiscal Year 2024-25



changes shall be made to the Assessment Roll. If any such changes are approved after the Assessment Roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction.

**Assessment Funds Must be Expended Within the Maintenance District Area**

The net available Assessment funds, after incidental, administrative, financing, and other costs, shall be expended exclusively for Improvements within the boundaries of the Maintenance District and appropriate incidental and administrative costs as defined in the Plans and Specifications section.



## Assessment

**WHEREAS**, the City of Pleasanton City Council directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the Maintenance District, and an assessment of the estimated costs of the Improvements upon all assessable parcels within the Maintenance District;

**NOW, THEREFORE**, the undersigned, by virtue of the power vested in me under the Act, Article XIII D of the California Constitution, and the order of the City Council of the City of Pleasanton, hereby makes the following assessment to cover the portion of the estimated cost of the Improvements, and the costs and expenses incidental thereto to be paid by the Maintenance District.

The amount to be paid for said Improvements and the expense incidental thereto, to be paid by the Maintenance District for the Fiscal Year 2024-25 is generally as follows:

**Figure 2 – Summary Cost Estimate – Bonde Ranch LMD No. 1993-2**

<b>Budget Item</b>	<b>Budgeted Cost</b>
Installation, Maintenance, and Servicing Costs	\$24,249.73
Incidental and Administration Costs	\$2,239.62
Amount to/(from) Reserve Fund	(\$0.00)
<b>Total Budget</b>	<b>\$26,489.35</b>

As required by the Act, an Assessment Diagram showing the exterior boundaries of the Maintenance District is hereto attached and incorporated herein by reference. The distinctive number of each parcel or lot of land in the Maintenance District is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby assess and apportion the net amount of the cost and expenses of the Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within the Maintenance District, in accordance with the special benefits to be received by each parcel or lot, from the Improvements, and more particularly set forth in the Estimate of Cost and Method of Assessment in the Report.

### City of Pleasanton

Landscape Maintenance District No. 1993-2, Bonde Ranch Engineer's Report, Fiscal Year 2024-25

The Assessment is made upon the parcels or lots of land within the Maintenance District in proportion to the special benefits to be received by the parcels or lots of land, from the Improvements.

The Maintenance District's assessment rate for fiscal year 2024-25 remains unchanged at the same assessment rate used last year of \$257.22 per single-family equivalent (SFE) benefit unit.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as will be shown on the Assessor's Maps of Alameda County for the Fiscal Year 2024-25. For a more particular description of the property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby will place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the Fiscal Year 2024-25 for each parcel or lot of land within the Maintenance District.

City Engineer/Engineer of Work

By: \_\_\_\_\_  
Adam M. Nelkie, License No. C78830

## Certificates Page

---

LANDSCAPE MAINTENANCE DISTRICT 1993-2, BONDE RANCH CITY OF PLEASANTON, ALAMEDA COUNTY, CALIFORNIA

(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed Engineer's Report and does hereby certify that this Engineer's Report and the Assessment have been prepared by me as directed by the City Council.

Adam M. Nelkie, City Engineer, License No. C78830

City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Jocelyn Kwong, City Clerk

City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Pleasanton, Alameda County, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Jocelyn Kwong, City Clerk

City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that a certified copy of the enclosed Engineer's Report, including Assessment Roll and Assessment Diagram was filed with the County Auditor of the County of Alameda, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Jocelyn Kwong, City Clerk

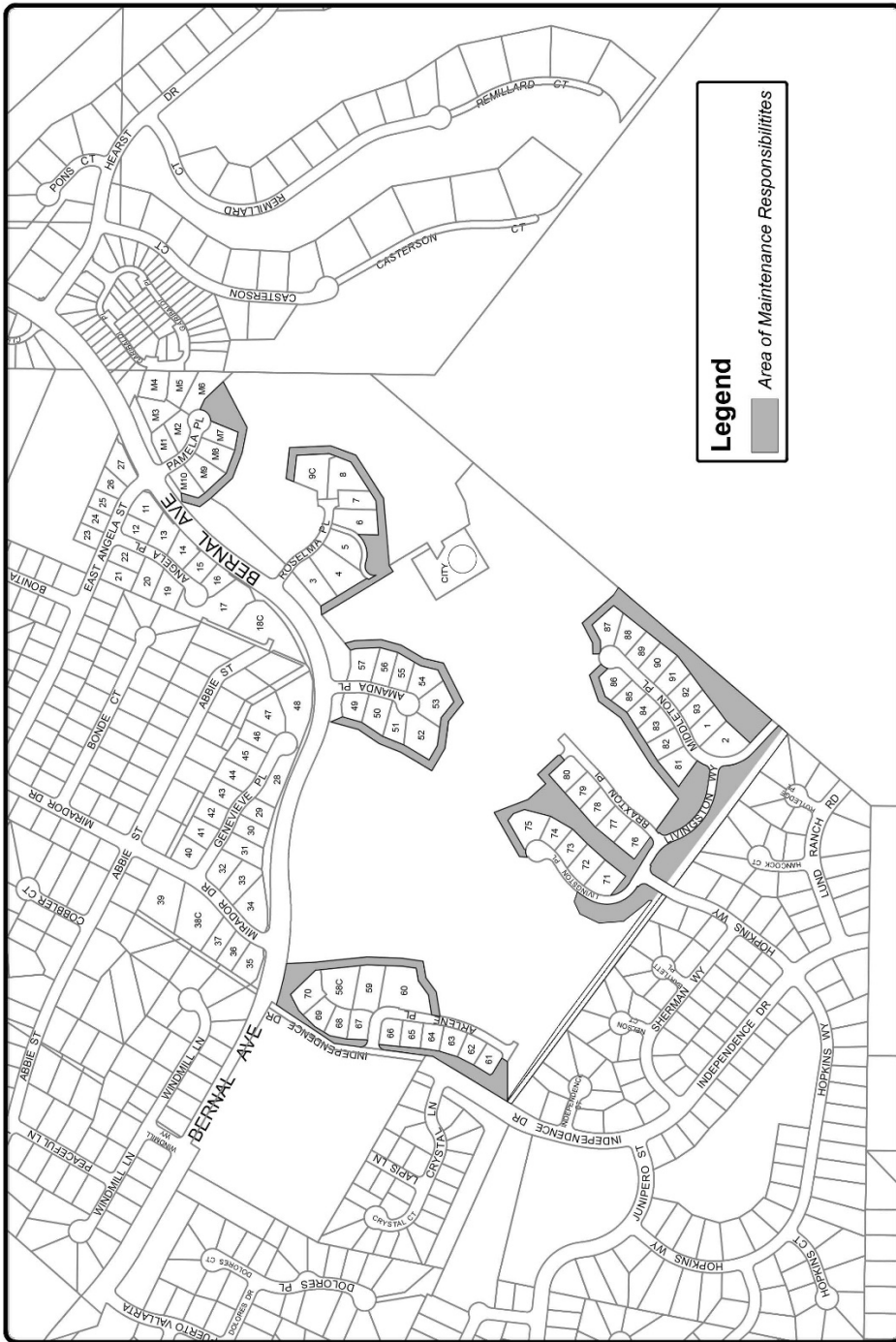
City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

### City of Pleasanton

# Assessment Diagram

The Maintenance District includes all properties within the Bonde Ranch subdivision, as displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Maintenance District are those lines and dimensions as shown on the maps of the Assessor of Alameda County for Fiscal Year 2024-25, and are incorporated herein by reference, and made a part of this Diagram and this Report.



I:\Projects\GIS\_Data\Land\_Arch\Project\Lighting\landscape\Lighting\BondeRanch2012.mxd, Updated Oct 12 2012 - vaw



**LIGHTING & LANDSCAPE**  
**MAINTENANCE DISTRICT 1993-2 BONDE RANCH**  
 For a more detailed description, refer to assessor parcel map book 948, page 0014, tract 6483



1 inch = 500 feet

## Assessment Roll FY 2024-25 - Bonde Ranch LMD No. 1993-2

ASSESSMENT DIAGRAM NO.	ASSESSOR'S PARCEL NUMBER	ASSESSMENT AMOUNT	COLLECTION	TOTAL
			CHARGE 0.017	
1	948-0019-39	\$252.91	\$4.31	\$257.22
2	948-0019-40	252.91	\$4.31	257.22
3	948-0018-04	252.91	\$4.31	257.22
4	948-0018-05	252.91	\$4.31	257.22
5	948-0018-06	252.91	\$4.31	257.22
6	948-0018-08	252.91	\$4.31	257.22
7	948-0018-09	252.91	\$4.31	257.22
8	948-0018-10-1	252.91	\$4.31	257.22
9C	948-0018-11-2	252.91	\$4.31	257.22
11	946-2542-79	252.91	\$4.31	257.22
12	946-2542-80	252.91	\$4.31	257.22
13	946-2542-81	252.91	\$4.31	257.22
14	946-2542-82	252.91	\$4.31	257.22
15	946-2542-83	252.91	\$4.31	257.22
16	946-2542-84	252.91	\$4.31	257.22
17	946-2542-85-3	252.91	\$4.31	257.22
18C	946-2542-86-5	252.91	\$4.31	257.22
19	946-2542-87-3	252.91	\$4.31	257.22
20	946-2542-88-2	252.91	\$4.31	257.22
21	946-2542-89-3	252.91	\$4.31	257.22
22	946-2542-90	252.91	\$4.31	257.22
23	946-2550-38	252.91	\$4.31	257.22
24	946-2550-39	252.91	\$4.31	257.22
25	946-2550-40	252.91	\$4.31	257.22
26	946-2550-41	252.91	\$4.31	257.22
27	946-2550-42	252.91	\$4.31	257.22
28	946-2542-69	252.91	\$4.31	257.22
29	946-2542-68	252.91	\$4.31	257.22
30	946-2542-67	252.91	\$4.31	257.22
31	946-2542-66	252.91	\$4.31	257.22
32	946-2542-65	252.91	\$4.31	257.22
33	946-2542-64	252.91	\$4.31	257.22
34	946-2542-63	252.91	\$4.31	257.22
35	946-2542-62	252.91	\$4.31	257.22
36	946-2542-61	252.91	\$4.31	257.22
37	946-2542-60	252.91	\$4.31	257.22
38C	946-2542-59	252.91	\$4.31	257.22
39	946-2542-58	252.91	\$4.31	257.22
40	946-2542-78	252.91	\$4.31	257.22
41	946-2542-77	252.91	\$4.31	257.22
42	946-2542-76	252.91	\$4.31	257.22
43	946-2542-75	252.91	\$4.31	257.22
44	946-2542-74	252.91	\$4.31	257.22

### City of Pleasanton

Landscape Maintenance District No. 1993-2, Bonde Ranch Engineer's Report, Fiscal Year 2024-25

45	946-2542-73	252.91	\$4.31	257.22
46	946-2542-72	252.91	\$4.31	257.22
47	946-2542-71	252.91	\$4.31	257.22
48	946-2542-70	252.91	\$4.31	257.22
49	948-0019-03	252.91	\$4.31	257.22
50	948-0019-04	252.91	\$4.31	257.22
51	948-0019-05	252.91	\$4.31	257.22
52	948-0019-06	252.91	\$4.31	257.22
53	948-0019-07	252.91	\$4.31	257.22
54	948-0019-08	252.91	\$4.31	257.22
55	948-0019-09	252.91	\$4.31	257.22
56	948-0019-10	252.91	\$4.31	257.22
57	948-0019-11	252.91	\$4.31	257.22
58C	948-0005-29	252.91	\$4.31	257.22
59	948-0005-30	252.91	\$4.31	257.22
60	948-0005-31	252.91	\$4.31	257.22
61	948-0005-32	252.91	\$4.31	257.22
62	948-0005-33	252.91	\$4.31	257.22
63	948-0005-34	252.91	\$4.31	257.22
64	948-0005-35	252.91	\$4.31	257.22
65	948-0005-36	252.91	\$4.31	257.22
66	948-0005-37	252.91	\$4.31	257.22
67	948-0005-38	252.91	\$4.31	257.22
68	948-0005-39	252.91	\$4.31	257.22
69	948-0005-40	252.91	\$4.31	257.22
70	948-0005-41	252.91	\$4.31	257.22
71	948-0019-14	252.91	\$4.31	257.22
72	948-0019-15	252.91	\$4.31	257.22
73	948-0019-16	252.91	\$4.31	257.22
74	948-0019-17	252.91	\$4.31	257.22
75	948-0019-18	252.91	\$4.31	257.22
76	948-0019-19	252.91	\$4.31	257.22
77	948-0019-20	252.91	\$4.31	257.22
78	948-0019-21	252.91	\$4.31	257.22
79	948-0019-22	252.91	\$4.31	257.22
80	948-0019-23	252.91	\$4.31	257.22
81	948-0019-25	252.91	\$4.31	257.22
82	948-0019-26	252.91	\$4.31	257.22
83	948-0019-27	252.91	\$4.31	257.22
84	948-0019-28	252.91	\$4.31	257.22
85	948-0019-29	252.91	\$4.31	257.22
86	948-0019-30	252.91	\$4.31	257.22
87	948-0019-32	252.91	\$4.31	257.22
88	948-0019-33	252.91	\$4.31	257.22
89	948-0019-34	252.91	\$4.31	257.22
90	948-0019-35	252.91	\$4.31	257.22
91	948-0019-36	252.91	\$4.31	257.22
92	948-0019-37	252.91	\$4.31	257.22
93	948-0019-38	252.91	\$4.31	257.22
M1	948-0018-16	252.91	\$4.31	257.22

## City of Pleasanton

Landscape Maintenance District No. 1993-2, Bonde Ranch Engineer's Report, Fiscal Year 2024-25

M2	948-0018-17	252.91	\$4.31	257.22
M3	948-0018-18	252.91	\$4.31	257.22
M4	948-0018-19	252.91	\$4.31	257.22
M5	948-0018-20	252.91	\$4.31	257.22
M6	948-0018-21	252.91	\$4.31	257.22
M7	948-0018-22	252.91	\$4.31	257.22
M8	948-0018-23	252.91	\$4.31	257.22
M9	948-0018-24	252.91	\$4.31	257.22
M10	948-0018-25	252.91	\$4.31	257.22
CITY	948-0014-1-39	252.91	n/a	252.91
103	<b>TOTAL ASSESSMENTS:</b>	<b>\$26,049.73</b>	<b>\$439.62</b>	<b>\$26,489.35</b>

---

## City of Pleasanton

Landscape Maintenance District No. 1993-2, Bonde Ranch Engineer's Report, Fiscal Year 2024-25

**RESOLUTION NO. 2024-****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON DECLARING THE INTENTION TO ORDER IMPROVEMENTS FOR THE LIGHTING & LANDSCAPE MAINTENANCE DISTRICT NO. 1994-1 OAK TREE FARM FOR FISCAL YEAR 2024/25; DECLARING THE INTENTION TO CONTINUE THE LEVY AND COLLECTION OF ASSESSMENTS; AND SETTING THE DATE FOR THE PUBLIC HEARING**

**WHEREAS**, as required by Section 22622 of the California Streets and Highways Code, the City Council of the City of Pleasanton has described proposed improvements to be included for the determination of annual assessments levied for Lighting and Landscape Maintenance District No. 1994-1 Oak Tree Farm, created under the Lighting & Landscape Act of 1972, and ordered the preparation of an Engineer's Report to determine the annual levy of assessments for such District; and

**WHEREAS**, as required by Section 22622 of the California Streets and Highways Code, the Engineer has filed with the City Clerk a Preliminary Engineer's Report for the Lighting & Landscape Maintenance District No. 1994-1 Oak Tree Farm for Fiscal Year 2024/25.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:**

**SECTION 1.** The City Engineer is designated by this Council as the Engineer of Work for Lighting & Landscape Maintenance District No. 1994-1, Oak Tree Farm, during fiscal year 2024/25. The area of land to be assessed is located in the City of Pleasanton, Alameda County.

