

# Gone to Weeds

## Confusion grows over Fresno's formula to keep up high-profile landscaping.

By John Ellis  
The Fresno Bee

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Fresno's complex system for the care of trees, shrubs and grass along many of its streets is underfunded and lacks clear direction from City Hall.

The all-too-often result: uncut grass, dead plants, overgrown bushes and weeds in landscaping designed to add a touch of beauty.

This is no surprise to Dennis Hunt, who lives in a northeast Fresno neighborhood where homeowners pay a special tax to have their common landscaping maintained by city workers.

Pointing to a landscape strip along Chestnut Avenue, next to the gated Versailles residential development, Hunt says the shrubbery is often left untended. A stretch of bare dirt, he adds, is where plants have died but haven't been replaced.

The landscaping "becomes an eyesore before it gets taken care of," Hunt says.

Homeowners in numerous Fresno neighborhoods collectively pay thousands of dollars annually for the maintenance by the city of landscaping created for their neighborhoods.

Some ask whether they're getting their money's worth. But they can't get answers.

The Parks and Recreation Department, charged until last summer with landscape maintenance, did not track whether the money collected in each neighborhood actually was spent there.

The maintenance problem has been building for years, but its scope is only starting



Weeds choke landscaping on the median on Kings Canyon Road near Winery Avenue in Fresno in this Dec. 29 photograph. A tomato plant also was growing where landscaping was neglected. Residents in two citywide districts pay for the upkeep of neighborhood landscaping.

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to emerge: The City Council in a 4-3 vote June 22 transferred landscape maintenance to the Public Works Department. Council Member Jerry Duncan, who made the motion, says he was "not satisfied with the job that Parks and Rec was doing."

The city annually collects about \$100,000 less than necessary to pay for the normal maintenance of more than 100 paying neighborhoods. The reason: The homeowners' bills don't automatically adjust for inflation.

The amount of money that the city has earmarked for landscape maintenance from community sanitation fees has dropped 18% during the past four years, even as some council members have complained about shoddy landscaping. This money is supposed to pay for maintenance of median islands plus landscaping in neighborhoods that aren't paying extra for maintenance.

Public Works officials plan to present the City Council this month or in February with an update on efforts to improve landscape maintenance's accounting. By next summer, they hope to have a report with enough meat to spark a debate between City Hall and the public about possible solutions.

Among the options: reduced maintenance, higher taxes and privatization.

Says Richard Willman, who worked in landscape maintenance for Parks and Recreation for 11 years before moving to Public Works as a supervisor last summer: "The time of reckoning is coming."

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State law enables cities to form districts to provide specific services and a mechanism for footing the bill. This is how Fresno has acquired a substantial amount of public landscaping.

The city wants plans for new housing developments to include common area landscaping. The idea is that greenery along a sound wall or busy street adds a touch of nature, helps clean the air and boosts the development's sales appeal.

A tricky part to understanding Fresno's system for landscape maintenance is terminology.

Fresno has two districts for landscape maintenance, and each potentially covers the entire city: Lighting and Landscape Maintenance District 1 (maintenance district), and Community Facilities District 2 (facilities district).

However, only certain neighborhoods with specific boundaries have been annexed to the districts and require homeowners to pay extra for landscape maintenance.

These neighborhoods are called tracts and can have from fewer than a dozen homes to more than 200. The total number of property parcels in all these tracts tops 21,000.

Most homeowners in Fresno aren't in one of these tracts and don't pay the extra money.

There are 145 tracts with a total of 78.8 acres of common landscaping in the maintenance district; it stopped adding new tracts in 1997. There are 131 tracts with a total of 82.9 acres of common landscaping in the facilities district.

The City Council must approve the annexation of new tracts to the facilities district. It is a fairly routine action at council meetings. At an upcoming February meeting, for example, annexation hearings are scheduled on three tracts. Each hearing has been allotted five minutes.

Developers usually bring tract plans to the council for approval before anybody has bought and moved into the homes. City officials say state law requires that prospective home buyers be informed they will be moving into a neighborhood with a special tax for landscape maintenance.

Chris Mathys, president of the Valley Taxpayers' Coalition and a former Fresno City Council member, says he opposed almost every annexation to the facilities district during his time on the council because of concerns over how the tax was implemented.

"Since when does a property tax get imposed without the payer having a say in the tax?" Mathys asks. "That's what's going on with this tax. It's a unilateral tax against people that own property within the facilities district."

