

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew J. Fertal
From: William E. Murray
Dept.: City Manager
Dept.: Public Works
Subject: ADOPTION OF RESOLUTIONS INITIATING PROCEEDINGS FOR THE LEVYING OF FY 2014-15 ASSESSMENT FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICTS (2014/15) AND PARK MAINTENANCE DISTRICT (2014/15)
Date: May 27, 2014

OBJECTIVE

To adopt Resolutions initiating proceedings for the levying of FY 2014-15 assessments for (1) the City of Garden Grove Street Lighting District, (2) the City of Garden Grove Street Lighting District No. 99-1, (3) the City of Garden Grove Park Maintenance District; to adopt the Resolution approving the Engineer's Reports for those Districts; and to adopt the Resolutions of Intention for the levying of FY 2014-15 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 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 that 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 benefits received.

DISCUSSION

The first step for the City Council to take in this process is to adopt the Resolutions initiating proceedings and ordering the City Engineer to prepare and file reports for

(1) the Garden Grove Street Lighting District, (2) the 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 2014/15 Current Financial Summary
3. A diagram showing the District boundaries.
4. The assessment roll on file in the City Clerk's Office 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 total is \$1,327,757. The estimated District expenditures total is \$1,659,531, which requires a General Fund contribution of \$331,774 to cover anticipated expenditures. The street lighting cost for each property owner was calculated based on benefits received from lighting improvements.

Street Lighting District No. 99-1 report indicates that this year's proposed assessment total is \$9,880.99. The City will contribute approximately \$1,250.46 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 benefits received from lighting improvements.

The Park Maintenance District report indicates that this year's proposed assessment total is \$703,576 out of the \$2,220,352 cost for park maintenance. The City will contribute approximately \$1,516,776 to cover the balance, which represents general benefit toward the total park maintenance cost. The park maintenance cost for each property owner was calculated based on benefits received from community park improvements.

The proposed rates for each District for FY 2014/15 are the same rates adopted by the City Council in FY 2013/14. There are also no proposed additions or significant changes to the improvements for FY 2014/15 as compared to FY 2013/14, except as noted previously. 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 City Engineer's Report. 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") that:

1. Declares the intention to levy and collect assessments,
2. Generally describes the improvements,
3. Refers to the report of the City Engineer for a full and detailed description of the improvements, boundaries of the District and any zones therein, and proposed assessments, and
4. Gives notice of, and fixes a time and place for, a Public Hearing regarding the proposed assessments, which is set for **June 10, 2014**.

FINANCIAL IMPACT

The adoption of street lighting and park maintenance assessments will raise approximately \$1,327,757 in street lighting revenue and \$703,576 in park maintenance revenue.

RECOMMENDATION


It is recommended that the City Council:

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


WILLIAM E. MURRAY, P.E.
Public Works Director


By: Ana Neal
Sr. Administrative Analyst

Recommended for Approval


Matthew Fertal
City Manager

Attachments: "A1", "A2", "A3", "B", "C1", "C2", and "C3" Resolutions

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 HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2014-15 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 CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS:

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. 6357-83]) 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 (herein "Act").

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 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 2014-15.

SECTION 2. The proposed improvements for Fiscal Year 2014-15 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.

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.

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 HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2014-15 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 City Council of the City of Garden Grove formed 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 (herein "Act") and Article XIIID of the California Constitution.

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 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 2014-15.

SECTION 2. The proposed improvements for Fiscal Year 2014-15 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.

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 HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2014-15 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 City Council of the City of Garden Grove formed 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 (herein "Act") and Article XIIID of the California Constitution.

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 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 2014-15.

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.

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 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 2014-15

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 the 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 2014-15.

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 City Engineer's report for the City of Garden Grove Street Lighting District for Fiscal Year 2014-15, City of Garden Grove Street Lighting District No. 99-1 for Fiscal Year 2014-15, and City of Garden Grove Park Maintenance District for Fiscal Year 2014-15.

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 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 2014-15 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS

The City Council of the City of Garden Grove adopted Resolution No. _____, initiating proceedings to levy annual assessments for Fiscal Year 2014-15 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 (herein "Act").

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

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 AS FOLLOWS:

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 2014-15 covering the real property benefited by the 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 City Engineer's report, 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 Assessment District.

SECTION 5. An assessment will be levied pursuant to the Act upon all property in the City of Garden Grove Street Lighting District for Fiscal Year 2014-15, subject to assessment under the Act, as described in the City 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 2014-15 are not proposed to increase from the rate levied in Fiscal Year 2013-14.

SECTION 6. Notice is hereby given that June 10, 2014, at 6:30 p.m. (or as soon thereafter as the City Council may hear same), in 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 prior to the conclusion of the 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 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.

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 HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1 FOR FISCAL YEAR 2014-15 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS

The City Council of the City of Garden Grove adopted Resolution No. _____ initiating proceedings to levy annual assessments for Fiscal Year 2014-15 within the City of Garden Grove Street Lighting District No. 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 (herein "Act").

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

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 AS FOLLOWS:

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 2014-15 covering the real property benefited by the improvements, pursuant to the Act.

SECTION 2. The proposed improvements for Fiscal Year 2014-15 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 No. 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 City Engineer's report, 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 Assessment District.

SECTION 5. An assessment will be levied pursuant to the Act upon all property in the City of Garden Grove Street Lighting District No. 99-1 for Fiscal Year 2014-15, subject to assessment under the Act, as described in the City 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 2014-15 are not proposed to increase from the rates levied in Fiscal Year 2013-2014.

SECTION 6. Notice is hereby given that June 10, 2014, at 6:30 p.m. (or as soon thereafter as the City Council may hear same), in 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 the 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 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.

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 HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT FOR FISCAL YEAR 2014-15 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS

The City Council of the City of Garden Grove adopted Resolution No. _____, initiating proceedings to levy annual assessments for Fiscal Year 2014-15 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 (herein "Act").

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

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 AS FOLLOWS:

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 2014-15 covering the real property specially benefited by the 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 City Engineer's report, 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 Assessment District.

SECTION 5. An assessment will be levied pursuant to the Act upon all property in the City of Garden Grove Park Maintenance District for Fiscal Year 2014-15, subject to assessment under the Act, as described in the City 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 2014-15 are not proposed to increase from the rates levied in Fiscal Year 2013-14.

SECTION 6. Notice is hereby given that June 10, 2014, at 6:30 p.m. (or as soon thereafter as the City Council may hear same), in 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 the City prior to the conclusion of the hearing. In addition, all interested persons shall be afforded the opportunity to hear and be heard at the 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 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.