

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** The Honorable City Council

**FROM:** Yugal K. Lall, City Engineer/Public Works Director 

**PREPARED BY:** Ken Gilbert, Public Works Consultant

**DATE:** June 14, 2006 (Council Meeting 06-21-06)

**SUBJECT:** Consider Final Review and Changes to the Engineer's Report for Assessment District 06-01 (Shea Homes – Tract 5133) and the Adoption of a Resolution Confirming the Assessment Amounts for Fiscal Year 2006/07

**DISCUSSION****A. Background**

On September 7, 2005, the City Council considered a Petition / Waiver from the owner(s) of the property within Tentative Tract 5133, requesting formation of the subject assessment district. On that date the City Council approved and accepted that Petition/Waiver and adopted Resolution No. 2005-2377, initiating the process required for the formation of the subject Assessment District.

On May 17, 2006, the City Council adopted Resolution No. 2006-2464, approving the Engineer's Report for AD06-01 for FY 2006/07 and setting June 7, 2006, as the date of a public hearing to consider the levy of the assessments provided for in the Engineer's Report. On June 7, 2006, the City Council considered the final review and changes to the Assessment District and continued the hearing to June 21, 2006.

**B. Tract Map 5133**

The property subject to Tract Map 5133 (Exhibit 1), consisting of 77 residential units plus common areas, is located on the south of Los Angeles Avenue at Millard Street. The recently published Digital Flood Insurance Rate Map (DFIRM) has depicted a major portion of this development within the 100 year flood map. Taking this map

into consideration, the City would be issuing certificate of occupancy for only 26 of the 77 units. The remaining 51 units would not be built until resolution of the DFIRM.

As a protection from default, Shea Homes will enter into agreement with the City to deposit \$183,800 to cover the assessment for the 51 units for a period of 10 years.

C. Engineer's Report

The Engineer's Report for the formation of this new Assessment District has been distributed to the City Council and key staff members by separate memo. Copies of this report may be obtained from the City Clerk's Department. This report includes certain information required for the formation of a 1972 Act Lighting and Landscaping Assessment District, including the following:

- a Boundary Map for AD06-01;
- the reason for the assessment;
- the duration of the assessment;
- the method of assessment;
- the amount of the annual assessment; and
- a description of improvements to be maintained.

D. Description of Improvements to be Maintained

A description of the improvements to be maintained by the District is as follows:

1. **Landscaping:**

- a. parkways:
  - Los Angeles Avenue frontage;
  - Millard Street; and
  - West side of west perimeter road.

2. **Drainage:**

- a. filtration systems
- b. pad grass swales and drains
- c. storm drains:

Note: A more specific description of the improvements to be maintained is set forth in Exhibit 2.

E. Primary Assessment & Back-Up Assessment

1. **Primary Assessment:** The Primary Assessment to be levied by the District will fund City costs related to the maintenance of certain improvements to be initially assumed by the City, generally described as follows:

- a. Landscaping:
  - the Los Angeles Avenue parkway;

- the Millard Street parkway; and
  - the west perimeter road parkway.
- b. Drainage Improvements
- Sand Filtration Systems; and
  - certain specified storm drain pipes.

2. **Back-Up Assessment:** Certain other storm water quality facilities are to be owned and maintained by the Home Owners' Association (HOA) for Tract 5133. In the event it is ever determined by the City that the HOA's maintenance of those facilities is inadequate, the City may take over the maintenance of those facilities and levy an additional "back-up" assessment amount.

Note: A more specific description of the improvements subject to both the primary and the "back-up" assessments is set forth in Exhibit 2.

3. **Assessment vs. Levy:** The Engineer's Report for the District sets forth both 1) a total authorized assessment amount (equal to sum of the primary and back-up assessment) and 2) a proposed assessment levy amount for FY2006/07 (equal to the primary assessment amount).

