

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew J. Fertal
Dept: City Manager
Subject: CITY OF GARDEN GROVE STREET LIGHTING DISTRICTS (2010/11) AND PARK MAINTENANCE DISTRICT (2010/11); PROCEEDINGS RELATIVE TO LEVYING ANNUAL ASSESSMENT

From: Keith G. Jones
Dept: Public Works
Date: June 8, 2010

OBJECTIVE

To adopt resolutions initiating proceedings for the levying of FY 2010-11 assessments for (1) the City of Garden Grove Street Lighting District, (2) the City of Garden Grove Street Lighting District 99-1, (3) the City of Garden Grove Park Maintenance District; to adopt the resolution approving the Engineer's Report for those Districts; and to adopt the Resolutions of Intention for the levying of FY 2010-11 assessments for those Districts.

BACKGROUND

Annually, the City of Garden Grove has levied assessments against properties within the City to pay for the installation, maintenance, and servicing of public street lighting and park maintenance in the City. In 1996, changes in the methodology for determining the assessment were made, based upon the recommendations of a nine-member Ad Hoc Citizen's Committee appointed by City Council to develop an assessment that was more equitable for everyone. In 1997, Proposition 218 required additional changes for the assessments, including property-owner vote approval of the Park Maintenance Assessment. Such a vote was taken by the owners to create the District. Further, on June 22, 1999, the City Council ordered the formation of a subsequent Street Lighting District (No. 99-1) affecting 350 Garden Grove properties, which was approved by property owners through a special ballot proceeding.

In order to continue the lighting of streets and the maintenance of parks at the current service levels for the benefit of the City's property owners, it is necessary to initiate the proceedings of levying annual assessments under the Landscaping and Lighting Act of 1972. Each year, the apportionment of costs are updated and distributed in proportion to benefit received.

DISCUSSION

A schedule is attached outlining the procedural steps necessary to levy the annual assessment. The first step for the City Council to take in this process is to adopt the resolutions initiating proceedings and to order the City Engineer to prepare and file a report for (1) the Garden Grove Street Lighting District, (2) City of Garden Grove Street Lighting District No. 99-1, and (3) the City of Garden Grove Park Maintenance District.

The resolutions are included as Attachments "A1," "A2," and "A3."

The Preliminary Engineer's Report for each district as filed contains the following:

1. Synopsis.
2. Fiscal Year 2009/2010 Current Financial Summary.
3. A diagram showing the District boundaries.
4. The assessment roll on file in the office of the City Clerk, and incorporated therein by reference.
5. A description of improvements.
6. The estimated cost of operating the District.
7. A comparison of rates by land use.

The Street Lighting District report indicates that this year's proposed assessment totals \$1,320,721. The estimated District expenditures total \$1,690,502, which requires a General Fund contribution of \$369,781 to cover anticipated expenditures. The street lighting cost for each property owner was calculated based on benefit received from lighting improvements.

Street Lighting District No. 99-1 report indicates that this year's proposed assessment totals \$9,860. The City will contribute approximately \$1,250 to cover fund balance, which represents general benefit toward the total lighting cost. The street lighting cost for each property owner was also calculated based on benefit received from lighting improvements.

The Park Maintenance District report indicates that this year's proposed assessment totals \$700,827 out of the \$1,853,142 cost for park maintenance. The City will contribute approximately \$1,152,315, which represents general benefit toward the total park maintenance cost. The park maintenance cost for each property owner was calculated based on benefit received from community park improvements.

The proposed rates for each district for FY 2010/11 are the same rates adopted by the City Council in FY 2009/10. There are also no proposed additions or significant changes to the improvements for FY 2010/11 as compared to FY 2009/10.

The second step for the City Council to take in the process of levying an annual assessment is to adopt the Resolution approving the attached Engineer's Reports. This Resolution is included as Attachment "B."

