

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Mary Lindley, Parks, Recreation, and Community Services Director 

DATE: December 8, 2005 (CC Meeting December 21, 2005)

SUBJECT: Initiate Proceedings Related to the Citywide Landscaping and Lighting Assessment District and the Parks and Recreation Maintenance Improvement District for Fiscal Year 2006/2007

EXECUTIVE SUMMARY

This presents the resolutions for initiating the proceedings necessary to consider extension of the Citywide Landscaping and Lighting Assessment Districts and the Parks and Recreation Maintenance Improvement District for Fiscal Year 2006/2007.

BACKGROUND**Landscaping and Lighting Assessment Districts:**

In 1984, a Landscaping and Lighting Maintenance Assessment District (AD 84-2), encompassing the entire City, was created to fund costs associated with street lighting and the maintenance of various landscaped areas in the City. This was a successor to the District enacted by the County of Ventura prior to the incorporation of the City. In subsequent years, Zones of Benefit were added to fund the maintenance of certain specific areas. Later, these Zones were changed to District 1 through District 12 (District 13 is now unassigned).

In 2001, the City Council formed three new assessment districts to fund the maintenance of certain landscape improvements in and adjacent to:

- Tract 5201, Wilshire Builders (AD01-1, District 14)
- Tract 4928, Toll Brothers (AD01-2, District 15)
- Tract 5166, Cabrillo (AD01-3, District 16)

In 2004, the City Council formed a new assessment district, AD04-1 (District 18) to fund the maintenance of certain landscape

improvements in and adjacent to Tract 5307 (Colmer Development), located at the corner of Los Angeles Avenue and Flory Avenue. Lastly, in 2005, the Council approved the formation of AD05-01 (District 19) for landscape improvement in and adjacent to PM 5264 (M&M Development). District 17 is currently unassigned.

Parks and Recreation Maintenance Improvement District

In July 1999, the City successfully established a Parks and Recreation Maintenance and Improvement District. The current Maintenance District is based on a "special" assessment. This means that the City assesses property owners for that portion of park and recreation maintenance and improvement activities that generate a "special" benefit. The City is responsible for funding activities that generate a "general" benefit.

The Park and Recreation Maintenance and Improvement District includes all existing 15 City parks. The amount of the assessment levied may be adjusted annually by a Cost of Living factor, not to exceed 3 percent.

DISCUSSION

As part of the annual budget process, the City Council considers whether or not to renew the subject Assessment Districts and levy amounts for the upcoming fiscal year. According to state law, before assessments may be levied, an Engineer's Report must be prepared for each assessment district setting forth the amount of the assessments and the basis for establishing said amount. Shilts Consultants, the City's Assessment Engineer, has been retained to perform the services required to generate those Engineer's Reports.

The preparation of an Engineer's Report does not obligate the City to approve the Engineer's Report nor to proceed with levy assessments. The purpose of the Engineer's Report is to merely develop the information necessary for the City Council to make those decisions. The report sets forth the items proposed to be funded by the districts and the methodology used to distribute maintenance and improvement costs to all of the properties within each district.

When completed, each Engineer's Report is submitted to the City Council for approval. Approval of an Engineer's Report by the City Council does not require the City to levy the assessments. Such approval merely allows the Engineer's Reports, and the assessments set forth therein, to be considered at subsequent public hearings.

In accordance with the requirements of applicable State law, the Resolutions attached as Exhibits 1 and 2 initiate the process required for the City Council to consider continuation of the subject Assessment Districts. Upon adoption of these Resolutions, the Assessment Engineer will prepare an Engineer's Report for the Citywide Lighting and Landscaping Assessment Districts and a separate Engineer's Report for the Parks and Recreation Maintenance Improvement District.

STAFF RECOMMENDATION

Adopt Resolution Nos. 2005- ____ and 2005- ____ (Exhibits 1 and 2).