**SECTION 2.** The City Council intends to continue to levy and collect assessments within Lighting & Landscape Maintenance District No. 1994-1 Oak Tree Farm, during fiscal year 2024/25.

**SECTION 3.** The improvements to be made in this assessment district are generally described as follows:

The maintenance and repair of designated landscaped areas, open space slopes, fuel transition zones (fire breaks), entry features, open space drainage ditches, irrigation systems, trees in the open space and designated landscaped areas, and the furnishing of water and power for irrigation systems, together with all appurtenant and incidental expenses within Tract 6563 and 6748, and parcels B and C of Parcel map 6359, City of Pleasanton.



**SECTION 4.** In accordance with this resolution directing the filing of an annual report, SCI Consulting Group, Engineer of Work, has filed with the City Clerk the report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessments upon assessable lots and parcels of land within the assessment district.

**SECTION 5.** On Tuesday, the 18<sup>th</sup> day of June 2024, at the hour of 7:00 pm, the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The Council meeting will be held in accordance with Government Code Section 54954(e). To improve access to public information, residents may access meetings remotely through the City's website.

**SECTION 6.** The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

**SECTION 7.** City Clerk shall certify to the passage of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on May 21, 2024.

I, Jocelyn Kwong, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 21<sup>st</sup> day of May, 2024, by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

\_\_\_\_\_  
Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel G. Sodergren, City Attorney



## **CITY OF PLEASANTON**

Landscape Maintenance District No. 1994-1, Oak Tree Farm

### **Engineer's Report**

Fiscal Year 2024-25

May 2024

Pursuant to the Landscaping and Lighting Act of 1972, government code and article  
XIIID of the California Constitution

(This page intentionally left blank)

# City of Pleasanton

---

## Mayor and City Council

- Karla Brown, Mayor
- Julie Testa, Vice Mayor
- Valerie Arkin, Councilmember
- Jack Balch, Councilmember
- Jeff Nibert, Councilmember

## City Manager

Gerry Beaudin

## City Engineer

Adam Nelkie

# Table of Contents

---

	<u>PAGE NO.</u>
<b>Introduction</b> .....	<b>1</b>
<b>Overview</b> .....	<b>1</b>
Landscape Maintenance District No. 1994-1, Oak Tree Farm .....	1
Engineer’s Report and Continuation of Assessments.....	2
Legal Requirements .....	3
<b>Plans &amp; Specifications</b> .....	<b>4</b>
Introduction .....	4
Oak Tree Farm Description of Improvements.....	5
Recommended Capital Improvements.....	6
<b>Estimate of Cost and Budget – Fiscal Year 2024-25</b> .....	<b>7</b>
Notes to Estimate .....	7
<b>Method of Assessment Apportionment</b> .....	<b>9</b>
Method of Apportionment.....	9
Discussion of Benefits .....	9
General vs. Special Benefits .....	11
Calculating General Benefit and Special Benefit Paid from Other Funds .....	12
Zones of Benefit.....	16
Method of Assessment.....	16
Residential Properties .....	17
Other Properties .....	18
The Assessment Rate does not Increase Annually .....	18
Appeal of Assessments Levied to Property .....	18
Assessment Funds Must be Expended Within the Maintenance District Area.....	18
<b>Assessment</b> .....	<b>19</b>
<b>Certificates Page</b> .....	<b>21</b>
<b>Assessment Diagram</b> .....	<b>22</b>
<b>Assessment Roll FY 2024-25 – Landscape Maintenance District No. 1994-1 Oak Tree Farm</b> .....	<b>23</b>

## City of Pleasanton

## List of Figures

---

**Figure 1 – Estimate of Costs and Revenues** .....7

**Figure 2 – Summary Cost Estimate – Oak Tree Farm LMD No. 1994-1** ..... 20

**Figure 3 – Assessment Roll FY 2024-25 – Oak Tree Farm LMD No. 1994-1**.....24

## Introduction

---

### Overview

The City of Pleasanton (“City”) is located in Alameda County, and covers an area of 24.3 square miles, with over 24,500 assessor parcels, and approximately 80,000 residents. The City currently has five Landscape Maintenance Districts (“Districts”) that provide services to a combined total of 680 parcels:

- 1984-1 Ponderosa (Del Prado) – 344 parcels
- 1993-1 Windsor – 90 parcels
- 1993-2 Bonde Ranch – 103 parcels
- 1994-1 Oak Tree Farm – 42 parcels
- 1995-1 Moller Ranch – 101 parcels

The five District’s benefit assessments were established prior to the approval of Proposition 218 in 1996. The purpose of these Districts is to provide funding for the installation, maintenance and servicing of local landscaping and lighting improvements (“Improvements”) within each District’s service area.

### Landscape Maintenance District No. 1994-1, Oak Tree Farm

#### Assessment Background

The Oak Tree Farm Landscape Maintenance District No. 1994-1 (“District 1994-1” or “Maintenance District”) was formed in September of 1994 as a Condition of Approval for the Oak Tree Farm Phase I development to fund certain landscape improvements in the Oak Tree Farm subdivision’s 25 parcels. In July 1999 the Oak Tree Farm Phase II was annexed into the Oak Tree Farm Landscape Maintenance District No. 1994-1, adding an additional 16 parcels. The total number of parcels served by District 1994-1 since then to present time is 42 (25+16+1 City-owned sewer lift station parcel).

The Oak Tree Farm Landscape Maintenance District No. 1994-1 purpose is to fund the maintenance of the existing Oak Tree Farm subdivision open space areas, entry features, decorative lighting, firebreaks, trees, shrubbery, groundcover and irrigation systems.

District 1994-1 is funded by the benefit assessment approved in 1994 (“Assessment”), and it does not receive any direct revenues from property taxes or any other funding sources.

The fiscal year 2024-25 assessments for District 1994-1 will remain at the same assessment rate of \$473.66 per parcel per year. With a total of 42 parcels in the District, fiscal year 2024-25 total assessment will be \$19,885.81.

Over the years, operational costs and utility costs have increased, however the assessment revenues have remained the same. The fiscal year 2024-25 total assessment revenue will not be sufficient to fund the maintenance of all landscaped areas, including water costs, county assessment fees, city administration fees, replacement of plantings, irrigation systems, and other district improvements. The Engineer's Report projects a shortage that will require the City to reduce landscape maintenance and water use so that maintenance costs remain below assessments.

An increase in the annual assessment will be necessary to meet the maintenance standards of the District into the future. The city can no longer subsidize staff administration time or the consultant fees for a Proposition 218-compliant vote. The consultant fees for the Proposition 218-compliant vote will cost approximately \$40,000 and will need to be funded from the reserve fund. Water costs increased thirty percent starting in calendar year 2024, are scheduled to be increased another twelve percent in 2025, and are projected to continue to increase in future years to pay for necessary infrastructure and treatment costs.

The water has been turned off at the Oak Tree Farm LMD because of the state of disrepair of the irrigation system so water rate increases do not currently impact the Oak Tree Farm LMD, but the rate increases will have a significant impact if the irrigation system is restored. Continued cuts in maintenance to pay for the increasing fire management and necessary tree pruning/removal costs will lower the level of maintenance well below the maintenance standards of the district established by Ordinances 155 and 1892. This can open the district up to fines or litigation. To limit liability for the district, it will be necessary for the city to continue to pursue a proposition 218-compliant vote, incurring significant consultant costs each time, until a sustainable assessment has been agreed to by property owners.

If additional funding from a new or increased assessment is not implemented, the City will be forced to continue to reduce maintenance and postpone facility upgrades, resulting in a continuing deterioration of the grounds and facilities.

### **Engineer's Report and Continuation of Assessments**

Each year for which the assessments will be continued, the City Council must direct the preparation of an Engineer's Report, budgets, and proposed assessments for the upcoming fiscal year. After the Engineer's Report is completed, the City Council may preliminarily approve the Engineer's Report and proposed assessments and establish the date for a public hearing on the continuation of the assessments. This Report was prepared pursuant to the direction of the City Council.

This Engineer's Report ("Report") was prepared to establish the budget for the continued maintenance, improvements, and services ("Improvements") that would be funded by the proposed fiscal year 2024-25 assessments, determine the benefits received by property from the Improvements, and the method of assessment apportionment to lots and parcels within the Maintenance District. This Report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act

### **City of Pleasanton**

Landscape Maintenance District No. 1994-1, Oak Tree Farm Engineer's Report, Fiscal Year 2024-25



of 1972, Part 2 of Division 15 of the California Streets and Highways Code ("Act") and Article XIID of the California Constitution ("Article").

If the City Council approves this Engineer's Report and the continuation of the assessments by resolution, a notice of public hearing must be published in a local paper at least 10 days prior to the date of the public hearing. The resolution preliminarily approving the Engineer's Report and establishing the date for a public hearing is used for this notice.

Following the minimum 10-day period after publishing the notice, a public hearing is held for the purpose of allowing public testimony about the proposed continuation of the assessments. This hearing is currently scheduled for June 18, 2024. At this hearing, the City Council would consider approval of a resolution confirming the continuation of the assessments for fiscal year 2024-25. If so confirmed and approved, the assessments would be submitted to the County Auditor/Controller for inclusion on the property tax rolls for Fiscal Year 2024-25.

## **Legal Requirements**

### **Proposition 218**

The City of Pleasanton's five Landscape Maintenance Districts were formed prior to the passage of Proposition 218, "The Right to Vote on Taxes Act," which was approved by the voters of California on November 6, 1996, and is now Article XIIC and XIID of the California Constitution. (Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property). Although these assessments are consistent with Proposition 218, the California judiciary has generally referred to pre-Proposition 218 assessments as "grandfathered assessments" and held them to a lower standard than post Proposition 218 assessments.

The existing Assessment Districts will be re-assessed consistent with the procedures and requirements imposed by Proposition 218, which describes several important requirements, including property-owner balloting and approval for the imposition of new or increased assessments.

This Engineer's Report is consistent with the requirements of Article XIIC and XIID of the California Constitution because the Improvements to be funded are clearly defined, the Improvements are directly available to and directly benefit property in the Maintenance District, and the Improvements provide a direct advantage to property in the Maintenance District that would not be received in absence of the assessments.

## **City of Pleasanton**

Landscape Maintenance District No. 1994-1, Oak Tree Farm Engineer's Report, Fiscal Year 2024-25

## Plans & Specifications

---

### Introduction

The work and Improvements to be undertaken by the City of Pleasanton within the Landscape Maintenance District No. 1994-1, Oak Tree Farm, and the costs thereof paid from the levy of the annual assessments, provide special benefit to Assessor Parcels within the Maintenance District as defined in the Method of Assessment herein.

The Landscaping and Lighting Act of 1972 (Streets & Highways Code § 22525 et seq.), (the “Act”), defines improvement, maintenance, servicing, and incidental expenses as follows:

*“Improvement” means one or any combination of the following:*

*The installation or planting of landscaping.*

*The installation or construction of statuary, fountains, and other ornamental structures and facilities.*

*installation or construction of public lighting facilities, including, but not limited to, traffic signals.*

*installation or construction of any facilities which are appurtenant to any of the foregoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.*

*The installation of park or recreational improvements, including, but not limited to, all of the following:*

*preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.*

*Lights, playground equipment, play courts, and public restrooms.*

*The maintenance or servicing, or both, of any of the foregoing, and of any improvement authorized by subdivision (i).*

*The acquisition of land for park, recreational, or open-space purposes.*

*The acquisition of any existing improvement otherwise authorized pursuant to this section.*

*The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.*

*“Maintain” or “maintenance” means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:*

*Repair, removal, or replacement of all or any part of any improvement for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.*

### City of Pleasanton

Landscape Maintenance District No. 1994-1, Oak Tree Farm Engineer’s Report, Fiscal Year 2024-25

*The removal of trimmings, rubbish, debris, and other solid waste.  
The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.*

*“Service” or “servicing” means the furnishing of:*

*Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.  
Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.*

*“Incidental expenses” include all of the following:*

*The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.  
The costs of printing, advertising, and the giving of published, posted, and mailed notices.  
Compensation payable to the county for collection of assessments.  
Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.  
Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements.  
Any expenses incidental to the issuance of bonds or notes pursuant to Section 22662.5.  
Costs associated with any elections held for the approval of a new or increased assessment.*

The City of Pleasanton’s work and Improvements (“Improvements”) for the property within the Maintenance District that is owned or maintained by the City of Pleasanton, are consistent with these definitions. Plans and specifications for these Improvements are filed with the City of Pleasanton Landscape Architect and are incorporated herein by reference.

