



City of

Meeting Date: 6/12/07

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Res. No(s).	<input type="checkbox"/> Report
<input type="checkbox"/> Ord. No(s).	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Other	<input type="checkbox"/> Other _____

Prepared By: Joel Galaviz *JG* Agenda Item No. L-3

Reviewed By: City Manager *MMH* City Attorney *JAA* Finance *4/e* Other (Director of Public Works) *WJ*

**DATE:** May 2, 2007

**TO:** City Council

**FROM:** Michael Henderson, Deputy Public Works Director  
Public Works Department *MH*

**SUBJECT:** Levy of 2007-2008 Assessments in Mandalay Beach Maintenance District

**RECOMMENDATION**

That City Council:

1. Hold a public hearing to receive public testimony regarding the proposed FY 2007-2008 assessments for the Mandalay Beach Maintenance District.
2. Adopt a resolution fixing the special assessment tax in the Mandalay Beach Maintenance District for FY 2007-2008.

**SUMMARY**

The assessment district for the maintenance of the beachfront and landscaping on public rights-of-way within Tract No. 2923 was established in November 1983 by Resolution No. 8586. The recommended resolution fixes the assessments to be collected via tax rolls for FY 2007-2008. The assessments have not increased over the assessments fixed for FY 2006-2007. After Council adopts the resolution, assessment data will be delivered to the County Auditor-Controller's Office for processing and collection of FY 2007-2008 assessments.

**DISCUSSION**

On November 22, 1983, an assessment district was formed pursuant to the Improvement Act of 1911 in order to recover the cost of the City's maintenance of a 36-acre beach area, plus landscaping on public rights-of-way within Tract No. 2923. This district was required as a condition to development imposed by the Coastal Commission, and as a provision of a development agreement with the City. The

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assessments are exempt from Article XIII D of the California Constitution by reason of Section 5 thereof. The City's responsibility to maintain the above-mentioned areas became effective on July 1, 1986. On July 5, 1988, City Council adopted Resolution No. 9500, which shifted the bulk of the District's beach maintenance costs from The Colony residents to the Mandalay Beach Resort Hotel. The assessment rate for FY 2007-2008 is computed as follows:

1. LANDSCAPE MAINTENANCE

The Parks Division staff has determined that the District will maintain 66,660 square feet of public landscaping. This includes landscape areas along Falkirk Avenue, Harbor Boulevard, Mandalay Beach Road, Costa del Oro, and the bikeway/greenbelt along the southerly property line.

The City's recommended budget for landscaping maintenance costs for fiscal year 2007-2008 for this district is \$21,293, plus the County's collection fee of \$53, for a net fiscal cost of \$21,346. Based on an agreement between the residential developers and the Mandalay Beach Resort Hotel, executed in February 1984, 75.4 percent of the \$21,346 cost is allocated to The Colony (\$16,095), and 24.6 percent to the Hotel (\$5,251).

2. BEACH MAINTENANCE

Prior agreements between the City and the developers, based on the relative length of beach area fronting the Hotel and the public beach park property, call for the District to bear 60 percent of the beach maintenance cost. Of this cost, based on Resolution No. 9500, 75.4 percent is borne by the Hotel and 24.6 percent by The Colony. The remaining 40 percent is borne by the City as part of the total operating cost of Oxnard Beach Park.

The annual beach maintenance cost has been updated as follows:

	<u>District's</u>	<u>City's</u>
Annual Cleaning Costs	\$ 30,092	\$ 30,092
	<u>x 60%</u>	<u>x 40%</u>
FY 1999-2000 District and City Costs	\$ 18,055	<u>\$ 12,037</u>
County Collection Fee	<u>45</u>	
District's Total Beach Maintenance Cost	<u>\$ 18,100</u>	
Hotel's portion (75.4%)	13,647	
Colony's portion (24.6%)	4,453	
District's Total Beach Maintenance Cost	<u>\$ 18,100</u>	

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The cost to the District for both landscaping and beach maintenance is \$39,446. A breakdown of individual assessments is provided at the conclusion of this report.

### **3. CONCLUSION**

The Hotel property owner, which occupies assessor's parcel number 191-0-380-105, will be assessed \$18,898 (24.6%, or \$5,251, for landscape maintenance and 75.4%, or \$13,647, for beach maintenance). The Hotel's total costs are equal to the Hotel's costs for FY 2006-2007.

The Colony, whose individual parcel numbers are shown on Attachment No. 2, will be assessed \$20,548 (75.4%, or \$16,095, for landscape maintenance and 24.6%, or \$4,453, for beach maintenance). The 440 individual property owners within The Colony will each be assessed \$46.70 for FY 2007-2008, which is equal to the assessments for FY 2006-2007.