F. Assessment Amount

The proposed assessment and levy amounts are summarized as follows:

Description	Primary Assessment (\$)	Back-up Assessment (\$)	Total (\$)
Total Annual Assessment	27,753	4,125	31,878
Number of Units	77	77	
Total Annual Per Unit Assessment	360.43	53.58	414.01

As discussed above, initially the City would only levy an amount equal to the Primary Assessment (as discussed above). The levy of the total assessment would only occur if and when the City assumed the maintenance of certain additional HOA maintained improvements identified in the Engineer's Report. Additionally, Shea Homes would enter into agreement to fund (deposit of \$10,000) 51 units for a period of up to 10 years pending the issuance of building permits for those units.

G. C.O.L.A. (Cost of Living Adjustment)

The Engineer's Report stipulates that, in future years, the assessment amounts may be adjusted, as necessary to accommodate any increases to the cost of maintenance, provided said assessment increases do not exceed the increase to the Consumer Price Index (CPI). The Engineer's report also states that any such increase which is deferred, may be added in a subsequent year.

H. Capital Improvement Reserve Fund

The Engineer's Report discusses and describes a Capital Improvement Reserve Fund which shall be established for this District. As stipulated in the Engineer's Report, when and if the Capital Improvement Reserve Fund exceeds three hundred percent (300%) of the estimated annual program costs, the actual amount of the assessment levied upon the affected properties shall be reduced.

I. Right-of-Way

1. **Primary Assessment.** All landscape and/or drainage improvements to be maintained by the City which are located outside of the street right-of-way, will be situated within an easement to be granted to and accepted by the City.
2. **Back-up Assessment.** Any drainage improvements to be maintained by the HOA but subject to the Back-up Assessment provisions of the District, will be within an easement irrevocably offered to the City but initially not accepted. Should it ever become necessary for the City to assume the maintenance of those facilities, the City will have to record a document accepting the irrevocable offer of dedication.

J. Recommended Levy Amount

The Engineer's Report sets forth the recommended levy amount for the District. The recommended levy amount is an amount equal to the full assessment required for the "Active District", as defined herein.

K. Public Hearing

The "Landscaping and Lighting Act of 1972" ["Act"] (Streets and Highways Code) requires that a public hearing be held prior to the formation of any new assessment district and the levy of the assessments provided for by that new assessment district. In signing and submitting the aforementioned Petition and Waiver, all affected property owners for this assessment voluntarily waived their rights to notice, balloting and providing other comment to the City, so no additional noticing is required.

L. Final Review and Revision

Consistent with the requirements of the Act, the City Council may make changes to the Engineer's Report, including the assessment amounts set forth therein, at any time prior to its action approving the levy of the assessments for the ensuing year.

**STAFF RECOMMENDATIONS (ROLL CALL VOTE)**

1. Continue to receive public testimony and close the public hearing.
2. Approve the Engineer's Report for AD06-01 for FY 2006/07, with no changes from the report approved by City Council Resolution No. 2006-2464.
3. Adopt Resolution No. 2006-\_\_\_ confirming the assessments for AD06-01 for FY 2006/07.

**Attachments:**

- Exhibit 1: Tract Map 5133
- Exhibit 2: Improvements to be Maintained
- Exhibit 3: Resolution Confirming Assessments

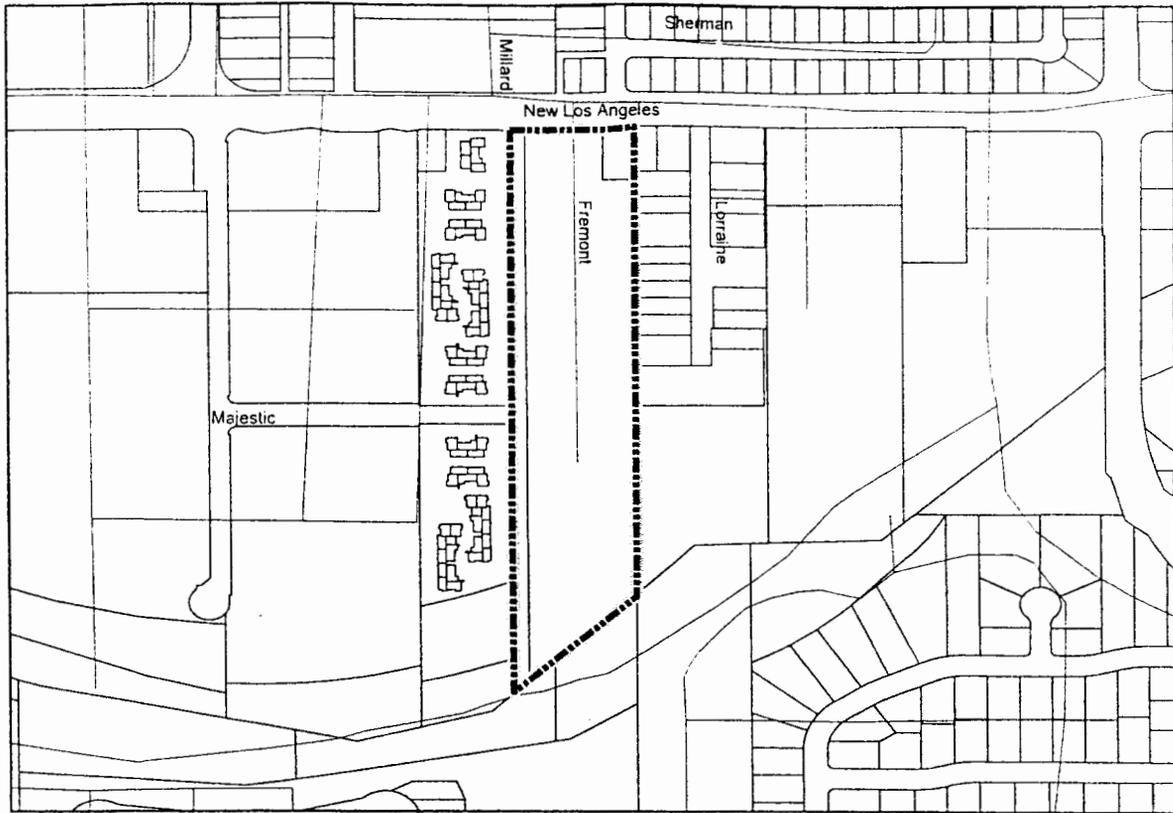


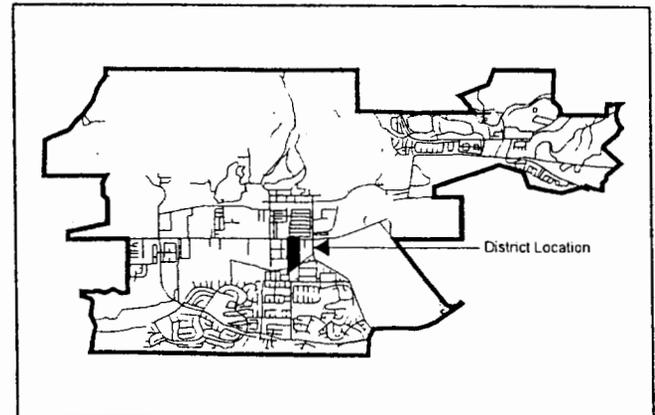
Exhibit I

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MOORPARK, COUNTY OF VENTURA, CALIFORNIA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.

\_\_\_\_\_  
CITY CLERK

RECORDED IN THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF MOORPARK, COUNTY OF VENTURA, CALIFORNIA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.

\_\_\_\_\_  
DIRECTOR OF PUBLIC WORKS



District Location

AN ASSESSMENT WAS CONFIRMED AND LEVIED BY THE CITY COUNCIL OF THE CITY OF MOORPARK ON THE LOTS, PIECES AND PARCELS OF LAND ON THIS ASSESSMENT DIAGRAM ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006 FOR FISCAL YEAR 2006-07 AND SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL FOR SAID FISCAL YEAR WERE FILED IN THE OFFICE OF THE COUNTY AUDITOR OF THE COUNTY OF VENTURA ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006. REFERENCE IS HEREBY MADE TO SAID RECORDED ASSESSMENT ROLL FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND.

\_\_\_\_\_  
CITY CLERK

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN THE OFFICE OF THE COUNTY AUDITOR OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AT THE REQUEST OF THE CITY OF MOORPARK CITY COUNCIL.

\_\_\_\_\_  
COUNTY AUDITOR, COUNTY OF VENTURA

Note:  
REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE COUNTY OF VENTURA FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY PARCELS SHOWN HEREIN. THOSE MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH PARCELS EACH PARCEL IS IDENTIFIED IN SAID MAPS BY ITS DISTINCTIVE ASSESSOR'S PARCEL NUMBER.

AD06-1 Boundary

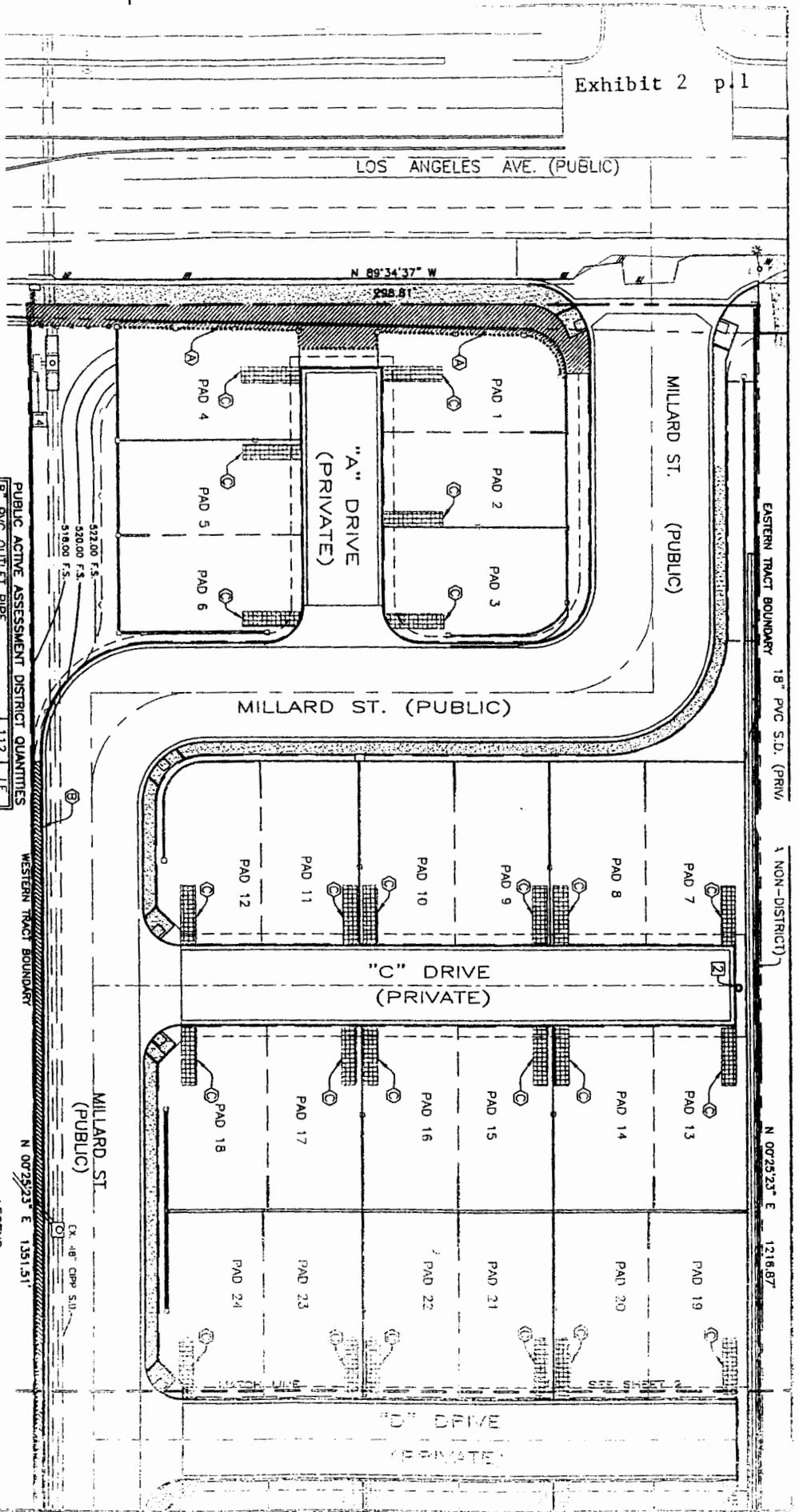
Streets

Parcels

SCI Consulting Group  
2300 Boynton Ave, Suite 201  
Fairfield, CA 94533

000133

CITY OF MOORPARK LANDSCAPING AND LIGHTING  
MAINTENANCE ASSESSMENT DISTRICT NO. AD06-1  
ASSESSMENT DIAGRAM



BACKUP ASSESSMENT DISTRICT QUANTITIES

1. 7" PAD CATCH BASIN	6	EA
2. PVC DRAIN PIPE	35	LF
3. CATCH BASIN	1	EA
