



# CITY COUNCIL AGENDA REPORT



**DEPARTMENT:** Public Works

**MEETING DATE:** June 19, 2007

**PREPARED BY:** David Fike, Director of Public Works

**AGENDA LOCATION:** CC-10

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**TITLE:** Fiscal Year 2007-2008 Park Maintenance Assessment District, Approve Engineer's Report, Resolution No. 2007-22, and Intention of Public Hearing on July 17, 2006, Resolution No. 2007-23.

**OBJECTIVE:** Approve the Engineer's Report for the levy and collection of Fiscal Year 2007-2008 assessments for the City of Monrovia Park Maintenance District and set the date of the public hearing on the District and its proposed assessments.

**BACKGROUND:** In accordance with the Landscaping and Lighting Act of 1972 and the provisions of Proposition 218, the City Council approved the establishment of the Park Maintenance Assessment District. The Park Maintenance Assessment District provides a portion of the funding for the maintenance of Canyon, Library, Recreation, Rotary, Olive Avenue, Julian Fisher, and Grand Avenue Parks. As part of the procedures the City must follow in connection with assessment districts formed under the Landscaping and Lighting Act of 1972 and assessment conditions of Proposition 218, an annual budgetary review of the proposed assessments is required.

The annual review procedure includes:

1. Initiate the proceedings for the levy and collection of assessments and order the preparation of the Engineer's Report approved by City Council on February 20, 2007 by adoption of Resolution No. 2007-10.
2. Review and approval of the Engineer's Report.
3. Acknowledge intent to levy and collect assessments, including setting a time and place to conduct a Public Hearing.
4. Conducting of a Public Hearing and confirmation of the levy and collection of assessments.

**ANALYSIS:** The Fiscal Year 2007-2008 Engineer's Report for the Park Maintenance District, describes the maintenance work, budget, and proposed assessment. The report has been distributed to City Council and the City staff. The Engineer's report will be approved by adoption of the Resolution No. 2007-22.

**CC-10**

The Fiscal Year 2007-2008 budget for the Park Maintenance Operations as follows:

Personnel		\$617,782.00
Maintenance and Operation		392,299.00
Administration		<u>40,283.00</u>
		<b>\$1,050,364.00</b>
Assessment	\$188,400.00	
Park Budget	713,502.00	
General Fund Contribution	82,462.00	
County Parks Prop A	30,000.00	
Transfer to Cover PERS	<u>36,000.00</u>	
<b>Total</b>	<b>\$1,050,364.00</b>	

#### Assessment and Public Hearing

Resolution No. 2007-23 calls for the City Council to hold a required Public Hearing on the levy and collection of the Park Maintenance Assessment District for Fiscal Year 2007-2008. The Hearing is scheduled for the July 17, 2007 City Council meeting to allow residents an opportunity to review and comment on the proposed assessment. Resolution 2007-23 will be published in accordance with legal requirements.

**FISCAL IMPACT:** The property owners approved by ballot that future assessment increases will be restricted to the 3.2% Consumer Price Index (CPI) as established by the U.S. Bureau of Labor and Statistics. The recommended assessment for Fiscal Year 2007-2008 for a typical single family dwelling is \$9.90. This is a \$0.49 increase from the Fiscal Year 2006-2007.

**RECOMMENDATION:** Staff recommends that the City Council:

1. Approve Fiscal Year 2007-2008 Engineer's Report by adoption of Resolution No. 2007-22;
2. Authorize a City Fund Contribution of \$82,462.00; and
3. Declare the intention to levy an assessment for Fiscal Year 2007-2008 and set July 17, 2007 as the date of the Public Hearing by adoption of Resolution No. 2007-23.

**COUNCIL ACTION REQUIRED:** If the City Council concurs, the appropriate action would be a motion to:

Adopt Resolution Nos. 2007-22 and 2006-23; and

Authorize a City Fund Contribution in the Amount of \$82,462.00 to the Park Maintenance Assessment District.

**RESOLUTION NO. 2007-22**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONROVIA APPROVING THE ENGINEER'S REPORT IN CONNECTION WITH THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE CITY OF MONROVIA PARK MAINTENANCE DISTRICT FOR FISCAL YEAR 2007-2008 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE XIIIID OF THE CALIFORNIA CONSTITUTION**

**THE CITY COUNCIL OF THE CITY OF MONROVIA HEREBY FINDS, DETERMINES, ORDERS AND RESOLVES AS FOLLOWS:**

**Section 1.** The City Council of the City of Monrovia, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500 (the "Act"), by previous Resolution No. 2007-10, initiated proceedings for the levy of an assessment for Fiscal Year 2007-2008 in connection with the City of Monrovia Park Maintenance District (the "District") and ordered the Director of Public Works to have prepared and filed a written Engineer's Report (the Report) in accordance with Article 4 (commencing with Section 22565) of Chapter 1 of the Act and Article XIIIID, Section 4 of the California Constitution.

**Section 2.** The Director of Public Works has had prepared and filed with the City Clerk and the City Clerk has presented to the City Council such Report entitled "Engineer's Report for City of Monrovia Park Maintenance District, Fiscal Year 2007-08."

**Section 3.** The City Council has carefully examined and reviewed the Report and the Report is hereby approved as filed.

