ITEM 10.J.

MOORPARK CITY COUNCIL
AGENDA REPORT

TO: **The Honorable City Council**

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

DATE: **November 19, 2007 (CC Meeting of December 5, 2007)**

SUBJECT: **Consider Resolutions to Initiate Proceedings Related to the Citywide Landscaping and Lighting Assessment District and the Parks and Recreation Maintenance Improvement District for Fiscal Year 2008/2009**

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 2008/2009.

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 (Districts 13 and 17 are not assigned).

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)
- Tract 5130, Suncal/Vistas (AD07-03, District 23)
- IPD 2000-10, Casino Storage (AD07-04, District 24)

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 16 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.

The preparation of an Engineer's Report does not obligate the City to approve the Engineer's Report nor to proceed with levying 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 Attachments A and B 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.

Engineer Contract

Staff proposes that the City secure a professional services agreement with SCI Consulting Group to provide assessment district engineering services. SCI has served in this capacity for the last eight years. SCI's cost proposal for 2008/09 is $20,100 (Attachment C) to administer both the Parks Maintenance and the Lighting and Landscape assessment districts for FY 2008/2009. This is a $700 increase over last year.

STAFF RECOMMENDATION

Adopt Resolution Nos. 2007- ___ and 2007- ___ (Attachments A and B) and authorize the City Manager to execute an agreement with SCI.

Attachments:

Attachment A: Draft Resolution re: Initiating Proceeding for the Citywide Landscaping and Lighting Assessment Districts

Attachment B: Draft Resolution re: Initiating Proceedings for the Parks and Recreation Maintenance Improvement District

Attachment C: SCI Proposal

Attachment A

RESOLUTION NO. 2007 - ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, DIRECTING PREPARATION OF ANNUAL REPORT FOR FISCAL YEAR 2008-2009 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, 2008, and ending June 30, 2009.

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, AD05-1, AD06-1, AD07-1, AD07-2, AD07-3 and AD07-4 (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. SCI Consulting Group 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, 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 5th day of December, 2007.

_____
Patrick Hunter, Mayor

ATTEST:

_____
Deborah S. Traffenstedt, City Clerk

Attachment B

RESOLUTION NO. 2007 - ___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, DIRECTING PREPARATION OF THE ENGINEER'S REPORT FOR FISCAL YEAR 2008-2009 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, 2008, and ending June 30, 2009.

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. SCI Consulting Group 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 5th day of December, 2007.

_____
Patrick Hunter, Mayor

ATTEST:

_____
Deborah S. Traffenstedt, City Clerk

ATTACHMENT C

SCI Consulting Group

Proposal for

LANDSCAPING AND LIGHTING ASSESSMENT DISTRICTS

AND

PARKS AND RECREATION MAINTENANCE AND IMPROVEMENT DISTRICT

FISCAL YEAR 2008-09 LEVY ADMINISTRATION

for

CITY OF MOORPARK

Purpose: The purpose of this proposal is to outline the responsibilities SCI Consulting Group would assume throughout fiscal year 2008-09 in serving as Engineer of Work and providing assessment administration services for the City of Moorpark Parks and Recreation Maintenance and Improvement District, AD01-1, AD01-2, AD01-3, AD04-1, AD05-1, AD06-1, AD07-1, AD07-2, AD07-3, AD07-4 and AD84-2 Landscaping and Lighting Assessment Districts for the City of Moorpark.

Definitions:

A. **City:** City of Moorpark, its staff and Board.

B. **Assessment Districts:** The City of Moorpark Parks and Recreation Maintenance and Improvement District, AD01-1, AD01-2, AD01-3, AD04-1, AD05-1, AD06-1, AD07-1, AD07-2, AD07-3, AD07-4 and AD84-2 Landscaping and Lighting Assessment Districts described above.

