

**CITY OF DIAMOND BAR
CITY COUNCIL STUDY SESSION
JANUARY 20, 2015**

STUDY SESSION: M/Tye called the Study Session to order at 5:45 p.m. in Room CC-8, South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, CA 91765

Present: Council Members Carol Herrera, Jimmy Lin, Jack Tanaka, Mayor Pro Tem Nancy Lyons, and Mayor Steve Tye.

Staff Present: James DeStefano, City Manager; Ryan McLean, Deputy City Manager; David DeBerry, City Attorney; Dianna Honeywell, Finance Director; David Liu, Public Works Director; Greg Gubman, Community Development Director; Bob Rose, Community Services Director; Kimberly Young, Senior Civil Engineer; Ken Desforges, IS Director; Anthony Santos, Management Analyst; Marsha Roa, Public Information Manager; Cecilia Arellano, Public Information Coordinator, and Tommye Cribbins, City Clerk.

Also Present – Consultant Jerry Bradshaw with SCI Consulting.

► **LIGHTING AND LANDSCAPE ASSESSMENT DISTRICTS 38, 39 AND 41 – Discussion and Action.**

CM/DeStefano gave a brief introduction regarding the item to be discussed this evening and then turned the presentation over to CSD/Rose who provided staff's report and recommendations.

CSD/Rose presented a power point presentation on Lighting and Landscape Assessment Districts 38, 39 and 41. CSD/Rose reported that LLAD No. 38 is a "citywide" District that has 17,883 parcels with an assessment of \$15.00 per year. The revenue generated in this District totals \$268,245. Based on the maintenance cost, the General Fund subsidizes an additional amount of \$140,013. Maintenance for this District is in the medians and public right of ways. At this time, staff is not recommending any changes.

CSD/Rose then reported on LLAD No. 39. This District has 1,251 parcels with an assessment of \$130.00 per year. The current revenue generated in this District totals \$162,630. Based on the maintenance cost, the City's General Fund subsidizes an additional amount of \$157,236. Maintenance for this District includes landscaped slopes, 11 city owned parcels, 129 maintained parcels, 117 maintained private property and 1 parcel owned by the Pomona Unified School District. CSD/Rose further stated that when District No. 39 was first formed, the annual assessment was \$236.00 per parcel.

M/Tye asked why the assessment had been reduced to \$130.00.

CSD/Rose stated that at the time the assessment had been reduced there was a surplus of funds in the District and the Council decided to reduce the annual assessment.

CSD/Rose stated that it is staff's and the City Attorney's opinion that the City Council return the assessment to the "historical high" of \$236.00 without taking a vote of the property owner's as required in Prop. 218. Therefore, staff is recommending that the LLAD No. 39 return the annual assessment to \$236.00.

CSD/Rose then reported on LLAD No. 41. This District has 554 parcels with an assessment of \$220.50 per year. The current revenue generated in this District totals \$122,157. Based on the maintenance cost, the City's General Fund subsidizes an additional amount of \$124,313 plus \$5,000 from the Safe Parks Act for a total of \$129,313. Maintenance for this district includes 56 maintained parcels, 47 private properties and 9 HOA owned parcels as well as Brea Canyon cut-off maintained by the City.

It is staff's recommendation that the maintenance of HOA/private property parcels in LLAD No. 41 be returned to all the property owners.

Following staff's report, CSD/Rose then stated that it is staff's recommendation to do the following: Maintain LLAD No. 38's assessment at \$15.00 per year (citywide); LLAD No. 39 be returned to the "historical high" of \$236.00; and, as for LLAD No. 41, that maintenance for this District be borne by the Homeowner's Associations. He also provided the Council with a schedule of the next steps in the process for both Districts 39 and 41.

C/Lin asked for clarification as to who pays for the lighting for the districts.

CSD/Rose stated that the term "lighting" comes from the provisions of the Landscaping and Lighting Act of 1972.

C/Lin also asked how the City will enforce the HOA's to maintain the landscaping if they choose not to.

CSD/Rose stated that there are property maintenance standards in the City's Municipal Code that will allow the City to enforce maintenance.

MPT/Lyons asked why the City just doesn't increase the assessment for LLAD No. 41.

CSD/Rose stated that due to Prop 218 the City would have to call for an election and get the approval of the parcel owners in order to raise the assessment. Also, because the majority of the land is owned by the HOA's it should be their responsibility to maintain the property.

C/Lin asked how we maintain LLAD No. 38.

CSD/Rose stated LLAD 38 is a citywide assessment district which benefits the City in its entirety therefore it is prudent for the City to maintain the district.

MPT/Lyons asked how the residents of LLAD No. 39 would be notified.

CSD/Rose stated that letters would be sent to the owners of the properties.

MPT/Lyons asked that based on the proposed schedule presented by staff why would it take a year or eighteen months to return the properties to the HOA's in LLAD 41.

CSD/Rose stated that discussions with LLAD 41 HOA's would start after work in LLAD 39 is complete. At least two of the HOA's in LLAD 41 do not currently have a Board of Directors. A Board will need to be elected by the residents before discussions can commence. Staff believes it will take a year to eighteen months to complete the work necessary to turn over the maintenance.

MPT/Lyons stated that both she and C/Herrera had toured LLAD's 39 and 41 and it is mostly private properties that the City should not be maintaining. She also stated that she knew that C/Tanaka had also taken a tour with both CSD/Rose and PWD/Liu.

M/Tye asked why the City doesn't turn LLAD 39 over as well.

CSD/Rose stated that it is because the City can return the annual assessment to \$236.00 where in LLAD 41 it is not possible without an election.

Following further discussion, C/Tanaka stated that he was glad to see the City going forward with this item.

C/Herrera moved and MPT/Lyons' seconded to maintain LLAD No. 38's annual assessment of \$15.00 per parcel; LLAD No. 39's annual assessment be returned to the historical high of \$236.00; and that HOA/private property parcels in LLAD No. 41 be returned to the property owners for their maintenance.

With unanimous consensus of Council, the motion carried 5-0.

PUBLIC COMMENTS: None Offered.

ADJOURNMENT: With no further business to come before the City Council, M/Herrera adjourned the Study Session at 6:28 p.m.

TOMMYE CRIBBINS, City Clerk

The foregoing minutes are hereby approved this _____ day of _____, 2015.

STEVE TYE, Mayor