### **Oak Tree Farm Description of Improvements**

The improvements which are the subject of this Report are briefly described as follows:

The maintenance and repair of designated landscaped areas, open space slopes, fuel transition zones (fire breaks), entry features, decorative lighting, open space drainage ditches, irrigation systems, trees in the open space and designated landscaped areas, and the furnishing of water and power for irrigation systems, together with all appurtenant and incidental expenses within Tract 6563, and 6748, and parcels B and C of Parcel Map 6359, City of Pleasanton. The landscape easement on the southern property line of Lot 4 was removed from the Oak Tree Farm Landscape Maintenance District in 2021, as indicated in the updated map, and is now maintained by the Lot 4 property owner through a landscape maintenance agreement with the property owner.

Landscape plans and specifications for the improvements to this Landscape Maintenance District are those prepared by Merrill & Associates, Landscape

### **City of Pleasanton**

Landscape Maintenance District No. 1994-1, Oak Tree Farm Engineer’s Report, Fiscal Year 2024-25

Architects/Planners, dated June 1993 (Lots 1 thru 24) and February 1996 (Lots 1 thru 15). These plans and specifications have been filed separately with the Clerk of the Legislative body and are incorporated in this report by reference.

### **Recommended Capital Improvements**

Some of the Improvements such as complete irrigation and plant replacement and decorative fencing repairs in the Landscape Maintenance District No. 1994-1, Oak Tree Farm, are overdue and the reserve fund balance is insufficient to do these tasks.

The irrigation system has multiple lateral and mainline breaks and broken valves and has been turned off. The majority of the decorative planting has died and been removed. The remaining plants and trees are not being watered at the present time.

The City drafted a schedule of recommended capital improvement projects that need to be addressed, such as the replacement of the irrigation system and entry wall and fencing improvements, and their respective estimated cost, as well as a planned replacement/renovation schedule. To fund the necessary capital improvements and maintain the District to a similar level to when the District was created staff estimates that the annual assessments would need to be increased from \$473.66 to approximately \$850-950. The City intends to begin Proposition 218 outreach efforts starting in 2025-26 to develop the level of maintenance and recommended capital improvements for the following fiscal year to create a comprehensive maintenance and improvement plan and determine associated costs.

## Estimate of Cost and Budget – Fiscal Year 2024-25

The following budget shows the estimate of cost of the Improvements to be funded by the Maintenance District in Fiscal Year 2024-25.

**Figure 1 – Estimate of Costs and Revenues**

<b>City of Pleasanton</b>			
<b>Landscape Maintenance District No. 1994-1, Oak Tree Farm</b>			
<b>2024-25 Estimate of Costs</b>			
			<u>Budget</u>
Installation, Maintenance, and Servicing Costs			
Landscaping (maintenance)			
	Basic landscape maintenance		\$7,200.00
	Extra work <sup>i</sup>		\$4,000.00
	Water – All planting		\$1,000.00
	Scenic easement weed abatement		<u>\$7,100.00</u>
Total for Installation, Maintenance and Servicing			\$19,300.00
Incidental and Administration Costs <sup>ii</sup>			
	City of Pleasanton Assessment Administration		\$1,800.00
	County Fees for Collection of Assessment		<u>\$324.31</u>
Total Incidental and Administrative Costs			\$2,124.31
Amount to/(from) Reserve Fund <sup>iii</sup>			
	Reserve/Long-term Replacement Fund for scheduled long-term replacement of various district improvements		(\$1,538.50)
<b>Total Costs</b>			<b>\$19,885.81</b>
<b>Budget Allocation to Property</b>			
	Number of Parcels/Units	Single Family Equivalent Units (SFE) <sup>iv</sup>	Assessment Rate
	42	42	\$473.66
			<b>Total Assessment<sup>v</sup> \$19,885.81</b>

Explanation of Annual Assessment Rate per Unit:

41 units @ \$473.66 assessment per year (= \$465.75 + \$7.91 County Collection Fee)

1 unit @ \$465.75 assessment per year (City parcel, savings of \$7.91 County Collection Fee)

### Notes to Estimate

- i. Contingency to address maintenance that is not routine in nature, such as repair or replacement of broken irrigation valves and lines or pruning/removing failed trees or tree limbs.
- ii. Incidental and administration cost estimates include City staff hours dedicated to the administration of the assessment (including staff time to bid work, monitor contracts and contractors, respond to residents' inquiries, etc.), county charges for inclusion of assessments on property tax bills, and other incidental costs.

### City of Pleasanton

Landscape Maintenance District No. 1994-1, Oak Tree Farm Engineer's Report, Fiscal Year 2024-25

- iii. At the time of this report a fund balance of approximately \$72,000 remains for Landscape Maintenance District 1994-1. The projected 2024-25 expenses, if current maintenance levels and water use were maintained, are higher than the projected annual revenues. Reserve/replacement funds are held in an interest-bearing account until needed for repairs to the irrigation system, landscaping or other District features.
- iv. The rate shown here is for a single-family home or its equivalent. For the definition of the term Single-Family Equivalent (SFE) and rates for other types of property, see the section titled, "Method of Assessment" and the sections following it in this report.
- v. The Act requires that proceeds from the assessments must be deposited into a special fund that has been set up for the revenues and expenditures of the Maintenance District. Moreover, funds raised by the assessment shall be used only for the purposes stated within this Report. Any balance remaining at the end of the Fiscal Year, June 30, must be carried over to the next Fiscal Year. The District may also establish a reserve fund for contingencies and special projects as well as a capital improvement fund for accumulating funds for larger capital improvement projects or capital renovation needs. Any remaining balance would either be placed in the reserve fund, the capital improvement fund, or would be used to reduce future years' assessments. The Landscape Maintenance District 1994-1 reserve/replacement funds are held in an interest-bearing account until needed for repairs to the irrigation system, landscaping or other District features.

## Method of Assessment Apportionment

---

### Method of Apportionment

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of Improvements and landscaping for the Maintenance District and the methodology used to apportion the total assessment to the properties within the Maintenance District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the Maintenance District over and above general benefits conferred on real property or to the public at large. The assessment is apportioned to lots and parcels in proportion to the relative cost of the special benefits from the Improvements. Special benefit is calculated for each parcel in the Maintenance District using the following process:

- i. Identification of all benefit factors derived from the Improvements.
- ii. Calculation of the proportion of these benefits that are general.
- iii. Determination of the relative special benefit per property type.
- iv. Calculation of the specific assessment for each individual parcel based upon special vs. general benefit, location, property type, property characteristics, improvements on property and other supporting attributes.

The parcels within the Landscape Maintenance District No. 1994-1, Oak Tree Farm, consist of all Assessor Parcels within the boundaries as defined by the Assessment Diagram included within this Report and the Assessor Parcel Numbers listed within the included Assessment Roll. The method used for apportioning the assessments is based upon the proportional special benefits to be derived by the properties in the Maintenance District, over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the Improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

### Discussion of Benefits

The assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

*"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which 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."*

### City of Pleasanton

Landscape Maintenance District No. 1994-1, Oak Tree Farm Engineer's Report, Fiscal Year 2024-25

Proposition 218, as codified in Article XIII D of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

*"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."*

In this case, the 2008 Silicon Valley Taxpayers Association, Inc. vs Santa Clara County Open Space Authority ("SVTA") decision provides enhanced clarity to the definition of special benefits to properties from similar public improvements in three distinct areas:

- i. Proximity
- ii. Expanded or improved access
- iii. Views

The SVTA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel, and that indirect or derivative advantages resulting from the overall public benefits from a service or improvement are general benefits.

Proximity, improved access and views, in addition to the other special benefits listed herein further strengthen the basis of these assessments.

The following benefit categories summarize the types of special benefit to residential and other lots and parcels resulting from installation, maintenance and servicing of landscaping, irrigation, sidewalks, signs, lights, and other improvements to be provided with the assessment proceeds. These categories of special benefits are derived from the statutes passed by the California Legislature and studies which describe the types of special benefit received by property from maintenance and improvements such as those provided by the City of Pleasanton, Landscape Maintenance District No. 1994-1, Oak Tree Farm. These types of special benefit are summarized as follows:

- i. Improved access to landscaped areas and other permanent public improvements
- ii. Proximity to improved landscaped areas and other permanent public improvement.
- iii. Improved views.
- iv. Extension of a property's outdoor areas and landscaped areas for properties within close proximity to the Improvements.
- v. Creation of individual lots for residential use that, in absence of the assessments, would not have been.

The above benefit factors, when applied to property in the Maintenance District, specifically increase the utility and usefulness of the property within the Maintenance District. For example, the assessments will provide funding to improve and maintain the public landscaping next to the parcels within the Maintenance District. Such improved and well-maintained landscaping enhances the overall quality, desirability, utility and safety of the properties.

## **City of Pleasanton**

Landscape Maintenance District No. 1994-1, Oak Tree Farm Engineer's Report, Fiscal Year 2024-25



**General vs. Special Benefits**

Article XIII D, Section 4(a) of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to “separate the general benefits from the special benefits conferred on a parcel.” The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. Property may be assessed to fund improvements to the extent of the special benefits conferred by the Improvements; but general benefits are not assessable. Accordingly, a separate estimate of the special and general benefit is given in this section.

Article XIII D never defines the term “general benefit.” The definition of special benefit in Section 2(i) includes the statement that general enhancement of property value does not constitute special benefit. General benefit may be described as “an indirect, derivative advantage” resulting from the improvements. One infers from Article XIII D that all benefit is either general or special.

In other words:

<b>Total Benefit</b>	=	<b>General Benefit</b>	+	<b>Special Benefit</b>
--------------------------	---	----------------------------	---	----------------------------

There is no widely accepted or statutory formula for quantifying the amount of any general benefit that is identified.

In this Report, the general benefit is first identified, generously estimated, and then budgeted so that it is funded, as required by Proposition 218, by sources other than the Assessment.

A formula to estimate the general benefit is listed below:

<b>General Benefit</b>	=	<b>Benefit to Real Property Outside the Assessment District</b>	+	<b>Benefit to Real Property Inside the Assessment District that is Indirect and Derivative</b>	+	<b>Benefit to the Public at Large</b>
----------------------------	---	---	---	--	---	---

Special benefit, on the other hand, is defined in the California constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large”. A special benefit is conferred to a property if the property “receives a direct advantage from the improvement (e.g., proximity to setback landscaping).” In the Maintenance District, as noted, properties have close and unique proximity, views of and access to the Improvements, and uniquely improved utility and desirability from the Improvements, and other properties and the public at large do not receive such benefits because they do not have proximity, access to or views of the Improvements. Therefore, the overwhelming proportion of the benefits conferred to property is special, and only minimal general benefit is conferred on property outside the Maintenance District or to the public at large.

**City of Pleasanton**

This Engineer's Report includes a specific, quantified calculation of general benefits, as described below, that is based in part on the use by people outside of the Maintenance District. Moreover, the proportionality of the Assessments to the special benefits conferred on each parcel, based in large part on proximity, is established as well.

### **Calculating General Benefit and Special Benefit Paid from Other Funds**

In this section, the total general benefit, which must be paid from other non-assessment funds, is conservatively estimated, quantified, described, and separated, and then budgeted to absolutely ensure that it is funded by sources other than this assessment.

#### **Benefit to Property Outside the Maintenance District = 9.6%**

In summary, real property located within the boundaries of the Maintenance District distinctly and directly benefit from closer proximity, access and views of the Improvements funded by the Assessments, the creation of developable parcels, and from the extension of usable land area provided by the assessments. The Improvements are specifically designed to serve local properties in the Maintenance District, not other properties nor the public at large. The Maintenance District has been narrowly drawn to include those parcels that receive a direct advantage from the Improvements. The public at large and other properties outside the Maintenance District receive only limited benefits from the Improvements because they do not have proximity, good access or views of the Improvements. These are special benefits to property in the Maintenance District in much the same way that sewer and water facilities, sidewalks and paved streets enhance the utility and desirability of specific proximate properties and make them more functional to use, safer and easier to access.

Properties within the proposed Maintenance District receive almost all the special benefits from the Improvements because properties in the Maintenance District enjoy unique and close proximity and access to the Improvements that are enjoyed less by other properties or the public at large. The landscaping Improvements are specifically designed to benefit the properties in the Maintenance District.

Furthermore, there are multiple, proximate open space, landscaped areas, and other improvements outside of the Maintenance District, funded by other sources, that provide most of the open space and landscaping benefits to nearby parcels that are outside of the Maintenance District.

In other words, the landscaping Improvements maintained by the proposed Assessments specially benefit the properties within the Maintenance District, but other nearby improvements primarily benefit other proximate properties.

Nonetheless, there are certain properties that are outside the boundaries of the Maintenance District that may benefit from the landscape improvements. A total of no more than 8 proximate parcels have been identified that receive some

## **City of Pleasanton**

special benefit from the improvements including improved views, proximity and/or access, but do not receive extension of outdoor areas nor the special benefit of parcel creation. Since these adjacent properties only receive a 3 of the 5 major special benefits, a 60% factor is applied.

Total General Benefit to Properties Outside of the District = 9.6%

### **Assumptions**

8 parcels outside and adjacent to the District  
42 parcels in the Maintenance District

### **Calculation**

General Benefit to Property outside the Improvement District =  
 $(8 / (8 + 42)) * 60\% = 9.6\%$

### **Benefit to Property Inside the District that is Indirect and Derivative = 0.0%**

The “indirect and derivative” benefit to property within the Maintenance District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Maintenance District is special because the Improvements are clearly “over and above” and “particular and distinct” when compared with the unique proximity, access and views of the Improvements enjoyed by benefiting properties in the Maintenance District.

Nevertheless, the SVTA decision indicates that there may be general benefit “conferred on real property located in the district.” A measure of the general benefits to property within the Maintenance District is the percentage of land area within the Maintenance District that is publicly owned, open to the public, and used for regional purposes such as major roads, rail lines, hospitals, and other regional facilities because such properties, while physically within the Maintenance District, are used for regional purposes and could provide indirect benefits to the public at large. In this case, essentially 0% of the land area is used for such regional purposes.

### **Benefit to the Public at Large = 10%**

The general benefit to the public at large can be estimated by the proportionate amount of time that the Maintenance District’s public landscaped areas and facilities are used and enjoyed by individuals who are not residents, employees, customers, or property owners in the Assessment Area. Based on surveys and research in which visitors to similar landscape, open space and parks, at various times of the day, evening, and week, were asked to look at a District map and to identify whether they lived or worked within the City, less than 5% of the use of similar landscape, open space, parks or recreation areas is by the public at large. When people outside the Maintenance District use landscape, open space, parks, or recreation areas, they diminish the availability of such facilities for people within the Maintenance District. Therefore, another 5% of general benefits

## **City of Pleasanton**

are allocated for people within the Maintenance District. Combining these two elements of general benefit, we find that 10% of the benefits from the Improvements are general benefits to the public at large.

