Meeting Date: 2/07/06

ACTION	TYPE OF ITEM
☐ Approved Recommendation	■ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☐ Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Joel Galaviz Item No. I-5

Reviewed By: City Manager City Attorney Finance Other *(Public Works Director)*

DATE: January 19, 2006

TO: City Council

FROM: Michael Henderson, Parks and Facilities Superintendent

SUBJECT: **Formation of Landscape Maintenance District No. 54**

RECOMMENDATION

That City Council adopt a resolution declaring Council's intention to form and levy fiscal year 2006-2007 assessments in Landscape Maintenance District No. 54, consisting of Tract No. 5459 (Meadowcrest), located at Oxnard Boulevard and Robert Avenue, and setting a date for a public hearing thereon.

DISCUSSION

As a condition of development, the developer of Tract No. 5459 (Meadowcrest), located at Oxnard Boulevard and Robert Avenue, consented to the formation of a landscape maintenance district.

On September 20, 2005 Council adopted a resolution proposing formation of District No. 54 and ordered the City Engineer to prepare a report for the District. The report describes the landscape improvements to be maintained and calculates the proposed assessments within the District.

District No. 54 will be a contract service district. City staff will obtain bids from private contractors on behalf of the District. The proposed assessment is based on contract prices already in place in the City.

FINANCIAL IMPACT

If the District is formed, the City will be able to provide landscaping services in the District at no cost to the General Fund.

Attachment #1 - Resolution of Intention: Landscape Maintenance District No. 54
Attachment #2 - Oxnard Landscape Maintenance District No. 54 Engineer's Report
Attachment #3 - Exhibit Landscape Maintenance District No. 54

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD OF INTENTION TO FORM AND TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2006-2007 WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 54 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, the Oxnard City Council desires to form Landscape Maintenance District No. 54 and to levy assessments to maintain the landscaping therein on land within such District which receives benefit therefrom; and

WHEREAS, the City Council on September 20, 2005, adopted a resolution proposing the formation of Landscape Maintenance District No. 54 and ordering the City Engineer to file a report; and

WHEREAS, the Engineer has filed with the City Clerk a report concerning the special benefit conferred by and the cost of maintaining the landscaping in such District for the 2006-2007 fiscal year.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The City Council approves the Engineer's report.

2. The City Council declares its intention to order the formation of Landscape District No. 54 (distinctively designated "Meadowcrest") and to levy and collect assessments within Landscape Maintenance District No. 54 ("the District") for fiscal year 2006-2007 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Division 15, Part 2, Section 22500 et seq.).

3. The landscaping to be maintained is all public landscaping installed by the developer of Tract No. 5459 within the District, which is located at Oxnard Boulevard and Robert Avenue in the City.

4. A full and detailed description of the landscaping improvements, the boundaries of the District and any zones therein, and the proposed assessments upon assessable lots and parcels of the land within the District is contained in the report of the Engineer on file with the City Clerk.

5. Notice is hereby given that on March 28, 2006 at 7:00 p.m. in City Council Chambers, at 305 West Third Street, Oxnard, California, the City Council will hold a public hearing on the formation of the District and on the levy of the proposed assessment, at which time all interested persons shall be afforded an opportunity to hear and be heard. Any interested person may, prior to the conclusion of the public hearing, file a written protest against formation of the District with the City Clerk or, having previously filed a protest, file a written withdrawal of the protest. A written protest shall state all grounds of objection.

A protest by a property owner shall contain a description sufficient to identify the property owned by that person. At the public hearing, the City Council shall also consider all objections and protests, if any, to the proposed assessment. At the conclusion of the public hearing, the City Council shall determine whether a majority protest exists against formation of the District. If not, assessment ballots shall be tabulated as required by subsection (e) of Section 53753 of the Government Code, and the City Council shall determine whether a majority protest exists against imposition of the proposed assessment.

6. Written notice of the public hearing shall be given to all property owners in the District.

7. The fiscal year 2006-2007 assessment in Landscape Maintenance District No. 54 will be the first levied and thus is proposed to increase from 2005-2006.

PASSED AND ADOPTED THIS 7th day of February, 2006 by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

01-31-06

Gary L. Gillig, City Attorney

CITY OF OXNARD
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 54
(MEDOWCREST VILLAS – TRACT 5459)

ENGINEER'S REPORT
ON LEVY OF ANNUAL ASSESSMENTS
FOR FISCAL YEAR 2006-2007
AND FUTURE YEARS

PREPARED BY: PENFIELD & SMITH
DEL NORTE ROAD, SUITE 200
CAMARILLO, CA 93010
(805) 981-0706
FAX (805) 981-0251

PROJECT MANAGER: PATRICK J. REEVES, P.E.

