

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew J. Fertal From: John D.R. Clark
Dept: City Manager Dept: City Clerk
Subject: READOPTON OF RESOLUTION OF INTENTION TO LEVY AN ASSESSMENT FOR THE MAIN STREET ASSESSMENT DISTRICT NO. 1, AND TO SET THE TIME AND PLACE FOR THE PUBLIC HEARING Date: June 11, 2013

OBJECTIVE

For the City Council to readopt a Resolution of Intention to levy and collect assessments for the Main Street Assessment District No. 1.

BACKGROUND/DISCUSSION

On May 14, 2013, the City Council adopted a Resolution of Intention, Resolution NO. 9178-13, setting a Public Hearing for Tuesday, June 11, 2013, at 6:30 p.m. The Resolution requires the City Clerk to publish the Resolution in a newspaper of general circulation in the city not less than ten days prior to the date set for the Public Hearing. Unfortunately, this requirement was not met, requiring the City Council to adopt another Resolution of Intention, and setting the Public Hearing to June 25, 2013.

RECOMMENDATION

It is recommended that the City Council:

- Adopt the attached Resolution of Intention to levy and collect assessments for the Main Street Assessment District No. 1, and setting back the Public Hearing to Tuesday, June 25, 2013, at 6:30 p.m.


JOHN D.R. Clark
Director/City Treasurer

By:  Kathy Bailor, CMC
City Clerk

Recommended for Approval


Matthew Fertal
City Manager

Attachment 1: Resolution
Attachment 2: May 14, 2013, Main Street Assessment staff report

GARDEN GROVE CITY COUNCIL

RESOLUTION NO. 9178-13-A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, DECLARING ITS INTENTION TO ORDER THE MAINTENANCE OF CERTAIN IMPROVEMENTS IN THE "MAIN STREET ASSESSMENT DISTRICT NO. 1" IN THE CITY OF GARDEN GROVE; DESCRIBING THE DISTRICT TO BE BENEFITED, AND DECLARING ITS INTENTION TO LEVY AN ASSESSMENT TO PAY THE COST AND EXPENSES THEREOF; AND SETTING THE TIME AND PLACE FOR THE PUBLIC HEARING ON THE QUESTION OF THE LEVY OF THE PROPOSED ASSESSMENT

WHEREAS, the City Council of the City of Garden Grove, adopted Resolution No. 9176-13 at described existing and any proposed new improvements or substantial changes in existing improvements in the Main Street Assessment District No. 1, and ordered 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 (hereinafter "Act");

WHEREAS, the City Council formed an Assessment District to finance the maintenance of certain improvements under the Act;

WHEREAS, the proposed boundaries of such Assessment District are shown on a map thereof which indicates by a boundary line the extent of the territory included in such Assessment District, which map is designated "Assessment Diagram Main Street Assessment District No. 1" as part of the report of the City Engineer described more fully herein below and such map is on file in the City Clerk's Office;

WHEREAS, the City Engineer is competent to make and file with the City Council a report regarding maintenance of the improvements, which is required by the Act;

WHEREAS, the City Council has directed the City Engineer to procure the required information and prepare and present to the City Council the written report of maintenance required by the Act;

WHEREAS, the City Engineer has prepared the report, and filed it with the City Clerk and presented it to the City Council and the City Council has examined the report;

WHEREAS, 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; and

WHEREAS, the City Council proposes no increase in assessment for a total of \$19.92 per linear foot of frontage on Main Street and Garden Grove Boulevard.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. The City Council hereby finds and declares that the public interest and necessity require the maintenance of certain improvements in the streets and other public easements as hereinafter described, and the City Council hereby declares its intention to levy and collect assessments covering the real property benefited by the improvements, pursuant to the Act.

Section 2. The City Council intends to order maintenance of improvements in certain streets, and other public easements, as follows:

A portion of Main Street from Garden Grove Boulevard to Acacia Parkway and a portion of Garden Grove Boulevard between 150.16 feet west of the centerline of Main Street and 150.06 feet east of the centerline of Main Street, all being within the district, including on street parking, sidewalks, center gutter, street lights, street trees, and street furniture, including bollards, benches, trash receptacles, drinking fountains, miscellaneous planters, and related items.

Section 3. The District is designated "Main Street Assessment District No. 1," and is generally located on Main Street between Acacia Parkway and Garden Grove Boulevard.

Section 4. The report of the City Engineer is hereby approved, and the City Clerk is directed to endorse the fact and date of approval on the report and to file the report in its office. Reference is hereby made to the report, on file with City Clerk, for a full and detailed description of the improvements to be maintained; the boundaries of the Assessment District; and the proposed assessments upon assessable lots and parcels of land within the District.