The third step in the process of levying an annual assessment is the adoption of a Resolution of Intention for each district (Attachments "C1," "C2," and "C3") which:

1. Declares the intention to levy and collect assessments;
2. Generally describes the improvements;
3. Declares the intention to levy and collect assessments;
4. Generally describes the improvements;
5. Refers to the report of the engineer for a full and detailed description of the improvements, boundaries of the District and any zones therein, and proposed assessments;
6. Gives notice of, and fixes a time and place for, a public hearing regarding the proposed assessments, which is **July 13, 2010**.

FINANCIAL IMPACT


The adoption of street lighting and park maintenance assessments will raise approximately \$1,300,000 in street lighting revenue and \$700,000 in park maintenance revenue.

RECOMMENDATION

It is recommended that the City Council:

- Adopt the attached Resolutions, which initiates the proceedings for 1) the Street Lighting District, 2) Street Lighting District No. 99-1, and 3) the Park Maintenance District, and requests the Engineer to prepare and file a report for each district.
- Adopt the Resolution approving the Engineer's Report for 1) the Street Lighting District, 2) Street Lighting District No. 99-1, and 3) the Park Maintenance District.
- Adopt the Resolutions of Intention for the Street Lighting District, Street Lighting District No. 99-1, and the Park Maintenance District.


KEITH G. JONES
Public Works Director


By: Tony Aquino
Associate Engineer

Recommended for Approval


Matthew Fertal
City Manager

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2010-11 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT AND ORDERING THE CITY ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT

THE COUNCIL OF THE CITY OF GARDEN GROVE FINDS:

A. The City Council of the City of Garden Grove formed the City of Garden Grove Street Lighting District (formerly the Garden Grove City Landscaping and Lighting District [Resolution No. 6369-83]) pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Division 15, Part 2 (Sections 22500 et seq.) of the California Streets and Highways Code.

B. Said Act requires that proceedings for the levy of annual assessments after the formation of an Assessment District shall be initiated by Resolution describing any proposed new improvements or any substantial changes in existing improvements, and ordering the City Engineer to prepare and file a report in accordance with Article 4 of Chapter 1 of said Act.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The City Council of the City of Garden Grove hereby proposes the levy of an annual assessment for the City of Garden Grove Street Lighting District pursuant to the Landscaping and Lighting Act of 1972 for Fiscal Year 2010-11.

Section 2. The proposed improvements for Fiscal Year 2010-11 are generally described as the installation, maintenance, and servicing of public street lighting facilities including traffic signals, necessary for the proper maintenance and operation of streets and sidewalks throughout the city. Proposed new improvements for Fiscal Year 2010-11 include the installation of additional traffic signal facilities.

Section 3. The City Council hereby orders the City Engineer to prepare and file with the City Clerk a written report in accordance with Sections 22565 et seq. of the California Streets and Highways Code.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2010-11 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1 AND ORDERING THE CITY ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT

THE COUNCIL OF THE CITY OF GARDEN GROVE FINDS:

A. The City Council of the City of Garden Grove did form the City of Garden Grove Street Lighting District No. 99-1 pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Division 15, Part 2 (Sections 22500 et seq.) of the California Streets and Highways Code, Article XIIIID of the California Constitution.

B. Said Act requires that proceedings for the levy of annual assessments after the formation of an Assessment District shall be initiated by Resolution describing any proposed new improvements or any substantial changes in existing improvements, and ordering the City Engineer to prepare and file a report in accordance with Article 4 of Chapter 1 of said Act.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The City Council of the City of Garden Grove proposes the levy of an annual assessment for the City of Garden Grove Street Lighting District No. 99-1 pursuant to the Landscaping and Lighting Act of 1972 for Fiscal Year 2010-11.

Section 2. The proposed improvements for Fiscal Year 2010-11 are generally described as the maintenance and servicing of public street lighting within the Assessment District.

Section 3. The City Council hereby orders the City Engineer to prepare and file with the City Clerk a written report in accordance with Sections 22565 et seq. of the California Streets and Highways Code.