C. **Engineer:** SCI Consulting Group, and any and all employees.

Scope of Work:

1. **Special Levy Administration Services:**

   a) Meet with City staff and other individuals as needed to establish the timeline, assist with development of budgets, review assessment data, and accomplish other tasks related to administration of the assessments.
   b) Obtain current assessor data from the County Assessor and other sources for all parcels within the Assessment Districts boundaries.
   c) From Assessor records, determine the number of parcels in each land use category, excluding nontaxable parcels.
   d) Obtain copies of Assessor Parcel Maps as required.
   e) Meet with City staff, property owners, County Assessor staff and other parties as needed to obtain information or verify assessments.

f) Conduct a comprehensive parcel audit to verify that all factors used to determine the assessment levies are correct. Revise any assessment found to be based on inaccurate information.
g) Conduct a comprehensive parcel audit of all property within the City's jurisdictional boundaries to verify the tax base and determine that all property is appropriately classified as being within the City by the State Board of Equalization and the County Auditor. If any missing property is found, coordinate the modification of SBE files so that the tax base for the City is corrected.
h) Develop and maintain a database for each parcel within City boundaries. The data for each parcel will include the owner name(s), site address, property values, parcel number, assessment districts, zone of benefit, assessment, mailing address, site address, parcel type, notes and other useful or relevant data.
i) Develop a custom Microsoft Windows format special levy administration software program that will allow City staff to quickly locate parcel data by owner name, parcel number, street address or other requested search criteria. This program will also be designed to print custom Notice of Assessment forms for all property or parties. The City can charge a fee for this service. The software program can also include any other related functions requested by the City, such as printing of address labels, tracking of notes, phone numbers or other information.
j) Research changes in property data, property usage, property valuations and assessment changes from the previous year for all parcels within the Assessment Districts. Flag all parcels that require property research to determine the appropriate assessment.
k) Field check those properties that are flagged for research as well as those parcels or areas designated by City staff as requiring further research.
l) Obtain current fiscal year cost information from the City and other parties as necessary to use as a basis for developing the cost estimate in the Engineer's Reports.
m) Using the established assessment methodology, allocate the estimated cost of improvements and expenses to all parcels within the boundaries of the Assessment Districts.
n) Prepare Assessment Rolls listing parcel number, assessment number, owner name, property address, and assessment amount for each Assessor Parcel within the Assessment Districts. Print Assessment Rolls sorted by Assessor Parcel Number, owner's name and land use.
o) Prepare Engineer's Reports for the Assessment Districts. Such Engineer's Reports will comply with the requirements of Proposition 218, SB919, SB1477 and the Landscaping and Lighting Act of 1972.
p) File Engineer's Reports with City Clerk.
q) Attend City Council meetings at which the Engineer's Reports are approved, and the Public Hearing is held.
r) Present the Assessment Rolls to City Council, summarize the assessment methodology, answer all questions raised and assist in finalizing the project for Council approval.
s) Include assessment data and levies in the custom administrative software program described above.
t) Meet Ventura County assessment roll submission requirements and perform tasks needed to submit the assessment levies.

u) File approved assessment levies, Assessment Rolls and Assessment Diagram with the County Auditor for inclusion of assessments on 2008-09 tax bills.
v) Provide the County Auditor with our toll-free 800 phone lines so property owners can directly contact SCI Consulting Group throughout the fiscal year regarding specific assessment levies, procedures and any other issues.
w) Directly and promptly respond to any property owner inquiries on our toll free special levy assistance phone lines reached by the number: (800) 273-5167.
x) Receive exceptions list, if any, from County Auditor; make appropriate revisions and resubmit to Auditor's Office. Any parcels that are not submitted to the County for collection or are not placed on the County tax rolls for any reason will be produced as handbills by Consultant with payment directed to the City.
y) Verify and validate Auditors' levy data prior to the printing of tax bills.
z) Submit ten copies of final Engineer's Reports and one bound copy including Assessment Rolls to City.
aa) Throughout the fiscal year, research and, if necessary, revise any assessments which property owners consider to be based upon incorrect information being used to apply the method of assessment.
bb) Provide reports throughout the year coinciding with the performance of the annual administration. These reports will include a detail of the amounts submitted to the levy or hand billed for collection, details of delinquent assessments, and other relevant information.
cc) Provide other appropriate administrative services throughout fiscal year 2008-09.

