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

TO: Mayor and City Council

FROM: Tim Tucker, City Engineer

SUBJECT: Levying Assessment for LLAD 1997-1 (Brittany Hills) 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 1997-1, Brittany Hills.

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 are proposed for the 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 included in this district. Staff will investigate ways of enhancing the landscaping along the City Open Space parcel without increasing maintenance costs. In addition, the ground cover on the sloped area along Morello Avenue has never taken hold even with intensive fertilizing, increased watering and maintenance. It will be replaced with other plantings that have thrived in this area. $25,000 has been set aside in the budget to complete this work.

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:

There is no impact to the City's General Fund budget if the assessment is levied. 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 1997-1, Brittany Hills:

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. Motion approving the 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 1997-1 (BRITTANY HILLS)

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, 1997-1 (Brittany Hills), and did, on April 1, 1999, pursuant to proceedings duly had, adopt its Resolution No. 44-98, 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. 1997-1 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 Contra Costa County Subdivision No. 7854 (Brittany Hills); 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 the 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 which 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. Said 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.

* * * * * *

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”

BRITTANY HILLS
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT
ASSESSMENT DISTRICT NO. 1997-1

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, energy costs, poles, luminaries and wiring.

3. The construction or installation, including the maintenance or servicing, or both, thereof, of a sound wall and median islands along Morello Avenue, and median island on Morello Park Drive.

RESOLUTION NO. -11

INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT AND LIGHTING DISTRICT 1997-1 (BRITTANY HILLS) FOR FISCAL YEAR 2011-12

WHEREAS, the City Council of the City of Martinez, Contra Costa County, California, has formed Landscaping and Lighting Assessment District No. 1997-1 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 Contra Costa County Subdivision No. 7854, 8129, 8130, 8214, and 8223, and Brittany Place, encompassing Subdivision 8224 (Brittany Hills); 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 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.

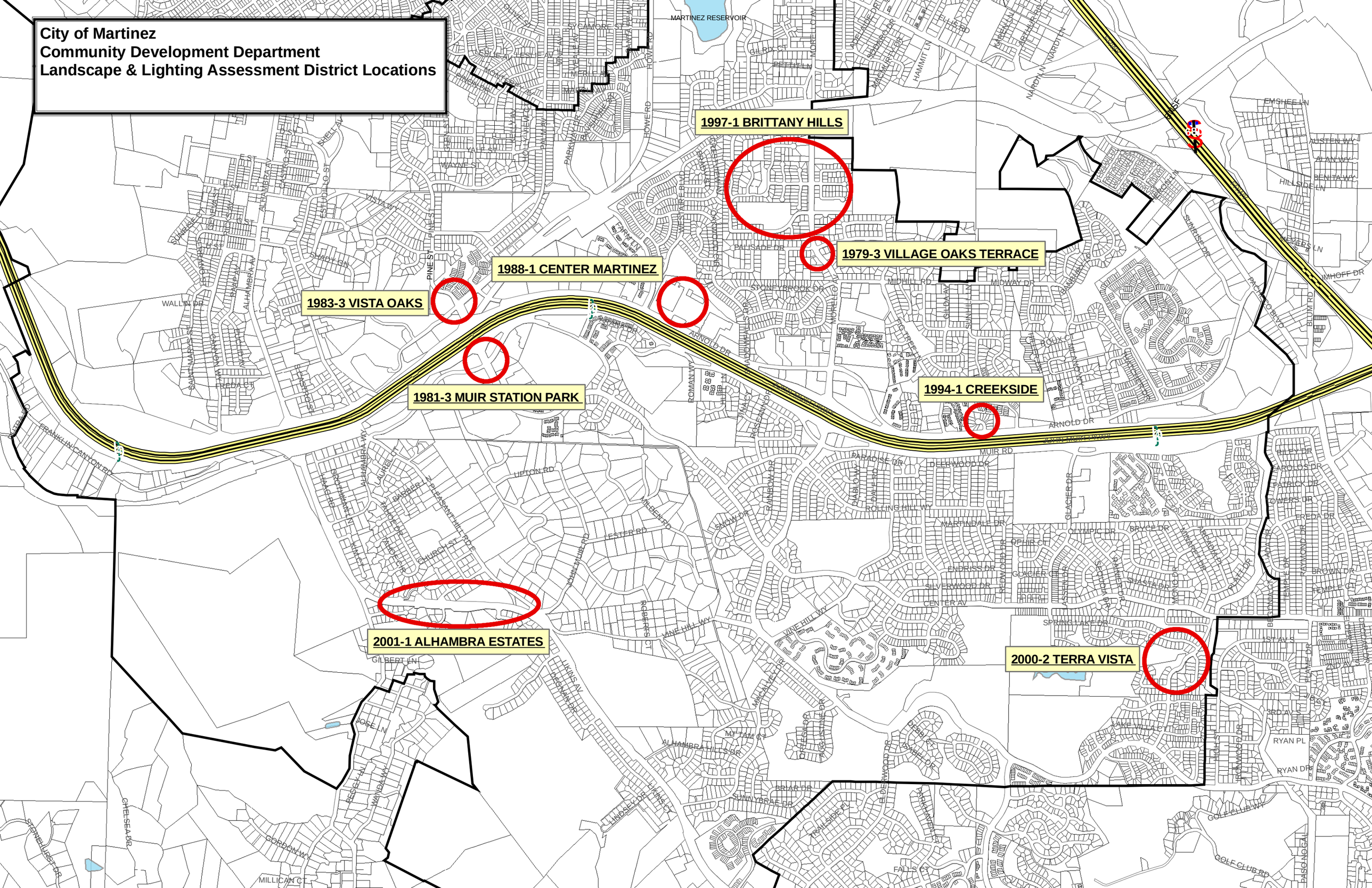
* * * * * *

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