**Total General Benefits to be Financially Contributed from Other Funds = 19.6%**

Using a sum of these three measures of general benefit, we find that approximately 10.0% of the benefits conferred by the Improvements may be general in nature and should be funded by sources other than the Assessments.

**General Benefit Calculation**

$$\begin{array}{r}
 9.6\% \text{ (Outside the Maintenance District)} \\
 + \quad 0.0\% \text{ (Inside the Maintenance District – indirect and derivative)} \\
 + \quad \underline{10.0\%} \text{ (Public at Large)} \\
 \\
 = \quad 19.6\% \text{ (Total General Benefit)}
 \end{array}$$

**Source of Financial Contributions from Other Funds to Satisfy the 19.6% Requirement**

The general benefit contribution is paid in part from other “in-kind”, non-monetary contributions from the City in the form of infrastructure critical to the continued maintenance of the Maintenance District Improvements, as described below. Also, general benefit contributions come from the “annuity” value of the improvements that were constructed by the developer.

The City of Pleasanton owns, maintains, rehabilitates, and replaces the curb and gutter along the border of the Maintenance District. This curb and gutter serve to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the Improvements. The contribution from the City of Pleasanton toward general benefit from the maintenance, rehabilitation, and replacement of the curb and gutter is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In other words, if the Maintenance District were required to construct and maintain the local curb and gutter, the budget would increase by at least 10%.

The City of Pleasanton owns and maintains a storm drainage system along the border of the Maintenance District. This system serves to prevent flooding and associated damage to the Improvements and manage urban runoff including local pollutants loading from the Improvements. The contribution from the City of Pleasanton toward general benefit from the maintenance, rehabilitation, and replacement of the local storm drainage system is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In other words, if the Maintenance District were required to

construct and maintain the local storm drainage system, the budget would increase by at least 10%.

The City of Pleasanton owns and maintains local public streets throughout the Maintenance District. These public streets provide access to the Improvements for its enjoyment as well as efficient maintenance. The contribution from the City of Pleasanton toward general benefit from the maintenance, rehabilitation, and replacement of the local public streets is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In other words, if the Maintenance District were required to construct and maintain the local public streets, the budget would increase by at least 10%.

The value of the initial Improvements constructed by the Developer can be quantified and monetized as an annuity to be amortized. Since the initial Improvements were performed and paid for by non-assessment funds, this “annuity” can be used to offset general benefit costs and is conservatively estimated to contribute 20%. In other words, if the Maintenance District were required to construct all the Improvements, the annual budget would increase by at least 20%.

In other words, there is a 19.6% contribution needed to offset the general benefits conferred by the Improvements, and there is a 50% contribution from City of Pleasanton supporting local infrastructure, along with the amortized value of initial construction. This 50% contribution more than satisfies the general benefit requirements.

The estimates used above for the City of Pleasanton’s “in-kind”, non-monetary contributions for the maintenance, rehabilitation and replacement of the curbs and gutters, storm drainage systems, local streets (the “supportive infrastructure”), and the value of the initial Improvements constructed by the Developer, are based on industry standards; typical and standard quantity ratios between this supportive infrastructure (including the City’s relative associated maintenance costs) and similar Improvements; and on the assessment Engineer’s professional experience on planning and working in such projects.

#### **Source of Contributions from Other Funds to Satisfy 19.6% Requirement**

City non-monetary contributions:

	10.0% (Curb and gutter)
+	10.0% (Storm drainage system)
+	10.0% (Public roads)
+	<u>20.0%</u> (Amortized value of initial construction)
=	50.0% (Total General Benefit paid from Other Funds)

### **City of Pleasanton**

Landscape Maintenance District No. 1994-1, Oak Tree Farm Engineer’s Report, Fiscal Year 2024-25

### **Zones of Benefit**

The boundaries of the Assessment Area are carefully drawn to only include the properties that are proximate to the Improvements and that would materially benefit from the Improvements.

In SVTA, the court noted that even a local agency-wide assessment district is appropriate under the right conditions:

*“Thus, if an assessment district is narrowly drawn, the fact that a benefit is conferred throughout the district does not make it general rather than special. In that circumstance, the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g., proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g., general enhancement of the district's property values).”*

The court therefore acknowledged the appropriateness of a District-wide assessment so long as each parcel receives a direct advantage from the assessment-funded improvement or service. As demonstrated in this Report, each parcel in the Maintenance District receives a direct advantage and special benefit from the Improvements.

In the Maintenance District, the advantage that each parcel receives from the Improvements is direct, and the boundaries are narrowly drawn to include only parcels that benefit from the Assessment. Therefore, the even spread of assessment throughout the narrowly drawn district is indeed consistent with the SVTA decision. The benefits from the Improvements within the Maintenance District do not vary further based on proximity of the parcels to the Improvements because the increased benefits of greater proximity to the Improvements are generally offset by a parallel increase in negative factors such as higher levels of traffic, noise, etc. that comes with increased proximity.

Consequently, since all parcels in the Maintenance District have good access and proximity to the Improvements and the benefits to relatively closer proximity are offset by other factors, additional proximity is not considered to be a factor in determining benefit within the Maintenance District. Therefore, zones of benefit are not justified or needed within the Maintenance District.

### **Method of Assessment**

As previously discussed, the Assessments provide comprehensive Improvements that clearly confers direct and special benefits to properties in the Maintenance District.

The allocation of special benefits to property is primarily based on the type of property and the size of property. These benefits can also partially be measured by the occupants on property in the Maintenance District because such parcel population

### **City of Pleasanton**

Landscape Maintenance District No. 1994-1, Oak Tree Farm Engineer's Report, Fiscal Year 2024-25

density is a measure of the relative benefit a parcel receives from the Improvements. It should be noted that many other types of “traditional” assessments also use parcel population densities to apportion the assessments. For example, the assessments for sewer systems, roads and water systems are typically allocated based on the population density of the parcels assessed. Therefore, the apportionment of benefit is reasonably based on the type of parcel, the size of parcels and the population density of parcels.

A critical step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a single-family home, or, in other words, on the basis of Single-Family Equivalent (SFE) units. This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer’s Report, all properties are designated an SFE value, which is each property’s relative benefit in relation to a single-family home on one parcel. In this case, the “benchmark” property is the single family detached dwelling which is one Single Family Equivalent unit or one SFE.

Finally, the special benefits to be derived from the Assessments will be conferred on property and are not based on a specific property owner’s use of the Improvements, a specific property owner’s occupancy of property, or the property owner’s demographic status such as age or number of dependents. The benefits derived to property are related to the average number of people who could potentially live on, work at, or otherwise could occupy a property, not how the property is currently used by the present owner. Therefore, the number of people who could, or potentially, live on, work at, or otherwise occupy a property is one indicator of the relative level of benefit received by a property.

In conclusion, the Assessment Engineer determined that the appropriate method of assessment apportionment should be based on the type of property, the relative size of the property, property location, its relative population, and its proximity to the landscaping and open space facilities. This method is further described below.

### **Residential Properties**

The Oak Tree Farm development is a residential single-family development project consisting of a total of 42 parcels, 41 single family home parcels, and 1 City owned parcel used as a sewer lift station. As such, each residential property receives similar benefit from the proposed Improvements.

Therefore, the Engineer has determined that the appropriate method of apportionment of the benefits derived by all parcels is on a dwelling unit or single-family residence basis. All improved properties, or properties proposed for development, are assigned one Single Family Equivalent unit or 1 SFE factor equal to the number of dwelling units developed or planned for the property.

### **City of Pleasanton**

Landscape Maintenance District No. 1994-1, Oak Tree Farm Engineer’s Report, Fiscal Year 2024-25

### **Other Properties**

Article XIID stipulates that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the Assessment.

All properties that are specially benefited are assessed. Other publicly owned property that is used for purposes similar to private residential, commercial, industrial, or institutional uses is benefited and assessed at the same rate as such privately owned property.

Miscellaneous, small, and other parcels such as roads, right-of-way parcels, and common areas typically do not generate significant numbers of employees, residents, customers, or guests, who would have access to or use the Improvements. These miscellaneous parcels therefore receive no benefit from the Improvements and are assessed an SFE benefit factor of 0 SFEs.

### **The Assessment Rate does not Increase Annually**

It should also be noted that the Maintenance District assessment rates cannot be increased annually, and the total revenues remain the same year after year, assessing \$473.66 per SFE or parcel, which is the maximum authorized assessment. To increase the annual assessment rate or to add an annual Consumer Price Index escalator to the assessment rate, approval of the property owners is required via a Proposition 218 assessment ballot proceeding.

### **Appeal of Assessments Levied to Property**

Any property owner who feels that the assessment levied on their property is in error as a result of incorrect information being used to apply the foregoing method of assessment may file a written appeal with the City of Pleasanton City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current Fiscal Year and applicable law. Upon the filing of any such appeal, the City of Pleasanton City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City of Pleasanton City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the Assessment Roll. If any such changes are approved after the Assessment Roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction.

### **Assessment Funds Must be Expended Within the Maintenance District Area**

The net available Assessment funds, after incidental, administrative, financing, and other costs, shall be expended exclusively for Improvements within the boundaries of the Maintenance District and appropriate incidental and administrative costs as defined in the Plans and Specifications section.

## **City of Pleasanton**

Landscape Maintenance District No. 1994-1, Oak Tree Farm Engineer's Report, Fiscal Year 2024-25



## Assessment

---

**WHEREAS**, the City of Pleasanton City Council directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the Maintenance District, and an assessment of the estimated costs of the Improvements upon all assessable parcels within the Maintenance District;

**NOW, THEREFORE**, the undersigned, by virtue of the power vested in me under the Act, Article XIID of the California Constitution, and the order of the City Council of the City of Pleasanton, hereby makes the following assessment to cover the portion of the estimated cost of the Improvements, and the costs and expenses incidental thereto to be paid by the Maintenance District.

The amount to be paid for said Improvements and the expense incidental thereto, to be paid by the Maintenance District for the Fiscal Year 2024-25 is generally as follows:

**Figure 2 – Summary Cost Estimate – Oak Tree Farm LMD No. 1994-1**

<b>Budget Item</b>	<b>Budgeted Cost</b>
Installation, Maintenance, and Servicing Costs	\$19,300.00
Incidental and Administration Costs	\$2,124.31
Amount to/(from) Reserve Fund	(\$1,538.50)
Total Budget	\$19,885.81

As required by the Act, an Assessment Diagram showing the exterior boundaries of the Maintenance District is hereto attached and incorporated herein by reference. The distinctive number of each parcel or lot of land in the Maintenance District is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby assess and apportion the net amount of the cost and expenses of the Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within the Maintenance District, in accordance with the special benefits to be received by each parcel or lot, from the Improvements, and more particularly set forth in the Estimate of Cost and Method of Assessment in the Report.

### City of Pleasanton

Landscape Maintenance District No. 1994-1, Oak Tree Farm Engineer's Report, Fiscal Year 2024-25

The Assessment is made upon the parcels or lots of land within the Maintenance District in proportion to the special benefits to be received by the parcels or lots of land, from the Improvements.

The Maintenance District's assessment rate for fiscal year 2024-25 remains unchanged at the same assessment rate used last year of \$473.66 per single-family equivalent (SFE) benefit unit.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as will be shown on the Assessor's Maps of Alameda County for the Fiscal Year 2024-25. For a more particular description of the property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby will place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the Fiscal Year 2024-25 for each parcel or lot of land within the Maintenance District.

City Engineer/Engineer of Work

By: \_\_\_\_\_  
Adam M. Nelkie, License No. C78830

## Certificates Page

---

LANDSCAPE MAINTENANCE DISTRICT 1994-1, OAK TREE FARM CITY OF PLEASANTON, ALAMEDA COUNTY, CALIFORNIA

(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed Engineer's Report and does hereby certify that this Engineer's Report and the Assessment have been prepared by me as directed by the City Council.

Adam M. Nelkie, City Engineer, License No. C78830

City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Jocelyn Kwong, City Clerk

City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Pleasanton, Alameda County, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Jocelyn Kwong, City Clerk

City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that a certified copy of the enclosed Engineer's Report, including Assessment Roll and Assessment Diagram was filed with the County Auditor of the County of Alameda, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Jocelyn Kwong, City Clerk

