

**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: April 19, 2007 (CC Meeting of 05-02-07)

SUBJECT: Consider Resolution Approving the Engineer's Report for Assessment District AD07-03 (Nearon – CPD 2004-01) for Fiscal Year 2007/08 and Providing Notice of Public Hearing on June 6, 2007

DISCUSSION

A. Background

On April 18, 2007, the City Council considered a Petition/Waiver from the owner(s) of the property subject to CPD 2004-01, requesting formation of the subject assessment district. On that date the City Council approved and accepted that Petition/Waiver and adopted Resolution No. 2007-2580, initiating the process required for the formation of the subject Assessment District.

B. CPD 2004-01 / Improvements / Back-up District

The property subject to CPD 2004-01, generally described on the map attached as Attachment 1, is located at the southwest corner of the intersection of Los Angeles Avenue and Miller Parkway.

The developer of this property has constructed certain landscape and drainage improvements (herein "Improvements") within and adjacent to the property. The developer, and/or subsequent property managers, are responsible for maintaining the Improvements. The Conditions of Approval for CPD 2004-01 include provisions to allow the City to take over the responsibility for the maintenance of the Improvements, should the City determine that the Improvements are not being maintained properly.

The Conditions of Approval for CPD 2004-01 require formation of an assessment district to fund City costs associated with the possible future maintenance of the Improvements by the City, and to fund on-going assessment district administration costs.

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 AD07-03;
- 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. Improvements to be Maintained

The improvements to be maintained by the District (Improvements) are described in the Engineer's Report and generally depicted on Attachment 1.

E. Access and Right-of-Way

All of the Improvements (to be maintained) are located on-site or within Caltrans or City street right-of-way. A "Three-Way Agreement", between the developer, the City and Caltrans, has been executed to facilitate access to the Improvements within the Caltrans right-of-way. A Maintenance Easement will be granted to the City to allow for future City access to the on-site Improvements, should that become necessary.

F. Primary Assessment & Back-Up Assessment

1. **Primary Assessment:** The Primary Assessment is that amount deemed sufficient to fund annual assessment district administration costs. The amount of the Primary Assessment for FY 07/08, which is an amount equal to the estimated administrative costs for FY 07/08, is \$1,019.45. The Engineer's Report provides that each subsequent fiscal year the City will determine the amount of the Primary Assessment and that said amount shall be sufficient to cover actual past and estimated future administrative costs, even if said amount exceeds the amount determined for the initial fiscal year.

2. **Back-Up Assessment.** The Back-up Assessment is an amount equal to the estimated cost for the maintenance of the Improvements, plus a ten percent (10%) contingency. The amount of Back-up Assessment for FY 07/08 is \$44,855.91.

3. **Assessment vs. Levy.** Each fiscal year the Engineer's Report for the District will state that the total assessment amount will be an amount equal to the sum of the Primary Assessment and the Back-up Assessment. However, the Engineer's Report will also state that the amount to be levied upon the Property will be an amount equal to the Primary Assessment plus all or any portion of the Back-up Assessment required to maintain those Improvements maintained or to be maintained by the City.

G. Assessment Amount

The proposed assessments amounts discussed and defined in Engineer's Report are re-caped as follows:

Element	Total Estimated Annual Cost		
	Landscaping (\$)	Drainage (\$)	Total (\$)
Maintenance and Replacement Cost	31,447.03	9,331.07	40,778.10
Contingency (10%)	3,144.70	933.11	4,077.81
Administration	786.18	233.28	1,019.46
Total	35,377.91	10,497.46	45,875.37

Description	Total Assessment Amount		
	Primary Assessment	Back-up Assessment	Total Assessment
Total Assessment Amount	\$1,019.46	\$44,855.91	\$45,875.37
Total Number of acres	11.52	11.52	11.52
Total Assessment per Acre	\$88.49	\$3,893.74	\$3,982.24

H. FY 2007/08 Levy Amount

The Engineer's Report stipulates that the levy amount for FY 2007/08 shall be the amount identified as the "Primary Assessment" in the above chart.

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

The Engineer's Report provides for an annual C.O.L.A. adjustment to assessment and levy amounts.

J. Capital Improvement Reserve Fund

The Engineer's Report also includes provisions for the establishment of a Capital Improvement Reserve Fund. Said language states that 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 to an amount deemed sufficient to keep the amount of the Capital Improvement Fund at an amount below the three hundred percent (300%) ceiling.