FRONT YARD GRASS SWALE (77 LOTS)	2,310	SF

PUBLIC ACTIVE ASSESSMENT DISTRICT QUANTITIES

8. PVC OUTLET PIPE	112	LF
18. RCP PIPE	530	LF
24. RCP PIPE	620	LF
12. RCP PIPE	40	LF
12. RCP PIPE	40	LF
STORM GATE M.H.	2	EA
STORM DRAIN MANHOLE	2	EA
7. CATCH BASIN	6	EA
14. CATCH BASIN	2	EA
8. X16. FILTRATION SYSTEM	1	EA
6. X12. FILTRATION SYSTEM	1	EA
STORMGATE BYPASS UNIT	2	EA
UNDERGROUND DETENTION SYSTEM	1	EA
LOS ANGELES AVENUE FRONTAGE LANDSCAPE AREA	2,715	SF
MILLARD ST. WESTERN PERIMETER LANDSCAPE AREA	1,850	SF

**RJR ENGINEERING GROUP**  
 Planning, Civil Engineering, Storm Control/Drainage  
 (Incorporated Engineering, Geology, Water Resources, Environmental)  
 1955 Polina Drive, Suite 2, Ventura, CA 93003  
 (805) 650-5123 (805) 650-5123 FAX  
 E-mail: rjen@earthlink.net