Section 5. An assessment will be levied pursuant to the Act upon all property in Main Street Assessment District No. 1 subject to assessment under the Act to pay the balance of costs and expenses of the maintenance of the improvements.

Section 6. Notice is hereby given that as there is no increase in the assessment for the 2013-14 Fiscal Year for Main Street Assessment District No. 1, there will only be one Public Hearing, which will be held on June 25, 2013, 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, which is hereby set as the time and place for the Public Hearing on the question of the levy of the proposed assessment. Any interested person may file a written protest with the City Clerk, in which each signer is interested, sufficient to identify the property, which must be delivered to the City Clerk prior to the conclusion of the Public Hearing. In addition, all interested persons shall be afforded the opportunity to 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 persons.

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

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Matthew J. Fertal	From:	William E. Murray
Dept.:	City Manager	Dept.:	Public Works
Subject:	MAIN STREET ASSESSMENT DISTRICT NO. 1: APPROVE FISCAL YEAR 2013/14 BUDGET; ADOPT A RESOLUTION INITIATING PROCEEDINGS FOR THE LEVYING OF ASSESSMENTS FOR FISCAL YEAR 2013-14; ADOPT THE RESOLUTION APPROVING THE ENGINEER'S REPORT; AND ADOPT A RESOLUTION OF INTENTION FIXING A TIME AND DATE FOR A PUBLIC HEARING		
		Date:	May 14, 2013

OBJECTIVE

For the City Council to (1) approve the proposed FY 2013-14 Budget for the Main Street Assessment District No. 1 (MSAD); (2) Adopt a Resolution initiating proceedings for the levying of assessments for Fiscal Year 2013-14; (3) Adopt a Resolution approving the Engineer's Report; and (4) Adopt a Resolution of Intention fixing a time and date for the Public Hearing.

BACKGROUND

In 1977, the City Council formed the MSAD per the Landscape and Lighting Act of 1972 (LLA). Through an annual assessment, the MSAD funds the construction and maintenance of special public improvements along Main Street such as planters, sidewalks, and streetlights. The LLA requires that the City Council initiate the assessment proceedings for the annual levy through the MSAD. To comply with these requirements, the following actions need to take place:

Step No.	Required Action	Attachment
1	Approve FY 2013-14 MSAD Budget	Attachment No. 1
2	Adopt a Resolution Initiating Procedures for Levying Assessment (describes improvements and orders an Engineer's Report)	Attachment No. 2
3	Adopt Resolution approving the Engineer's Report	Attachment No. 3
4	Adopt Resolution of Intention (announces intention to levy and collect assessments and fixes time and date for a Public Hearing)	Attachment No. 4

MAIN STREET ASSESSMENT DISTRICT NO. 1: APPROVE FISCAL YEAR 2013/14 BUDGET; ADOPT A RESOLUTION INITIATING PROCEEDINGS FOR THE LEVYING OF ASSESSMENTS FOR FISCAL YEAR 2013-14; ADOPT THE RESOLUTION APPROVING THE ENGINEER'S REPORT; AND ADOPT A RESOLUTION OF INTENTION FIXING A TIME AND DATE FOR A PUBLIC HEARING

May 14, 2013

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DISCUSSION

On March 14, 2013, the Main Street Commission approved and recommended that the FY13-14 MSAD Annual Budget be forwarded to the City Council for review and adoption (Step No. 1). Total expenses for FY 2013-14 are \$37,782. The proposed assessment reflects no increase from the current year and remains at \$19.92 per linear-foot, which is equivalent to a \$498 levy for the typical 25-foot storefront on Main Street.

Step No. 2: Adopt a Resolution initiating proceedings for the annual assessment, describing the public improvements, and ordering the City Engineer to prepare and file a report for the MSAD. Step No. 3: Adopt a Resolution approving the attached Engineer's Report. The report provides a description of public improvements and lists the associated costs for operating the MSAD.

Step No. 4: Adopt a Resolution of Intention to levy and collect assessments and setting a Public Hearing on Tuesday, June 11, 2013, at 6:30 p.m. in the Community Meeting Center, located at 11300 Stanford Avenue, Garden Grove, California. Any interested person may file a written protest with the City Clerk. Protests must be delivered to the City Clerk prior to the conclusion of the Public Hearing. In addition, all interested persons will have the opportunity to speak at the Public Hearing.

FINANCIAL IMPACT

There is no impact to the General Fund. Total assessment revenue for FY 2013-14 is \$27,200.

RECOMMENDATION

It is recommended that the City Council:

- Approve the proposed Budget for the Main Street Assessment District No. 1 for FY 2013-14;
- Adopt the attached Resolution initiating proceedings for the Main Street Assessment District No. 1, and direct the Engineer to prepare the required report;
- Adopt the attached Resolution approving the Engineer's Report for the Main Street Assessment District No. 1; and
- Adopt the attached Resolution of Intention to levy and collect assessments for the Main Street Assessment District No. 1, and setting a Public Hearing on Tuesday, June 11, 2013. at 6:30 p.m.

MAIN STREET ASSESSMENT DISTRICT NO. 1: APPROVE FISCAL YEAR 2013/14
BUDGET; ADOPT A RESOLUTION INITIATING PROCEEDINGS FOR THE LEVYING OF
ASSESSMENTS FOR FISCAL YEAR 2013-14; ADOPT THE RESOLUTION APPROVING THE
ENGINEER'S REPORT; AND ADOPT A RESOLUTION OF INTENTION FIXING A TIME AND
DATE FOR A PUBLIC HEARING

May 14, 2013

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WILLIAM E. MURRAY, P.E.
Public Works Director/City Engineer



By: Ana Neal
Administrative Analyst

Attachment 1: FY 2013-14 Main Street Assessment Budget

Attachment 2: Resolution Initiating Proceedings

Attachment 3: Resolution Approving Engineer's Report

Attachment 4: Resolution of Intention

Recommended for Approval


Matthew Fertal
City Manager

PART B ESTIMATE OF COST

The City's budget for the operation, maintenance and servicing of lighting details the estimated costs for Fiscal Year 2013-14 as available at the time of preparation of this report, and includes engineering fees, legal fees, printing, mailing, postage, publishing, and all other related costs identified with the district proceedings.

	FY 13-14	FY 12-13
<u>Starting Fund Balance (Fund Balance as of July 1)</u>	\$31,386	\$35,560
<u>Estimated Revenues</u>		
Total Estimated 2013-14 Assessments:	\$26,700	\$26,700
Interest	\$500	\$500
Subtotal Revenues:	\$27,200	\$27,200
<u>Estimated Expenditures</u>		
Trash Pick Up	\$0	\$0
General Maintenance	\$15,500	\$15,500
Street Lighting	\$2,300	\$2,500
Street Improvements	\$10,000	\$10,000 *
Streetscape Cleaning	\$3,050	\$1,500
Tree Trimming	\$0	\$0
Professional Services	\$3,500	\$3,500
Administrative Support	\$2,700	\$2,100
Insurance	\$732	\$732
Subtotal Expenditures:	\$37,782	\$35,832
* Received \$8,000 in grant funds plus \$10,000 planned expenditure to replace benches and trash receptacles. Actual cost was \$13,542 for a net fund gain of \$4,458.		\$4,458
<u>Estimated Year End Fund Balance</u>	\$20,804	\$31,386
Total Front Feet (FF) in Assessment District:	1,340.45	1,340.45
Proposed FY 13-14 Assessment Rate (\$/FF):	\$19.92	\$19.92

The 1972 Act requires that a special fund be set-up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purpose as stated herein. A contribution to the District by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance or deficit remaining on July 1 must be carried over to the next fiscal year.

GARDEN GROVE CITY COUNCIL

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 HIGHWAY CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2013-14 FISCAL YEAR FOR THE CITY OF GARDEN GROVE MAIN STREET ASSESSMENT DISTRICT NO. 1, AND ORDERING THE CITY ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF THE ACT

WHEREAS, the City Council of the City of Garden Grove formed the Main Street Assessment District No. 1 by Resolution No. 5366-77 pursuant to the provisions of the Landscaping and Lighting Act of 1972, Division 15, Part 2 (commencing with Sections 22500 et seq.) of the California Streets and Highways Code; and

WHEREAS, the 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 the Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garden Grove:

SECTION 1. The improvements, including maintenance thereof, have not changed substantially and are described as follows:

The maintenance of the public improvements within the boundaries of Main Street District No. 1 associated with street cleaning, landscape maintenance, and repair and replacement of the public improvements as required from time to time.

SECTION 2. The City Engineer is hereby ordered to prepare and file a report in accordance with Sections 22565 et seq. of the California Streets and Highways Code.

SECTION 3. The City Council of the City of Garden Grove authorizes staff to initiate proceedings necessary to establish the levy of an annual assessment for the Main Street Assessment District No. 1 pursuant to the Landscaping and Lighting Act of 1972 for the Fiscal Year 2013-14.