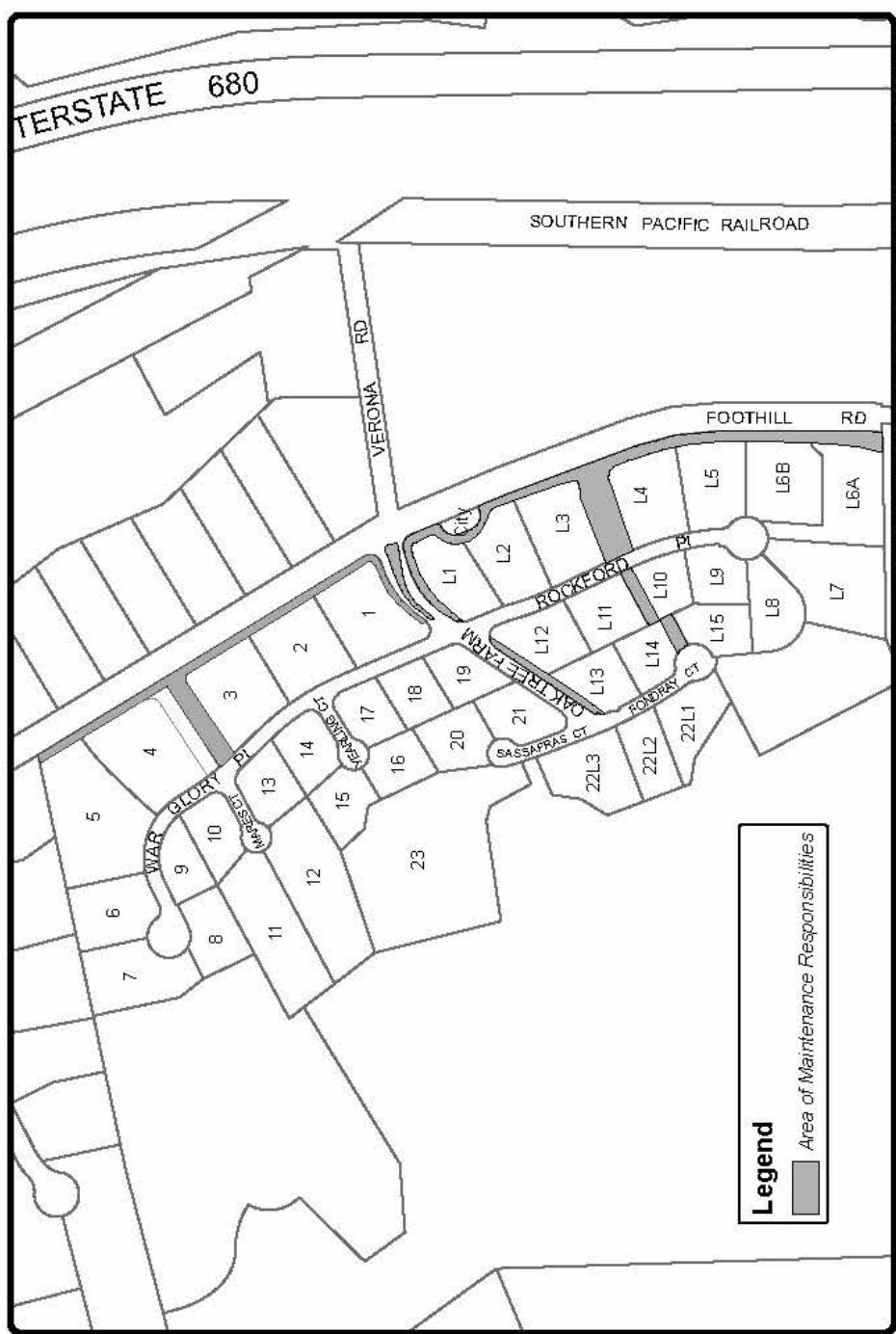
City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

### City of Pleasanton

## Assessment Diagram

The Maintenance District includes all properties within the Oak Tree Farm subdivision, as displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Maintenance District are those lines and dimensions as shown on the maps of the Assessor of Alameda County for Fiscal Year 2024-25, and are incorporated herein by reference, and made a part of this Diagram and this Report.



THE CITY OF PLEASANTON  
**LIGHTING & LANDSCAPE MAINTENANCE DISTRICT 1994-1 OAK TREE FARM**  
For a more detailed description, refer to assessor parcel map book 946, page 4585, tracts 6563 and 6748  
1 inch = 300 feet

**Assessment Roll FY 2024-25 - Oak Tree Farm LMD No. 1994-1**

ASSESSMENT DIAGRAM NO.	ASSESSOR'S PARCEL NUMBER	ASSESSMENT AMOUNT	COLLECTION	
			CHARGE 0.017	TOTAL
<i>Phase I</i>				
1	946-4585-001	465.75	7.91	473.66
2	946-4585-002	465.75	7.91	473.66
3	946-4585-003	465.75	7.91	473.66
4	946-4585-004	465.75	7.91	473.66
5	946-4585-005	465.75	7.91	473.66
6	946-4585-006	465.75	7.91	473.66
7	946-4585-007	465.75	7.91	473.66
8	946-4585-008	465.75	7.91	473.66
9	946-4585-009	465.75	7.91	473.66
10	946-4585-010	465.75	7.91	473.66
11	946-4585-046	465.75	7.91	473.66
12	946-4585-047	465.75	7.91	473.66
13	946-4585-013	465.75	7.91	473.66
14	946-4585-014	465.75	7.91	473.66
15	946-4585-015-01	465.75	7.91	473.66
16	946-4585-016	465.75	7.91	473.66
17	946-4585-017	465.75	7.91	473.66
18	946-4585-018	465.75	7.91	473.66
19	946-4585-019	465.75	7.91	473.66
20	946-4585-020	465.75	7.91	473.66
21	946-4585-021	465.75	7.91	473.66
22L1	946-4585-050	465.75	7.91	473.66
22L2	946-4585-051	465.75	7.91	473.66
22L3	946-4585-052	465.75	7.91	473.66
23	946-4585-023-05	465.75	7.91	473.66
<i>Phase II</i>				
L1	946-4585-029	465.75	7.91	473.66
L2	946-4585-030	465.75	7.91	473.66
L3	946-4585-031	465.75	7.91	473.66
L4	946-4585-032	465.75	7.91	473.66
L5	946-4585-033	465.75	7.91	473.66
L6A	946-4585-048	465.75	7.91	473.66
L6B	946-4585-049	465.75	7.91	473.66
L7	946-4585-035	465.75	7.91	473.66
L8	946-4585-043	465.75	7.91	473.66
L9	946-4585-036	465.75	7.91	473.66
L10	946-4585-037	465.75	7.91	473.66
L11	946-4585-038	465.75	7.91	473.66
L12	946-4585-039	465.75	7.91	473.66
L13	946-4585-040	465.75	7.91	473.66
L14	946-4585-041	465.75	7.91	473.66

**City of Pleasanton**

Landscape Maintenance District No. 1994-1, Oak Tree Farm Engineer's Report, Fiscal Year 2024-25

L15	946-4585-042	465.75	7.91	473.66
City	946-4585-044	465.75	n/a	465.75
42	<b>TOTAL ASSESSMENTS:</b>	<b>\$19,561.50</b>	<b>\$324.31</b>	<b>\$19,885.81</b>



**RESOLUTION NO****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON DECLARING THE INTENTION TO ORDER IMPROVEMENTS FOR THE LIGHTING & LANDSCAPE MAINTENANCE DISTRICT NO. 1995-1 MOLLER RANCH FOR FISCAL YEAR 2024/25; DECLARING THE INTENTION TO CONTINUE THE LEVY AND COLLECTION OF ASSESSMENTS; AND SETTING THE DATE FOR THE PUBLIC HEARING**

**WHEREAS**, as required by Section 22622 of the California Streets and Highways Code, the City Council of the City of Pleasanton has described proposed improvements to be included for the determination of annual assessments levied for Lighting and Landscape Maintenance District No. 1995-1 Moller Ranch, created under the Lighting & Landscape Act of 1972, and ordered the preparation of an Engineer's Report to determine the annual levy of assessments for such District; and

**WHEREAS**, as required by Section 22622 of the California Streets and Highways Code, the Engineer has filed with the City Clerk a Preliminary Engineer's Report for the Lighting & Landscape Maintenance District No. 1995-1 Moller Ranch for Fiscal Year 2024/25.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:**

**SECTION 1.** The City Engineer is designated by this Council as the Engineer of Work for Lighting & Landscape Maintenance District No. 1995-1, Moller Ranch, during fiscal year 2024/25. The area of land to be assessed is located in the City of Pleasanton, Alameda County.

**SECTION 2.** The City Council intends to continue to levy and collect assessments within Lighting & Landscape Maintenance District No. 1995-1 Moller Ranch, during fiscal year 2024/25.

**SECTION 3.** The improvements to be made in this assessment district are generally described as follows:

The maintenance and repair of designated landscaped areas, open space slopes, fuel transition zones (fire breaks), entry features, open space drainage ditches, irrigation systems, trees in the open space and designated landscaped areas, and the furnishing of water and power for irrigation systems, together with all appurtenant and incidental expenses within Tract 6617, City of Pleasanton.



**SECTION 4.** In accordance with this resolution directing the filing of an annual report, SCI Consulting Group, Engineer of Work, has filed with the City Clerk the report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessments upon assessable lots and parcels of land within the assessment district.

**SECTION 5.** On Tuesday, the 18<sup>th</sup> day of June 2024, at the hour of 7:00 pm, the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The Council meeting will be held in accordance with Government Code Section 54954(e). To improve access to public information, residents may access meetings remotely through the City's website.

**SECTION 6.** The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

**SECTION 7.** City Clerk shall certify to the passage of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on May 21, 2024.

I, Jocelyn Kwong, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 21<sup>st</sup> day of May, 2024, by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

\_\_\_\_\_  
Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel G. Sodergren, City Attorney



## **CITY OF PLEASANTON**

Landscape Maintenance District No. 1995-1, Moller Ranch

### **Engineer's Report**

Fiscal Year 2024-25

May 2024

Pursuant to the Landscaping and Lighting Act of 1972, government code and article  
XIIID of the California Constitution

(This page intentionally left blank)

# City of Pleasanton

---

## Mayor and City Council

- Karla Brown, Mayor
- Julie Testa, Vice Mayor
- Valerie Arkin, Councilmember
- Jack Balch, Councilmember
- Jeff Nibert, Councilmember

## City Manager

Gerry Beaudin

## City Engineer

Adam Nelkie

# Table of Contents

---

	<u>PAGE NO.</u>
<b>Introduction .....</b>	<b>1</b>
<b>Overview .....</b>	<b>1</b>
Landscape Maintenance District No. 1995-1, Moller Ranch.....	1
Engineer’s Report and Continuation of Assessments.....	2
Legal Requirements .....	3
<b>Plans &amp; Specifications .....</b>	<b>5</b>
Introduction .....	5
Moller Ranch Description of Improvements .....	6
Recommended Capital Improvements .....	7
<b>Estimate of Cost and Budget – Fiscal Year 2024-25 .....</b>	<b>8</b>
Notes to Estimate .....	9
<b>Method of Assessment Apportionment .....</b>	<b>10</b>
Method of Apportionment .....	10
Discussion of Benefits .....	10
General vs. Special Benefits .....	12
Calculating General Benefit and Special Benefit Paid from Other Funds .....	13
Zones of Benefit.....	17
Method of Assessment.....	18
Residential Properties .....	19
Other Properties .....	19
The Assessment Rate does not Increase Annually .....	19
Appeal of Assessments Levied to Property .....	19
Assessment Funds Must be Expended Within the Maintenance District Area.....	20
<b>Assessment .....</b>	<b>21</b>
<b>Certificates Page .....</b>	<b>23</b>
<b>Assessment Diagram .....</b>	<b>24</b>
<b>Assessment Roll FY 2024-25 – Landscape Maintenance District No. 1995-1 Moller Ranch .....</b>	<b>25</b>

## City of Pleasanton

Landscape Maintenance District No. 1995-1, Moller Ranch Engineer’s Report, Fiscal Year 2024-25

## List of Figures

---

**Figure 1 – Estimate of Costs and Revenues**..... 7

**Figure 2 – Summary Cost Estimate – Moller Ranch LMD No. 1995-1** ..... 20

**Figure 3 – Assessment Roll FY 2024-25 – Moller Ranch LMD No. 1995-1**..... 24

## Introduction

---

### Overview

The City of Pleasanton (“City”) is located in Alameda County, and covers an area of 24.3 square miles, with over 24,500 assessor parcels, and approximately 80,000 residents. The City currently has five Landscape Maintenance Districts (“Districts”) that provide services to a combined total of 680 parcels:

- 1984-1 Ponderosa (Del Prado) – 344 parcels
- 1993-1 Windsor – 90 parcels
- 1993-2 Bonde Ranch – 103 parcels
- 1994-1 Oak Tree Farm – 42 parcels
- 1995-1 Moller Ranch – 101 parcels

The five District’s benefit assessments were established prior to the approval of Proposition 218 in 1996. The purpose of these Districts is to provide funding for the installation, maintenance and servicing of local landscaping and lighting improvements (“Improvements”) within each District’s service area.

### Landscape Maintenance District No. 1995-1, Moller Ranch

#### Assessment Background

The Moller Ranch Landscape Maintenance District No. 1995-1 (“District 1995-1” or “Maintenance District”) was formed in 1995 as a Condition of Approval for the Moller Ranch development, to fund certain landscape improvements within the Moller Ranch subdivision.

The development included a planned unit development with 99 residential dwelling parcels: 62 townhomes, 23 single-family production lots, and 14 single-family custom lots on approximately 35 acres of a 198-acre site located generally to the west/northwest of the Foothill Road/Muirwood Drive intersection. As part of a subsequent ordinance, the approval of the townhomes was modified to approve single-family homes. The subdivision also contains a City owned parcel that has a water tank, and a small parking lot parcel owned by the Moller Ranch Owner’s Association and managed by the City. The total number of parcels served by District 1995-1 at present time is 101 parcels.

The Moller Ranch Landscape Maintenance District No. 1995-1 purpose is to fund the maintenance of the existing Moller Ranch subdivision designated landscaped areas, open space slopes, fuel transition zones (fire breaks), entry features, open space drainage ditches, irrigation systems, lighting, trees in the open space and designated landscaped areas, groundcover and irrigation systems.

District 1995-1 is funded by the benefit assessment approved in 1995 (“Assessment”), and it does not receive any direct revenues from property taxes or any other funding sources.

The fiscal year 2024-25 assessments for District 1995-1 will remain at the same assessment rate of \$570.06 per parcel per year. With a total of 101 parcels in the district (including two public parcels), fiscal year 2024-25 total assessment will be \$57,557.00.

Over the years, operational costs and utility costs have increased, however the assessment revenues have remained the same. The fiscal year 2024-25 total assessment revenue will not be sufficient to fund the maintenance of all common areas, including water costs, county assessment fees, city administration fees, replacement of plantings, irrigation systems, fencing, lighting, and other district improvements. The Engineer’s Report projects that the City will need to reduce landscape maintenance and water use so that landscape maintenance and necessary capital improvement costs remain below assessments.

An increase in the annual assessment will be necessary in order to meet the maintenance standards of the district into the future. The city can no longer subsidize staff administration time or the consultant fees for a Proposition 218-compliant vote. The consultant fees for the Proposition 218-compliant vote will cost approximately \$40,000 and will come from the reserve fund. Water costs, which require a significant portion of the LMD budget, increased thirty percent starting in calendar year 2024, are scheduled to be increased another twelve percent in 2025, and are projected to continue to increase in future years to pay for necessary infrastructure and treatment costs. The rate increases will have a significant impact to the LMD budget and continued cuts in maintenance will be required to pay for the increased water and maintenance costs. The landscape will continue to decline well below the necessary maintenance standards of the district established by Ordinance 1503. This can open the district up to fines or litigation. To limit liability for the district, it will be necessary for the city to continue to pursue a Proposition 218-compliant vote, incurring significant consultant costs each time, until a sustainable assessment has been agreed to by property owners.