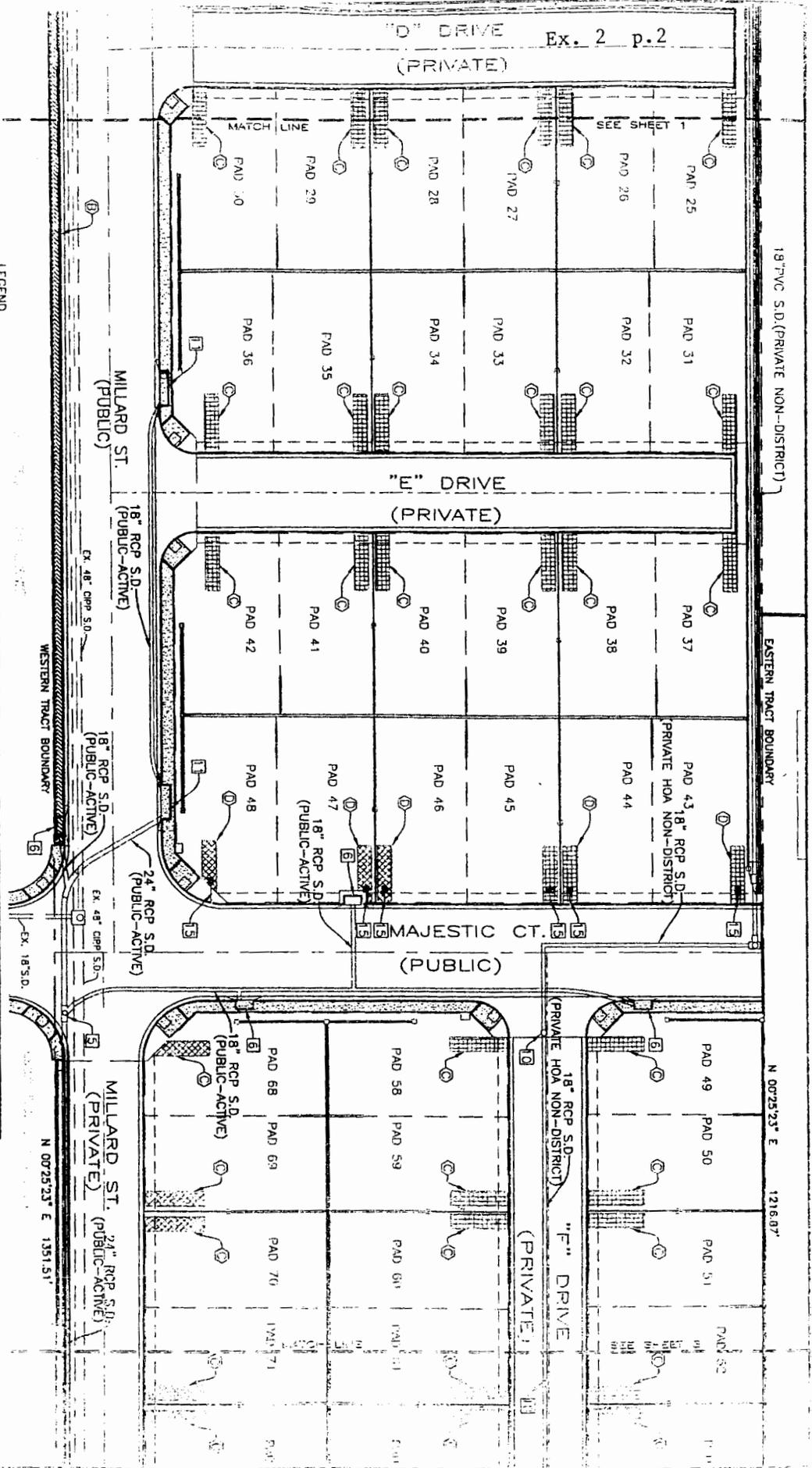


- LEGEND
- Ⓐ - LOS ANGELES AVENUE FRONTAGE LANDSCAPE AREA (ACTIVE ASSESSMENT DISTRICT)
  - Ⓑ - MILLARD ST. / WESTERN PERIMETER LANDSCAPE AREA (ACTIVE ASSESSMENT DISTRICT)
  - Ⓒ - GRASS SWALE WITHOUT PAD CATCH BASIN-PRIVATE (BACK-UP DISTRICT)
  - Ⓓ - CATCH BASIN-PRIVATE (BACK-UP DISTRICT)

ASSESSMENT DISTRICT  
 IN TRACT IMPROVEMENTS  
 IN PETTITON / WAIVER  
 TENTATIVE TRACT NO. 5133

DATE: 07-05-05  
 DRAWN BY: JVF

Project No. 1317240



- LEGEND**
- ① - MILLARD ST. / WESTERN PERIMETER LANDSCAPE AREA (ACTIVE ASSESSMENT DISTRICT)
  - ② - GRASS SWALE WITHOUT PAD CATCH BASIN - PRIVATE (BACK-UP DISTRICT)
  - ③ - GRASS SWALE WITH 12" PAD CATCH BASIN - PRIVATE (BACK-UP DISTRICT)
  - ④ - 7' CATCH BASIN (PUBLIC - ACTIVE)
  - ⑤ - STORM DRAIN CLEAN OUT (PRIVATE HOA NON-DISTRICT)
  - ⑥ - 14' CATCH BASIN (PUBLIC - ACTIVE)

- ⑦ - 3" PVC DRAIN FROM 12" GRATE TO CURB FACE - PRIVATE (BACK-UP DISTRICT)