2. Other Responsibilities:

a) Meet periodically with City Staff, Council members, legal counsel, property owners and/or other parties. For such meetings, we will prepare any needed or required materials.
b) Coordinate the review and development of administrative procedures with the City.
c) We will respond to inquiries from property owners and other interested parties throughout the fiscal year regarding specific assessments, procedures and levy installments on a toll free 800 phone line.

3. Additional Services Included:

a) Computer services to convert and compile Assessor data into database format for Special Tax Rolls.
b) Duplication of up to 10 copies of the Engineer's Reports.
c) Computer services to convert assessment data into format required by the County Auditor for inclusion on property tax bills.

4. Assumptions & Exclusions:

a) The Scope of Work does not include printing, postage or mailing of Notice of Hearing or other public informational documents.
b) Engineer shall perform all services included in this Proposal as an independent contractor.

c) Engineer carries Liability Insurance in the amount of $2,000,000 and Errors and Omissions Insurance in the amount of $1,000,000. Proof of insurance will be provided if Engineer is selected for this project.
d) No subconsultants shall be used on this project.

5. Term:

a) The term of the contract shall be from time of execution until June 30, 2009.
b) Either party may terminate the service contract with 30 days written notice. In the event of such termination, special levy and property data shall be provided to the City in electronic media format. Any additional data or maps purchased by or reimbursed by the City shall also be returned.

6. Other Terms and Provisions:

a) SCI Consulting Group does not and shall not discriminate against any employee in the work or against any applicant for such employment or against any other person because of race, religion, sex, color, national origin, handicap, or age or any other arbitrary basis. SCI Consulting Group insures compliance with all civil rights laws and other related statutes.
b) The Firm complies with all State and Federal regulations concerning employment.
c) SCI Consulting Group will indemnify and save harmless District from and against claims, actions, or suits, brought for, or on account of, any injuries or damages sustained by any person or property resulting or arising from any negligent or wrongful act, error or omission by SCI Consulting Group in the performance of the services provided pursuant to this proposal and agreement for services.
d) In any action, claim or proceeding involving a dispute between SCI Consulting Group and the District arising out of this proposal or the performance of work pursuant to this proposal, whether for tort or for breach of contract, and whether or not brought to trial of final judgment, the prevailing party will be entitled to receive from the other party a reasonable attorney fee to be determined by the court or arbitrator(s).

Compensation: In consideration for the work accomplished, Engineer shall be compensated as follows:

The total compensation for the Scope of Work shall be as follows:

a) Compensation for assessment administration services as detailed herein for the Landscaping and Lighting Assessment Districts for fiscal year 2008-09 shall be $9,450, payable as follows:
   i. Upon the filing of the Engineer's Reports for City Council consideration, the sum of $3,800 shall be due.
   ii. Upon confirmation of the assessment levies with the County Auditor, the sum of $2,900 shall be due.
   iii. On January 31, 2008, the sum of $2,750 shall be due.

b) Compensation for assessment administration services as detailed herein for the Parks and Recreation Maintenance and Improvement District for fiscal year 2008-09 shall be $9,150, payable as follows
   i. Upon the filing of the Engineer's Reports for City Council consideration, the sum of $3,800 shall be due.
   ii. Upon confirmation of the assessment levies with the County Auditor, the sum of $2,900 shall be due.
   iii. On January 31, 2008, the sum of $2,450 shall be due.

c) Customary out-of-pocket expenses for travel and meetings shall be billed as incurred. The total amount for such costs shall not exceed $1,500 without prior authorization from the City.

Approved by:

SCI Consulting Group	City of Moorpark
by:_____	by:_____
Date:_____	Date:_____