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
APPROVING THE CITY ENGINEER'S REPORT REGARDING THE LEVY OF AN ANNUAL
ASSESSMENT WITHIN THE CITY OF GARDEN GROVE MAIN STREET ASSESSMENT
DISTRICT NO. 1, FOR FISCAL YEAR 2013-14

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 resolution order the City Engineer to prepare and file a report in accordance with Article 4 of Chapter 1 of the Act in connection with the proposed levy of an annual assessment for the City of Garden Grove Main Street Assessment District No. 1 for Fiscal Year 2013-14.

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 the City Engineer's report for the City of Garden Grove Main Street Assessment District No. 1 for Fiscal Year 2013-14.

SECTION 3. The City Council has carefully examined and reviewed the City Engineer's report and the report is hereby approved as filed.

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, DECLARING ITS INTENTION TO ORDER THE MAINTENANCE OF CERTAIN IMPROVEMENTS IN THE "MAIN STREET ASSESSMENT DISTRICT NO. 1" IN THE CITY OF GARDEN GROVE; DESCRIBING THE DISTRICT TO BE BENEFITED, AND DECLARING ITS INTENTION TO LEVY AN ASSESSMENT TO PAY THE COST AND EXPENSES THEREOF; AND SETTING THE TIME AND PLACE FOR THE PUBLIC HEARING ON THE QUESTION OF THE LEVY OF THE PROPOSED ASSESSMENT

WHEREAS, the City Council of the City of Garden Grove, adopted a Resolution No. _____ that described existing and any proposed new improvements or substantial changes in existing improvements in the Main Street Assessment District No. 1, and ordered 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 (hereinafter "Act");

WHEREAS, the City Council formed an Assessment District to finance the maintenance of certain improvements under the Act;

WHEREAS, the proposed boundaries of such Assessment District are shown on a map thereof which indicates by a boundary line the extent of the territory included in such Assessment District, which map is designated "Assessment Diagram Main Street Assessment District No. 1" as part of the report of the City Engineer described more fully herein below and such map is on file in the City Clerk's Office;

WHEREAS, the City Engineer is competent to make and file with the City Council a report regarding maintenance of the improvements, which is required by the Act;

WHEREAS, the City Council has directed the City Engineer to procure the required information and prepare and present to the City Council the written report of maintenance required by the Act;

WHEREAS, the City Engineer has prepared the report, and filed it with the City Clerk and presented it to the City Council and the City Council has examined the report;

WHEREAS, 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; and

WHEREAS, the City Council proposes no increase in assessment for a total of \$19.92 per linear foot of frontage on Main Street and Garden Grove Boulevard.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. The City Council hereby finds and declares that the public interest and necessity require the maintenance of certain improvements in the streets and other public easements as hereinafter described, and the City Council hereby declares its intention to levy and collect assessments covering the real property benefited by the improvements, pursuant to the Act.

Section 2. The City Council intends to order maintenance of improvements in certain streets, and other public easements, as follows:

A portion of Main Street from Garden Grove Boulevard to Acacia Parkway and a portion of Garden Grove Boulevard between 150.16 feet west of the centerline of Main Street and 150.06 feet east of the centerline of Main Street, all being within the district, including on street parking, sidewalks, center gutter, street lights, street trees, and street furniture, including bollards, benches, trash receptacles, drinking fountains, miscellaneous planters, and related items.

Section 3. The District is designated "Main Street Assessment District No. 1," and is generally located on Main Street between Acacia Parkway and Garden Grove Boulevard.

Section 4. The report of the City Engineer is hereby approved, and the City Clerk is directed to endorse the fact and date of approval on the report and to file the report in its office. Reference is hereby made to the report, on file with City Clerk, for a full and detailed description of the improvements to be maintained; the boundaries of the Assessment District; and the proposed assessments upon assessable lots and parcels of land within the District.

Section 5. An assessment will be levied pursuant to the Act upon all property in Main Street Assessment District No. 1 subject to assessment under the Act to pay the balance of costs and expenses of the maintenance of the improvements.

Section 6. Notice is hereby given that as there is no increase in the assessment for the 2013-14 Fiscal Year for Main Street Assessment District No. 1, there will only be one Public Hearing, which will be held on June 11, 2013, 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, which is hereby set as the time and place for the Public Hearing on the question of the levy of the proposed assessment. Any interested person may file a written protest with the City Clerk, in which each signer is interested, sufficient to identify the property, which must be delivered to the City Clerk prior to the conclusion of the Public Hearing. In addition, all interested persons shall be afforded the opportunity to 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 persons.

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