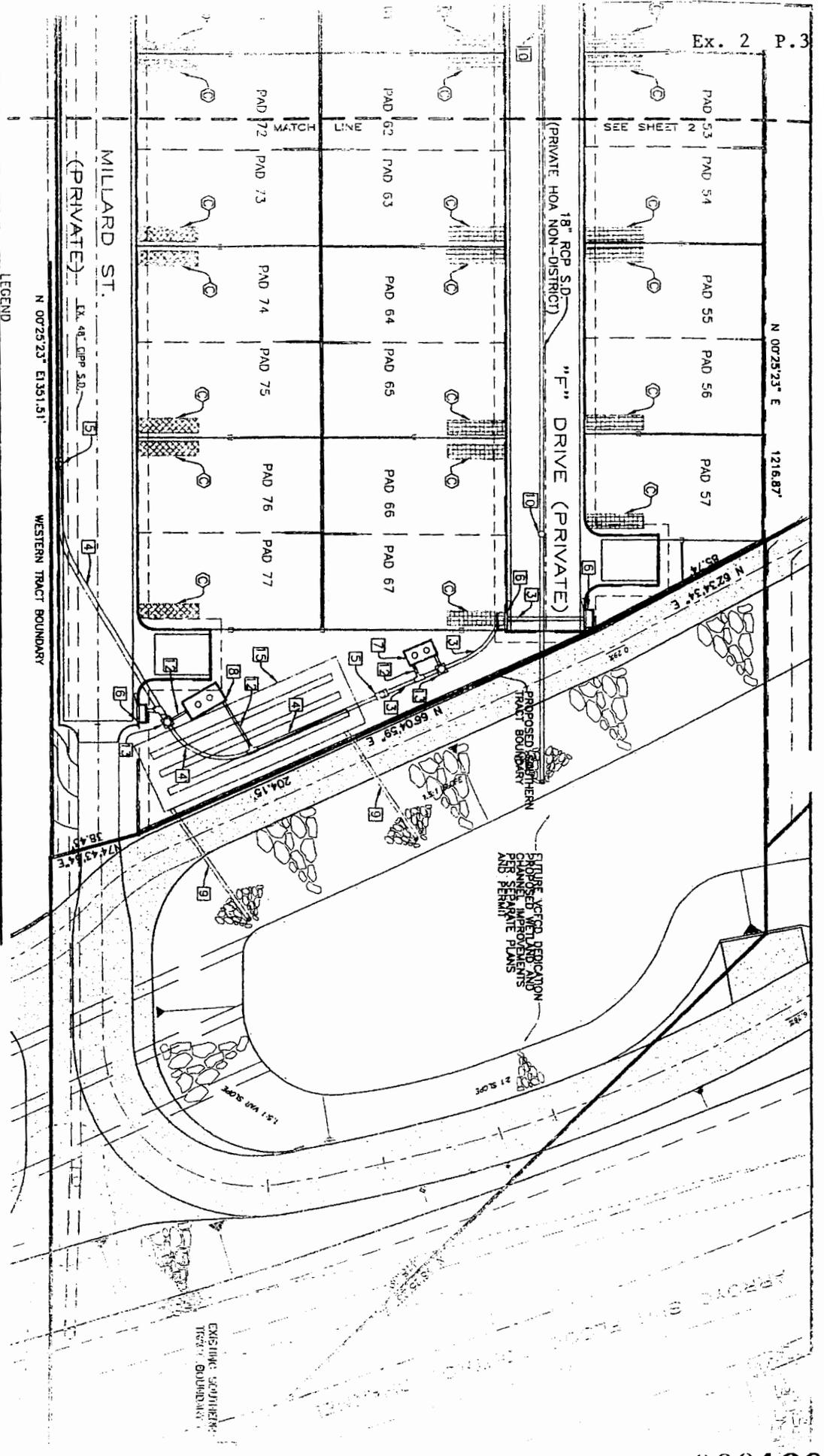
**RJR ENGINEERING GROUP**  
 Planning, Civil Engineering, Flood Control/Hydrology,  
 Mechanical Engineering, Geology, Water Resources, Environmental  
 1956 Palma Drive, Suite J, Ventura, CA 93003  
 (805) 850-5125 (805) 850-5123 FAX  
 E-mail: rjeng@earthlink.net



ASSESSMENT DISTRICT  
 IN TRACT IMPROVEMENTS  
 PETITION / WAIVER  
 TENTATIVE TRACT NO. 5135

DATE: 05-05-05  
 DRAWN BY: JVF

Project No. 131280



- LEGEND**
- - GRASS SWALE WITHOUT PAD CATCH BASIN-PRIVATE (BACK-UP DISTRICT)
  - - 18" STORM DRAIN (PUBLIC-ACTIVE)
  - - 24" STORM DRAIN (PUBLIC-ACTIVE)
  - - STORM DRAIN M.H. (PUBLIC-ACTIVE)
  - - 7' CATCH BASIN (PUBLIC-ACTIVE)
  - - 6'X12' STORMWATER INC. FILTER (PUBLIC-ACTIVE)
  - - 8'X16' STORMWATER INC. FILTER (PUBLIC-ACTIVE)
  - - 8" PVC OUTLET PIPE (PUBLIC-ACTIVE)
  - - CLEANOUT (PRIVATE HOA NON-DISTRICT)
  - - 12" RCP SD (PUBLIC ACTIVE)
  - - STORM GATE M.H. (PUBLIC-ACTIVE)
  - - 30'X90' UNDERGROUND DETENTION SYSTEM (PUBLIC-ACTIVE)

