ITEM NO. 12

STAFF REPORT

CITY OF OCEANSIDE

DATE: May 13, 2009

TO: Honorable Mayor and City Councilmembers

FROM: Economic and Community Development Department

SUBJECT: **ADOPTION OF RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR FY 2009-10 FOR THE DOUGLAS PARK LANDSCAPE MAINTENANCE DISTRICT**

SYNOPSIS

Staff recommends that the City Council adopt the resolution confirming the diagrams and assessments for the Douglas Park Landscape Maintenance District, Assessment District 5-1981, and order the assessments to be levied for FY 2009-10.

BACKGROUND

The Douglas Park Landscape Maintenance District (hereinafter "District") was formed pursuant to the authority granted by the Landscaping and Lighting Act of 1972 of the California Streets and Highways Code. This legislation provided the means to finance the maintenance of landscape improvements within the boundaries of the District.

The FY 2009-10 assessment for the District will be increased by two percent for Douglas Park and three percent for the Vandegrift corridor, Zone A, which is part of the District. This increase was agreed to by a majority of property owners within the District, and as such, a Proposition 218 balloting is not necessary. A comparative summary of the existing and proposed assessments for the District is shown in the fiscal impact portion of this report.

ANALYSIS

The City Council is required to conduct a public hearing regarding the proposed FY 2009-10 assessments to be levied within the District. The public hearing provides all interested persons an opportunity to be heard, either in writing or orally at the public hearing, regarding the renewal and proposed assessments. After consideration of the evidence submitted, the City Council is requested to adopt the resolution for the District confirming the FY 2009-10 diagram and assessment.

The amount of the assessment levied against a parcel is based on benefit unit costs. Benefit units are assigned to each parcel reflecting both land use designation and proximity to District landscaping. The District's total costs, divided by the total benefit

units in the District, determines the assessment per benefit unit. A parcel's assessment is determined by multiplying its assigned number of benefit units by the assessment per benefit unit.

Single-family homes are assessed one benefit unit. An additional 0.1 benefit unit is assessed if the single-family home is adjacent to District landscaping. Condominiums and apartments are assigned 0.8 benefit unit per dwelling.

An itemized outline of costs and the calculation of the average annual assessment per benefit unit are summarized in the attached Engineer's Report, approved on April 1, 2009, and the accompanying exhibits. The report identifies the proposed assessment for each lot and parcel of real property within the District. Exhibit C of the Engineer's Report contains an assessment roll showing the proposed amount to be assessed against each parcel within each District. The proposed assessments within the Engineer's Reports will be used to pay the operation, maintenance, and material costs associated with the District for FY 2009-10. Exhibit C is available for review in the City Clerk's office. Since there will not be any changes to the Engineer's Report approved on April 1, 2009, the City Council is not required to approve a Modified Engineer's Report. The proposed assessments within the Engineer's Report, approved on April 1, 2009, will be used to pay the operation, maintenance and material costs associated with the District for FY 2009-10.

FISCAL IMPACT

All costs are included in the District's budget. Revenues to cover the estimated expenditures are levied and collected as a special assessment against the properties within the District. The budget for the District is detailed on Exhibit B of the Engineer's Report. A comparative summary of the existing and proposed assessments for the District is shown below:

District	Current Annual / Monthly	Proposed Annual / Monthly	CPI	Account Number
Douglas Park	$88.21/$7.35	$89.95/$7.50	2% Annually	244.647340
Douglas Park - (Zone A) Vandegrift	$33.37/$2.78	$34.37/$2.86	3% Annually	244.647341

An annual increase to the base assessment rate by the Consumer Price Index (CPI) for all Urban Consumers for the San Diego Area was approved by a majority of the property owners within the District with City Council approval. The total annual

assessment will not exceed the maximum rate unless a balloting process is completed in compliance with Proposition 218. All of the assessments approved by the City Council were prepared in accordance with the 1972 Act and are in full compliance with the provisions of the California Constitution Article XIIID (Proposition 218).

