CITY OF MARTINEZ **CITY COUNCIL AGENDA**
May 21, 2014

TO: Mayor and City Council

FROM: Tim Tucker, City Engineer

SUBJECT: Levying Assessments for LLAD 2001-1 (Alhambra Estates) for Fiscal Year 2014-15

DATE: May 14, 2014

RECOMMENDATION:

Adopt resolutions: 1) describing improvements and changes for fiscal year 2014-15; and 2) declaring the City's intent to levy and collect assessments, setting the date for public hearing on June 18, 2014 and directing the City Clerk to publish all required notices. By motion, approve Engineer's Report for Landscape and Lighting Assessment District 2001-1, Alhambra Estates.

BACKGROUND:

Section 13.29.010, Martinez Municipal Code, adopted on March 18, 1981, incorporates the Landscaping and Lighting Act of 1972 in the Martinez Municipal Code. This allowed the City to form Assessment Districts for the purpose of maintaining landscaping and lighting facilities over the public rights-of-way, easements and properties.

No boundary changes, new improvements or substantial changes in maintenance are proposed for fiscal year 2014-15.

It is recommended the assessment be increased by the Consumer Price Index (CPI) of 2.2% as allowed in the resolution formulating the district. Assessments in this district provide for continued landscape maintenance, weed abatement, irrigation and improvements as described in the Engineer's Report. Energy costs and street lighting costs are also included in this district. The budgeted General Fund contribution of $2,000 is new for fiscal year 2014-15. This General Fund contribution will avoid running the district into a negative fund balance and is for the general benefit to the City and surrounding areas.

The funds collected in this assessment district will be used only within the boundaries of the district, and any deficit or surplus left in the account from prior years will be carried over to next year's assessment. The City Engineer, a Registered Civil Engineer, is designated as a qualified "Engineer" for the purposes of performing duties pursuant to the Martinez Municipal Code. The Engineer's Report is on file in the office of the City Clerk.

FISCAL IMPACT:

The Engineer's Report for this assessment district does not include a general fund contribution; however, the Engineer's Report does include a $700.00 contribution to be allocated from the City's NPDES funds for one-half of the annual maintenance costs associated with the detention basin within the assessment district boundaries. In addition, a gas tax "Arterial Maintenance" contribution of $7,000 is also required to maintain the area adjacent the Alhambra Avenue retaining wall which is within the Assessment District boundaries. In addition the impact on the General Fund contribution should be $2,000 for fiscal year 2014-15 to avoid running the district into a negative fund balance and is for the general benefit to the City and surrounding areas. If the assessment is not levied, alternate funding sources will need to be identified to pay for these annual maintenance costs.

ACTION:

For Landscaping and Lighting Assessment District 2001-1, Alhambra Estates:

A. Adopt resolution describing improvements and changes.
B. Adopt resolution of intention to levy and collect assessments, set date for public hearing on June 18, 2014 and direct City clerk to give and publish all required notices.
C. Motion approving Engineer's Report.

Attachments:
Resolutions
Map

Engineer's Report & Assessment Diagrams on file with the City Clerk

APPROVED BY:
Interim City Manager

RESOLUTION NO. -14

DESCRIBING IMPROVEMENTS OR CHANGES FOR FISCAL YEAR 2014-15 LANDSCAPING AND LIGHTING DISTRICT 2001-1, ALHAMBRA ESTATES

WHEREAS, the City Council of the City of Martinez, California did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, did conduct proceedings for the formation of the Landscaping and Lighting District, 2001-1 Alhambra Estates and did on November 15, 2000 pursuant to proceedings duly had, adopt its Resolution No. 138-00, a Resolution Ordering Formation of Territory Into a Landscaping and Lighting District and Authorizing the Levy and Collection of Assessments Therein Pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, has formed Landscaping and Lighting Assessment District No. 2001-1 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and City of Martinez Ordinance No. 941 C. S., passed on March 18, 1981, adopting Section 13.29.010 of the Martinez Municipal Code; and

