

**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 *Y. Lall*

DATE: November 21, 2006 (CC Meeting 12-6-06)

SUBJECT: Consider Resolution Approving the Engineer's Report for Assessment District AD07-01 [Pardee Homes – Tract 5045] for Fiscal Year 2007/08 and Providing Notice of Public Hearing on January 17, 2007

DISCUSSION**A. Background**

On March 15, 2006, the City Council considered a Petition / Waiver from the owner(s) of the property within Tentative Tract 5045, requesting formation of the subject assessment district. On that date the City Council approved and accepted that Petition/Waiver and adopted Resolution No. 2006-2448, initiating the process required for the formation of the subject Assessment District.

B. Tract Map 5045

The property subject to Tract Map 5045, generally described by the maps attached as Attachment 1, is located northeast of the intersection of Spring Road and Charles Street.

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 Division. 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 AD07-01;
- 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. Slopes:
 - Spring Road;
 - Ridgecrest Avenue; and
 - High Top Street.
- b. Parkways:
 - Spring Road; and
 - Ridgecrest Avenue.
- c. Medians:
 - Spring Road;
 - Ridgecrest Avenue; and
 - Elk Run Way.

2. **Trails:** All

3. **Drainage:**

- a. Detention basins: three
- b. Debris basins: four
- c. Basin access roads: all
- d. Storm drains and catch basins.

Note: A more specific description of the improvements to be maintained is set forth in the Engineer's Report.

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:
 - Slopes: Spring Road and Ridgecrest Avenue;
 - Parkways: Spring Road and Ridgecrest Avenue; and
 - Medians: Spring Road and Elk Run Way.
- b. Trails: all
- c. Drainage Improvements: all drainage facilities noted above.

2. **Back-Up Assessment:** There are also landscape improvements to be maintained by the Home Owners' Association (HOA) for Tract 5045. Certain of those improvements are highly visible to the general public. 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. A summary of the landscape improvements subject to the "back-up assessment", is as follows:

- Parkways: Elk Run Way.

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 FY2007/08 (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	1,615,145	155,513	1,770,658
Number of EDUs **	585.5	585.5	
Total Annual Per Lot Assessment	2,758.57	265.61	3,024.18

** EDU = Equivalent Dwelling Unit

As discussed above, initially the City would only levy an amount equal to the Primary Assessment. 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.

G. Equivalent Dwelling Unit

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

H. C.O.L.A.

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.

I. Right-of-Way

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. This includes the HOA improvements subject to the "back-up" assessment.

J. Public Hearing

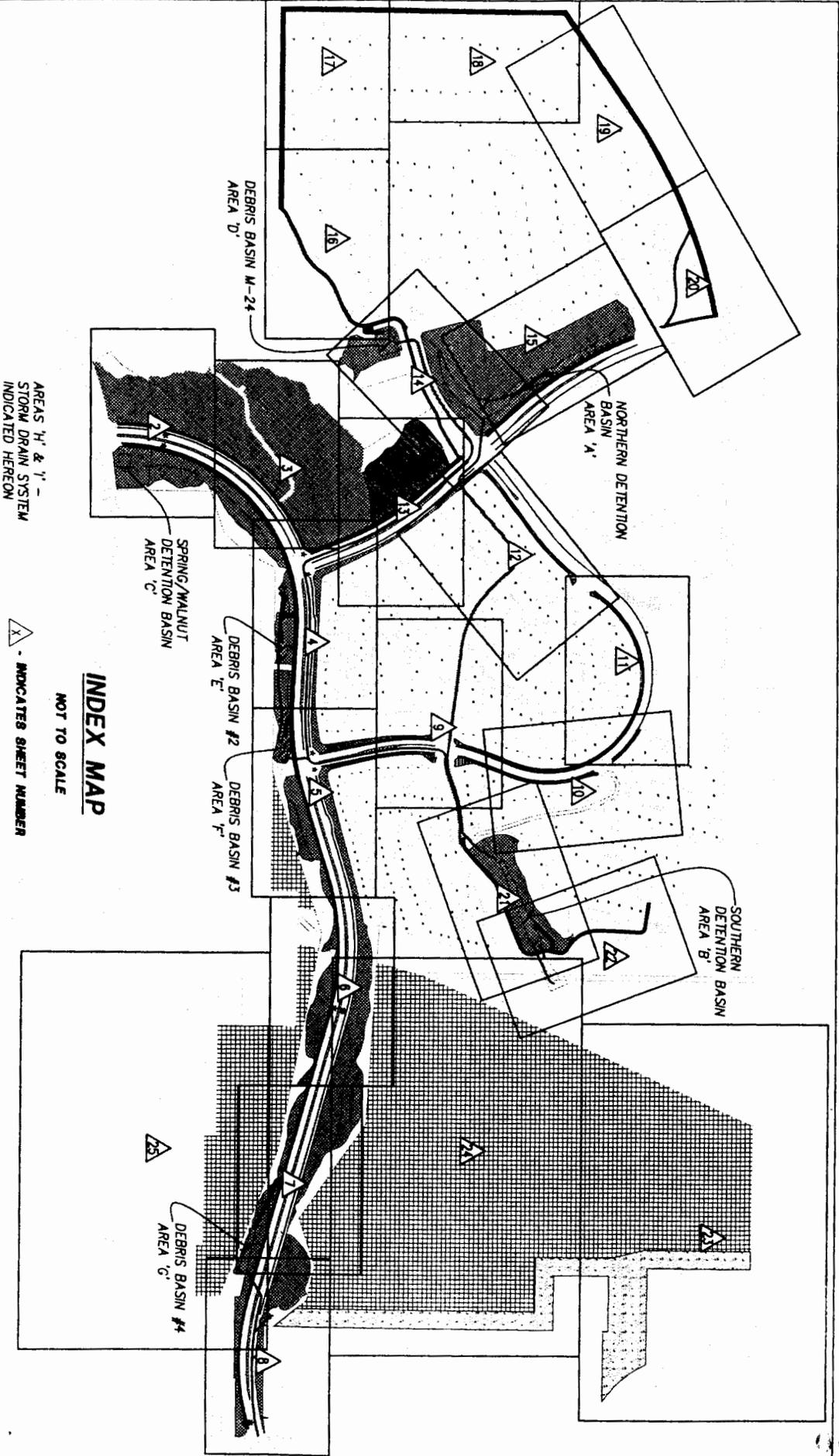
Adoption of the attached Resolution (Exhibit 2) will approve the Engineer's Report and set January 17, 2007, as the date of a public hearing to consider approval of the levy of the assessments set forth in the Engineer's Report.

STAFF RECOMMENDATION

Adopt Resolution No. 2006-____.

Attachments:

- 1: District Location Map and Boundary Map
- 2: Resolution



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14725 ALTON PARKWAY
IRVINE, CALIFORNIA 92618-2027
949.472.3595 • FAX 949.472.8222 • WWW.RBF.COM

LANDSCAPE MAINTENANCE EXHIBIT
MOORPARK HIGHLANDS
TR. 5045

5/17/06
SHEET 1
OF 25 SHEETS

000229

RESOLUTION NO. 2006 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, OF INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2007-08, PRELIMINARILY APPROVING ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING FOR THE CITY OF MOORPARK LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT AD07-01

THE CITY COUNCIL OF THE CITY OF MOORPARK (the "City") DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. On March 15, 2006, the Moorpark City Council adopted Resolution No. 2006-2448, a Resolution initiating proceedings for the formation of the City of Moorpark Landscaping and Lighting Maintenance Assessment District No. AD07-01 pertaining to the properties within Tract 5045 [Pardee Homes] and directing preparation of an Annual Report. Pursuant to this resolution, SCI Consulting Group (formerly known as Shilts Consultants, Inc.), the Engineer of Work, prepared an Engineer's Report in accordance with Section 22565, et. seq., of the Streets and Highway Code (the "Report") and Article XIID of the California Constitution. The Report has been made, filed with the City Clerk and duly considered by the City Council and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

SECTION 2. It is the intention of the City Council to levy and collect assessments within the District for fiscal year 2007-08. 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 located in or adjacent to the properties contained within Tract 5045. 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 3. The District consists of all of the lots and parcels within the boundary map of the District to be placed on file with the City Clerk, and reference is hereby made to such map for further particulars.

SECTION 4. Reference is hereby made to the Report for a full and detailed description of the Improvements, the boundaries of the District and the proposed assessments upon assessable lots and parcels of land within the District. The assessment is subject to an annual adjustment tied to the Consumer Price Index for the Los Angeles Area as of December of each succeeding year (the CPI). In the event that the actual assessment rate for any given year is not increased by an amount equal to the CPI change, any such deferred assessment increase may be added to the total amount assessed in any subsequent year. In such event, the maximum authorized assessment amount shall be equal to the base year assessment as adjusted by the increase to the CPI, plus any and all CPI adjustments deferred in any and all prior years. Including the authorized annual adjustment, the maximum fiscal year 2007-08 assessment rate per equivalent dwelling unit is \$3,024.18. The proposed fiscal year 2007-08 assessment rate per equivalent dwelling unit is \$2,758.57.

SECTION 5. The public hearing shall be held, before the City Council, in the City Council Chambers of the City of Moorpark, located at 799 Moorpark Avenue, Moorpark, California 93021 as follows: on January 17, 2007, at the hour of 7:00 p.m. for the purpose of determining whether the public interest, convenience and necessity require the improvements and the City Council's final action upon the Engineer's Report and the assessments therein.

SECTION 6. In order to expedite the proceedings, the property owners have submitted a Petition and Waiver. In submitting these documents to the City, the property owners (1) request that the new assessment district be formed; and (2) waive all rights conferred by Proposition 218 with respect to the approval of the new assessment by mailed ballot and the 45-day time period for balloting.

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 6th day of December 2006.

ATTEST:

Patrick Hunter, Mayor

Deborah S. Traffenstedt, City Clerk