His preference is to create homeowners associations to oversee maintenance.

The approximately 162 acres of common landscaping in the two districts may not sound like a lot in a city of more than 64,000 acres.

But, as Public Works officials note, much of the city-maintained landscaping is in narrow strips. Put the nearly 162 acres in a 20-foot-wide strip and it would stretch more than 65 miles -- and it needs to be maintained monthly.

Just about every part of Fresno has a housing tract from one of these two districts, though most such tracts are in the north where new development is concentrated. The tracts have several common elements:

The money goes to maintain common-area landscaping.

The operating philosophy is: "You want it, you pay for it." For example, a neighborhood can have unusually elaborate landscaping if the homeowners are willing to pay for its maintenance. The annual bill per house can range from about \$30 to more than \$700.

The payment is added to the homeowner's property tax bill. The county collects the money and passes it on to the city, which is responsible for delivering the services.

There is one big difference. Tracts in the maintenance district don't see their bills grow as maintenance costs rise. This is the district where the tract's annual charge --

19 cents for every square foot of common landscaping -- can't rise without a vote by the tract's homeowners.

However, the agreements between tracts in the facilities district and the city allow the tax to adjust as maintenance costs rise. The annual charge is now 22.4 cents per square foot.

The significance of this difference became clear in a Sept. 21 report to the City Council from Richard Putnam, then Parks and Recreation's interim director, and Michael Kirn, then interim Public Works director and now the department's assistant director.

The report described the three parts of Fresno's landscape maintenance system and how each is funded.

Responsibility for the first part falls on the city's shoulders. This includes maintenance of all median islands plus various buffers, bicycle path greenbelts and temporary ponding basins.

The city expects to spend this fiscal year about \$300,000 from the general fund and more than \$1.15 million from community sanitation fees for this maintenance. None of this money pays for landscape maintenance in the maintenance or facilities districts' tracts.

The second part is the facilities district tracts, which total about 7,000 property parcels; the amount of taxes expected to be collected should be enough to cover normal landscape maintenance, the report said.

The city expects to receive \$642,800 from facilities district tracts this fiscal year, a city official later said.

The system's third part is the maintenance district tracts, which total about 14,900 parcels. However, the money expected to be received is about \$100,000 short of what it takes to provide services once a month, the report said.

The city expects to receive \$460,900 from maintenance district tracts this fiscal year, the city official said.

"The insufficient revenue is not a new revelation," Putnam and Kirn wrote. "Staff presented this to previous administrations and was directed to maintain the current level of service and 'back-fill' with other resources."

City officials say backfilling continued under the administration of Mayor Alan Autry, but stopped when Public Works took over landscape maintenance.

City officials say backfilling in previous years consisted solely of the use of inmate crews from the Fresno County Jail, and did not involve money from other sources such as the general fund. The Public Works Department, now in charge of landscape maintenance, does not use inmate crews.

Kirn says that Public Works will attempt, through better efficiency, to provide the usual level of service to the maintenance district tracts.

Council Member Mike Dages says it's "absolutely not fair" that the city subsidized the care of landscaping in the maintenance district's tracts. But, he supports continuing a subsidy if necessary.

"We don't have any choice," Dages says. "Our obligation is to make sure the property value stays exactly the way it is and doesn't decrease."

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The Putnam/Kirn report makes Fresno's landscape maintenance problems appear manageable.

But in the real world -- amid the magnolia and oak trees, bushes and Bermuda grass -- things look a lot messier.

It's impossible for the average Fresno resident to know just by driving by and looking whether a strip of public landscaping belongs to a tract in the maintenance district, a tract in the facilities district or, in rare cases, an individual homeowner.

And many homeowners don't realize they're paying extra to maintain the neighborhood's common greenery.

Even City Hall doesn't know exactly what's out there. Some city officials say they have never seen a thorough inventory of all the landscaping under the city's responsibility and don't know whether one has ever been done.

Public Works officially took over landscape maintenance Aug. 2, and one of management's first chores was compiling two notebooks containing a detailed map of each tract paying extra for landscape maintenance.

Quirky is the best word to describe what some maps reveal.

A tract in the maintenance district, for example, has only 763 square feet of greenery next to the Burlington Northern Santa Fe railroad tracks south of Herndon Avenue in northwest Fresno. The tract, phase two of a larger project, is split and some homeowners at the northern end live two blocks from their sliver of common greenery.