REGISTERED PROFESSIONAL ENGINEER
PATRICK J. REEVES
No. 25278
Exp. 12-31-07
CIVIL
STATE OF CALIFORNIA

W.O. #: 13086.23

DATE: JANUARY 11, 2006

00030

Penfield & Smith

CITY OF OXNARD
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 54
(MEDOWCREST VILLAS - TRACT 5459)

ENGINEER'S REPORT
ON LEVY OF ANNUAL ASSESSMENTS
FOR FISCAL YEAR 2006-2007
& FUTURE YEARS

SECTION 1 MAINTENANCE TO BE PROVIDED

Landscaping improvements to be maintained include: trees, shrubs, turf, ground cover, themed light poles, and hardscape within the District, as shown on the diagram referred to in Section 2 hereof. The maintenance to be provided will include ordinary and necessary:

a. Repair, removal or replacement of all or any part of the landscaping, themed light poles or hardscaping.

b. Provision for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, mowing, spraying, fertilizing and treating for disease or injury. The tree trimming may not occur on an annual basis, therefore the assessed amount is for the average annual cost.

c. Removal of trimmings, rubbish, graffiti, debris and other solid waste from the landscaped areas and hardscaped areas.

SECTION 2 PLANS & SPECIFICATIONS AND DIAGRAM

A diagram for the District, showing the following matters, is attached hereto and incorporated herein by reference.

a. Existing and proposed landscaping improvements within the District for which the above described maintenance is to be provided.

b. The exterior boundaries of the District.

c. The boundaries of any zones within the District.

d. The lines and dimensions of each lot or parcel of land within the District.

e. Identification of each lot or parcel of land within the District by a distinctive number or letter.

SECTION 3 ESTIMATE OF COSTS OF MAINTENANCE OF LANDSCAPING IMPROVEMENTS

The estimate of the costs of maintaining the landscaping improvements in the District for the 2006-2007 fiscal year includes:

a. Total costs estimated to be incurred in 2006-2007, for maintaining and servicing all existing and proposed landscaping improvements, including all incidental expenses: $17,051.14.

Cost Estimate

Description		**Total**
Oxnard Blvd Streetscape Planting	$	7,078.05
Robert Ave. Streetscape Planting	$	862.05
Hardscape Oxnard Blvd & Robert Ave.	$	250.00
Themed Pole Street Lights	$	650.00
Street Trees	$	3,150.00
Water	$	2,500.00
Electricity	$	300.00
	Subtotal $	14,790.10
Administration	$	2,218.52
	Subtotal $	17,008.62
County Collection Fee	$	42.52
	Total $	17,051.14

b. Amount of deficit in the improvement fund to be carried over from a previous fiscal year: $0.00.

c. Amount of any contributions to be made from sources other than assessments levied pursuant to Part 2 of Division 15 of the Streets and Highways code: $0.00.

d. Amount, if any of the annual installment for 2006-2007 where the City Council has ordered an assessment for the estimated cost of any improvements to be levied and collected in annual installments: $0.00.

e. Net amount to be assessed upon assessable lands with the District, being the total costs, as referred to in subdivisions (a), increased or decreased, as the case may be, by any of the amounts referred in subdivision (b), (c), or (d): $17,051.14.

SECTION 4 ASSESSMENT OF ESTIMATED COSTS OF MAINTENANCE

This assessment applies to the 2006-2007 fiscal year.

a. The net amount, determined in accordance with Section 3, above, to be assessed upon assessable lands within the District is $17,051.14.

b. A description of each assessable lot or parcel for land within the District is contained in the diagram referred to in Section 2 hereof.

c. The net amount stated in subdivision (a) of this Section 4 is apportioned among such lots or parcels in proportion to the estimated special benefits to be received by each lot or parcel from the maintenance of the landscaping improvements by the following formula or method: Dividing such net amount by the number of assessable lots or parcels within the District. Thus, the net amount of $17,051.14 is divided by 50 parcels for an assessment of $341.02 per lot or parcel.

   The landscape maintenance described in Section 1 is for the visual enhancement, visual screening and preservation of open space for all parcels. The landscape maintenance along the streets of the District add value and enhance the aesthetic qualities of the District. Although all parcels do not front on the maintained areas, they are accessed via these areas, and therefore all properties within the District obtain special benefit from such areas. In addition, the landscaping elements discussed in this report were all conditions of the tract development plan.

   The special benefits assessed to the parcels within the District are approximately equal for all parcels due to both increased property values and enhanced aesthetic qualities for all District property owners. Maintenance and operation of the landscape improvements of which the cost is included in the assessments does not confer any general benefits on real property located in the District or the public-at-large.

d. The annual maintenance costs in future years will not require the preparation of an Engineer's Report. Maintenance costs and assessments are expected to increase in accordance with inflation and the consumer price index. Property owners will not be assessed higher annual maintenance assessments in excess of the Consumer Price Index (CPI) as published by the United States Department of Labor for all urban consumers (Los Angeles - Region) when compared to the October 2005 CPI, (206.9 - with 1982-84=100.0) without compliance with applicable procedures set out in Article XIIID of the California Constitution. Annual adjustments for electric power and water service may be greater than the CPI but shall not exceed five (5) percent of the previous fiscal year budget for electric power and water service plus administration. Assessments that do not exceed the amount calculated in accordance with the assessment formula may be made without further mailed notice and balloting.