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that the City Council adopt the resolution confirming the diagrams and assessments for the Douglas Park Landscape Maintenance District, Assessment District 5-1981, and order the assessments to be levied for FY 2009-10.

PREPARED BY:

Janet K. Craig
Program Specialist

SUBMITTED BY:

Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

Jane McVey, Economic & Community Development Director

Douglas E. Eddow, Real Property Manager

Scott O. Smith, City Engineer

Teri Ferro, Financial Services Director

Attachments: Resolutions

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, CONFIRMING THE FISCAL YEAR 2009-2010 DIAGRAM AND ASSESSMENT FOR THE DOUGLAS PARK LANDSCAPE MAINTENANCE DISTRICT, ASSESSMENT DISTRICT NO. 5-1981

WHEREAS, pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, Section 22500 et seq., hereinafter referred to as the "Act", the City Council of the City of Oceanside adopted Resolution No. 09-R0173-1 declaring its intention to levy and collect assessments for fiscal year 2009-2010 to pay the maintenance, operation and administrative costs for landscaping and appurtenant improvements within the Douglas Park Landscape Maintenance District, Assessment District No. 5-1981;

WHEREAS, said resolution also set a public hearing for May 13, 2009 at 6:00 p.m., or as soon thereafter as possible, in the City Council Chambers located at 300 North Coast Highway, Oceanside, California, as the time and place to hear protests and objections to the proposed assessment and renewal of said district;

WHEREAS, the City Clerk of the City of Oceanside has given notice of said hearing by publishing the Resolution of Intention, as required by Section 22626 of the Act;

WHEREAS, at the time and place stated in said Resolution of Intention, a public hearing was duly held by the City Council of the City of Oceanside, at which time all persons desiring to be heard were heard;

WHEREAS, the Engineer's Report for the Douglas Park Landscape Maintenance District was approved by the Oceanside City Council on April 1, 2009, and no changes have been made to that report.

WHEREAS, said Report on file with the City Clerk of the City of Oceanside, contains a full and detailed description of the boundaries of the assessment district, the proposed assessments to be levied against each assessable lot or parcel of land within the district, and a description of the improvements to be maintained or modified;

WHEREAS, the City Council of the City of Oceanside, adopted Resolution No. 09-R0172-1 which approved the Engineer's Report regarding the district's proposed 2009-2010 costs and assessments;

WHEREAS, the City Council of the City of Oceanside has examined and considered the proposed assessment in said Report and proceedings prior thereto, in addition to the evidence presented at said hearing; and

WHEREAS, upon completion of said hearing, the City Council of the City of Oceanside determined that a majority protest did not exist.

NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

SECTION 1. That on May 13, 2009, at 6:00 p.m., said hearing on the proposed 2009-2010 fiscal year assessment and renewal was duly held, and each and every step required under the Act and the California Constitution to levy said assessment and renew said district in the proceedings prior to and including said hearing has been duly taken.

SECTION 2. That this City Council does determine that the Engineer's Report, approved by its Resolution No. 09-R0172-1 and the amount of the assessment rates shown in said Report, should be confirmed.

SECTION 3. That the City Council does determine that the amounts to be assessed against the individual parcels shown on the assessment diagram contained in said Report are approved and confirmed, and the City Clerk of the City of Oceanside is directed to endorse upon the Engineer's Report for the Douglas Park Landscape Maintenance District its approval and the date thereof.

SECTION 4. The City Clerk of the City of Oceanside is directed to file said diagram and assessment as required by Section 22641 of the Act.

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PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____day of _____, 2009, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Mayor of the City of Oceanside

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

_____
City Attorney

ATTEST:

_____
City Clerk

Resolution confirming the fiscal year 2009-2010 diagram and assessment for the Douglas Park Landscape Maintenance District, Assessment District No. 5-1981