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2010-11 FISCAL YEAR FOR THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT AND ORDERING THE CITY ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT

THE COUNCIL OF THE CITY OF GARDEN GROVE FINDS:

A. The City Council of the City of Garden Grove did form the City of Garden Grove Park Maintenance District (Resolution No. 7981-97) pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Division 15, Part 2 (Sections 22500 et seq.) of the California Streets and Highways Code, Article XIIIID of the California Constitution.

B. Said Act requires that proceedings for the levy of annual assessments after the formation of an Assessment District shall be initiated by Resolution describing any proposed new improvements or any substantial changes in existing improvements, and ordering the City Engineer to prepare and file a report in accordance with Article 4 of Chapter 1 of said Act.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The City Council of the City of Garden Grove hereby proposes the levy of an annual assessment for the City of Garden Grove Park Maintenance District pursuant to the Landscaping and Lighting Act of 1972 for Fiscal Year 2010-11.

Section 2. The proposed improvements may be briefly described as the maintenance of public parks throughout the city.

Section 3. The City Council hereby orders the City Engineer to prepare and file with the City Clerk a written report in accordance with Sections 22565 et seq. of the California Streets and Highways Code.

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE ENGINEER'S REPORTS REGARDING THE LEVY OF AN ANNUAL ASSESSMENT WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT, CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1 AND THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT FOR FISCAL YEAR 2010-11

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE RESOLVES, DETERMINES, AND ORDERS:

Section 1. The City Council of the City of Garden Grove, pursuant to the Landscaping and Lighting Act of 1972, being Division 15, Part 2 (Sections 22500 et seq.) of the California Streets and Highways Code, did by previous Resolutions order the City Engineer to prepare and file reports in accordance with Article 4 of Chapter 1 of said Act in connection with the proposed levy of an annual assessment for the City of Garden Grove Street Lighting District, City of Garden Grove Street Lighting District No. 99-1, and the City of Garden Grove Park Maintenance District for Fiscal Year 2010-11.

Section 2. The City Engineer has prepared and filed with the City Clerk of the City of Garden Grove and the City Clerk has presented to the City Council such Engineer's Reports for the City of Garden Grove Street Lighting District for Fiscal Year 2010-11, City of Garden Grove Street Lighting District No. 99-1 for Fiscal Year 2010-11, and City of Garden Grove Park Maintenance District for Fiscal Year 2010-11.

Section 3. The City Council has carefully examined and reviewed said Reports, and said Reports are hereby approved as filed.

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT FOR FISCAL YEAR 2010-11 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS

THE COUNCIL OF THE CITY OF GARDEN GROVE FINDS:

A. The City Council of the City of Garden Grove adopted its Resolution No. _____, initiating proceedings to levy annual assessments for Fiscal Year 2010-11 within the City of Garden Grove Street Lighting District describing the proposed improvements and ordering the City Engineer to prepare and file a report, pursuant to the provisions of the Landscaping and Lighting Act of 1972, i.e., Division 15, Part 2 (commencing with Section 22500) of the California Streets and Highways Code (Act).

B. The City Engineer has prepared said report, filed same with the City Clerk and presented same to the City Council; with the City Council examining and approving said report.

C. Under the Act, before levying and collecting assessments in the Assessment District, the City Council is required to adopt a Resolution declaring its intention to do so.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE RESOLVES, DETERMINES, AND ORDERS:

Section 1. The City Council hereby finds and declares that the public interest and necessity require the installation, maintenance, and servicing of public lighting facilities in the streets of the City as hereinafter described, and the City Council hereby declares its intention to levy and collect assessments for Fiscal Year 2010-11 covering the real property benefited by said improvements, pursuant to the Act.

Section 2. The proposed improvements are generally described as follows:

The maintenance and operation of streets and sidewalks throughout the city, namely the installation, maintenance, and servicing of public street lighting facilities including traffic signals.

