Meeting Date: 06 / 13 / 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 Agenda Item No. I-8

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

DATE: June 2, 2006

TO: City Council

FROM: Michael Henderson, Deputy Public Works Director

SUBJECT: **Adoption of Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance Districts Nos. 27 through 56**

RECOMMENDATION

That City Council adopt resolutions levying FY 2006-2007 assessments for Landscape Maintenance Districts Nos. 27 through 56.

DISCUSSION

In prior years, the City Council formed Landscape Maintenance Assessment Districts Nos. 27 through 56 in the following areas:

- Tract No. 5016, District No. 27 (Rose Island);
- Tract No. 4268, District No. 28 (Harborside);
- Parcel Nos. 202-110-175 and 202-110-295, District No. 29 (Mercy Charities Housing Project);
- Tract No. 5020, District No. 30 (Haas Automation);
- Tract No. 4714, District No. 31 (Rancho de la Rosa);
- Tract No. 5070, District No. 32 (Oak Park);
- Tract No. 5153, District No. 33 (El Paseo);
- Tract No. 5136, District No. 34 (Sunrise/Sunset Cove);
- Parcel No. 97-5-55, District No. 35 (Airport Center;
- Tract No. 5135, District No. 36 (Villa Carmel/Villa Santa Cruz);
- Tract No. 5137, District No. 37 (Pacific Breeze);
- Tract No. 5148, District No. 38 (Aldea Del Mar);
- Tract No. 5198-1 and 5198-2, District No. 39 (Promesa/Sueno);
- Tract No. 5214, District No. 40 (Cantada);
- Tract No. 5171, District No. 41 (Pacific Cove);
- Tract No. 5228, District No. 42 (Cantabria/Coronado); and
- Parcel No. 98-5-117, Tract Nos. 4317, 5293 and 5294, District No. 43 (Parc Rose, Tierra Vista, Sonrisa and Mayfield Village)

- Tract No. 5253, District No. 44 (American Pacific Homes);
- Parcel Map No. 00-5-55, District No. 45 (Channel Point);
- Tract No. 5276, District No. 46 (Daily Ranch);
- Tract No. 5339, District No. 47 (Sycamore Place);
- Tract No. 5234, District No. 48 (Victoria Estates);
- Tract No. 5296, District No. 49 (Camaron Ranch);
- Tract No. 5273, District No. 50 (Pleasant Valley Senior Housing);
- Tract No. 5389-1,2 and 3, District No. 51 (Pfiler);
- Tract No. 5340, District No. 52 (Wingfield);
- Tract No. 5305, District No. 53 (Huff Court)
- Tract No. 5459, District No. 54 (Meadowcrest);
- Tract No. 5640, District No. 55 (Wingfield West);
- Tract No. 5450, District No. 56 (The Cottages)

These districts were formed pursuant to the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.), in compliance with the procedures required by that Act and also in compliance with the procedures required by Article XIII D of the California Constitution (Proposition 218).

The property owners in District Nos. 27 through 30 approved assessments for 1997-98, and approved a formula by which such assessments will be increased in each subsequent year. The property owners in District No. 31 approved assessments for 1998-99, and also approved a formula by which such assessments will be increased in each subsequent year. District No. 32 approved assessments for 1999-2000, and approved a formula by which such assessments will be increased in each subsequent year. Property owners for District Nos. 33 through 37 approved assessments for 2000-2001, and approved a formula by which such assessments will be increased in each subsequent year. The property owners in District Nos. 38 and 39 approved assessments for 2001-2002, and also approved a formula by which such assessments will be increased in each subsequent year. Property owners for District Nos. 40 through 43 approved assessments for 2002-2003, and approved a formula by which such assessments will be increased in each subsequent year. Property owners for District Nos. 44 through 50 approved assessments for 2003-2004, and also approved a formula by which such assessments will be increased in each subsequent year. Property owners of District Nos. 51 through 54 approved assessments for 2005-2006, and also approved a formula by which such assessments will be increased in each subsequent year. Property owners in Districts Nos. 55 through 56 approved assessments for 2006-2007, and also approved a formula by which such assessments will be increased in each subsequent year.

On July 1, 1997, urgency legislation entitled the "Proposition 218 Omnibus Implementation Act" became effective, adopting and clarifying procedures required to comply with Proposition 218. Subsection (a) of Government Code section 53753 now provides in part:

> "The notice, protest, and hearing requirements imposed by this section supersede any statutory provisions applicable to the levy of a new or increased assessment that is in existence on the effective date of this section, whether or not that provision is in conflict with this article. Any agency that complies with the notice, protest, and hearing requirements of this section shall not be required to comply with any other statutory notice, protest, and hearing requirements that would otherwise be applicable to the levy of a new of increased assessment...."

Subsection (a) of Government Code section 53753.5 now provides in part:

> "If an agency has complied with the notice, protest, and hearing requirements of Section 53753 ... then those requirements shall not apply in subsequent fiscal years unless the assessment methodology is changed to increase the assessment, or the amount of that assessment is proposed to exceed an assessment formula or range of assessments adopted by an agency in accordance with Article XIII D of the California Constitution or Section 53753."

In other words, section 53753 now provides the exclusive procedure to levy a new or increased assessment that is subject to Article XIII D, and once that procedure has been completed, section 53753.5 waives compliance therewith in subsequent fiscal years, as long as the assessments levied are within the formula or range previously approved. Therefore, in levying annual assessments in these districts, the City need no longer comply with the procedure contained in section 53753 or with the procedure for the levy of annual assessments contained in the Landscape and Lighting Act of 1972.

The proposed assessments for FY 2006-2007 in District Nos. 27 through 56 do not exceed the formula approved on formation of those districts in 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005 and 2006. The 2006-2007 assessments are slightly more than the 2005-2006 assessments in District Nos. 27 through 56 because of the approved formula increase.

The resolutions levying FY 2006-2007 assessments, and associated assessment data, will be delivered to the County Auditor-Controller's Office before July 1, 2006, for inclusion on the tax rolls.

District No. 29 (Mercy Charities Housing Project) is a self-maintained district; that is, the landscaping is maintained without involving the City work force or contract maintenance services. However, the City requires an annual budget for contingencies and inspections by City staff.

District Nos. 28 (Harborside), 30 (Haas Automation), 31 (Rancho de la Rosa), 32 (Oak Park), 33 (El Paseo), 34 (Sunrise/Sunset Cove), 35 (Airport Center), 36 (Villa Carmel/Villa Santa Cruz, 37 (Pacific Breeze), 38 (Aldea del mar), 39 (Promesa/Sueno), 40 (Cantada), 41 (Pacific Cove), 42 (Cantabria/Coronado), and 43 (Parc Rose/Tierra Vista/Sonrisa/Mayfield Village), 44 (American Pacific Homes), 45 (Channel Point), 46 (Daily Ranch), 47 (Sycamore Place), 48 (Victoria Estates), 49 (Cameron Ranch), 50 (PV Senior Housing), 51 (Pfiler), 52 (Wingfield), 53 (Huff Court), 54 (Meadowcrest), 55 (Wingfield West), 56 (The Cottages), are contract service districts. City staff will obtain the lowest bid from a private contractor on behalf of the districts.

District No. 27 (Rose Island) is maintained by City work force since the City provides maintenance services at less than the costs charged by contractors.

FINANCIAL IMPACT

Adoption of the resolutions levying assessments will allow the City to provide landscaping services in District Nos. 27 through 43 at the cost of the property owners therein.

Attachment 1 – Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 27
Attachment 2 – Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 28
Attachment 3 – Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 29
Attachment 4 – Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 30
Attachment 5 – Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 31
Attachment 6 – Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 32
Attachment 7 – Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 33
Attachment 8 – Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 34
Attachment 9 – Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 35
Attachment 10– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 36
Attachment 11– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 37
Attachment 12– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 38
Attachment 13– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 39
Attachment 14– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 40
Attachment 15– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 41
Attachment 16– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 42
Attachment 17– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 43
Attachment 18– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 44

Attachment 19– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 45

Attachment 20– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 46

Attachment 21– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 47
Attachment 22– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 48
Attachment 23– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 49
Attachment 24– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 50
Attachment 25– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 51
Attachment 26– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 52
Attachment 27– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 53
Attachment 28– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 54
Attachment 29– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 55
Attachment 30– Resolution Levying FY 2006-2007 Assessments in Landscape Maintenance District No. 56

Note: Attachments 1 through 17 have been provided to the City Council. Copies are available for review at the Circulation Desk in the Library after 6:00 p.m. on the Thursday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on Friday.