Then there are the approximately 10 homes of a maintenance district tract between B Street and Ivy Avenue in southwest Fresno. The tract's homeowners pay a combined \$1,670.80 a year to maintain 8,693 square feet of shrubbery and trees along a sound wall on the northeast side.

"They don't keep it up, and we can't see it anyway," says Ruby Alexander, 58, whose home is separated from the sound wall and landscaping by two other homes.

Alexander's brother, Earl Henderson, lives on nearby Geneva Avenue. He can see some of the landscaping from his front yard and likes the view. Told that he doesn't

have to pay for its upkeep because he's not in the maintenance tract while his sister does, he says with a chuckle: "What a deal."

Wilhelmenia Jones, 33, lives in the tract at the corner of B and Geneva. The landscaping borders one side of her front yard. Her main complaint is that crews tackle only the landscaping seen from the street.

"They clean the other side, but never this side," says Jones, pointing to the litter that collects along the shrubbery facing her front yard.

Ruben Moreno, 48, lives in a maintenance district tract in southeast Fresno. He, like Jones and Alexander, had no idea he was paying a little extra on his property tax bill for landscape maintenance.

Moreno says he often walks past the neighborhood's landscaping on Willow Avenue, a short distance from his home. Six months ago, he adds, "it was ugly."

He phoned in a complaint and within a month, he says, "it was looking better." But in mid-December, Moreno was again disappointed in the strip's appearance.

At least Jones' and Moreno's tracts have much of their promised landscaping.

Council Member Duncan singled out a facilities district tract between Sommerville and Perrin avenues in northeast Fresno built by Patriot Homes where, as of last month, there was dirt instead of the landscaping promised by the developer -- even though homeowners have been paying for its maintenance.

Patriot Homes President David Schwartzman says he has been tangled in litigation with the city on other issues that affected the landscaping. It is now almost complete.

Ideally, Public Works supervisor Willman says, he'll have 23 workers on landscape maintenance every week, Monday through Thursday. He had only 18 in mid-December. The vacancies were for a variety of reasons, including the transfer of three workers back to Parks and Recreation.

Public Works also contracts for four crews from the Local Conservation Corps.

Tree Fresno used to care for median islands south of Dakota Avenue but gave up the contract in 2003. In June, Tree Fresno board member John Valentino said the contract was given up in part because of friction with Stationary Engineers Local 39, which represents park staff.

Willman keeps an eye on the calendar when assigning crews, a task he handled when Parks and Recreation had landscape maintenance. For example, he'll focus on the streets around California State University, Fresno, when the Bulldogs have a home football game and the Fresno fairground during the Big Fresno Fair.

A common homeowner comment, Willman says, is that private landscapers can do the job better and more cheaply.

He adds: "Then [homeowners] find out it costs a lot more than what the city collects."

When budgets weren't so tight, Willman says, the city added an employee and a one-ton pickup for every seven acres of landscaping added to the city's plate.

The city's 23 positions for about 162 acres of landscaping in fees-paying neighborhoods equal that 1-to-7 ratio. But, Public Works officials add, these workers also handle all the median islands and numerous buffer strips not in the two districts' tracts, which easily doubles their work load.

"They keep putting in the stuff everywhere," Willman says. "Do they add anybody? No. And you wonder why the maintenance looks the way it does?"

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Duncan and Public Works officials say the city is making strides in bringing order to this chaos. A key step, Duncan says, was moving the job to Public Works.

Streets Manager Amber Adams and Assistant Director Gary Dilley have played key roles in changing the accounting system. Separate accounts are being set up for each tract; workers now chart when they work in each tract, what they do and how long it takes.

Within a year or so, Adams and Dilley say, they'll be able to give City Hall -- and homeowners -- a detailed audit of every tract: how much money was collected, how much money was spent and whether the homeowners are paying too much or too little for the service they want.

The status quo apparently isn't an option. Says Adams: "We need to change the way we do business."

That could mean the private sector. Adams says she is working on plans to let landscaping firms bid on all the jobs for paying tracts in a specific area. The low bid, as long as it isn't higher than what the city receives, would get the business.

Developer Farid Assemi, a principal with Granville Homes, is excited about the possibility of the private sector taking over some of the city's landscaping duties. He says there is talk of forming citizen advisory committees for the districts.

Assemi anticipates "substantially" higher costs for future landscape maintenance, but he figures residents won't mind paying because of "pride of ownership."

