CITY OF MARTINEZ **CITY COUNCIL AGENDA**
June 27, 2012

TO: Mayor and City Council

FROM: Tim Tucker, City Engineer

SUBJECT: Levying Assessment for Landscaping and Lighting Assessment District 1979-3 Village Oaks Terrace

DATE: June 15, 2012

RECOMMENDATION:

Conduct Public Hearing; approve the Engineer's Report and the assessment for 2012-13.

BACKGROUND:

The date for this public hearing was set for June 20, 2012 by resolution at the Council meeting of May 16, 2012. The Public Hearing notice was republished for the rescheduled meeting date of June 27, 2012. State law provides that the hearing shall be conducted prior to August 10, 2012, 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 $3,420.00. There are not any proposed district boundary changes, new improvements or substantial changes. The proposed assessments for Fiscal Year 2012-13 will be $3,420.00.

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 1979-3 Village Oaks Terrace 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 2012-13 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. -12

APPROVING THE ENGINEER'S REPORT, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1979-3 (LL-2), VILLAGE OAKS TERRACE FOR FISCAL YEAR 2012-13

WHEREAS, on the 16th day of May, 2012, the City Council of the City of Martinez, Contra Costa County, California, adopted a resolution fixing the 20th day of June, 2012, at the hour of 7:00 p.m. of said day, at the meeting of the City Council of the City of Martinez located 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 2012-13 for landscaping and lighting improvements, as described in Resolution No. 064-12; and

WHEREAS, the required notices of said hearing were duly published for the rescheduled meeting date of June 27, 2012, 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 $3,420.00.

3. That said Engineer's Report for Fiscal Year 2012-13 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 27th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

RESOLUTION NO. -12

OVERRULING PROTESTS FOR LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1979-3 (LL-2) VILLAGE OAKS TERRACE

WHEREAS, on the 16th day of May, 2012, 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. 1979-3 (LL-2) City of Martinez, County of Contra Costa, California; and

WHEREAS, said resolution fixed the 20th day of June, 2012 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 required notices of said hearing were duly published for the rescheduled meeting date of June 27, 2012; 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 2012-13 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 Councilmembers, 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 27th day of June, 2012, by the following vote:

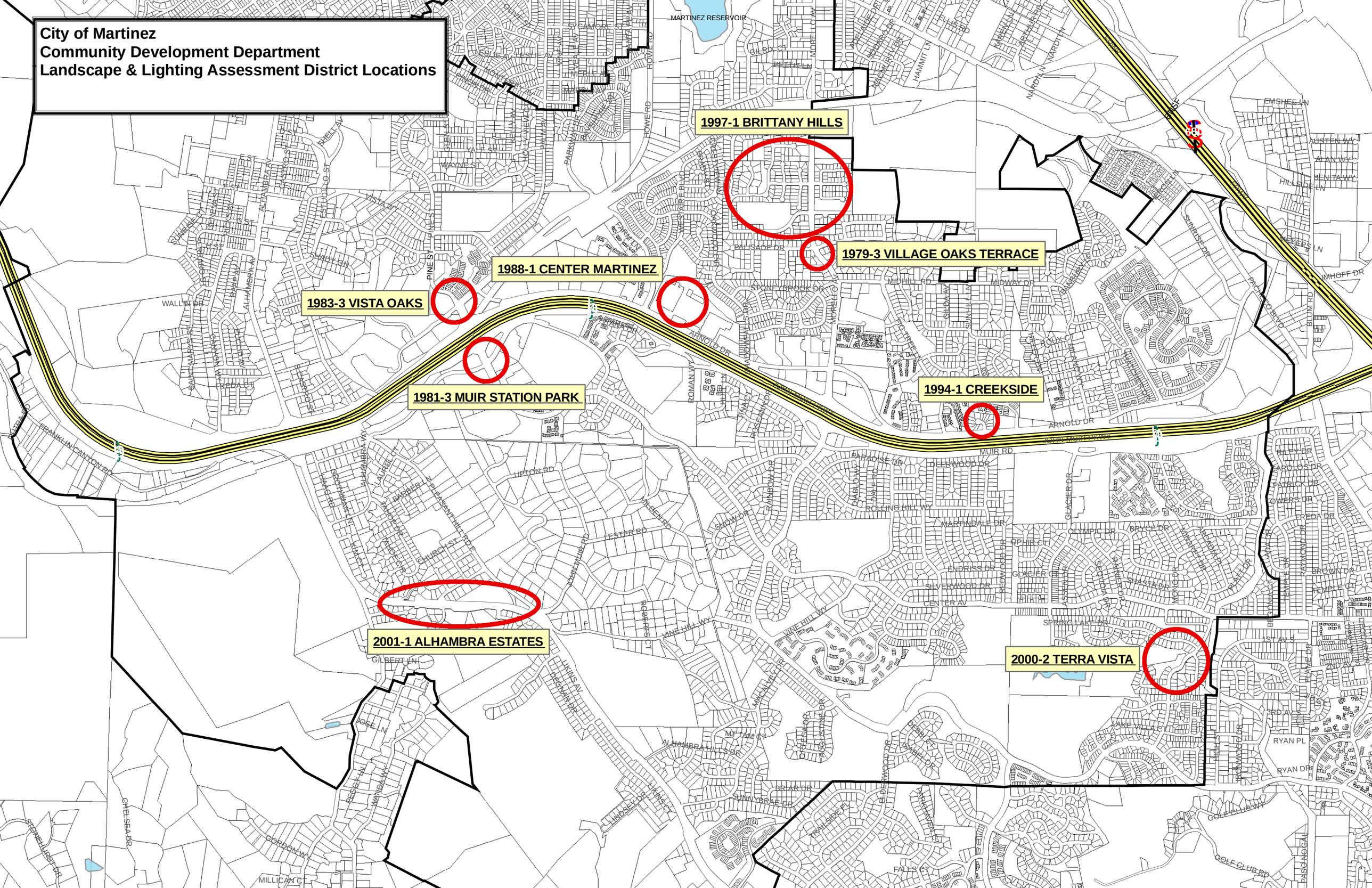
AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

