



Meeting Date: 11 / 27 / 12

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

Prepared By: Ralph Alamillo *RA* Agenda Item No. K-1

Reviewed By: City Manager *JRB* City Attorney *SMT* Finance *JL* Other (Specify) \_\_\_\_\_

**DATE:** September 25, 2012

**TO:** City Council

**FROM:** Michael Henderson, General Services Superintendent *MH*  
City Manager Department

**SUBJECT:** Public Hearing and Adoption of Resolution to Form and to Levy FY2012-2013 Assessments in Landscape Maintenance District No. 60

**RECOMMENDATION**

That City Council:

1. Hold a public hearing concerning the formation of Landscape Maintenance District No. 60, consisting of Lot Merger No. 08-310-04 (The Artisan), located on Gonzales Road between Williams Drive and Lombard Street and determine whether a majority protest against formation exists.
2. If a majority protest against formation does not exist, continue with the public hearing to consider all protests against the proposed assessment in the District; tabulate the ballots; and determine whether a majority protest exists as to the assessment.
3. If a majority protest does not exist as to the assessment, adopt a resolution to form and levy FY 2012-2013 assessments in the District.

**DISCUSSION**

As a condition of development, the developer of Lot Merger No. 08-310-04 (The Artisan), located on Gonzales Road between Williams Drive and Lombard Street, consented to the formation of the District.

On March 3, 2009, Council approved the engineer's report for the District and adopted Resolution No. 13,604 declaring Council's intention to form the District and levy FY 2009-2010 assessments. Since the developer was not ready then for the formation of the District, it was put on hold until this fiscal year 2012-2013.

The public hearing held today is for Council to consider protests against the formation of the District and to consider protests against the proposed assessments.

The District cannot be formed if a majority protest exists. A majority protest against formation exists if, at the conclusion of the hearing, written protests filed and not withdrawn represent property owners owning more than 50 percent of the area of assessable lands within the District.

If a majority protest against formation does not exist, Council may continue with the public hearing to consider objections and protests against the proposed assessments. The assessments cannot be imposed if a majority protest exists. A majority protest against the assessments exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessments exceed the assessment ballots submitted, and not withdrawn, in favor of the proposed assessments, weighing the assessment ballots by the amount of the proposed assessment to be imposed upon the parcel for which the assessment ballot was submitted.

If a majority protest does not exist as to formation or as to the assessments, and Council adopts a resolution forming and levying assessments in the District, the assessment data will be delivered to the County Auditor-Controller's Office for processing and collection of FY 2012-2013 assessments.

### **CONTRACT SERVICE DISTRICT**

The District will be a contract service district and the City will obtain bids from private contractors on behalf of the District. The revised engineer's report indicates the FY 2012-2013 costs.

### **FINANCIAL IMPACT**

The recommendation will result in the City's ability to provide landscaping services in the District at no cost to the General Fund.

MH/es

- Attachment 1 - Resolution Ordering Formation and Levying Assessments, Landscape Maintenance District No. 60
- 2 - Exhibit Map, Landscape Maintenance District 60
- 3 - Revised Engineer's Report

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ORDERING THE FORMATION OF AND LEVY OF ASSESSMENTS FOR FISCAL YEAR 2012-2013 WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 60 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on March 3, 2009, City Council adopted Resolution No. 13,604, declaring its intention to form Landscape Maintenance District No. 60 (The Artisan, hereinafter "the District") and levy and collect assessments for the 2012-2013 fiscal year within the District in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcel of the land within the District is contained in the revised report of the Engineer, dated September 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 13,604 set a public hearing for April 21, 2009, rescheduled on November 27, 2012, concerning formation of the District and the levy of the proposed assessments, which was held and all interested persons were afforded the opportunity to hear and be heard; and

WHEREAS, City Council considered all protests against the formation of the District and found that a majority protest did not exist; and

WHEREAS, City Council considered all protests against the proposed assessments; and

WHEREAS, City Council tabulated ballots submitted in opposition to and in favor of the proposed assessments; and

WHEREAS, City Council determined that a majority protest against the proposed assessments did not exist.

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

1. Landscape Maintenance District No. 60 is ordered formed and the improvements and the assessments proposed in the revised report of the Engineer and its accompanying diagram, on file with the City Clerk, are confirmed.

2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 60.

3. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED THIS 27th day of November, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

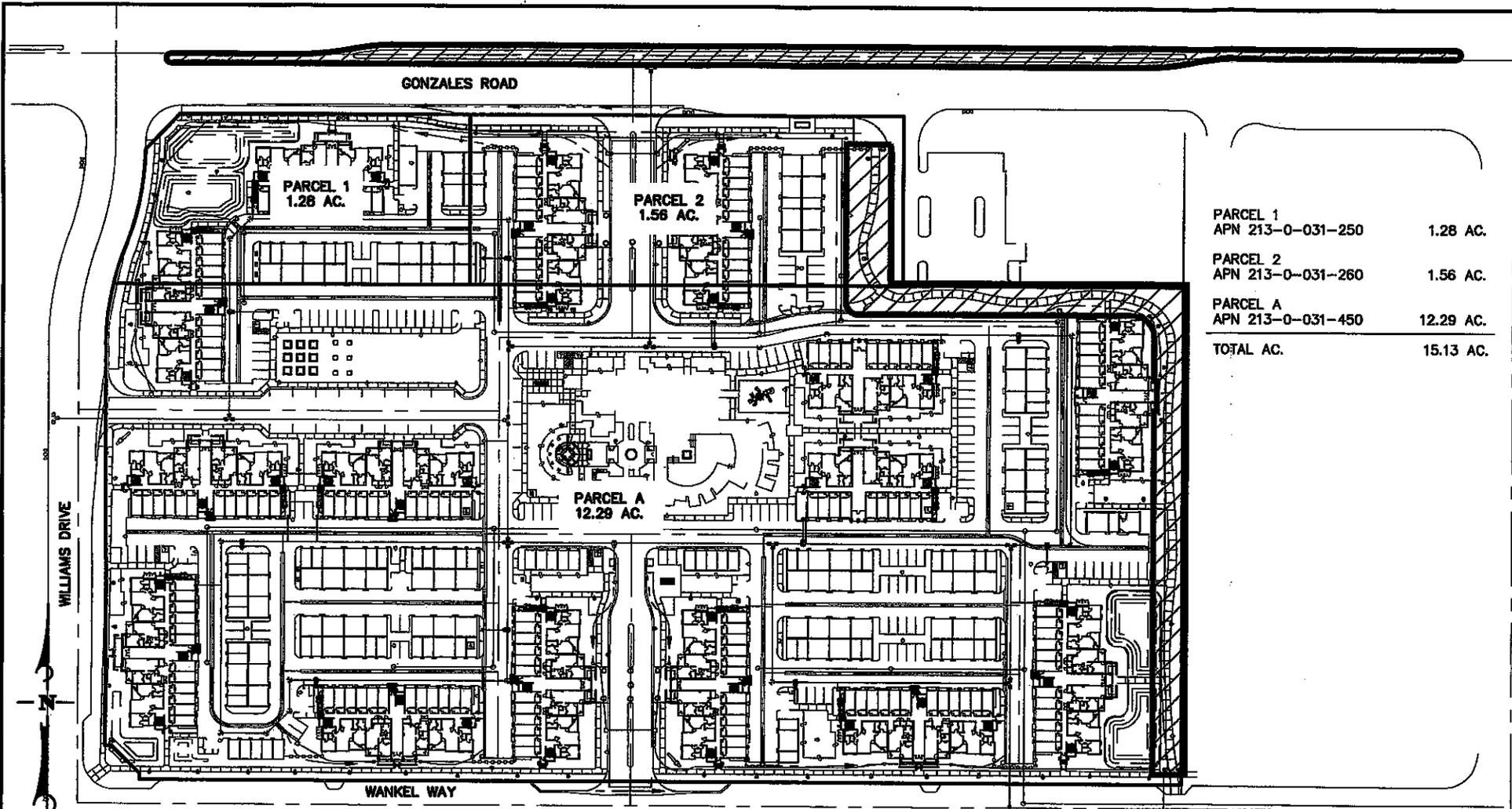
\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Alan Holmberg, City Attorney



PARCEL 1	
APN 213-0-031-250	1.28 AC.
PARCEL 2	
APN 213-0-031-260	1.56 AC.
PARCEL A	
APN 213-0-031-450	12.29 AC.
<b>TOTAL AC.</b>	<b>15.13 AC.</b>

ASSESSMENT DIAGRAM FOR  
 THE ARTISAN (LOT MERGER NO. 08-310-04)  
 LANDSCAPE MAINTENANCE  
 ASSESSMENT DISTRICT #60

CITY OF OXNARD  
 COUNTY OF VENTURA  
 STATE OF CALIFORNIA  
 SEPTEMBER 2012  
 SHEET 1 OF 1

**LEGEND:**

 CITY MAINTAINED LANDSCAPE  
 ASSESSMENT DISTRICT IMPROVEMENTS

 ASSESSMENT DISTRICT BOUNDARY

**Penfield & Smith**  
 Engineering · Surveying · Planning  
 · Construction Management ·

W.O. 13086.29A      1308629EX1.DWG

SCALE: 1"=100'

ATTACHMENT NO. 2  
 PAGE 1 OF 1

**CITY OF OXNARD  
LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 60  
(THE ARTISAN - LOT MERGER NO. 08-310-04)**

**ENGINEER'S REPORT  
ON LEVY OF ANNUAL ASSESSMENTS  
FOR FISCAL YEAR 2012-2013  
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.**

**W.O. #:**

**13086.29A**

**DATE:**

**September 2012**



ATTACHMENT NO. 3

PAGE 1 OF 6

**CITY OF OXNARD  
LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 60  
(THE ARTISAN - LOT MERGER NO. 08-310-04)**

**ENGINEER'S REPORT  
ON LEVY OF ANNUAL ASSESSMENTS  
FOR FISCAL YEAR 2012-2013  
& FUTURE YEARS**

**SECTION 1 MAINTENANCE TO BE PROVIDED**

Landscaping improvements to be maintained include: trees, shrubs, turf, ground cover, themed light poles, archways, park benches, litter receptacles, doggie bag sections 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, park facilities or equipment and hardscaping.
- b. Provision for the life, growth, health and beauty of the landscaping and other improvements, including cultivation, irrigation, electricity, 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, themed light poles 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 2012-2013 fiscal year includes:

- a. Total costs estimated to be incurred in 2012-2013, for maintaining and servicing all existing and proposed landscaping improvements, including all incidental expenses: \$53,132.50.

Cost Estimate

<b>Description</b>	<b>Total</b>
Paseo	\$ 11,600.00
Median	\$ 6,500.00
Trees	\$ 4,000.00
Water	\$ 15,000.00
Electricity	\$ 500.00
Hardscape	\$ 120.00
Light Poles	\$ 2,600.00
Archways	\$ 1,200.00
W.I. Fencing	\$ 500.00
Park Benches	\$ 300.00
Litter Receptacles	\$ 350.00
Doggie Bag Stations	<u>\$ 1,500.00</u>
	Subtotal \$ 44,170.00
Administration	<u>\$ 8,830.00</u>
	Subtotal \$ 53,000.00
County Collection Fee	<u>\$ 132.50</u>
	Total \$ 53,132.50

- 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 2012-2013 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): \$53,132.50.

## SECTION 4 ASSESSMENT OF ESTIMATED COSTS OF MAINTENANCE

This assessment applies to the 2012-2013 fiscal year.

- a. The net amount, determined in accordance with Section 3, above, to be assessed upon assessable lands within the District is \$53,132.50.
- 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 \$53,132.50 will be apportioned among the three parcels by acreage of each parcel as shown in the following table.

