

MOORPARK CITY COUNCIL AGENDA REPORT

TO: The Honorable City Council

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

BY: Ken Gilbert, Public Works Consultant

DATE: June 8, 2006 (CC Meeting 6-21-06)

SUBJECT: Consider Request for the Formation of Assessment District AD07-01 [Pardee Homes – Tentative Tract Map No. 5045] and Adoption of a Resolution Initiating the Proceedings for Same

OVERVIEW

This presents documents related to the formation of an Assessment District [herein "District"] to fund City costs related to the maintenance of certain parkway landscape and drainage improvements within and adjacent to the Tentative Tract 5045 (Pardee Homes) [herein "Tract"] generally located northeast of the intersection of Spring Road and Charles Street (see Exhibit 1).

DISCUSSION

A. Landscape / Drainage Improvements

The developer of the Tract is required to construct certain landscaping, trail and storm water quality facilities within and/or adjacent to the Tract.

B. Assessment District Formation

It has been determined by the City and the developer that it is necessary to establish an assessment district to fund certain City maintenance costs for these improvements, as defined herein.

C. Proposition 218

The provisions of Proposition 218 require that any new assessment, or any increase to an existing assessment, must first be approved by a Mail Ballot provided to the owner(s) of the affected properties. An alternative procedure for forming assessment districts for new developments, is to have the developer(s) / property owner(s) sign a Petition and Waiver 1) requesting the formation of the assessment district, and 2) waiving all rights conferred by Proposition 218 with regard to Mail Ballots.

D. Petition and Waiver

Attached as Exhibit 1, is a Petition and Waiver, signed by the property owner, requesting formation of the District. [Note: The entire Petition/Waiver (Exhibit 1) was distributed by separate Memo. Only portion of the Petition/Waiver attached hereto is the diagram (Ex. 'A') of the District.]

Attached as Exhibit 'A' to the Petition/Waiver, is a District Boundary Map. The boundary of the proposed District is the boundary of Tentative Tract Map No. 5045, Pardee Homes. Attached as Exhibit 'B', is a Summary Description of the proposed District. Exhibit 'C' of the Petition/Waiver defines the Improvements to be maintained by the District. It should be noted that the Developer has paid a fee to cover City costs related to this District formation.

E. Resolution Initiating Proceedings

Attached as Exhibit 2 to this report is a Resolution initiating the proceedings for the formation of the District. Should the City Council approve and accept the Petition/Waiver and adopt the attached Resolution, it would be the intent of staff to have the City's Assessment Engineer proceed with the preparation of the Engineer's Report.

F. Primary Assessment & Back-Up Assessment

As described and defined in Exhibit 'B' of the Petition/Waiver, the District will have a primary and back-up assessment, generally described as follows:

1. **Primary Assessment:** The proposed 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:**
 - Slopes:
 - 1) Spring Road

- 2) "B" Street
 - 3) "C" Street
- Parkways:
- 1) Spring Road
 - 2) "A" Street

- Medians:
- 1) Spring Road
 - 2) "B" Street

Fuel Modification Areas:

b. **Trails:** All Trails

c. **Drainage Improvements:**

Detention Basins [Three Each]:

Debris Basins [Four Each]:

All access roads:

d. **Storm Drains:** designated storm drains and catch basins

2. **Back-Up Assessment:** The District will also be structured to allow the City to recover costs for City maintenance of other designated landscape improvements, should it ever become necessary for the City to assume the maintenance of those improvements. Initially those designated landscape improvements will be owned and maintained by the Home Owner's Association for the Tract. However, should it ever be determined by the City that the maintenance provided by the HOA is inadequate, the City could take over the maintenance of those facilities and use the District to fund those additional City costs.

3. **Assessment vs. Levy:** The Engineer's Report for the District will state that the total assessment amount will be an amount sufficient to fund the cost of maintaining all of the improvements identified in the report. However, the Engineer's Report will also state that the City would only levy that portion of the total assessment related to the cost of maintaining the improvements actually maintained by the City.

G. Assessment Amount

The proposed assessment and levy amounts are discussed and defined in detail in Exhibit 'B' of the Petition/Waiver. That analysis is summarized as follows:

Description	Primary Assessment (\$)	Back-up Assessment (\$)	Total (\$)
Total Annual Assessment	1,615,145	155,513	1,770,658
Number of EDUs **	585.5	585.5	
Total Annual Assessment Per EDU	2,758.57	265.61	3,024.18

** Equivalent Dwelling Units

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 those HOA maintained improvements identified in the Engineer's Report.

H. Equivalent Dwelling Units (EDUs)

The total number of EDUs for all of the assessable lots within the District is calculated as follows:

Land Use	Rate	Number	Units	Total Number of EDUs
Single Family Residential	1	451	Lots	451
Multi-Family Residential	0.75	102	Res. Units	76.5
City Park	2	7	Acres	14
School	2	22	Acres	44
Habitat Area	0	57.5	Acres	0
Open Space	0	108	Acres	0
Total				585.5

I. C.O.L.A.

As set forth in the Summary Description for the proposed District (Exhibit B of the attached Petition/Waiver) the District will include an annual Cost of Living Adjustment.

J. 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.

STAFF RECOMMENDATIONS

1. Accept and approve the Petition and Waiver from Pardee Homes (Exhibit 1) requesting the formation of Assessment District AD07-01.
2. Adopt Resolution No. 2006-___ initiating the proceedings required for the formation of said District.

Attachments:

- Ex. 1: The Petition and Waiver was distributed by separate memo.
- Ex. 2: Resolution Initiating District formation proceedings

Exhibit 1: Petition Waiver

The Petition / Waiver was distributed under separate cover.

RESOLUTION NO. 2006 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, INITIATING PROCEEDINGS FOR THE FORMATION OF THE CITY OF MOORPARK LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. AD-07-01 [PARDEE HOMES: T-5045] AND DIRECTING PREPARATION OF ANNUAL REPORT

WHEREAS, the City of Moorpark provides for the maintenance and improvement of parks, setback landscaping, drainage systems and street lighting services through the City's Landscape and Lighting Assessment Districts.

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

SECTION 1. The Council hereby proposes the formation of a landscaping and lighting district pursuant to Article XIID of the California Constitution, and the Landscaping and Lighting Act of 1972 (the "Act"), Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500 thereof).

SECTION 2. The location and boundaries of the proposed landscaping and lighting district are coincidental with the boundaries of Tentative Tract 5045 [Pardee Homes].

SECTION 3. The purpose of the landscaping and lighting district shall be for the installation, maintenance and servicing of improvements to the City of Moorpark described in Section 4 below.

SECTION 4. Within the landscaping and lighting district, the existing and proposed improvements are generally described as the installation, maintenance and servicing of turf, ground cover, shrubs and trees, irrigation systems, drainage systems, lighting, fencing, and all necessary appurtenances, and labor, materials, supplies, utilities and equipment, as applicable, for property owned or maintained by the City of Moorpark. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of said improvements, including repair, removal, or replacement of all or part of any improvement; providing for the life, growth, health and beauty of landscaping; and cleaning, sandblasting and painting of walls and other improvements to remove or cover graffiti. Servicing means the furnishing of electric current or energy, or other illuminating agent, for the operation or lighting of any improvements, maintaining, operating and servicing street and traffic safety lighting, and water for irrigation of any landscaping or the maintenance of any other improvements.

SECTION 5. The landscaping and lighting district proposed in this Resolution is hereby given the distinctive designation of the "City of Moorpark Landscaping and Lighting Maintenance Assessment District Number AD-07-01."

SECTION 6. SCI Consulting Group (formerly Shilts Consultants, Inc.) is hereby designated as Engineer of Work for purposes of these proceedings and is hereby ordered to prepare an Engineer's Report in accordance with Article 4 of Chapter 1 of the Act and Article XIID of the California Constitution. Upon completion, the Engineer shall file the Engineer's Report with the Clerk of the City Council for submission to the Council.

SECTION 7. 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 21st day of June, 2006.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk