

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Mary K. Lindley, Parks, Recreation & Community Services Director 

DATE: June 7, 2007 (Meeting June 20, 2007)

SUBJECT: Consider Final Review of the Assessment Engineer's Report for the Landscape and Lighting Maintenance Assessment Districts for Fiscal Year 2007/2008 and Resolution Confirming the Levy Amounts

EXECUTIVE SUMMARY

The City Council is being asked to open the public hearing on the continuation of the Landscape and Lighting Maintenance Assessment Districts for FY 2007/08, receive testimony, close the Public Hearing, approve the final Engineer's Report (Report), and adopt a resolution confirming the assessment levy.

DISCUSSION

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).

Since 1984, the City has formed additional assessment districts to fund the maintenance of certain landscape improvements in and adjacent to:

2001

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

2004

- Tract 5307, Colmer Development (AD04-01, District 18)

2005

- PM 5264, M&M Development (AD05-01, District 19)

2006

- Tract 5133, Shea Homes (AD06-01, District 21)

2007

- Tract 5045, Pardee Homes (AD07-01, District 22)*
- Tract 5187, Lyon Homes (AD07-02, District 20)*
(*In process)

As part of the annual budget process, the City Council considers whether or not to renew the subject Assessment Districts and levy assessments for the upcoming fiscal year. In preparation for that consideration, it is necessary to prepare an Engineer's Report setting forth certain relevant information pertaining to such an action. On February 7, 2007, the City Council adopted Resolution No. 2007-2562 directing the preparation of said Engineer's Report.

Engineer's Report

The FY 07/08 Engineer's Report for the subject Assessment District has been distributed to the City Council by separate memo. This report sets forth certain relevant information, including the following:

- a Boundary Map(s);
- the reason for the assessments;
- the duration of the assessments;
- the method of assessments;
- the amount of the annual assessments;
- information regarding cost of living adjustments;
- information pertaining to reductions to the amounts levied in order to keep assessment fund reserve balances within certain prescribed limits; and
- a description of improvements to be maintained.

Improvements to be Maintained

The improvements and maintenance funded by the Assessment Districts is generally described as follows:

- a. **Street Lighting:** Street lighting energy and maintenance costs (Citywide assessment).
- b. **Landscape Maintenance:** The maintenance of certain designated parkways and medians (Citywide assessment).
- c. **Sub-Districts:**
 - 1 Pecan Avenue [T-2851]
 - 2 Steeple Hill Area [T-2865] ***
 - 3 Buttercreek/Peppermill [T-3032]
 - 4 Williams Ranch Rd [T-3274]
 - 5 Pheasant Run Area [T-3019 & T-3525] ***
 - 6 Inglewood St. [T-3306]
 - 7 Moorpark Business Park (L. A. Ave & Gabbert)
 - 8 Home Acres Buffer
 - 9 Moorpark Industrial Park (Condor Drive)
 - 10 Mountain Meadows (PC-3) ***
 - 11 Alyssas Ct. [T-4174]
 - 12 Carlsberg Specific Plan Area
 - 13 Unassigned
 - 14 Wilshire Builders [T-5201] (AD01-1)
 - 15 Toll Brothers [T-4928] (AD01-2)
 - 16 Cabrillo [T-5161] (AD01-3) ***
 - 17 Unassigned
 - 18 Colmer [T-5307] (AD04-1) ***
 - 19 M&M [PM 5264]
 - 20 Lyon Homes [T-5187] (AD07-02)
 - 21 Shea Homes [T-5133] (AD06-01)
 - 22 Pardee Homes [T-5045] (AD06-01)

*** Includes Landscape and Drainage Maintenance

FY 2007/08 Assessment Amounts and Adjustment

The method used to establish the assessment amounts is set forth in the Engineer's Report. This method (benefit spread formula, etc.) is unchanged from prior years. The assessment amounts proposed for FY07/08 are set forth in Exhibit 1. Pursuant to language set forth in the formation documents for Districts 12, 14, 15, 16, 18, and 19 the annual assessments for these Districts may be increased annually to cover cost-of-living increases. The assessment amounts set forth in Exhibit 1 include these COLA Adjustments. Those adjusted assessment amounts are summarized as follows:

Zone/District	FY 06/07 Per Unit (Ac.) Assessment Amount	C.O.L.A. Adjustment Amount 3.701%	FY 07/08 Per Unit (Ac.) Assmnt. Amount	Total FY 07/08 Assessment
12 - Residential	\$468.86	\$17.35	\$486.19	\$260,597.84
12 - Commercial	\$169.73	\$6.28	\$176.01	\$12,945.56
12 - Institutional	\$1,528.27	\$56.56	\$1,584.77	\$6,085.52
				\$279,628.92
14	\$138.10	\$5.11	\$143.20	\$1,432.00
15	\$1,665.41	\$61.64	\$1,727.05	\$559,563.00
16	\$402.34	\$14.89	\$417.23	\$24,615.00
18	\$846.97	\$31.35	\$878.32	\$21,957.25
19	\$2,032.71	\$75.23	\$2,107.94	\$13,216.41
21			\$372.27	\$28,664.79

Improvement Reserve Ceiling

The Engineer's Report provides for a Capital Reserve Account for each District. Consistent with past City Council action, the Engineer's Report stipulates that Capital Reserve Account for any Zone/District should not exceed an amount equal to three (3) times the annual operating budget for that Zone/District. Should the projected Year-End Fund Balance for any Zone/District exceed that "ceiling", the amount of the assessment shall remain unchanged; but the amount of the assessment to be levied upon the affected properties shall be reduced to a lesser amount determined by the Assessment Engineer to be consistent with these guidelines.

Decreased Levy Amounts

Pursuant to the above policy, the amounts to be levied upon the parcels in certain Zones/Districts shall be less than the assessment amount set forth in Exhibit 1. A summary of those adjustments is as follows:

District	FY 07/08 Est. Ending Balance with FULL Assessment	Three Times Estimated Annual Expenses	Total Assessment Amount	Total Levy Amount	Remarks
1	\$28,826	\$23,547	\$9,702.00	\$6,112.00	63% of Assessment
10 Drains	\$34,083	\$15,285	\$7,252.00	\$725.00	10% of Assessment
15	\$2,190,869	\$340,485	\$559,563.00	\$111,913.00	20% of Assessment
16	\$53,568	\$24,600	\$16,017.00	\$8,008.00	50% of Assessment
16 Drains	\$36,107	\$15,000	\$8,598.00	\$860.00	10% of Assessment

Assessment Amounts Unchanged

The per lot (per acre) assessment amounts set forth in the Engineer's Report for Citywide Landscape and Lighting Zone/District, and Zone/Districts 1 through 11 are the same as those set last year. Any action to otherwise increase these assessments may not be taken without first seeking approval of such an increase via a mail ballot prepared and processed in accordance with the requirements of Proposition 218.

FY 06/07 Assessment Zone/District Deficits

It is anticipated that in FY 06/07, certain Zones/Districts will generate less in revenue than is needed to maintain improvements. This happens in Zones/Districts which do not include a cost of living adjustment, and therefore, as maintenance and utility costs increase, the City is not able to increase the levy amount. A summary of anticipated operating deficits is as follows:

Fund	FY 2006/07 Ending Balance
2300 Citywide	\$170,146
2305 – District 5	\$10,856
Total	\$181,002

These figures differ from the figures included in the City's FY 2007/08 Budget document . Each year, the City transfer funds from Gas Tax and the General Fund to cover the prior year's Assessment Zone/District deficits. These projected transfer are included in the budget document, but not in this Agenda Report.

FY 07/08 Assessment Zone/District Deficits

Similar to FY 06/07, in FY 07/08 certain Zones/Districts will generate less in revenue than is needed to maintain improvements. Again, this occurs in Zones/Districts which do not include a cost of living adjustment, and therefore, as maintenance and utility costs increase, the City is not able to increase the levy amount. A summary of those anticipated deficits is as follows:

Fund	FY 06/07 Ending Balance
2300 – Landscaping	(\$259,994)
2305 – District 5 (L/S only)	(\$17,882)
2307 – District 7	(\$4,093)
2308 – District 8	(\$17,790)
2309 – District 9	(\$690)
2310 – District 10 (L/S only)	(\$55,899)
Total	(356,348)

STAFF RECOMMENDATIONS (Roll Call Vote)

- 1) Open the Public Hearing, take public testimony, and close the Public Hearing.
- 2) Adopt Resolution No. 2007- ____ .

Attachments:

- Attachment A - Summary of Assessment Amounts
- Attachment B - Resolution

Attachment A:
 Summary of Assessment Amounts

Description	Total Assessment Amount (\$)	Per Lot Assessment			
		Landscape Maintenance		L/S & Drainage Maint.	
		Number	Amount (\$)	Number	Amount (\$)
Citywide					
Street Lighting	241,764.84		20.84		
Landscaping	177,214.74		17.24		
Sub-Total	418,979.58		38.08		
1. Tract 2851	6,112.26	75	81.50		
2. Tract 2865 Landscaping	66,848.04	574	116.46		
LS / Drainage	6,990.72			48	145.64
	73,838.76				
3. Tract 3032	3,079.30	265	11.62		
4. Tract 3274	6,382.92	129	49.48		
5. T 3019/3525 Landscaping	15,273.52	142	107.56		
LS / Drainage	8,566.50			75	114.22
	23,840.02				
6. Tract 3306	924.00	22	42.00		
7. NE L. A. Ave / Gabbert Rd	11,297.78	91.74 ac	123.15 ac		
8. Buffer: City	7,669.20	498	15.40		
Buffer: Home Acres	7,573.68	201	37.68		
9. Condor Drive	1,356.14	49.44 ac	27.43 ac		
10. PC-3: L/S - Comm. Prop.	7,216.06	11.23 ac	642.57 ac		
L/S - Residential	135,858.50	1,775	76.54		
LS / Drainage - Res.	51,927.78			669	77.62
	195,002.34				
11. Tract 4174	3,040.02	9	337.78		
12. Carlsberg - Residential	260,597.84	536	486.19		
Com. / Ind.	12,946.56	73.56 ac	176.00		
Institutional	6,085.52	3.84 ac	1,584.77		
	279,629.92				
13. Unassigned					
14. Tract 5201 (Wilshire)	1,432.00	10	143.20		
15. Tract 4928 (Toll): Res.	111,916.08	216	345.42		
16. T 5161	8,868.88	59	150.32		
17. Unassigned					
18. T 5307	21,957.25	25	878.29		
19. T 5264 (M&M)	13,216.41	6	2,107.88		
Backup			7,678.19		
21. T 5133 (Shea)	28,664.79	77	372.27		
Total	1,224,781.33				

RESOLUTION NO. 2007-_____

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 2007/08 FOR THE CITY OF MOORPARK LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICTS

WHEREAS, by Resolution No. 2007-2562, the City Council ordered the preparation of an Engineer's Report for the City's Landscaping and Lighting Maintenance Assessment Districts (the "Assessment Districts") for fiscal year 2007-08; and

WHEREAS, pursuant to said Resolution, the Engineer's Report ("Report") was prepared by SCI Consulting Group, formerly known as Shilts Consultants, Inc., Engineer of Work, in accordance with Section 22565, et. seq., of the Streets and Highways Code and Article XIID of the California Constitution; and

WHEREAS, by Resolution No. 2007-_____ the City Council preliminarily approved the Engineer's Report for said Districts and set a date for a Public Hearing; and

WHEREAS, said report was duly made and filed with the City Clerk 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 under and pursuant to the aforesaid resolution, and that June 20, 2007, at the hour of 7:00 p.m. in the Council Chambers, located at 799 Moorpark Avenue, Moorpark, California 93021, were appointed as the time and place for a hearing by this Council on the question of the levy of the proposed assessment, notice of which hearing was given as required by law; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested and desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by the Council, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this 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 Assessment Districts 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 Districts, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the Assessment Districts; 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 Assessment Districts 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 2007-08 is hereby levied. For further particulars pursuant to the provisions of the Landscaping and Lighting Act of 1972, reference is hereby made to the Resolution Directing Preparation of Engineer's Report.

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 third Monday in August following such adoption, the City Clerk 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 Districts.

SECTION 8. Upon receipt of the moneys representing assessments collected by the County, the County shall deposit the moneys in the City Treasury to the credit of the improvement funds previously established under the distinctive designation of the Assessment Districts. Moneys in the improvement funds 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 20th day of June, 2007

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk