CITY OF MARTINEZ **CITY COUNCIL AGENDA**
June 15, 2011

TO: Mayor and City Council

FROM: Tim Tucker, City Engineer

SUBJECT: Levying Assessment for Landscaping and Lighting Assessment District 1994-1, Creekside

DATE: June 3, 2011

RECOMMENDATION:

Conduct a public hearing, and approve the Engineer's Report, and the assessment for 2011-12.

BACKGROUND:

The date for this public hearing was set for June 15, 2011 by resolution at the Council meeting of May 18, 2011. The required notices for this hearing date have been published. State law provides that the hearing shall be conducted prior to August 10, 2011, unless another date is set by the County Auditor.

The assessments in this district provide for landscape maintenance costs including irrigation, water, and weed abatement. Energy costs for street lighting are not included in this district. The funds collected will be used only within the boundaries of this district, and any deficit or surplus left in the account will be carried over to next year's budget accounts.

The assessments for the prior fiscal year for this district were $6,469.80. There are not any proposed district boundary changes, new improvements or substantial changes. The proposed assessments for Fiscal Year 2011-12 will be $6,469.80.

FISCAL IMPACT:

The Engineer's Report for this assessment district does not include a general fund contribution. If the assessment is not levied, alternate funding sources will need to be identified to pay for these annual maintenance costs.

ACTION:

Landscaping and Lighting Assessment District 1994-1 Creekside and approve the following:

A. Motion ordering any changes in improvements, report, diagram, or assessments.
B. Resolution approving the Engineer's Report, and confirming the district diagram and assessments for the 2011-2012 Fiscal Year.
C. Resolution overruling protests (if required, must be adopted by 4/5 vote).

ATTACHMENTS:
1. Resolutions
2. Location Maps
3. Engineer's Report and Assessment Diagrams on file with City Clerk

APPROVED BY: City Manager

RESOLUTION NO. -11

APPROVING THE ENGINEER'S REPORT, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1994-1 CREEKSIDE FOR FISCAL YEAR 2011-12

WHEREAS, on the 18th day of May, 2011, the City Council of the City of Martinez, Contra Costa County, California, adopted a resolution fixing the 15th day of June, 2011, at the hour of 7:00 p.m. of said day, at the meeting of the City Council of the City of Martinez in City Hall, 525 Henrietta Street, Martinez, California, as the time and place for hearing protests with relation to the intention to levy and collect assessments for the Fiscal Year 2011-12 for landscaping and lighting improvements, as described in Resolution No. 055-11; and

WHEREAS, the required notices of said hearing were duly published, whereupon the City Council held the public hearing at the specified time and place in conformance with the requirements of Section 22629 of the Streets and Highways Code.

NOW, THEREFORE, IT IS DETERMINED, ORDERED AND RESOLVED as follows:

1. That the diagram showing the exterior boundaries of the assessment district and also the boundaries of any zones therein and the lines and dimensions of each lot or parcel of land has been given a separate number upon said diagram, as contained in said report, be, and it is hereby, finally approved and confirmed.

2. That the assessment of the total amount of the costs and expenses of the said improvements upon the several lots or parcels of land in said District in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements, and the maintenance or servicing, or both, thereof and of the expenses incidental thereto contained in said report be, and the same is hereby, finally approved and confirmed in accordance with changes ordered to show a total assessment amount of $6,469.80.

3. That said Engineer's Report for Fiscal Year 2011-12 be, and the same is hereby, finally adopted and approved as a whole, as changed.

4. That the City Clerk or City Finance Director shall forthwith file with the Auditor of Contra Costa County the said assessment, together with said diagram thereto attached and made part thereof, as confirmed by the City Council, with the certificate of such confirmation thereto attached and of the date thereof.

5. That the order for the levy and collection of assessment for the improvements and the final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in said Report, as hereinabove determined and ordered, shall refer and apply to said Report, or any portion thereof, as amended, modified, revised or corrected by, or pursuant to and in accordance with any resolution or order, if any, heretofore duly adopted or made by this Council.

* * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 15th day of June, 2011, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

RESOLUTION NO. -11

OVERRULING PROTESTS FOR LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1994-1 CREEKSIDE

WHEREAS, on the 18th day of May, 2011, the City Council of the City of Martinez, County of Contra Costa, California, adopted the resolution fixing the time and place for hearing on the Engineer's Report in Landscape and Lighting Assessment District No. 1994-1 City of Martinez, County of Contra Costa, California; and

WHEREAS, said resolution fixed the 15th day of June, 2011 at the hour of 7:00 p.m. of said day at the meeting place of the City Council of the City of Martinez in City Hall, 525 Henrietta Street, Martinez, California, as the time and place for hearing protests with relation to proposed improvements and maintenance described in the Engineer's Report, and extent of the Assessment District and the proposed assessment; and

WHEREAS, the City Council finds that the protests and objections are made by owners of greater than one-half of the area of the property to be assessed for said improvements; and

WHEREAS, persons interested, objecting to the formation of said district, to said improvements, including the maintenance or servicing, or both, thereof, or to the extent of the assessment district, or any zones therein, or to the proposed assessment or diagram or to the Engineer's estimate of costs thereof, filed written protests with the Clerk of said City at or before the conclusion of said hearing, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy and collection of the assessments for said improvements, including the maintenance or servicing, or both, thereof, were fully heard and considered by said council.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDERED, as follows:

That protests against the formation of said District, said improvements, including the maintenance or servicing, or both, thereof, or to the extent of the assessment district or any zones therein, or to the proposed assessment or diagram, or to the Engineer's estimate of costs thereof, for Fiscal Year 2011-12 be, and each of them are hereby, overruled.

BE IT FURTHER RESOLVED by the City Council of the City of Martinez that by the following four-fifths vote of all Council members, all of said protests and objections of every kind or nature are hereby overruled or denied; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to file this resolution on said project.

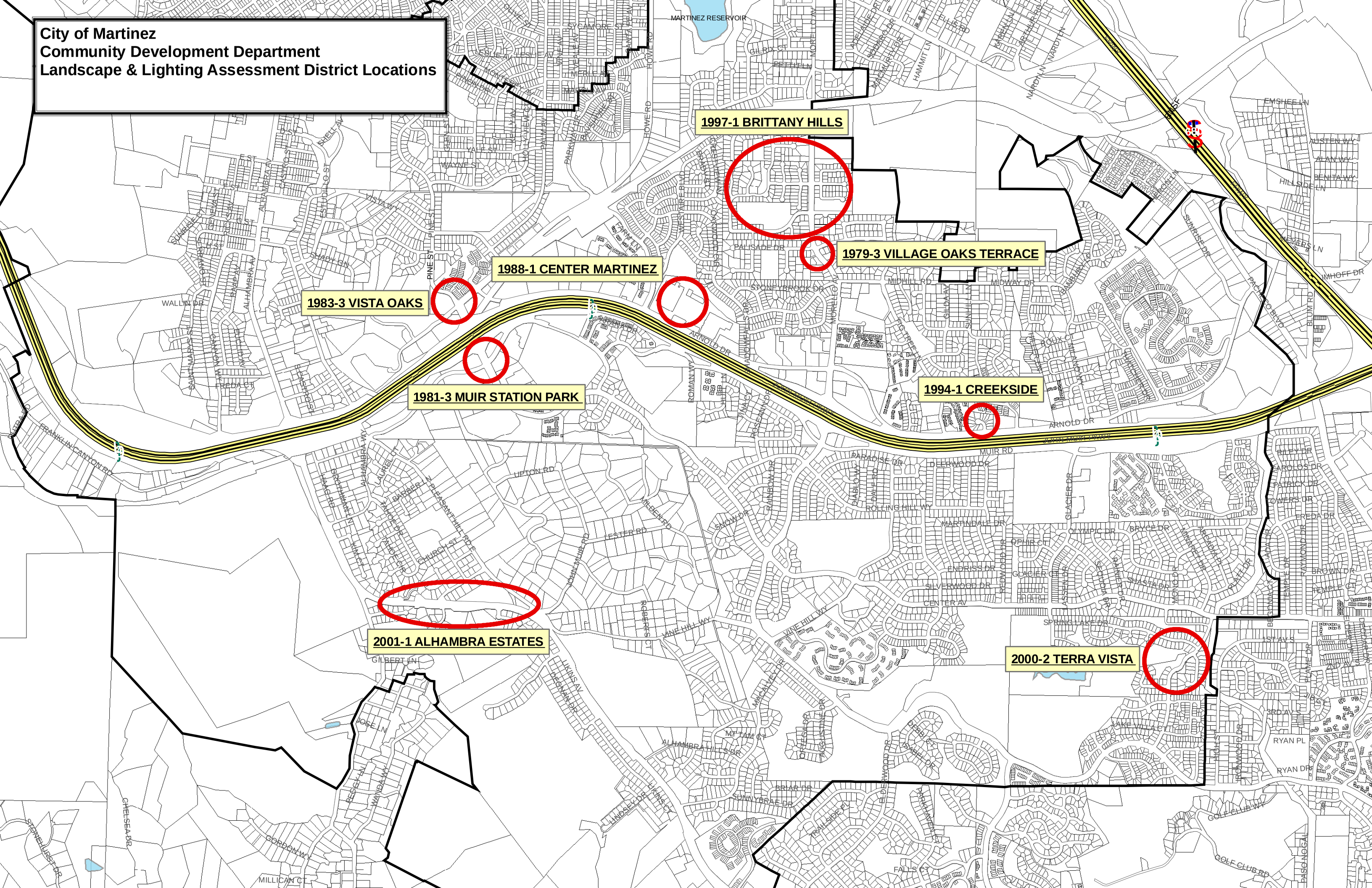
* * * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 15th day of June, 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