Section 3. The Assessment District is designated as the "City of Garden Grove Street Lighting District". The boundaries of the district are generally coterminous with the boundaries of the City of Garden Grove, and generally include all parcels within the city.

Section 4. Reference is hereby made to the Report of the City Engineer, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the Assessment District and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

Section 5. An assessment will be levied pursuant to said Act upon all property in the City of Garden Grove Street Lighting District for Fiscal Year 2010-11, subject to assessment under said Act, as described in the Engineer's Report. No assessment shall be imposed upon a federal or state governmental agency or another local agency. The rates of the assessment to be levied for Fiscal Year 2010-11 are not proposed to increase from the rate levied in Fiscal Year 2009-10.

Section 6. Notice is hereby given that July 13, 2010, at 6:30 p.m. (or as soon thereafter as the City Council may hear same), in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California, is hereby fixed as the time and place for a Public Hearing on the question of the levy of the proposed assessments. Any interested person may file a written protest with the City Clerk, stating all grounds of objection. Protests by property owners must contain a description of the property, in which each signer thereof is interested, sufficient to identify the same, and must be delivered to the City Clerk of said City prior to the conclusion of the Public Hearing. In addition, all interested persons shall be afforded the opportunity to hear and be heard at the Public Hearing. The City Council shall consider all oral statements and all written protests or communications made or filed by any interested person.

Section 7. The City Clerk shall cause this Resolution of Intention to be published once in the Garden Grove Journal, a newspaper of general circulation in the City of Garden Grove, California, with the publication being not less than ten (10) days prior to the date herein fixed for the Public Hearing.

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT 99-1 FOR FISCAL YEAR 2010-11 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS

THE COUNCIL OF THE CITY OF GARDEN GROVE FINDS:

A. The City Council of the City of Garden Grove adopted its Resolution No. _____, initiating proceedings to levy annual assessments for Fiscal Year 2010-11 within the City of Garden Grove Street Lighting District 99-1 describing the proposed improvements and ordering the City Engineer to prepare and file a report, pursuant to the provisions of the Landscaping and Lighting Act of 1972, i.e., Division 15, Part 2 (commencing with Section 22500) of the California Streets and Highways Code (Act).

B. The City Engineer has prepared said report, filed same with the City Clerk and presented same to the City Council, with the City Council examining and approving said report.

C. Under the Act, before levying and collecting assessments in the Assessment District, the City Council is required to adopt a Resolution declaring its intention to do so.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE RESOLVES, DETERMINES AND ORDERS:

Section 1. The City Council hereby finds and declares that the public interest and necessity require the maintenance and servicing of public lighting facilities as hereinafter described, and the City Council hereby declares its intention to levy and collect assessments for Fiscal Year 2010-11 covering the real property benefited by said improvements, pursuant to the Act.

Section 2. The proposed improvements for Fiscal Year 2010-11 are generally described as the maintenance and servicing of public street lighting within the Assessment District.

Section 3. The Assessment District is designated as the "City of Garden Grove Street Lighting District 99-1". This district consists of the following areas: the first involving an area easterly of Dale Street between Lampson Avenue and Chapman Avenue and an area west of Fairview Street approximately 900 feet south of Trask Avenue, the second involving an area on Gail Lane north of Chapman Avenue.

Section 4. Reference is hereby made to the Report of the City Engineer, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the Assessment District and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

Section 5. An assessment will be levied pursuant to said Act upon all property in the City of Garden Grove Street Lighting District for Fiscal Year 2010-11, subject to assessment under said Act, as described in the Engineer's Report. Parcels within the district that are owned or used by any county, city, city and county, special district or any other local or regional governmental agency, the State of California or the United States shall be assessed unless the City demonstrates by clear and convincing evidence that such lots or parcels receive no special benefit from the proposed improvements. The rates of the assessment to be levied for Fiscal Year 2010-11 are not proposed to increase from the rates levied in Fiscal Year 2009-2010.