e. In our capacity as Engineer, we hereby find and determine as follows:

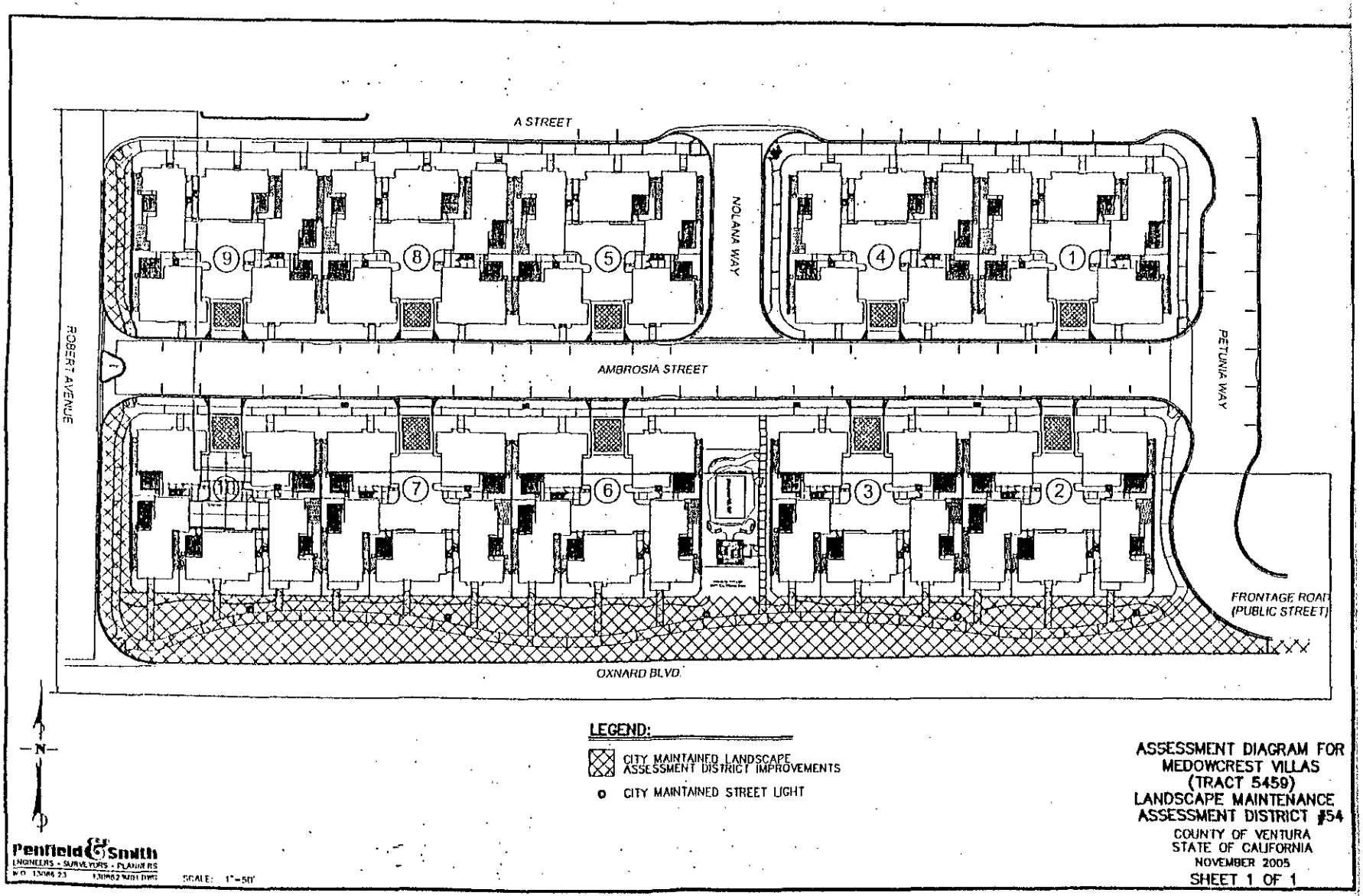
1. The proportionate special benefit derived by each parcel proposed to be assessed has been determined in relationship to the entirety of the maintenance and operations expenses of the landscape improvements described in Section 1 of this report and depicted on the diagram for the District.

2. No assessment is proposed to be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

3. Only special benefits will be assessed.

4. Maintenance and operation of the landscaping improvements of which the cost is included in the assessments does not confer any general benefits on real property in the District or to the public-at-large.

5. There are no parcels within the District that are owned or used by any local government, the State of California, or the United States Government.



ASSESSMENT DIAGRAM FOR
MEDOWCREST VILLAS
(TRACT 5459)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #54
COUNTY OF VENTURA
STATE OF CALIFORNIA
NOVEMBER 2005
SHEET 1 OF 1