K. Public Hearing

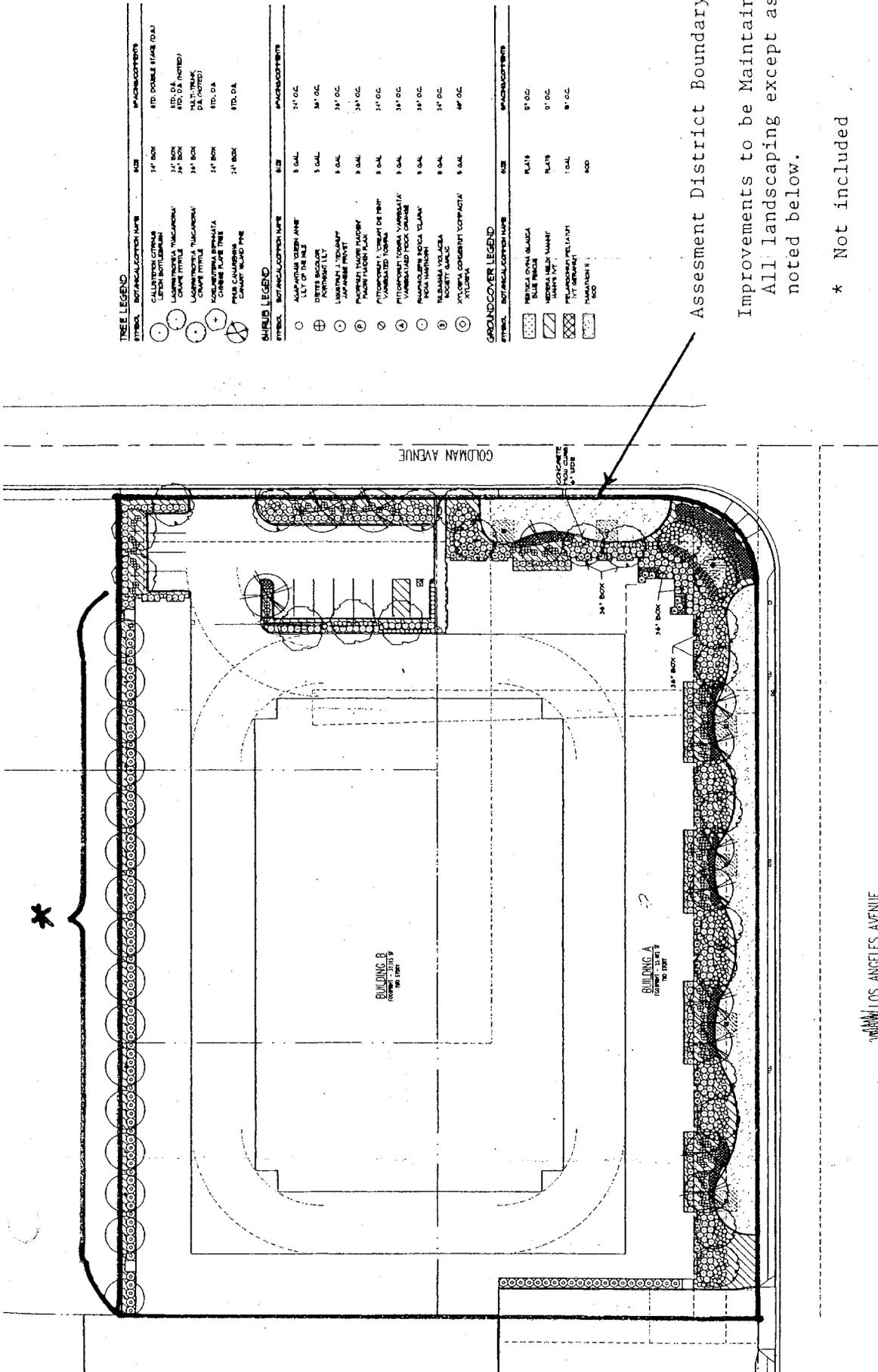
Adoption of the attached Resolution (Attachment 2) will approve the Engineer's Report and set June 6, 2007, as the date of a public hearing to consider approval of the levy of the assessments set forth in the Engineer's Report.

STAFF RECOMMENDATION

Adopt Resolution No. 2007-_____.

Attachments:

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



TREE LEGEND

SYMBOL	BOTANICAL COMMON NAME	SIZE	# PLANTINGS
(Symbol)	CLAYTONIA CRISP	14" BOX	810 DOUBLE STRIKE TOTAL
(Symbol)	LAGUNARIA TUCANONIA	14" BOX	810 D.A. (NOTED)
(Symbol)	LAGUNARIA TUCANONIA	14" BOX	810 D.A. (NOTED)
(Symbol)	LAGUNARIA TUCANONIA	14" BOX	810 D.A. (NOTED)
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(Symbol)	LAGUNARIA TUCANONIA	14" BOX	810 D.A. (NOTED)

SHRUB LEGEND

SYMBOL	BOTANICAL COMMON NAME	SIZE	# PLANTINGS
(Symbol)	LAGUNARIA TUCANONIA	14" BOX	810 D.A. (NOTED)
(Symbol)	LAGUNARIA TUCANONIA	14" BOX	810 D.A. (NOTED)
(Symbol)	LAGUNARIA TUCANONIA	14" BOX	810 D.A. (NOTED)
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(Symbol)	LAGUNARIA TUCANONIA	14" BOX	810 D.A. (NOTED)

GROUND COVER LEGEND

SYMBOL	BOTANICAL COMMON NAME	SIZE	# PLANTINGS
(Symbol)	LAGUNARIA TUCANONIA	14" BOX	810 D.A. (NOTED)
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Assesment District Boundary

Improvements to be Maintained:
All landscaping except as noted below.

* Not included



RESOLUTION NO. 2007 - _____

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 AD07-03

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

SECTION 1. On April 18, 2007, the Moorpark City Council adopted Resolution No. 2007-2580, a Resolution initiating proceedings for the formation of the City of Moorpark Landscaping and Lighting Maintenance Assessment District No. AD07-03 pertaining to the properties within CPD 2004-01 [Nearon] 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 CPD 2004-01. 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 \$3,982.24. The proposed fiscal year 2007-08 assessment rate per equivalent dwelling unit is \$88.49.

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 June 6, 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 2nd day of May 2007.

ATTEST:

Patrick Hunter, Mayor

Deborah S. Traffenstedt, City Clerk