**PASSED, APPROVED AND ADOPTED** this 19<sup>th</sup> day of June 2007 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**EXCUSED:**

BY:

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Rob Hammond, Mayor  
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

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Linda B. Proctor, MMC, City Clerk  
City of Monrovia

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Craig A. Steele, City Attorney  
City of Monrovia

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES       ) §  
CITY OF MONROVIA             )

I, LINDA B. PROCTOR, MMC, City Clerk of the City of Monrovia, California, do hereby certify that the foregoing Resolution No. 2007-22 relating to the Engineer's Report in Connection with the Levy and Collection of Assessments within the Citywide Lighting and Landscaping Maintenance District for Fiscal Year 2007-2008 was duly adopted and passed at a regular meeting of the City Council on the 19<sup>th</sup> day of June 2007 by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**EXCUSED:**

ATTEST:

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Linda B. Proctor, MMC, City Clerk  
City of Monrovia

**RESOLUTION NO. 2007-23**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONROVIA DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF MONROVIA PARK MAINTENANCE DISTRICT FOR FISCAL YEAR 2007-2008 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, AND APPOINTING A TIME AND PLACE FOR A PUBLIC HEARING**

**THE CITY COUNCIL OF THE CITY OF MONROVIA HEREBY FINDS, DETERMINES, ORDERS AND RESOLVES AS FOLLOWS:**

**Section 1.** The City Council of the City of Monrovia hereby (1) finds that the public interest and convenience requires and (2) declares its intention to levy and collect assessments against the lots and parcels of property within the City of Monrovia Park Maintenance District (the "District") pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the "Act") for Fiscal Year 2007-2008, commencing July 1, 2007 and ending June 30, 2008, to pay for the costs and expenses of the improvements described in Section 3 hereof.

**Section 2.** The boundaries of the District are coterminous with the boundaries of the City and generally include all lots and parcels within the City.

**Section 3.** The proposed improvements for the District are briefly described as follows: The maintenance and servicing of park and recreational improvements, including landscaping, lighting, playground equipment, and appurtenant facilities, within the public parks within the District. "Maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the park and recreational improvements, including repair, removal or replacement of all or part of the park and recreational improvements; providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury; the removal of trimmings, rubbish, debris, and other solid waste; and the cleaning, sandblasting and painting of park and recreational improvements to remove or cover graffiti. "Servicing" means the furnishing of electric current or energy, gas or other illuminating agent for lighting or operation of the park and recreational improvements, and water for the irrigation of any landscaping or the maintenance of the park and recreational improvements.

There are no substantial changes proposed to be made for Fiscal Year 2007-2008 to the improvements ordered for the District for this past fiscal year 2006-2007.

**Section 4.** Lots or parcels of land within the District that are owned or used by any county, city, city and county, special district or any other local governmental entity, the State of California, or the United States shall be assessed unless the City can demonstrate by clear and convincing evidence that such lots or parcels receive no special benefit from the proposed improvements.

**Section 5.** Reference is hereby made to the Report of the Engineer entitled "Engineer's Report for City of Monrovia Park Maintenance District, Fiscal Year 2007-2008" on file in the office of the City Clerk for a full and detailed description of the improvements, the boundaries of the District and any zones therein and the proposed assessments upon assessable lots and parcels of land within the District for Fiscal Year 2007-2008. The assessments for Fiscal Year 2007-2008 are proposed to increase from the assessments levied against the lots and parcels of property within the District for Fiscal Year 2006-2007 by that increase in the Consumer Price Index (CPI) for the Los Angeles area as authorized by the voters of the City of Monrovia when the Park Maintenance District was established for 1997-98. The Bureau of Labor Statistics has determined that the CPI has increased by 3.2% over the past year for the Los Angeles area.

**Section 6.** NOTICE IS HEREBY GIVEN that the City Council appoints Tuesday the 17<sup>th</sup> day of July, 2007, at 7:30 p.m., in the Council Chambers at City Hall, City of Monrovia, 415 South Ivy Avenue, Monrovia, California as the time and place for the hearing of protests or objections to the proposed levy and collection of assessments against the assessable lots and parcels of land within the District for Fiscal Year 2007-2008.

All interested persons shall be afforded the opportunity to hear and be heard. Any interested person may file a written protest with the City Clerk prior to the conclusion of the hearing, or having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by the signer thereof. Written protests may be delivered in person to the City Clerk or may be mailed to the City Clerk at City Hall, 415 South Ivy Avenue, Monrovia, California 91016. The City Council at the public hearing shall consider all oral statements and all written protests or communications made or filed by any interested persons.

**Section 7.** The City Clerk is hereby authorized and directed to give notice of such public hearing in accordance with law.

**Section 8.** The City Council hereby designates the Director of Public Works, telephone number (626) 932-5562, or his designees, to answer inquiries regarding the hearing, protest proceedings, and procedural or technical matters.

**PASSED, APPROVED AND ADOPTED** this 19<sup>th</sup> day of June 2007 by the following vote:

**AYES:  
NOES:  
ABSTAIN:  
EXCUSED:**

BY:

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Rob Hammond, Mayor  
City of Monrovia

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ATTEST:

APPROVED AS TO FORM:

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Linda B. Proctor, MMC, City Clerk  
City of Monrovia

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Craig A. Steele, City Attorney  
City of Monrovia

**STATE OF CALIFORNIA            )**  
**COUNTY OF LOS ANGELES        ) §**  
**CITY OF MONROVIA                )**

I, LINDA B. PROCTOR, MMC, City Clerk of the City of Monrovia, California, do hereby certify that the foregoing Resolution No. 2007-23 relating to the Intention to Levy and Collect Assessments within the City of Monrovia Park Maintenance Assessment District for Fiscal Year 2007-2008 and appoint a time and place for a Public Hearing was duly adopted and passed at a regular meeting of the City Council on the 19<sup>th</sup> day of June 2007 by the following vote:

**AYES:  
NOES:  
ABSTAIN:  
EXCUSED:**

ATTEST:

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Linda B. Proctor, MMC, City Clerk  
City of Monrovia