WHEREAS, the location of the proposed District is commonly known as Subdivision No. 8330, Subdivision 8397 & MS 2000-52, Alhambra Estates; and

WHEREAS, the public interest, convenience, and necessity require, and it is the intention of the Council, to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said District, for the construction or installation of improvements, including the maintenance or servicing, or both, for fiscal year 2014-15; and

NOW, THEREFORE, BE IT RESOLVED that the improvements to be constructed or installed, including the maintenance or servicing, or both, are more particularly described in Exhibit “A” hereto attached and by reference incorporated herein.

BE IT FURTHER RESOLVED that the costs and expenses of said improvements, including the maintenance or servicing, or both, are to be made chargeable upon said District, the exterior boundaries of the District are the composite and consolidated area more particularly shown on a map thereof on file in the office of the City Clerk of the City of Martinez to which reference is hereby made for further particulars. The map indicates by a boundary line the extent of the territory included in said District and of any zone thereof and shall govern for all details as to the extent of the assessment district; and

BE IT FURTHER RESOLVED it is recommended the assessment be increased by the Consumer Price Index (CPI) of 2.7% as allowed in the resolution formulating the district; and

BE IT FURTHER RESOLVED that the City Council allocate NPDES Fund contribution of $700.00 and Gas Tax fund contribution of $7,000 to account number LL917; and

BE IT FURTHER RESOLVED that the City Council allocate General Fund Contribution of $2,000.00 to account number LL917.

* * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 21st day of May, 2014, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

EXHIBIT "A"

LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT 2001-1
(ALHAMBRA ESTATES)

1. The maintenance, installation, or both of improvements shall include:

   A. Natural vegetation, landscape planting, irrigation systems, street lighting, drainage, detention basin, and sound walls in Subdivision 8330 and 8397, weed abatement on the scenic easement, and a fire break on a portion of lot 10 Subdivision 8397. A portion of lot 10 of Subdivision 8397 defined as a Scenic Easement. The Landscape and Lighting District shall be responsible for maintenance (weed abatement).

   B. Fire break on a portion of Subdivision 8397.

2. The developers are required to perform maintenance on improvements within the district under a warranty period. The warranty period is two years for establishment of plant materials and one year landscape maintenance period. The warranty period commences upon the acceptance of improvements by the City Council. Accordingly, the savings to the District will be shown as a credit against the assessment levied against each property.

RESOLUTION NO. -14

INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2014-15 LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT AND LIGHTING DISTRICT 2001-1(ALHAMBRA ESTATES)

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, has formed Landscaping and Lighting Assessment District No. 2001-1 pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and City of Martinez Ordinance No. 941 C. S., passed on March 18, 1981, adopting Section 13.29.010 of the Martinez Municipal Code; and

WHEREAS, the location of the proposed District is commonly known as Subdivision No. 8330, Subdivision 8397 & MS 2000-52, Alhambra Estates; and

WHEREAS, the existing improvements to be maintained include landscaped planting areas, irrigation system, street lighting, and servicing thereof within the public right-of-way; and

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, intends to levy and collect assessments within the Assessment District for the fiscal year stated herein; and

WHEREAS, an Engineer’s Report is on file with the City Clerk with a full and detailed description of the improvements, maintenance thereof, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held on June 18, 2014 at 7:00 P.M. by the City Council in City Hall, 525 Henrietta Street, Martinez, on the question of the Assessment District and the levy of the proposed assessment.

BE IT FURTHER RESOLVED that all of the recitals contained hereinabove are hereby incorporated by this reference; and

BE IT FURTHER RESOLVED that Richard G. Hernandez, City Clerk, is hereby directed to file this resolution on said project, and is hereby directed to give notice of above said public hearing in accordance with Section 22553 of the Streets and Highways Code.

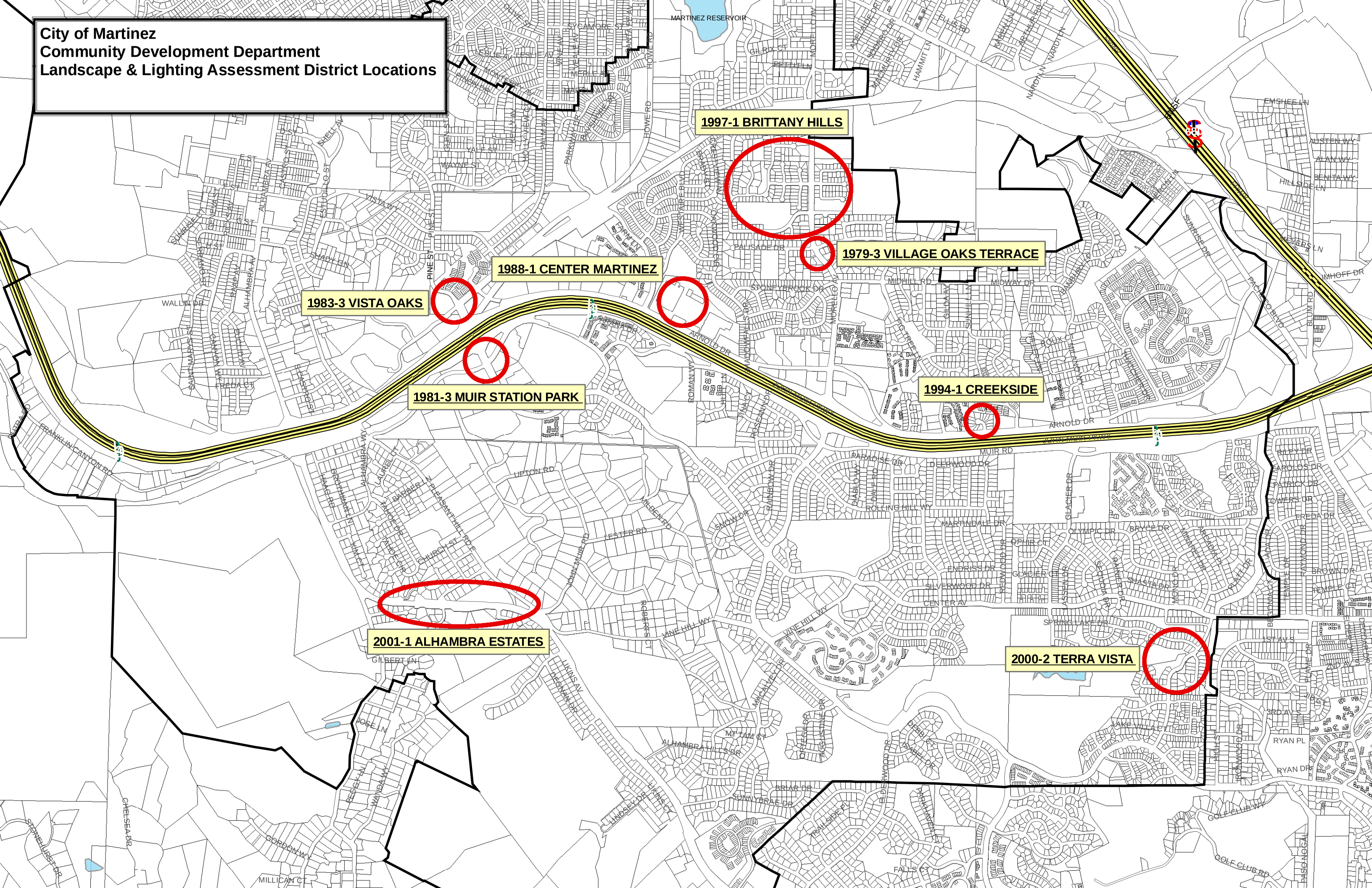
* * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 21st day of May, 2014, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

City of Martinez
Community Development Department
Landscape & Lighting Assessment District Locations