CITY OF MARTINEZ **CITY COUNCIL AGENDA**
May 18, 2011

TO: Mayor and City Council

FROM: Tim Tucker, City Engineer

SUBJECT: Levying Assessments for LLAD 1983-3 (Vista Oaks) for Fiscal Year 2011-2012

DATE: May 9, 2011

RECOMMENDATION:

Adopt resolutions: 1) describing improvements and changes for fiscal year 2011-12; and 2) declaring the City's intent to levy and collect assessments, setting the date for public hearing on June 15, 2011 and directing the City Clerk to publish all required notices. By motion, approve Engineer's Report for Landscape and Lighting Assessment District 1983-3, Vista Oaks.

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 2011-12.

There is no increase in assessments. 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 not included; however, the costs of maintenance for street lights are included in this district. Contra Costa County agreed to increase their assessment to pay their fair share of maintenance costs. The budgeted General Fund contribution of $3,000 remains unchanged for fiscal year 2010-11. This General Fund contribution will avoid running the district into a negative fund balance.

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 impact on the General Fund contribution should be maintained at $3,000 for fiscal year 2011-12 to avoid running the district into a negative fund balance. 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 1983-3, Vista Oaks:

A. Adopt resolution describing improvements and changes.
B. Adopt resolution of intention to levy and collect assessments, set date for public hearing on June 15, 2011, and direct City Clerk to give and publish all required notices.
C. By motion, approve Engineer's Report.

Attachments:
Resolutions, Map

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

APPROVED BY: City Manager

RESOLUTION NO. -11

DESCRIBING IMPROVEMENTS OR CHANGES FOR FISCAL YEAR 2011-12 LANDSCAPING AND LIGHTING DISTRICT 1983-3 (VISTA OAKS)

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, 1983-3 (Vista Oaks), and did on July 19, 1983 pursuant to proceedings duly had, adopt its Resolution No. 133-83, 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. 1983-3 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 Contra Costa County Subdivision No. 6265, Vista Oaks (241M1) and adjacent lands (APN 376-130-028); 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 2011-12.

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; and

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 as more particularly shown on a map which is 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 that the City Council allocate General Fund Contribution of $3,000.00 to account number LL914.

* * * * * *

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 18th day of May, 2011, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

EXHIBIT A

LANDSCAPING AND LIGHTING DISTRICT 1983-3, VISTA OAKS

1. The construction or installation, including the maintenance or servicing, or both, thereof, of irrigation system and public landscaping, including trees, shrubs, grass, or other controlled vegetation.

2. The construction or installation, including the maintenance or servicing, or both thereof, or public lighting facilities, consisting of standards, poles, luminaries and wiring.

RESOLUTION NO. -11

INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPING AND LIGHTING ASSESSMETN DISTRICT 1983-3 (VISTA OAKS) FOR FISCAL YEAR 2011-12

WHEREAS, the City Council of the City of Martinez, California, has formed Landscaping and Lighting Assessment District No. 1983-3 (Vista Oaks) pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22674) and Section 13.29.010 of the Martinez Municipal Code, adopted on March 18, 1981; and

WHEREAS, the location of the proposed District is commonly known as Contra Costa County Subdivision No. 6265, Vista Oaks (241M1) and Assessor's Parcel Number 376-130-028, Food and Deli; and

WHEREAS, the existing improvements to be maintained include landscaped planting areas, irrigation system, 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 15, 2011 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; and

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.

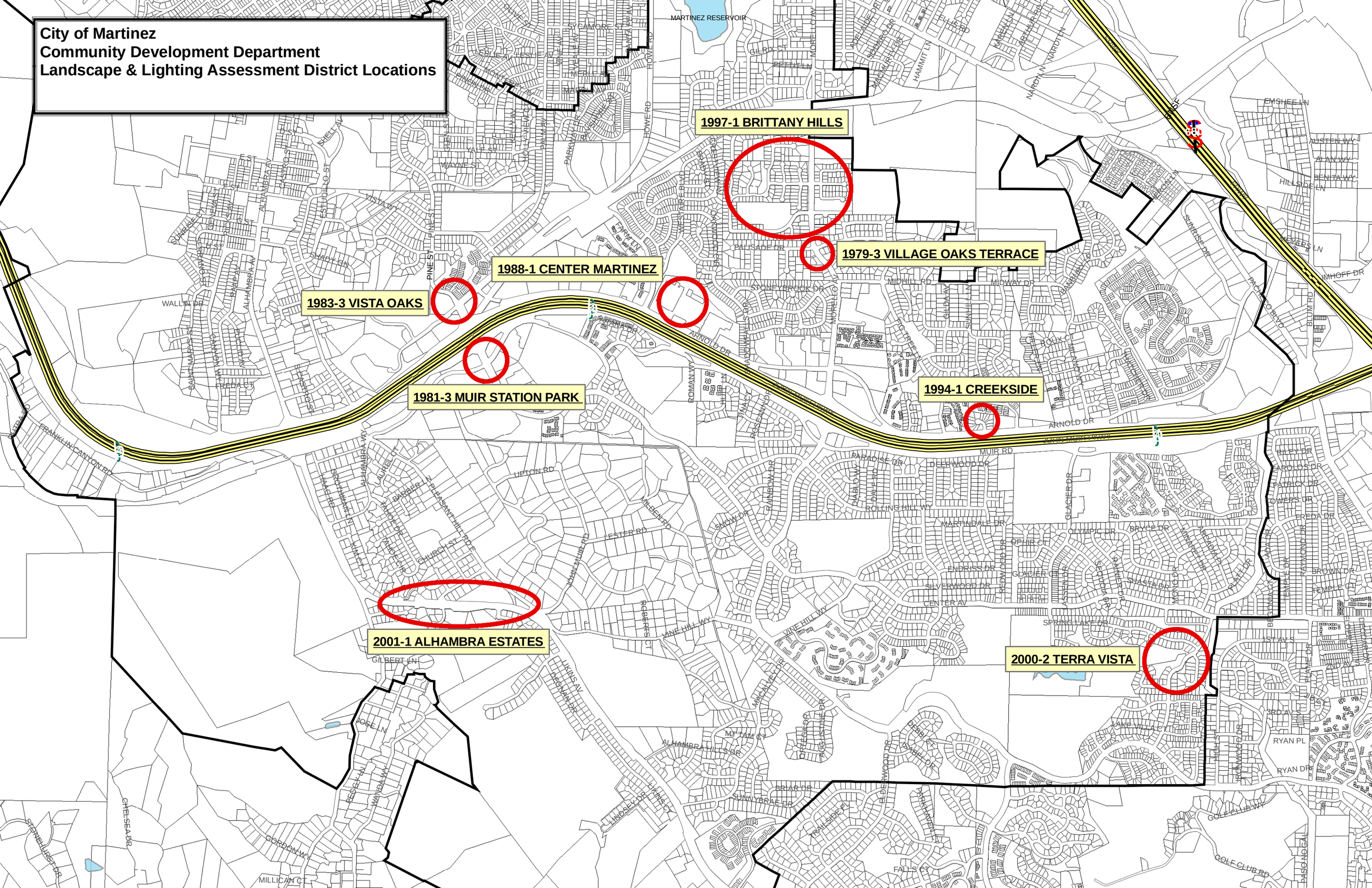
* * * * * *

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 18th day of May, 2011, 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