Section 6. Notice is hereby given that July 13, 2010, at 6:30 p.m. (or as soon thereafter as the City Council may hear same), in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California, is hereby fixed as the time and place for a Public Hearing on the question of the levy of the proposed assessments. Any interested person may file a written protest with the City Clerk, stating all grounds of objection. Protests by property owners must contain a description of the property, in which each signer thereof is interested, sufficient to identify the same, and must be delivered to the City Clerk of said City prior to the conclusion of the Public Hearing. In addition, all interested persons shall be afforded the opportunity to hear and be heard at the Public Hearing. The City Council shall consider all oral statements and all written protests or communications made or filed by any interested person.

Section 7. The City Clerk shall cause this Resolution of Intention to be published once in the Garden Grove Journal, a newspaper of general circulation in the City of Garden Grove, California, with the publication being not less than ten (10) days prior to the date herein fixed for the Public Hearing.

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT FOR FISCAL YEAR 2010-11 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS

THE COUNCIL OF THE CITY OF GARDEN GROVE FINDS:

A. The City Council of the City of Garden Grove adopted its Resolution No. _____, initiating proceedings to levy annual assessments for Fiscal Year 2010-11 within the City of Garden Grove Park Maintenance District, describing the proposed improvements and ordering the City Engineer to prepare and file a report, pursuant to the provisions of the Landscaping and Lighting Act of 1972, i.e., Division 15, Part 2 (commencing with Section 22500) of the California Streets and Highways Code (Act).

B. The City Engineer has prepared said report, filed same with the City Clerk and presented same to the City Council, with the City Council examining and approving said report.

C. Under the Act, before levying and collecting assessments in the Assessment District, the City Council is required to adopt a Resolution declaring its intention to do so.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE RESOLVES, DETERMINES, AND ORDERS:

Section 1. The City Council hereby finds and declares that the public interest and necessity require the maintenance of public parks in the City, and the City Council hereby declares its intention to levy and collect assessments for Fiscal Year 2010-11 covering the real property specially benefited by said park maintenance, pursuant to the Act.

Section 2. The proposed improvements are generally described as the maintenance of public parks throughout the city.

Section 3. The Assessment District is designated as the "City of Garden Grove Park Maintenance District". The boundaries of the district are coterminous with the boundaries of the City of Garden Grove, and generally include all parcels within the City.

Section 4. Reference is hereby made to the Report of the City Engineer, on file with the City Clerk, for a full and detailed description of the improvements, the

boundaries of the Assessment District and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

Section 5. An assessment will be levied pursuant to said Act upon all property in the City of Garden Grove Park Maintenance District for Fiscal Year 2010-11, subject to assessment under said Act, as described in the Engineer's Report. Parcels within the district that are owned or used by any county, city, city and county, special district or any other local or regional governmental agency, the State of California or the United States shall be assessed unless the City demonstrates by clear and convincing evidence that such lots or parcels receive no special benefit from the proposed improvements. The rates of the assessment to be levied for Fiscal Year 2010-11 are not proposed to increase from the rates levied in Fiscal Year 2009-10.

Section 6. Notice is hereby given that July 13, 2010, at 6:30 p.m. (or as soon thereafter as the City Council may hear same), in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California, is hereby fixed as the time and place for a Public Hearing on the question of the levy of the proposed assessments. Any interested person may file a written protest with the City Clerk, stating all grounds of objection. Protests by property owners must contain a description of the property, in which each signer thereof is interested, sufficient to identify the same, and must be delivered to the City Clerk of said City prior to the conclusion of the Public Hearing. In addition, all interested persons shall be afforded the opportunity to hear and be heard at the Public Hearing. The City Council shall consider all oral statements and all written protests or communications made or filed by any interested person.

Section 7. The City Clerk shall cause this Resolution of Intention to be published once in the Garden Grove Journal, a newspaper of general circulation in the City of Garden Grove, California, with the publication being not less than ten (10) days prior to the date herein fixed for the Public Hearing.

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