### **FINANCIAL IMPACT**

The City will assess property owners in FY 2007-2008 to pay landscape maintenance costs for the Mandalay Beach Maintenance District. The City's portion of the beach maintenance will be included in the FY 2007-2008 budget.

Attachment 1 - Resolution Fixing Assessments

2 - The Colony's Individual Parcel Numbers

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**CITY COUNCIL OF THE CITY OF OXNARD**

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
OXNARD LEVYING A SPECIAL ASSESSMENT TAX FOR  
FISCAL YEAR 2007-2008 WITHIN THE MANDALAY BEACH  
MAINTENANCE DISTRICT**

WHEREAS, by Resolution No. 8586, adopted November 22, 1983, the City Council formed the Mandalay Beach Maintenance District ("the District") pursuant to the maintenance district provisions of the Improvement Act of 1911 (Streets and Highways Code section 5820 et. seq.); and

WHEREAS, formation of the District was required as a condition to development imposed by the California Coastal Commission and also as part of a development agreement between the City and the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, the City Council is required by Streets and Highways Code section 5830 to estimate the cost of maintaining and operating the improvements within the District, to decide whether the cost of such maintenance and operation shall be borne wholly or partially by the District, and to levy a special assessment tax within the District sufficient to raise the money to pay for such cost; and

WHEREAS, the City Council wishes to levy such assessments for FY 2007-2008 in an amount sufficient to cover all of the expense of maintaining the landscaping and to cover 60% of the expense of maintaining the beach area, with the City paying the remaining 40% of the latter expense; and

WHEREAS, assessments existed in the District throughout FY 2006-2007, and such assessments are not proposed to increase in FY 2007-2008; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water, flood control, drainage systems and vector control, inasmuch as the beach is public right of way that serves much as a street, manages water and is part of the flood control and drainage systems in the District, and the landscaping is located in or adjacent to sidewalks, streets and other public rights of way and maintenance of the landscaping involves irrigation and vector control; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof; and

WHEREAS, a description of the improvements and the proposed special assessment taxes on real property in the district is contained in the agenda report dated June 6, 2006 on file with the City Clerk ("the agenda report").

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

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1. The City Council estimates the cost of maintaining and operating the improvements within the District for FY 2007-2008 at \$51,483, with \$39,446 to be paid from assessments and \$12,037 to be paid by the City, as more particularly set out in the agenda report. The \$39,446 is allocated as follows:

100% of landscape maintenance costs .....	\$21,346
60% of beach maintenance costs .....	<u>18,000</u>
Total.....	\$39,446

2. The \$39,446 is apportioned among the property owners within the District, as follows:

- 24.6% to hotel parcel (APN #191-9-380-105)
- 75.4% to Colony condominium parcels (440 APNs)

3. The City Council levies a special assessment tax for FY 2007-2008 on the real property in the District as follows, and as shown on Attachment 2 of the agenda report:

APN #191-0-380-105 .....	\$18,898
\$46.70 on each of 440 Colony APNs .....	\$20,548

4. In accordance with Government Code section 36936.1, the City Clerk is instructed to cause this resolution to be published one time in a newspaper of general circulation within the City within 15 days after adoption.

5. In accordance with Government Code section 53901, the City Clerk is instructed to immediately file with the Ventura County Auditor a certified copy of this resolution.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2007,  
by the following vote:

- AYES:
- NOES:
- ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

  
Gary L. Gillig, City Attorney

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**COLONY**

**PARCEL #**

**191-0-380-105 (HOTEL)**

191-0-390-015		191-0-390-405		191-0-390-805
191-0-400-205				
025	415	815		215
035	425	825		225
045	435	835		235
055	445	845		245
065	455	855		255
075	465	865		265
085	475	875		275
095	485	885		285
	495	895		295
191-0-390-105		191-0-390-505		191-0-390-905
191-0-400-305				
115	515	915		315
125	525	925		325
135	535	935		335
145	545	945		345
155	555	955		355
165	565	965		365
175	575	975		375
185	585	985		385
195	595			395
191-0-390-205		191-0-390-605		191-0-400-015
191-0-400-405				
215	615	025		415
225	625	035		425
235	635	045		435
245	645	055		445
255	655	065		455
265	665	075		465
275	675	085		475
285	685	095		485
295	695			495
191-0-390-305		191-0-390-705		191-0-400-105
191-0-400-505				
315	715	115		515
325	725	125		525
335	735	135		535
345	745	145		545
355	755	155		555

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191-0-390-305  
191-0-400-505

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191-0-400-605  
191-0-430-605

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191-0-410-305

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191-0-410-205	191-0-430-105	191-0-430-505
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245	145	545
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295	195	595

191-0-440-205	191-0-440-605	191-0-460-015
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191-0-440-305	191-0-450-015	191-0-460-105
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