Attachments:

- Exhibit 1: Draft Resolution re: Initiating Proceeding for the Citywide Landscaping and Lighting Assessment Districts
- Exhibit 2: Draft Resolution re: Initiating Proceedings for the Parks and Recreation Maintenance Improvement District

RESOLUTION NO. 2005 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, DIRECTING PREPARATION OF ANNUAL REPORT FOR FISCAL YEAR 2006-2007 FOR CITY OF MOORPARK, LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICTS

WHEREAS, the City of Moorpark provides for the maintenance and improvement of street lighting services through the City's Landscaping and Lighting Maintenance Assessment Districts; and

WHEREAS, the City Council of the City of Moorpark proposes to continue the specified districts for the fiscal year commencing July 1, 2006, and ending June 30, 2007.

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

SECTION 1. This Council ordered the formation of and levied the first assessments within the City of Moorpark Landscaping and Lighting Maintenance Assessment Districts No. AD84-2, AD01-1, AD01-2, AD01-3, AD04-1 and AD05-1 (the "Landscaping and Lighting Districts") pursuant to the provisions of the Landscaping and Lighting Act of 1972, commencing at Section 22500 of the California Streets and Highways Code (hereinafter "the Act").

SECTION 2. Sections 22620 et. seq., of the Act provide for the levy of annual assessments after formation of the Landscaping and Lighting Districts.

SECTION 3. Within the Landscaping and Lighting Districts, the existing and proposed improvements and any substantial changes proposed to be made to the existing improvements are generally described as follows:

Installation, maintenance and servicing of public facilities, including but not limited to one or more of street lights, public lighting facilities, landscaping, statuary, fountains, and other ornamental structures and facilities, entry monuments and all necessary appurtenances, debris basins, turf, ground cover, shrubs

and trees, irrigation systems, drainage systems, lighting, fencing and any facilities which are appurtenant to any of the aforementioned or which are necessary or convenient for the maintenance or servicing thereof, including irrigation, electric current and energy; and to provide incidental expenses in connection therewith. Services provided include all necessary service, operations and maintenance of the above mentioned improvements, as applicable, for any property owned or maintained by the City of Moorpark.

SECTION 4. 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 XIIIID of the California Constitution, for the Districts referred to in Section 1 of this Resolution. Upon completion, the Engineer shall file the Engineer's Report with the Clerk of the City Council for submission to the Council.

SECTION 5. 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 December, 2005.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

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RESOLUTION NO. 2005 - ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, DIRECTING PREPARATION OF THE ENGINEER'S REPORT FOR FISCAL YEAR 2006-2007 FOR THE PARKS AND RECREATION MAINTENANCE AND IMPROVEMENT DISTRICT OF THE CITY OF MOORPARK

WHEREAS, the City of Moorpark provides for the maintenance and improvement of parks and recreation facilities through the City's Parks and Recreation Maintenance and Improvement District; and

WHEREAS, the City Council of the City of Moorpark proposes to continue the specified district for the fiscal year commencing July 1, 2006, and ending June 30, 2007.

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

SECTION 1. On July 15, 1999, by its Resolution No. 99-1625, this Council ordered the formation of and levied the first assessment within the City of Moorpark Parks and Recreation Maintenance and Improvement District (the "Assessment District") pursuant to the provisions of Article XIIID 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 purpose of the Assessment District is for the installation, maintenance and servicing of improvements to the City of Moorpark, as described in Section 3 below.

SECTION 3. Within the Assessment District, the existing and proposed improvements to be undertaken by the Assessment District are generally described as the installation, maintenance and servicing of public facilities, including but not limited to, landscaping, sprinkler systems, park grounds, park facilities, landscape corridors, ground cover, shrubs and trees, street frontages, playground equipment and hardcourt areas, senior and community centers, drainage systems, lighting, fencing, entry monuments, basketball courts, tennis courts, running tracks, other recreational facilities, security guards, graffiti removal and repainting, and labor, materials, supplies,

utilities and equipment, as applicable, for property owned and maintained by the City of Moorpark. Installation means the construction of recreational improvements, including, but not limited to, land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks and drainage, lights, playground equipment, play courts, recreational facilities and public restrooms. 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 for the operation or lighting of any improvements, and water for irrigation of any landscaping or the maintenance of any other improvements.

SECTION 4. 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 XIIID of the California Constitution. Upon completion, the Engineer shall file the Engineer's Report with the Clerk of the Council for submission to the Council.

SECTION 5. 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 December, 2005.

Patrick Hunter, Mayor

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Deborah S. Traffenstedt, City Clerk