



# CITY COUNCIL AGENDA REPORT



**DEPARTMENT:** Public Works

**MEETING DATE:** July 09, 2002

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

**AGENDA LOCATION:** D-2

**TITLE:** 2002-2003 Fiscal Year Park Maintenance Assessment District, Public Hearing, Resolution No 2002-66

**OBJECTIVE:** Conduct a Public Hearing for the Fiscal Year 2002-2003 Park Maintenance Assessment District and the confirmation of and levying of assessment for Fiscal Year 2002-2003

**BACKGROUND:** The Park Maintenance District provides 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 provisions of Proposition 218, a budgetary review of the proposed assessment for Fiscal Year 2002-2003 is required

The City Council at their April 9, 2002 meeting initiated the proceedings for the annual levy of assessments and ordered the preparation of an Engineer's Report by adoption of Resolution No 2002-22. The City Council at their May 14, 2002 meeting approved the Engineer's Report for Fiscal Year 2002-2003, declared the intention to levy an assessment for Fiscal Year 2002-2003 by adoption of Resolution No 2002-38, and set a Public Hearing for July 9, 2002 by adoption of Resolutions No 2002-38. A Notice of the Public Hearing providing details on the District and the proposed assessments was published on May 23, 2002 and June 27, 2002. The enclosed Resolution No 2002-66 has been prepared for adoption by the City Council should the Council after the conclusion of the Public Hearing decide to confirm the assessments and to levy the assessments.

**ANALYSIS:** The Fiscal Year 2002-2003 budget for the District separated by function is as follows

Personnel	\$474,346 00
Operations and Maintenance	279,613 00
Capital Outlay	0
Administration	<u>26,577 00</u>
Total Budget Amount	780,536 00
Less City Contribution	<u>(622,536 00)</u>
Assessment Amount	\$158,000 00

**FISCAL IMPACT:** The property owners approved by ballot that the future assessment increase will be restricted to no more than the Consumer Price Index (CPI) without another vote of the property owners. CPI for 2001-2002 was 2.6%. The recommended assessment for Fiscal Year 2002-2003 for a typical single family dwelling is \$8.33. This is a \$0.22 increase from Fiscal Year 2001-2002.

**RECOMMENDATION:** Staff recommends that the City Council open the Public Hearing and receive any testimony regarding the proposed assessment. After receiving any written or oral public testimony and closure of the hearing staff recommends that Resolution No. 2002-66 confirming and levying the assessment for Fiscal Year 2002-2003 be adopted.

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

Adopt Resolution No. 2002-66

Respectfully submitted,



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David Fike, Director of Public Works

Enclosure

**RESOLUTION NO. 2002-66**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONROVIA CONFIRMING A DIAGRAM AND ASSESSMENT FOR THE CITY OF MONROVIA PARK MAINTENANCE DISTRICT FOR FISCAL YEAR 2002-2003 PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE**

THE CITY COUNCIL OF THE CITY OF MONROVIA DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS

Section 1 Pursuant to prior resolutions, the City Council of the City of Monrovia initiated proceedings and declared its intention to levy an assessment against 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 (the "Act"), Part 2 of Division 15 of the California Streets and Highways Code, for the fiscal year commencing July 1, 2002 and ending June 30, 2003 Pursuant to prior resolutions, the City Council ordered the Director of Public Works to have prepared and file a written report (the "Engineer's Report") in accordance with Article 4 of Chapter 1 of the Act and Article XIID of the California Constitution and approved such Engineer's Report

Section 2 Following notice duly given in accordance with law, the City Council has held a full and fair public hearing regarding the levy and collection of the proposed assessment within the District for fiscal year 2002-2003 to pay for the costs and expenses of the improvements described in Section 4 hereof All interested persons were afforded the opportunity to hear and be heard regarding protests and objections to the levy and collection of the proposed assessment The City Council considered all oral and written statements, protests and communications made or filed by interested persons All protests and objections to the formation of the District and the levy and collection of the proposed assessment against lots or parcels of property within the District for fiscal year 2002-2003 are hereby overruled by the City Council

Section 3 Based upon its review of the Engineer's Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, and other reports and information, the City Council hereby finds and determines that (i) the land within the District will be specially benefited by the improvements described in Section 4 hereof and in such Engineer's Report, (ii) the District includes all of the lands so benefited, (iii) the net amount to be assessed upon the lands within the District for the 2002-2003 fiscal year in accordance with the Engineer's Report is apportioned by a formula and method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated special benefits to be received by each such lot or parcel from the improvements, and (iv) only special benefits are assessed and no assessment is imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel

Section 4 The City Council hereby orders the proposed improvements to be made as described in the Engineer's Report, which improvements 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.

Section 5 The City Council hereby confirms the diagram and assessment set forth in the Engineer's Report as filed.

Section 6 The assessment is in compliance with the provisions of the Act and Article XIID of the California Constitution and the City Council has complied with all laws pertaining to the levy of an annual assessment pursuant to the Act and Article XIID of the California Constitution.

Section 7 The assessment is levied without regard to property valuation.

Section 8 The assessment is levied for the purpose of paying the costs and expenses of the improvements described in Section 4 hereof for fiscal year 2002-2003.

Section 9 The improvements described in Section 4 hereof shall be performed pursuant to law.

Section 10 The County Auditor of the County of Los Angeles shall enter on the County Assessment Roll opposite each lot or parcel of land the amount of the assessment, and such assessments shall then be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the City Treasurer.

Section 11 The City Treasurer shall deposit all moneys representing assessments collected by the County to the credit of a special fund known as Improvement Fund, City of Monrovia Park Maintenance District.

Section 12 The adoption of this Resolution constitutes the levy of an assessment against the lots and parcels of land in the District for the fiscal year commencing July 1, 2002 and ending June 30, 2003.

Section 13 The City Clerk is hereby authorized and directed to file the diagram and assessment, or a certified copy of the diagram and assessment, with the County Auditor, together with a certified copy of this Resolution upon its adoption

Section 14 A certified copy of the assessment and diagram shall be filed in the Department of Public Works, with a duplicate copy on file in the office of the City Clerk and open for public inspection

PASSED, APPROVED and ADOPTED this 9th day of July, 2002 by the following vote.

AYES  
NOES  
ABSTAIN  
ABSENT

BY

\_\_\_\_\_  
Lara Larramendi Blakely, Mayor  
City of Monrovia, California

ATTEST

\_\_\_\_\_  
Linda B Proctor, CMC, City Clerk  
City of Monrovia, California

APPROVED AS TO FORM

\_\_\_\_\_  
Craig A Steele, City Attorney  
City of Monrovia, California

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

I, LINDA B PROCTOR, CMC, City Clerk of the City of Monrovia, California, do hereby certify that the foregoing Resolution No 2002-66 relating to the confirming a diagram and assessment for the Fiscal Year 2002-2003 Park Maintenance District was duly adopted and passed at a regular meeting of the City Council on the 9th day of July 2002 by the following vote

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

ATTEST

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Linda B Proctor, CMC, City Clerk  
City of Monrovia, California