If additional funding from a new or increased assessment is not implemented, the City will be forced to continue to reduce maintenance and postpone facilities upgrades, resulting in a continuing deterioration of the grounds and facilities.

### **Engineer’s Report and Continuation of Assessments**

Each year for which the assessments will be continued, the City Council must direct the preparation of an Engineer’s Report, budgets, and proposed assessments for the upcoming fiscal year. After the Engineer’s Report is completed, the City Council may preliminarily approve the Engineer’s Report and proposed assessments and establish

## **City of Pleasanton**

Landscape Maintenance District No. 1995-1, Moller Ranch Engineer’s Report, Fiscal Year 2024-25



the date for a public hearing on the continuation of the assessments. This Report was prepared pursuant to the direction of the City Council.

This Engineer's Report ("Report") was prepared to establish the budget for the continued maintenance, improvements, and services ("Improvements") that would be funded by the proposed fiscal year 2024-25 assessments, determine the benefits received by property from the Improvements, and the method of assessment apportionment to lots and parcels within the Maintenance District. This Report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code ("Act") and Article XIID of the California Constitution ("Article").

If the City Council approves this Engineer's Report and the continuation of the assessments by resolution, a notice of public hearing must be published in a local paper at least 10 days prior to the date of the public hearing. The resolution preliminarily approving the Engineer's Report and establishing the date for a public hearing is used for this notice.

Following the minimum 10-day period after publishing the notice, a public hearing is held for the purpose of allowing public testimony about the proposed continuation of the assessments. This hearing is currently scheduled for June 18, 2024. At this hearing, the City Council would consider approval of a resolution confirming the continuation of the assessments for fiscal year 2024-25. If so confirmed and approved, the assessments would be submitted to the County Auditor/Controller for inclusion on the property tax rolls for Fiscal Year 2024-25.

## **Legal Requirements**

### **Proposition 218**

The City of Pleasanton's five Landscape and Lighting Maintenance Districts were formed prior to the passage of Proposition 218, "The Right to Vote on Taxes Act," which was approved by the voters of California on November 6, 1996, and is now Article XIIC and XIID of the California Constitution. (Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property). Although these assessments are consistent with Proposition 218, the California judiciary has generally referred to pre-Proposition 218 assessments as "grandfathered assessments" and held them to a lower standard than post Proposition 218 assessments.

The existing Assessment Districts will be re-assessed consistent with the procedures and requirements imposed by Proposition 218, which describes several important requirements, including property-owner balloting and approval for the imposition of new or increased assessments.

This Engineer's Report is consistent with the requirements of Article XIIC and XIID of the California Constitution because the Improvements to be funded are clearly defined,

## **City of Pleasanton**

Landscape Maintenance District No. 1995-1, Moller Ranch Engineer's Report, Fiscal Year 2024-25

the Improvements are directly available to and directly benefit property in the Maintenance District, and the Improvements provide a direct advantage to property in the Maintenance District that would not be received in absence of the assessments.

## Plans & Specifications

---

### Introduction

The work and Improvements to be undertaken by the City of Pleasanton within the Landscape Maintenance District No. 1995-1, Moller Ranch, and the costs thereof paid from the levy of the annual assessments, provide special benefit to Assessor Parcels within the Maintenance District as defined in the Method of Assessment herein.

The Landscaping and Lighting Act of 1972 (Streets & Highways Code § 22525 et seq.), (the "Act"), defines improvement, maintenance, servicing, and incidental expenses as follows:

*"Improvement" means one or any combination of the following:*

*The installation or planting of landscaping.*

*The installation or construction of statuary, fountains, and other ornamental structures and facilities.*

*installation or construction of public lighting facilities, including, but not limited to, traffic signals.*

*installation or construction of any facilities which are appurtenant to any of the foregoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.*

*The installation of park or recreational improvements, including, but not limited to, all of the following:*

*preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.*

*Lights, playground equipment, play courts, and public restrooms.*

*The maintenance or servicing, or both, of any of the foregoing, and of any improvement authorized by subdivision (i).*

*The acquisition of land for park, recreational, or open-space purposes.*

*The acquisition of any existing improvement otherwise authorized pursuant to this section.*

*The acquisition or construction of any community center, municipal auditorium or hall, or similar public facility for the indoor presentation of performances, shows, stage productions, fairs, conventions, exhibitions, pageants, meetings, parties, or other group events, activities, or functions, whether those events, activities, or functions are public or private.*

*"Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:*

*Repair, removal, or replacement of all or any part of any improvement for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.*

### City of Pleasanton

Landscape Maintenance District No. 1995-1, Moller Ranch Engineer's Report, Fiscal Year 2024-25

*The removal of trimmings, rubbish, debris, and other solid waste.  
The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.*

*“Service” or “servicing” means the furnishing of:*

*Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.  
Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.*

*“Incidental expenses” include all of the following:*

*The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.  
The costs of printing, advertising, and the giving of published, posted, and mailed notices.  
Compensation payable to the county for collection of assessments.  
Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.  
Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements.  
Any expenses incidental to the issuance of bonds or notes pursuant to Section 22662.5.  
Costs associated with any elections held for the approval of a new or increased assessment.*

The City of Pleasanton’s work and Improvements (“Improvements”) for the property within the Maintenance District that is owned or maintained by the City of Pleasanton, are consistent with these definitions. Plans and specifications for these Improvements are filed with the City of Pleasanton Landscape Architect and are incorporated herein by reference.

### **Moller Ranch Description of Improvements**

The improvements which are the subject of this Report are briefly described as follows:

The maintenance and repair of designated landscaped areas, open space slopes, fuel transition zones (fire breaks), entry features, open space drainage ditches, irrigation systems, lighting, trees in the open space and designated landscaped areas, and the furnishing of water and power for irrigation systems, together with all appurtenant and incidental expenses within Tract 6618, City of Pleasanton.

Landscape plans and specifications for the improvements to this Landscape Maintenance District are those prepared by Greiner, Inc., dated December 1994. These plans and specifications have been filed separately with the Clerk of the Legislative body and are incorporated in this report by reference.

### **Recommended Capital Improvements**

Some of the Improvements such as complete irrigation, plant replacement, lighting repair and fencing replacement in the Landscape Maintenance District No. 1995-1, Moller Ranch, are overdue however the reserve fund balance is insufficient to do these tasks.

Portions of the irrigation system have been turned off due to numerous breaks and the irrigation system needs to be replaced. The sections turned off are to existing established plants that can tolerate minimal water, but a lack of water can have long term impacts to the health of the plants.

The City drafted a schedule of recommended capital improvement projects that need to be addressed, such as the replacement of the irrigation system and entry lighting improvements, and their respective estimated cost, as well as a planned replacement/renovation schedule. To fund the necessary capital improvements and maintain the District to a similar level to when the District was created staff estimates that the annual assessments would need to be increased from \$570.06 to \$700 - 800 depending on maintenance level. The City intends to begin efforts with the HOA and consultant to develop the level of maintenance and recommended capital improvements in 2025-26 to create a comprehensive maintenance and improvement plan and associated costs in preparation for a 2025-26 Proposition 218-compliant vote.

## Estimate of Cost and Budget – Fiscal Year 2024-25

The following budget shows the estimate of cost of the Improvements to be funded by the Maintenance District in Fiscal Year 2024-25.

**Figure 1 – Estimate of Costs and Revenues**

<b>City of Pleasanton</b>				
<b>Landscape Maintenance District No. 1995-1, Moller Ranch</b>				
<b>2024-25 Estimate of Costs</b>				
				<u>Budget</u>
Installation, Maintenance, and Servicing Costs				
Landscaping (maintenance)				
				\$24,360.00
				\$25,000.00
Street and Decorative Lights				
				\$0.00
Water – All planting				
				\$17,000.00
Power – Irrigation controllers and entry lights				
				\$2,500.00
Fuel Transition Zones (Firebreaks)				
				<u>\$6,400.00</u>
Total for Installation, Maintenance and Servicing				\$75,260.00
Incidental and Administration Costs <sup>ii</sup>				
				\$2,800.00
				\$943.47
				<u>\$40,000.00</u>
Total Incidental and Administrative Costs				\$48,743.47
Amount to/(from) Reserve Fund <sup>iii</sup>				
				(\$61,446.47)
<b>Total Costs</b>				<b>\$57,557.00</b>
<b>Budget Allocation to Property</b>				
	Number of Parcels/Units	Single Family Equivalent Units (SFE) <sup>iv</sup>	Assessment Rate	Total Assessment <sup>v</sup>
	101	101	\$570.06	<b>\$57,557.00</b>

Explanation of Annual Assessment Rate per Unit:

99 units @ \$570.06 assessment per year (= \$560.53 + \$9.53 County Collection Fee)

### City of Pleasanton

Landscape Maintenance District No. 1995-1, Moller Ranch Engineer's Report, Fiscal Year 2024-25

2 units @ \$560.53 assessment per year (City parcel, savings of \$9.53\*2 County Collection Fee)

### Notes to Estimate

- i. Contingency to address maintenance that is not routine in nature, such as repair or replacement of broken irrigation valves and lines or pruning/removing failed trees or tree limbs.
- ii. Incidental and administration cost estimates include City staff hours dedicated to the administration of the assessment (including staff time to bid work, monitor contracts and contractors, respond to residents' inquiries, etc.), county charges for inclusion of assessments on property tax bills, consultant fees for the Proposition 218-compliant vote, and other incidental costs.
- iii. At the time of this report a fund balance of approximately \$273,000 remains for Landscape Maintenance District 1995-1. The projected 2024-25 expenses, if necessary capital improvements were made, are higher than the projected annual revenues. Therefore, the City will need to continue to hold on making those improvements until the reserve fund balance is sufficient. Reserve/replacement funds are held in an interest-bearing account until needed for repairs to the irrigation system, landscaping or other District features.
- iv. The rate shown here is for a single-family home or its equivalent. For the definition of the term Single Family Equivalent (SFE) and rates for other types of property, see the section titled, "Method of Assessment" and the sections following it in this report.
- v. The Act requires that proceeds from the assessments must be deposited into a special fund that has been set up for the revenues and expenditures of the Maintenance District. Moreover, funds raised by the assessment shall be used only for the purposes stated within this Report. Any balance remaining at the end of the Fiscal Year, June 30, must be carried over to the next Fiscal Year. The District may also establish a reserve fund for contingencies and special projects as well as a capital improvement fund for accumulating funds for larger capital improvement projects or capital renovation needs. Any remaining balance would either be placed in the reserve fund, the capital improvement fund, or would be used to reduce future years' assessments. The Landscape Maintenance District 1995-1, Moller Ranch reserve/replacement funds are held in an interest-bearing account until needed for repairs to the masonry walls, entry signage, irrigation systems, lighting, landscaping or other District features.

## Method of Assessment Apportionment

---

### Method of Apportionment

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of Improvements and landscaping for the Maintenance District and the methodology used to apportion the total assessment to the properties within the Maintenance District.

The method used for apportioning the assessment is based upon the relative special benefits to be derived by the properties in the Maintenance District over and above general benefits conferred on real property or to the public at large. The assessment is apportioned to lots and parcels in proportion to the relative cost of the special benefits from the Improvements. Special benefit is calculated for each parcel in the Maintenance District using the following process:

- i. Identification of all benefit factors derived from the Improvements.
- ii. Calculation of the proportion of these benefits that are general.
- iii. Determination of the relative special benefit per property type.
- iv. Calculation of the specific assessment for each individual parcel based upon special vs. general benefit, location, property type, property characteristics, improvements on property and other supporting attributes.

The parcels within the Landscape Maintenance District No. 1995-1, Moller Ranch, consist of all Assessor Parcels within the boundaries as defined by the Assessment Diagram included within this Report and the Assessor Parcel Numbers listed within the included Assessment Roll. The method used for apportioning the assessments is based upon the proportional special benefits to be derived by the properties in the Maintenance District, over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the Improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

### Discussion of Benefits

The assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

*"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which 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."*

### City of Pleasanton

Landscape Maintenance District No. 1995-1, Moller Ranch Engineer's Report, Fiscal Year 2024-25



Proposition 218, as codified in Article XIII D of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

*"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."*

In this case, the 2008 Silicon Valley Taxpayers Association, Inc. vs Santa Clara County Open Space Authority ("SVTA") decision provides enhanced clarity to the definition of special benefits to properties from similar public improvements in three distinct areas:

- i. Proximity
- ii. Expanded or improved access
- iii. Views

The SVTA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel, and that indirect or derivative advantages resulting from the overall public benefits from a service or improvement are general benefits.

Proximity, improved access and views, in addition to the other special benefits listed herein further strengthen the basis of these assessments.

The following benefit categories summarize the types of special benefit to residential and other lots and parcels resulting from installation, maintenance and servicing of landscaping, irrigation, sidewalks, signs, lights, and other improvements to be provided with the assessment proceeds. These categories of special benefits are derived from the statutes passed by the California Legislature and studies which describe the types of special benefit received by property from maintenance and improvements such as those provided by the City of Pleasanton, Landscape Maintenance District No. 1995-1, Moller Ranch. These types of special benefit are summarized as follows:

- i. Improved access to landscaped areas and other permanent public improvements
- ii. Proximity to improved landscaped areas and other permanent public improvement.
- iii. Improved views.
- iv. Extension of a property's outdoor areas and landscaped areas for properties within close proximity to the Improvements.
- v. Creation of individual lots for residential use that, in absence of the assessments, would not have been.

The above benefit factors, when applied to property in the Maintenance District, specifically increase the utility and usefulness of the property within the Maintenance District. For example, the assessments will provide funding to improve and maintain the public landscaping next to the parcels within the Maintenance District. Such improved and well-maintained landscaping enhances the overall quality, desirability, utility and safety of the properties.

## **City of Pleasanton**

Landscape Maintenance District No. 1995-1, Moller Ranch Engineer's Report, Fiscal Year 2024-25

**General vs. Special Benefits**

Article XIII D, Section 4(a) of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to “separate the general benefits from the special benefits conferred on a parcel.” The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. Property may be assessed to fund improvements to the extent of the special benefits conferred by the Improvements; but general benefits are not assessable. Accordingly, a separate estimate of the special and general benefit is given in this section.

Article XIII D never defines the term “general benefit.” The definition of special benefit in Section 2(i) includes the statement that general enhancement of property value does not constitute special benefit. General benefit may be described as “an indirect, derivative advantage” resulting from the improvements. One infers from Article XIII D that all benefit is either general or special.