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


1997-1 BRITTANY HILLS
1979-3 VILLAGE OAKS TERRACE
1988-1 CENTER MARTINEZ
1983-3 VISTA OAKS
1981-3 MUIR STATION PARK
1994-1 CREEKSIDE
2001-1 ALHAMBRA ESTATES
2000-2 TERRA VISTA
MARTINEZ RESERVOIR
ARNOLD DR
MUIR RD
JOHN MUIR HWY
FRANKLIN CANYON RD
PALISADE DR
STONEYBROOK DR
MIDHILL RD
MIDWAY DR
WALLIN DR
SHADY LN
PINE ST
HOWE RD
ALHAMBRA AV
UPTON RD
LESTER RD
CHURCH ST
VINE HILL WAY
ALHAMBRA HILLS DR
SUNNYBRAE DR
BRIAR DR
ROLLING HILL WY
MARTINDALE DR
PARADISE DR
DEERWOOD DR
SILVERWOOD DR
CENTER AV
SPRING LAKE DR
LAKE VILLA CT
RYAN PL
RYAN DR
GOLF CLUB WY
GOLF CLUB RD
FALLS CT
TRAILSIDE CT
GILBERT LN
CHELSEA DR
CORDON WY
MILLICAN CT
STONEHURST DR
PACHECO BLVD
BLUM RD
EMSHEE LN
HILLSIDE LN
IMHOFF DR
ROSEWOOD DR
ROMAN WY
MORELLO
GILPIN AV
SUNHILL LN
ROUX CT
ALAN WY
SENITA WY
AUSTEN WY
BILEY DR
CAROLOS DR
PATRICK DR
TOWERS DR
FREDA DR
BROWN DR
TEMPLE CT
BRYCE DR
OLYMPIC DR
GLACIER DR
SHASTA DR
MONO CT
OPHIR CT
ENDRISS DR
GLACIER CT
ROSEWOOD DR
ASSEN DR
ELDERWOOD DR
PARKWAY DR
ROSEWOOD DR
TIGHT WY
BEECHWOOD DR
FLAME DR
1ST AV S
2ND AV S
3RD AV
BEECHWOOD DR
BERNER DR
ROSE LN
HAWK WY
LINDSLEY DR
HIKINS CT
HIKINS AV
MT TAM CT
ORTEGA DR
ROCK CUT DR
MARCALLE DR
VIEW DR
ROSEBERRY CT
SHOW DR
RAINBOW DR
JOHN MUIR DR
WILDEN RD
PARKWAY DR
SYCAMORE ST
MERLE AV
WAYNE ST
VISTA LN
SHELL AV
SUNSET CT
GEORGETOWN CT
RAPPAPORT CT
SANTA MARIA CT
VIEDA CT
LOUISA CT
LAUREL CT
ALHAMBRA WY
N PLEASANT HILL RD
BAPPER
GILRIX CT
PETITT LN
HAMMIT LN
NAROTH LN
KARENLAN
MAXIMILIAN DR
SUNRISE DR
EMBERS LN
ALHAMBRA AV
PINE ST
HOWE RD
MORELLO
GILPIN AV
ROSEWOOD DR
ROSEWOOD DR
ELDERWOOD DR
ROSEWOOD DR
ROSEWOOD DR
ROSE