GRAPHIC SCALE



ASSESSMENT DISTRICT  
IN TRACT IMPROVEMENTS  
PETITION / WAIVER

TENTATIVE TRACT NO. 5133

DATE: 05-05-05

DRAWN BY: JVF

Project No. 131281

**RJR ENGINEERING GROUP**

Attn: Civil Engineering Flood Control/Drainage  
Graduate Civil Engineer License # 44549, Prior Resources Environmental  
1955 Palms Drive, Suite J, Van Nuys, CA 91403  
(805) 850-5123 (805) 850-5123 FAX  
E-mail: rjeng@earthlink.net



RESOLUTION NO. 2006- \_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT AND ORDERING LEVY OF ASSESSMENT FOR FISCAL YEAR 06/07 FOR THE CITY OF MOORPARK LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT AD06-01

WHEREAS, this Council designated SCI Consulting Group, formerly know as Shilts Consultants, Inc., as Engineer of Work and ordered said Engineer to make and file an Engineer's Report for a proposed Landscaping and Lighting Maintenance Assessment District; and

WHEREAS, the report was duly made and filed with the Council and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings; and

WHEREAS, in order to expedite the proceedings, the property owner has submitted a Petition and Waiver, wherein the property owner (1) has requested that the new assessment district be formed; and (2) has waived all rights conferred by Proposition 218 with respect to the approval of the new assessment by mailed ballot/notice and the 45-day time period for balloting; and

WHEREAS, on June 21, 2006, at the hour of 7:00 PM at the City of Moorpark City Council Chambers, 799 Moorpark Avenue, Moorpark, California 93021, the public hearing was duly and regularly held, and all persons interested and desiring to be heard were given an opportunity to speak and be heard, and all matters and things pertaining to the levy were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly considered; and

WHEREAS, at the public hearing the Council thereby acquired jurisdiction to order the levy and the confirmation of the diagram and assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The public interest, convenience and necessity require that the levy be made.

SECTION 2. The City of Moorpark Landscaping and Lighting Maintenance Assessment District No. AD06-01 benefited by the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.

SECTION 3. The Engineer's Report as a whole and each part thereof, to wit:

- (a) the Engineer's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;
- (b) the diagram showing the assessment district, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the City of Moorpark Landscaping and Lighting Maintenance Assessment District No. AD06-01; and
- (c) the assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in the City of Moorpark Landscaping and Lighting Maintenance Assessment District No. AD06-01 in proportion to the estimated special benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto;

are finally approved and confirmed.

SECTION 4. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in the report as hereinabove determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.

SECTION 5. The assessment to pay the costs and expenses of the maintenance of the improvements for fiscal year 2006/07 is hereby levied.

SECTION 6. Based on the oral and documentary evidence, including the

Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

SECTION 7. Immediately upon the adoption of this resolution, but in no event later than the second Monday in August following such adoption, the Council shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Ventura. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the City of Moorpark Landscaping and Lighting Maintenance Assessment District No. AD06-01.

SECTION 8. The moneys representing assessments collected by the County, shall be deposited in the City Treasury to the credit of the improvement fund previously established under the distinctive designation of the City of Moorpark Landscaping and Lighting Maintenance Assessment District No. AD06-01. Moneys in the improvement fund shall be expended only for the maintenance, servicing, construction or installation of the improvements.

SECTION 9. The assessments levied are in conformance with Proposition 218.

SECTION 10. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 21<sup>st</sup> day of June, 2006.

\_\_\_\_\_  
Patrick Hunter, Mayor

ATTEST:

\_\_\_\_\_  
Deborah S. Traffenstedt, City Clerk