In other words:

<b>Total Benefit</b>	=	<b>General Benefit</b>	+	<b>Special Benefit</b>
----------------------	---	------------------------	---	------------------------

There is no widely accepted or statutory formula for quantifying the amount of any general benefit that is identified.

In this Report, the general benefit is first identified, generously estimated, and then budgeted so that it is funded, as required by Proposition 218, by sources other than the Assessment.

A formula to estimate the general benefit is listed below:

<b>General Benefit</b>	=	<b>Benefit to Real Property Outside the Assessment District</b>	+	<b>Benefit to Real Property Inside the Assessment District that is Indirect and Derivative</b>	+	<b>Benefit to the Public at Large</b>
------------------------	---	---	---	--	---	---------------------------------------

Special benefit, on the other hand, is defined in the California constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large”. A special benefit is conferred to a property if the property “receives a direct advantage from the improvement (e.g., proximity to setback landscaping).” In the Maintenance District, as noted, properties have close and unique proximity, views of and access to the Improvements, and uniquely improved utility and desirability from the Improvements, and other properties and the public at large do not receive such benefits because they do not have proximity, access to or views of the Improvements. Therefore, the overwhelming proportion of the benefits conferred to property is special, and only minimal general benefit is conferred on property outside the Maintenance District or to the public at large.

**City of Pleasanton**

This Engineer's Report includes a specific, quantified calculation of general benefits, as described below, that is based in part on the use by people outside of the Maintenance District. Moreover, the proportionality of the Assessments to the special benefits conferred on each parcel, based in large part on proximity, is established as well.

### **Calculating General Benefit and Special Benefit Paid from Other Funds**

In this section, the total general benefit, which must be paid from other non-assessment funds, is conservatively estimated, quantified, described, and separated, and then budgeted to absolutely ensure that it is funded by sources other than this assessment.

#### **Benefit to Property Outside the Maintenance District = 5.4%**

In summary, real property located within the boundaries of the Maintenance District distinctly and directly benefit from closer proximity, access and views of the Improvements funded by the Assessments, the creation of developable parcels, and from the extension of usable land area provided by the assessments. The Improvements are specifically designed to serve local properties in the Maintenance District, not other properties nor the public at large. The Maintenance District has been narrowly drawn to include those parcels that receive a direct advantage from the Improvements. The public at large and other properties outside the Maintenance District receive only limited benefits from the Improvements because they do not have proximity, good access or views of the Improvements. These are special benefits to property in the Maintenance District in much the same way that sewer and water facilities, sidewalks and paved streets enhance the utility and desirability of specific proximate properties and make them more functional to use, safer and easier to access.

Properties within the proposed Maintenance District receive almost all the special benefits from the Improvements because properties in the Maintenance District enjoy unique and close proximity and access to the Improvements that are enjoyed less by other properties or the public at large. The landscaping Improvements are specifically designed to benefit the properties in the Maintenance District.

Furthermore, there are multiple, proximate open space, landscaped areas, and other improvements outside of the Maintenance District, funded by other sources, that provide most of the open space and landscaping benefits to nearby parcels that are outside of the Maintenance District.

In other words, the landscaping Improvements maintained by the proposed Assessments specially benefit the properties within the Maintenance District, but other nearby improvements primarily benefit other proximate properties.

Nonetheless, there are certain properties that are outside the boundaries of the Maintenance District that may benefit from the landscape improvements. A total of no more than 8 proximate parcels have been identified that receive some

### **City of Pleasanton**

special benefit from the improvements including improved views, proximity and/or access, but do not receive extension of outdoor areas nor the special benefit of parcel creation. Since these adjacent properties only receive a 3 of the 5 major special benefits, a 60% factor is applied.

Total General Benefit to Properties Outside of the District = 5.4%

### **Assumptions**

10 parcels outside and adjacent to the District  
101 parcels in the Maintenance District

### **Calculation**

General Benefit to Property outside the Improvement District =  
 $(10 / (10 + 101)) * 60\% = 5.4\%$

Although it can reasonably be argued that Improvements inside, but near the Maintenance District boundaries are offset by similar landscape improvements provided outside, we use the more generous approach of finding that 5.4% of the Improvements may be of benefit to property outside of the Maintenance District.

### **Benefit to Property Inside the District that is Indirect and Derivative = 0.0%**

The “indirect and derivative” benefit to property within the Maintenance District is particularly difficult to calculate. A solid argument can be presented that all benefit within the Maintenance District is special because the Improvements are clearly “over and above” and “particular and distinct” when compared with the unique proximity, access and views of the Improvements enjoyed by benefiting properties in the Maintenance District.

Nevertheless, the SVTA decision indicates that there may be general benefit “conferred on real property located in the district.” A measure of the general benefits to property within the Maintenance District is the percentage of land area within the Maintenance District that is publicly owned, open to the public, and used for regional purposes such as major roads, rail lines, hospitals, and other regional facilities because such properties, while physically within the Maintenance District, are used for regional purposes and could provide indirect benefits to the public at large. In this case, essentially 0% of the land area is used for such regional purposes.

### **Benefit to the Public at Large = 10%**

The general benefit to the public at large can be estimated by the proportionate amount of time that the Maintenance District’s public landscaped areas and facilities are used and enjoyed by individuals who are not residents, employees, customers, or property owners in the Assessment Area. Based on surveys and research in which visitors to similar landscape, open space and parks, at various times of the day, evening, and week, were asked to look at a District map and to

## **City of Pleasanton**

identify whether they lived or worked within the City, less than 5% of the use of similar landscape, open space, parks or recreation areas is by the public at large. When people outside the Maintenance District use landscape, open space, parks, or recreation areas, they diminish the availability of such facilities for people within the Maintenance District. Therefore, another 5% of general benefits are allocated for people within the Maintenance District. Combining these two elements of general benefit, we find that 10% of the benefits from the Improvements are general benefits to the public at large.

**Total General Benefits to be Financially Contributed from Other Funds = 15.4%**

Using a sum of these three measures of general benefit, we find that approximately 10.0% of the benefits conferred by the Improvements may be general in nature and should be funded by sources other than the Assessments.

**General Benefit Calculation**

$$\begin{array}{r}
 5.4\% \text{ (Outside the Maintenance District)} \\
 + \quad 0.0\% \text{ (Inside the Maintenance District – indirect and derivative)} \\
 + \quad \underline{10.0\%} \text{ (Public at Large)} \\
 \\
 = \quad 15.4\% \text{ (Total General Benefit)}
 \end{array}$$

**Source of Financial Contributions from Other Funds to Satisfy the 15.4% Requirement**

The general benefit contribution is paid in part from other “in-kind”, non-monetary contributions from the City in the form of infrastructure critical to the continued maintenance of the Maintenance District Improvements, as described below. Also, general benefit contributions come from the “annuity” value of the improvements that were constructed by the developer.

The City of Pleasanton owns, maintains, rehabilitates, and replaces the curb and gutter along the border of the Maintenance District. This curb and gutter serve to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the Improvements. The contribution from the City of Pleasanton toward general benefit from the maintenance, rehabilitation, and replacement of the curb and gutter is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In other words, if the Maintenance District were required to construct and maintain the local curb and gutter, the budget would increase by at least 10%.

The City of Pleasanton owns and maintains a storm drainage system along the border of the Maintenance District. This system serves to prevent flooding and associated damage to the Improvements and manage urban runoff including local pollutants loading from the Improvements. The contribution from the City of

**City of Pleasanton**

Pleasanton toward general benefit from the maintenance, rehabilitation, and replacement of the local storm drainage system is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In other words, if the Maintenance District were required to construct and maintain the local storm drainage system, the budget would increase by at least 10%.

The City of Pleasanton owns and maintains local public streets throughout the Maintenance District. These public streets provide access to the Improvements for its enjoyment as well as efficient maintenance. The contribution from the City of Pleasanton toward general benefit from the maintenance, rehabilitation, and replacement of the local public streets is conservatively estimated to be 10%, based upon the relative cost to construct and maintain this critical local infrastructure. In other words, if the Maintenance District were required to construct and maintain the local public streets, the budget would increase by at least 10%.

The value of the initial Improvements constructed by the Developer can be quantified and monetized as an annuity to be amortized. Since the initial Improvements were performed and paid for by non-assessment funds, this “annuity” can be used to offset general benefit costs and is conservatively estimated to contribute 20%. In other words, if the Maintenance District were required to construct all the Improvements, the annual budget would increase by at least 20%.

In other words, there is a 15.4% contribution needed to offset the general benefits conferred by the Improvements, and there is a 50% contribution from City of Pleasanton supporting local infrastructure, along with the amortized value of initial construction. This 50% contribution more than satisfies the general benefit requirements.

The estimates used above for the City of Pleasanton’s “in-kind”, non-monetary contributions for the maintenance, rehabilitation and replacement of the curbs and gutters, storm drainage systems, local streets (the “supportive infrastructure”), and the value of the initial Improvements constructed by the Developer, are based on industry standards; typical and standard quantity ratios between this supportive infrastructure (including the City’s relative associated maintenance costs) and similar Improvements; and on the assessment Engineer’s professional experience on planning and working in such projects.

### Source of Contributions from Other Funds to Satisfy 15.4% Requirement

City non-monetary contributions:

	10.0% (Curb and gutter)
+	10.0% (Storm drainage system)
+	10.0% (Public roads)
+	<u>20.0%</u> (Amortized value of initial construction)
=	50.0% (Total General Benefit paid from Other Funds)

### Zones of Benefit

The boundaries of the Assessment Area are carefully drawn to only include the properties that are proximate to the Improvements and that would materially benefit from the Improvements.

In SVTA, the court noted that even a local agency-wide assessment district is appropriate under the right conditions:

*“Thus, if an assessment district is narrowly drawn, the fact that a benefit is conferred throughout the district does not make it general rather than special. In that circumstance, the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g., proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g., general enhancement of the district's property values).”*

The court therefore acknowledged the appropriateness of a District-wide assessment so long as each parcel receives a direct advantage from the assessment-funded improvement or service. As demonstrated in this Report, each parcel in the Maintenance District receives a direct advantage and special benefit from the Improvements.

In the Maintenance District, the advantage that each parcel receives from the Improvements is direct, and the boundaries are narrowly drawn to include only parcels that benefit from the Assessment. Therefore, the even spread of assessment throughout the narrowly drawn district is indeed consistent with the SVTA decision. The benefits from the Improvements within the Maintenance District do not vary further based on proximity of the parcels to the Improvements because the increased benefits of greater proximity to the Improvements are generally offset by a parallel increase in negative factors such as higher levels of traffic, noise, etc. that comes with increased proximity.

### City of Pleasanton

Landscape Maintenance District No. 1995-1, Moller Ranch Engineer's Report, Fiscal Year 2024-25

Consequently, since all parcels in the Maintenance District have good access and proximity to the Improvements and the benefits to relatively closer proximity are offset by other factors, additional proximity is not considered to be a factor in determining benefit within the Maintenance District. Therefore, zones of benefit are not justified or needed within the Maintenance District.

### **Method of Assessment**

As previously discussed, the Assessments provide comprehensive Improvements that clearly confers direct and special benefits to properties in the Maintenance District.

The allocation of special benefits to property is primarily based on the type of property and the size of property. These benefits can also partially be measured by the occupants on property in the Maintenance District because such parcel population density is a measure of the relative benefit a parcel receives from the Improvements. It should be noted that many other types of "traditional" assessments also use parcel population densities to apportion the assessments. For example, the assessments for sewer systems, roads and water systems are typically allocated based on the population density of the parcels assessed. Therefore, the apportionment of benefit is reasonably based on the type of parcel, the size of parcels and the population density of parcels.

A critical step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a single-family home, or, in other words, on the basis of Single-Family Equivalent (SFE) units. This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated an SFE value, which is each property's relative benefit in relation to a single-family home on one parcel. In this case, the "benchmark" property is the single family detached dwelling which is one Single Family Equivalent unit or one SFE.

Finally, the special benefits to be derived from the Assessments will be conferred on property and are not based on a specific property owner's use of the Improvements, a specific property owner's occupancy of property, or the property owner's demographic status such as age or number of dependents. The benefits derived to property are related to the average number of people who could potentially live on, work at, or otherwise could occupy a property, not how the property is currently used by the present owner. Therefore, the number of people who could, or potentially, live on, work at, or otherwise occupy a property is one indicator of the relative level of benefit received by a property.

In conclusion, the Assessment Engineer determined that the appropriate method of assessment apportionment should be based on the type of property, the relative size of the property, property location, its relative population, and its proximity to the landscaping and open space facilities. This method is further described below.

### **City of Pleasanton**

Landscape Maintenance District No. 1995-1, Moller Ranch Engineer's Report, Fiscal Year 2024-25



### **Residential Properties**

The Moller Ranch development is a residential single-family development project consisting of a total of 101 parcels, 99 single-family home parcels, and 2 public owned parcels used as a water tank and a parking area respectively. As such, each residential property receives similar benefit from the proposed Improvements.

Therefore, the Engineer has determined that the appropriate method of apportionment of the benefits derived by all parcels is on a dwelling unit or single-family residence basis. All improved properties, or properties proposed for development, are assigned one Single Family Equivalent unit or 1 SFE factor equal to the number of dwelling units developed or planned for the property.

### **Other Properties**

Article XIID stipulates that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the Assessment.

All properties that are specially benefited are assessed. Other publicly owned property that is used for purposes similar to private residential, commercial, industrial, or institutional uses is benefited and assessed at the same rate as such privately owned property.

Miscellaneous, small, and other parcels such as roads, right-of-way parcels, and common areas typically do not generate significant numbers of employees, residents, customers, or guests, who would have access to or use the Improvements. These miscellaneous parcels therefore receive no benefit from the Improvements and are assessed an SFE benefit factor of 0 SFEs.

### **The Assessment Rate does not Increase Annually**

It should also be noted that the Maintenance District assessment rates cannot be increased annually, and the total revenues remain the same year after year, assessing \$570.06 per SFE or parcel, which is the maximum authorized assessment. To increase the annual assessment rate or to add an annual Consumer Price Index escalator to the assessment rate, approval of the property owners is required via a Proposition 218 assessment ballot proceeding.

### **Appeal of Assessments Levied to Property**

Any property owner who feels that the assessment levied on their property is in error as a result of incorrect information being used to apply the foregoing method of assessment may file a written appeal with the City of Pleasanton City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current Fiscal Year and applicable law. Upon the filing of any such appeal, the City of Pleasanton City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City of Pleasanton City Engineer or his or her designee finds that the assessment should be modified, the appropriate

### **City of Pleasanton**

Landscape Maintenance District No. 1995-1, Moller Ranch Engineer's Report, Fiscal Year 2024-25

changes shall be made to the Assessment Roll. If any such changes are approved after the Assessment Roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction.

**Assessment Funds Must be Expended Within the Maintenance District Area**

The net available Assessment funds, after incidental, administrative, financing, and other costs, shall be expended exclusively for Improvements within the boundaries of the Maintenance District and appropriate incidental and administrative costs as defined in the Plans and Specifications section.

## Assessment

---

**WHEREAS**, the City of Pleasanton City Council directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the Maintenance District, and an assessment of the estimated costs of the Improvements upon all assessable parcels within the Maintenance District;

**NOW, THEREFORE**, the undersigned, by virtue of the power vested in me under the Act, Article XIID of the California Constitution, and the order of the City Council of the City of Pleasanton, hereby makes the following assessment to cover the portion of the estimated cost of the Improvements, and the costs and expenses incidental thereto to be paid by the Maintenance District.

The amount to be paid for said Improvements and the expense incidental thereto, to be paid by the Maintenance District for the Fiscal Year 2024-25 is generally as follows:

**Figure 2 – Summary Cost Estimate – Moller Ranch LMD No. 1995-1**

<b>Budget Item</b>	<b>Budgeted Cost</b>
Installation, Maintenance, and Servicing Costs	\$75,260.00
Incidental and Administration Costs	\$43,743.47
Amount to/(from) Reserve Fund	(\$61,446.47)
Total Budget	\$57,557.00

As required by the Act, an Assessment Diagram showing the exterior boundaries of the Maintenance District is hereto attached and incorporated herein by reference. The distinctive number of each parcel or lot of land in the Maintenance District is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby assess and apportion the net amount of the cost and expenses of the Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within the Maintenance District, in accordance with the special benefits to be received by each parcel or lot, from the Improvements, and more particularly set forth in the Estimate of Cost and Method of Assessment in the Report.

### City of Pleasanton

Landscape Maintenance District No. 1995-1, Moller Ranch Engineer's Report, Fiscal Year 2024-25

The Assessment is made upon the parcels or lots of land within the Maintenance District in proportion to the special benefits to be received by the parcels or lots of land, from the Improvements.

The Maintenance District's assessment rate for fiscal year 2024-25 remains unchanged at the same assessment rate used last year of \$570.06 per single-family equivalent (SFE) benefit unit.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as will be shown on the Assessor's Maps of Alameda County for the Fiscal Year 2024-25. For a more particular description of the property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby will place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the Fiscal Year 2024-25 for each parcel or lot of land within the Maintenance District.

City Engineer/Engineer of Work

By: \_\_\_\_\_  
Adam M. Nelkie, License No. C78830

## Certificates Page

---

LANDSCAPE MAINTENANCE DISTRICT 1995-1, MOLLER RANCH CITY OF PLEASANTON, ALAMEDA COUNTY, CALIFORNIA

(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed Engineer's Report and does hereby certify that this Engineer's Report and the Assessment have been prepared by me as directed by the City Council.

Adam M. Nelkie, City Engineer, License No. C78830

City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Jocelyn Kwong, City Clerk

City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Pleasanton, Alameda County, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Jocelyn Kwong, City Clerk

City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

I HEREBY CERTIFY that a certified copy of the enclosed Engineer's Report, including Assessment Roll and Assessment Diagram was filed with the County Auditor of the County of Alameda, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Jocelyn Kwong, City Clerk

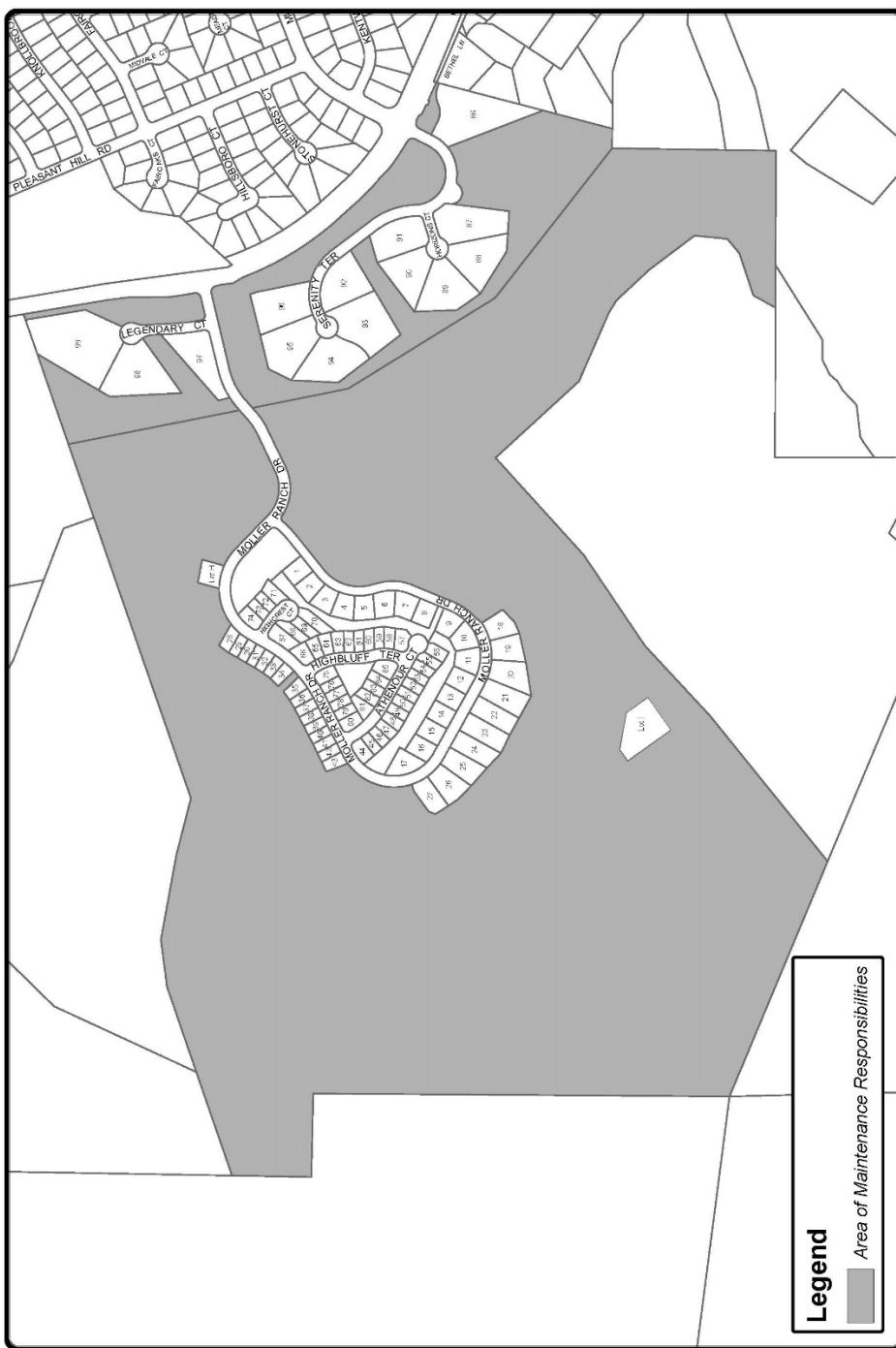
City of Pleasanton, Alameda County, California

By: \_\_\_\_\_

### City of Pleasanton

## Assessment Diagram

The Maintenance District includes all properties within the Moller Ranch subdivision, as displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Maintenance District are those lines and dimensions as shown on the maps of the Assessor of Alameda County for Fiscal Year 2024-25, and are incorporated herein by reference, and made a part of this Diagram and this Report.



**LIGHTING & LANDSCAPE  
MAINTENANCE DISTRICT 1995-1 MOLLER RANCH**  
For a more detailed description, refer to assessor parcel map book 941, pages 1801-1803, tract 6618.



1 inch = 525 feet

### City of Pleasanton

Landscape Maintenance District No. 1995-1, Moller Ranch Engineer's Report, Fiscal Year 2024-25

## Assessment Roll FY 2024-25 - Moller Ranch LMD No. 1995-1

ASSESSMENT DIAGRAM NO.	ASSESSOR'S PARCEL NUMBER	ASSESSMENT AMOUNT	COLLECTION CHARGE 0.017	TOTAL
1	941-1803-01	\$560.53	\$9.53	\$570.06
2	941-1803-02	560.53	9.53	570.06
3	941-1803-03	560.53	9.53	570.06
4	941-1803-04	560.53	9.53	570.06
5	941-1803-05	560.53	9.53	570.06
6	941-1803-06	560.53	9.53	570.06
7	941-1803-07	560.53	9.53	570.06
8	941-1803-08	560.53	9.53	570.06
9	941-1803-09	560.53	9.53	570.06
10	941-1803-10	560.53	9.53	570.06
11	941-1803-11	560.53	9.53	570.06
12	941-1803-12	560.53	9.53	570.06
13	941-1803-13	560.53	9.53	570.06
14	941-1803-14	560.53	9.53	570.06
15	941-1803-15	560.53	9.53	570.06
16	941-1803-16	560.53	9.53	570.06
17	941-1803-17	560.53	9.53	570.06
18	941-1803-88	560.53	9.53	570.06
19	941-1803-87	560.53	9.53	570.06
20	941-1803-86	560.53	9.53	570.06
22	941-1803-85	560.53	9.53	570.06
22	941-1803-84	560.53	9.53	570.06
23	941-1803-83	560.53	9.53	570.06
24	941-1803-82	560.53	9.53	570.06
25	941-1803-81	560.53	9.53	570.06
26	941-1803-80	560.53	9.53	570.06
27	941-1803-79	560.53	9.53	570.06
28	941-1803-63	560.53	9.53	570.06
29	941-1803-64	560.53	9.53	570.06
30	941-1803-65	560.53	9.53	570.06
31	941-1803-66	560.53	9.53	570.06
32	941-1803-67	560.53	9.53	570.06
33	941-1803-68	560.53	9.53	570.06
34	941-1803-69	560.53	9.53	570.06
35	941-1803-70	560.53	9.53	570.06
36	941-1803-71	560.53	9.53	570.06
37	941-1803-72	560.53	9.53	570.06
38	941-1803-73	560.53	9.53	570.06
39	941-1803-74	560.53	9.53	570.06
40	941-1803-75	560.53	9.53	570.06
41	941-1803-76	560.53	9.53	570.06
42	941-1803-77	560.53	9.53	570.06
43	941-1803-78	560.53	9.53	570.06

### City of Pleasanton

Landscape Maintenance District No. 1995-1, Moller Ranch Engineer's Report, Fiscal Year 2024-25

44	941-1803-18	560.53	9.53	570.06
45	941-1803-19	560.53	9.53	570.06
46	941-1803-20	560.53	9.53	570.06
47	941-1803-21	560.53	9.53	570.06
48	941-1803-22	560.53	9.53	570.06
49	941-1803-23	560.53	9.53	570.06
50	941-1803-24	560.53	9.53	570.06
51	941-1803-25	560.53	9.53	570.06
52	941-1803-26	560.53	9.53	570.06
53	941-1803-27	560.53	9.53	570.06
54	941-1803-28	560.53	9.53	570.06
55	941-1803-29	560.53	9.53	570.06
56	941-1803-30	560.53	9.53	570.06
57	941-1803-43	560.53	9.53	570.06
58	941-1803-44	560.53	9.53	570.06
59	941-1803-45	560.53	9.53	570.06
60	941-1803-46	560.53	9.53	570.06
61	941-1803-47	560.53	9.53	570.06
62	941-1803-48	560.53	9.53	570.06
63	941-1803-49	560.53	9.53	570.06
64	941-1803-50	560.53	9.53	570.06
65	941-1803-51	560.53	9.53	570.06
66	941-1803-52	560.53	9.53	570.06
67	941-1803-53	560.53	9.53	570.06
68	941-1803-54	560.53	9.53	570.06
69	941-1803-55	560.53	9.53	570.06
70	941-1803-56	560.53	9.53	570.06
71	941-1803-57-1	560.53	9.53	570.06
72	941-1803-58	560.53	9.53	570.06
73	941-1803-59	560.53	9.53	570.06
74	941-1803-60	560.53	9.53	570.06
75	941-1803-41	560.53	9.53	570.06
76	941-1803-40	560.53	9.53	570.06
77	941-1803-39	560.53	9.53	570.06
78	941-1803-38	560.53	9.53	570.06
79	941-1803-37	560.53	9.53	570.06
80	941-1803-36	560.53	9.53	570.06
81	941-1803-35	560.53	9.53	570.06
82	941-1803-34	560.53	9.53	570.06
83	941-1803-33	560.53	9.53	570.06
84	941-1803-32	560.53	9.53	570.06
85	941-1803-31	560.53	9.53	570.06
86	941-1802-02	560.53	9.53	570.06
87	941-1802-04	560.53	9.53	570.06
88	941-1802-05	560.53	9.53	570.06
89	941-1802-06	560.53	9.53	570.06
90	941-1802-07	560.53	9.53	570.06
91	941-1802-08	560.53	9.53	570.06
92	941-1802-09	560.53	9.53	570.06
93	941-1802-10	560.53	9.53	570.06

## City of Pleasanton

Landscape Maintenance District No. 1995-1, Moller Ranch Engineer's Report, Fiscal Year 2024-25



94	941-1802-11	560.53	9.53	570.06
95	941-1802-12	560.53	9.53	570.06
96	941-1802-13	560.53	9.53	570.06
97	941-1802-14	560.53	9.53	570.06
98	941-1802-15	560.53	9.53	570.06
99	941-1802-16	560.53	9.53	570.06
Lot H - (City)	941-1803-62	560.53	n/a	560.53
Lot I - (City)	941-1801-02	560.53	n/a	560.53
101	<b>TOTAL ASSESSMENTS:</b>	<b>\$56,613.53</b>	<b>\$943.47</b>	<b>\$57,557.00</b>

## City of Pleasanton

Landscape Maintenance District No. 1995-1, Moller Ranch Engineer's Report, Fiscal Year 2024-25