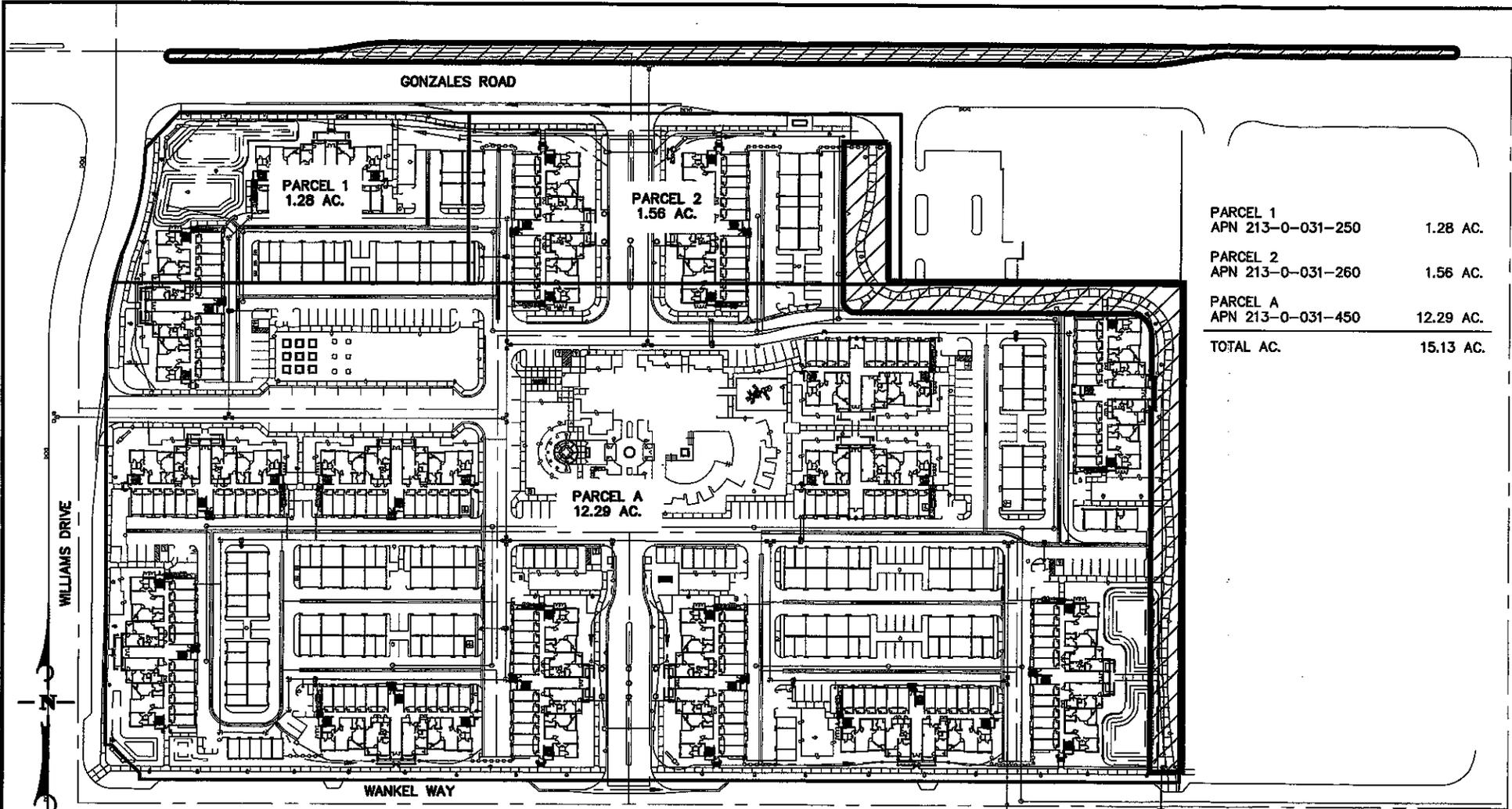
<b>Parcel</b>	<b>APN #</b>	<b>Lot Area</b>	<b>Parcel Fee</b>
Parcel 1	213-0-031-250	1.28 AC.	\$ 4,495.00
Parcel 2	213-0-031-260	1.56 AC.	\$ 5,478.50
Parcel A	<u>213-0-031-450</u>	<u>12.29 AC.</u>	<u>\$ 43,159.00</u>
	Total	15.13 AC.	\$ \$53,132.50

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.

- 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 July 2012 CPI, (235.776 - with 1982-84 = 100.0) without compliance with applicable procedures set out in Article XIII D 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.



PARCEL 1		
APN 213-0-031-250	1.28 AC.	
PARCEL 2		
APN 213-0-031-260	1.56 AC.	
PARCEL A		
APN 213-0-031-450	12.29 AC.	
<b>TOTAL AC.</b>	<b>15.13 AC.</b>	

**ASSESSMENT DIAGRAM FOR  
THE ARTISAN (LOT MERGER NO. 08-310-04)  
LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT #80**

CITY OF OXNARD  
COUNTY OF VENTURA  
STATE OF CALIFORNIA  
SEPTEMBER 2012  
SHEET 1 OF 1

**LEGEND:**

-  CITY MAINTAINED LANDSCAPE  
ASSESSMENT DISTRICT IMPROVEMENTS
-  ASSESSMENT DISTRICT BOUNDARY



W.O. 13086.29A 1308629EX1.DWG

SCALE: 1"=100'

ATTACHMENT NO. 3  
 PAGE 6 OF 6