Residents will expect results for paying more money, says Michael Prandini, president/CEO of the Building Industry Association of the San Joaquin Valley. He says Fresno should consider asking residents to tax themselves to fund maintenance of large parks such as Roeding and Woodward as well as median islands.

The City Council already tried once to raise more money for, among other things, landscape maintenance. In June 2001, the council increased monthly residential community sanitation fees \$1 per household, to \$7.24.

The council rescinded the increase about a month later under pressure from the San Joaquin Valley Taxpayers Association, which noted in a letter that, under Proposition 218, the increase may first need voter approval.

Prop. 218 is a constitutional amendment requiring voter approval before cities can assess or raise most property-related taxes and fees.

In an effort to keep the public better informed, Duncan says he will ask the City Council to begin announcing once a year the size of the annual tax adjustment made in the facilities district's tracts.

Public Works officials currently make the adjustment. City officials say state law permits city staff members to make the decision without council approval.

Kirn says the formula for such adjustments is based on the Consumer Price Index. The federal government's Consumer Price Index, also known as the cost-of-living index, measures the price changes of typical consumer goods.

The city's formula, Kirn says, is the CPI plus 2 percentage points.

Duncan and Council Member Tom Boyajian say they have no problem with staff members making the adjustment without council input.

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Dennis Hunt, who pays for landscape maintenance in his northeast Fresno neighborhood, shows a parking strip with plants that are barely surviving. Landscaping "becomes an eyesore before it gets taken care of," says Hunt, who lives in one of more than 200 city tracts taxed for landscape maintenance work.

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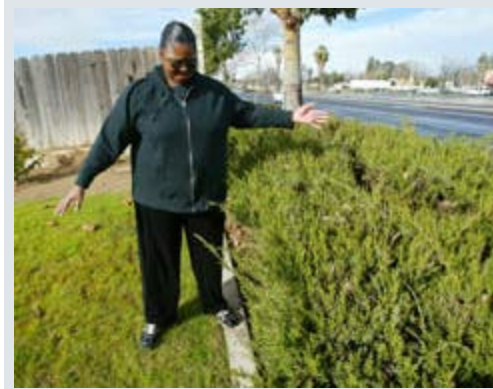
Phillip Roberts, left, and James Cammon of the Fresno Local Conservation Corps clean up the buffer Wednesday along Maple Avenue just south of Nees Avenue in Fresno. The city contracts with the corps to supplement its work on landscape maintenance.

[Eric Paul Zamora / The Fresno Bee](#)



Ruben Moreno, who lives in a southeast Fresno maintenance district tract, complained six months ago about landscaping on Willow Avenue because "it was ugly," he says.

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Wilhelmenia Jones compares the front yard of her Geneva Avenue home in southwest Fresno, left, to the city-maintained strip, right, which she says collects trash.

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## Landscaping Report Findings

*(Updated Sunday, January 9, 2005, 7:29 AM)*

Highlights from the Sept. 21 report by Fresno officials on the city's landscape maintenance program:

There has been a significant growth in the number of landscaped median islands, community trails, bike paths and greenbelts over the past three to five years.

About 47 acres of formerly unlandscaped or new median islands have been added, but no money has been added to pay for their maintenance.

This growth has caused "historical maintenance problems and resource challenges." Problems include "significant amounts" of deferred maintenance.

The city aimed for a 90-day maintenance cycle for median islands and setbacks; such a cycle still resulted in "noticeable weed growth." "Additional resources" are needed to provide a 90-day maintenance cycle, "let alone one which would be more acceptable to the public, and in accordance with best management practices (every 4-6 weeks)."

The city aims for a 30-day maintenance cycle for most landscape buffers in Lighting and Landscape Maintenance District 1 and Community Facilities District 2.

The amount of money for contract maintenance services was reduced \$57,600 in the 2003 fiscal year; \$208,800 in the 2004 fiscal year; and \$10,000 in the current fiscal year.

There are approximately 7,000 parcels in Community Facilities District 2. Maintenance in some neighborhoods was "overlooked" while the city addressed the deferred maintenance on median islands and setback areas. The result: "Several complaints that are being dealt with on an as needed basis."

There are approximately 14,900 parcels in Lighting and Landscape Maintenance District 1. Annual revenues are "approximately \$100,000 less than the cost of providing services on a 30-day cycle."

Property owners in Lighting and Landscape Maintenance District 1 would have to vote on any proposed fee increase to make up the deficit. Approval requires a two-thirds majority. Estimated cost of an election: \$60,000.