

**California City
City Council
Staff Report
Assistant City Manager Terry G. Hicks**

Status: X Routine _____ Closed Session

Meeting Date: May 2, 2006

ITEM: Aspen Mall Landscape and Lighting District
FY 2006-2007 Tax Roll Compliance

BACKGROUND:

Pursuant to the Landscaping and Lighting Act of 1972, the governing body is required to; initiate proceedings for the levy and collection of assessments, approve on a preliminary basis the engineer's report which has been filed with the City Clerk, declare its intention to levy and collect assessments, and set a public hearing date.

The engineer's report contains:

1. A description of improvements
2. Proposed FY 06-07 budget
3. District diagram of each parcel
4. Proposed levy for each parcel

The governing body may approve the engineer's report on a preliminary basis or amend the report. The proposed district assessments must be equal to or less than the maximum assessments previously approved under article XIID of the California Constitution.

Next; the Council must declare its intention to levy and collect assessments, and set a public hearing date to impose said assessments.

RECOMMENDATION:

1. Council consider adopting resolution initiating proceedings for the levy and collection of assessments.
2. Council consider adopting resolution for preliminary approval of engineer's report.
3. Council consider adopting resolution declaring intent to levy and collect assessments.
4. Council consider setting of public hearing date for June 6, 2006.

SOURCE OF FUNDING:

Not Applicable

ENVIRONMENTAL ACTION:

Not Applicable

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY, CALIFORNIA INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS FOR ASPEN MALL LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2006/07, PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

The City Council of the City of California City (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, The City Council by previous Resolutions formed and levied annual assessments for the Aspen Mall Landscaping and Lighting District (hereafter referred to as the "District"), pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with section 22500)* (hereafter referred to as the "Act"); and,

WHEREAS, the Act provides the City Council the authority to annually levy and collect assessment for the District on the Kern County tax roll on behalf of the City of California City to pay the maintenance and services of the improvements and facilities related thereto; and,

WHEREAS, the City Council has retained MuniFinancial for the purpose of assisting with the Annual Levy of the District, to prepare and file an Engineer's Annual Levy Report (hereafter referred to as the "Engineer's Report") with the City Clerk in accordance with the Act.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, PURSUANT TO CHAPTER 3, SECTION 22624 OF THE ACT, AS FOLLOWS:

Section 1: The City Council hereby orders MuniFinancial to prepare and file with the City Clerk the Engineer's Report concerning the levy of assessments for the District for the fiscal year commencing July 1, 2006, and ending June 30, 2007, in accordance with *Chapter 3, Section 22622* of the Act.

Section 2: The proposed improvements within the District include: turf, ground cover, shrubs, trees, drainage systems, irrigation systems, lighting, hardscape, and associated appurtenances within the public easements and right-of-ways within the District. The Engineer's Report describes the improvements and any substantial changes in existing improvements.

RESOLUTION NO. _____

PASSED, APPROVED, AND ADOPTED this 2nd day of May, 2006.

STATE OF CALIFORNIA)
COUNTY OF KERN) ss.
CITY OF CALIFORNIA CITY)

Larry Adams, Mayor
City of California City

I, _____, City Clerk of the City of California City, County of Kern, State of California do hereby certify that the foregoing Resolution No. _____ was regularly adopted by the City Council of said City of California City at a regular meeting of said council held on the 2nd day of May, 2006 by the following vote:

Ayes:

Noes:

Absent:

Abstained:

Denise Hilliker, Clerk
City of California City

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY, CALIFORNIA FOR PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT REGARDING THE PROPOSED LEVY AND COLLECTION OF ASSESSMENTS FOR THE ASPEN MALL LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2006/07

The City Council of the City of California City (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, this City Council pursuant to provisions of the *Landscaping and Lighting Act of 1972 (commencing with Section 22500) of Division 15 of the California Streets and Highways Code* (hereafter referred to as the "Act") did by previous Resolution, order the preparation of an Engineer's Annual Levy Report (hereafter referred to as the "Engineer's Report") for the District known and designated as the Aspen Mall Landscaping and Lighting District (hereafter referred to as the "District") for fiscal year 2006/07; and,

WHEREAS, there has been presented to this City Council the Engineer's Report as required by *Chapter 3, Section 22623* of said Act; and,

WHEREAS, this City Council has examined and reviewed the Engineer's Report as presented. This City Council is preliminarily satisfied with each of the budget items and documents as set forth therein and is satisfied that the levy amounts have been spread in accordance with the special benefit received from the improvements, operation, maintenance and services to be performed within the District, as set forth in said Report.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, AS FOLLOWS:

Section 1: That the above recitals are true and correct.

Section 2: That the "Engineer's Report" as presented, consists of the following:

- a) A Description of Improvements.
- b) The Annual Budget (Costs and Expenses of Services, Operations and Maintenance).
- c) A diagram of the District that identifies the parcels within the District.
- d) The District Roll containing the proposed levy of assessments for each Assessor Parcel within the District for fiscal year 2006/07.

Section 3: The "Engineer's Report" as presented or as amended is hereby approved on a preliminary basis, and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

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Section 4: That the City Clerk shall certify to the passage and adoption of this Resolution and the minutes of this meeting shall so reflect the presentation of the Report.

PASSED, APPROVED, AND ADOPTED this 2nd day of May, 2006.

STATE OF CALIFORNIA)
COUNTY OF KERN) ss.
CITY OF CALIFORNIA CITY)

Larry Adams, Mayor
City of California City

I, _____, City Clerk of the City of California City, County of Kern, State of California do hereby certify that the foregoing Resolution No. _____ was regularly adopted by the City Council of said City of California City at a regular meeting of said council held on the 2nd day of May, 2006 by the following vote:

Ayes:

Noes:

Absent:

Abstained:

Denise Hilliker , City Clerk
City of California City

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY, CALIFORNIA DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE ASPEN MALL LANDSCAPING AND LIGHTING DISTRICT FOR FISCAL YEAR 2006/07

The City Council of the City of California City (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, The City Council has by previous Resolution initiated proceedings for fiscal year 2006/07 regarding the levy and collection of assessments for the Aspen Mall Landscaping and Lighting District (hereafter referred to as the "District"). Pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with section 22500)* (hereafter referred to as the "Act"), assessments for the District shall be levied and collected by the County of Kern for the City of California City to pay the maintenance and services of the improvements and facilities related thereto; and,

WHEREAS, the proposed District assessments for fiscal year 2006/07 are less than or equal to the maximum assessments previously approved in accordance with the requirements of the California Constitution, Article XIID; and,

WHEREAS, there has now been presented to this City Council an Engineer's Annual Levy Report (hereafter referred to as the "Engineer's Report"), and said Engineer's Report has been filed with the City Clerk in accordance with the Act; and,

WHEREAS, the City Council has examined and reviewed the Engineer's Report as presented and is satisfied with the District, each of the budget items and documents as set forth therein and is satisfied that the proposed assessments contained therein, have been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed within the District, as set forth in said Report.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, PURSUANT TO CHAPTER 3, SECTION 22624 OF THE ACT, AS FOLLOWS:

Section 1: The above recitals are true and correct.

Section 2: The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the Act, over and including the lands, lots and parcels within the District boundary. The City Council further declares its intention to levy and collect assessments on such land to pay the annual costs and expenses of the improvements and services described in Section 4 of this Resolution, for fiscal year 2006/07.

Section 3: The boundaries of the District are described in the Engineer's Report and are consistent with the boundary established and described in the original formation documents, on file

RESOLUTION NO. _____

with the City Clerk, and incorporated herein by reference. The District is within the boundaries of the City of California City, within the County of Kern, State of California and includes the territory known as the Aspen Mall and referred to as the "Aspen Mall Landscaping and Lighting District".

Section 4: The improvements within the District may include, but are not limited to: turf, ground cover, shrubs, trees, drainage systems, irrigation systems, lighting, hardscape, and associated appurtenances within the public easements and right-of-way. Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, landscaping and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping or appurtenant facilities; providing for the satisfactory working condition, life, growth, health and beauty of the improvements, including cultivation, irrigation, trimming, spraying, fertilization and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste. Servicing means the furnishing of water and electricity for the irrigation and control of the landscaping or appurtenant facilities.

Section 5: The proposed assessments for fiscal year 2006/07, as outlined in the Engineer's Report, do not exceed the maximum assessment approved by the property owners through a property owner balloting proceeding conducted in 1997. As such, the proposed assessments do not constitute an increased assessment and do not require additional property owner approval in accordance with the requirements of the California Constitution, Article XIID.

Section 6: The City Council hereby declares its intention to conduct a Public Hearing concerning the District and the levy of assessments in accordance with *Chapter 3, Section 22626* of the Act.

Section 7: Notice is hereby given that a Public Hearing on these matters will be held by the City Council on **Tuesday, June 6, 2006, at 6:00 p.m.**, or as soon thereafter as feasible in the City Council Chambers, located at 21000 Hacienda Blvd., California City.

Section 8: The City Council hereby authorizes and directs the City Clerk to give notice of the time and place of the Public Hearing to all property owners within the District pursuant to Sections 22626, 22552 and 22553 of the Act and 6061 of the Government Code. The City Clerk shall give notice to property owners by: causing notice of the public hearing to be published in the local newspaper one time at least 10 days prior to the Public Hearing; and, posting a copy of this resolution on the official bulletin board (s) customarily used for posting such notices.

PASSED, APPROVED, AND ADOPTED this 2nd day of May, 2006.

STATE OF CALIFORNIA)

COUNTY OF KERN) ss.

RESOLUTION NO. _____

CITY OF CALIFORNIA CITY)

Larry Adams, Mayor
City of California City

I, _____, City Clerk of the City of California City, County of Kern, State of California do hereby certify that the foregoing Resolution No. _____ was regularly adopted by the City Council of said City of California City at a regular meeting of said council held on the 2nd day of May, 2006, by the following vote:

Ayes:

Noes:

Absent:

Abstained:

Denise Hilliker, City Clerk
City of California City

