



MEETING DATE: 4/16/07

ITEM NO: 5

COUNCIL AGENDA REPORT

DATE: APRIL 3, 2007

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: LANDSCAPE & LIGHTING ASSESSMENT DISTRICTS 1 & 2
A. ADOPT RESOLUTION PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR FISCAL YEAR 2007-2008
B. ADOPT RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR LANDSCAPE AND LIGHTING NO. 1-BLACKWELL DRIVE BENEFIT ZONE
C. ADOPT RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR LANDSCAPE AND LIGHTING DISTRICT NO. 1-KENNEDY MEADOWS BENEFIT ZONE
D. ADOPT RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR LANDSCAPE AND LIGHTING DISTRICT NO. 1-SANTA ROSA HEIGHTS BENEFIT ZONE
E. ADOPT RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR LANDSCAPE AND LIGHTING DISTRICT NO. 1-VASONA HEIGHTS BENEFIT ZONE
F. ADOPT RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR LANDSCAPE AND LIGHTING DISTRICT no. 1-HILLBROOK DRIVE BENEFIT ZONE
G. ADOPT RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR LANDSCAPE AND LIGHTING DISTRICT NO. 2-GEMINI COURT BENEFIT ZONE

RECOMMENDATION:

- 1. Adopt Resolution (Attachment 1) preliminarily approving the Engineer's Report (Attachment 2) for fiscal year 2007-08.
- 2. Adopt Resolution (Attachment 3) of intention to order the levy and collection of assessments for Landscape and Lighting District No. 1-Blackwell Drive Benefit Zone.

PREPARED BY: KEVIN ROHANI
Interim Director of Parks and Public Works

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Reviewed by: DS Assistant Town Manager CK Town Attorney
 Clerk Administrator Finance Community Development

3. Adopt Resolution (Attachment 4) of intention to order the levy and collection of assessments for Landscape and Lighting District No. 1-Kennedy Meadows Benefit Zone.
4. Adopt Resolution (Attachment 5) of intention to order the levy and collection of assessments for Landscape and Lighting District No. 1-Santa Rosa Heights Benefit Zone.
5. Adopt Resolution (Attachment 6) of intention to order the levy and collection of assessments for landscape and Lighting District No. 1-Vasona Heights Benefit Zone.
6. Adopt Resolution (Attachment 7) of intention to order the Levy and collection of assessments for Landscape and Lighting District No. 1-Hillbrook Drive Benefit Zone.
7. Adopt Resolution (Attachment 8) of intention to order the levy and collection of assessments for Landscape and Lighting District No. 2-Gemini Court Benefit Zone.

BACKGROUND:

On April 2, 2007, the Town Council initiated the annual process of renewing the Landscape and Lighting Assessment Districts 1 & 2 for the fiscal year commencing on July 1, 2006. In particular, the Council adopted Resolution No. 2007-034 directing the preparation of the Engineer's Report for the two districts. A copy of the preliminary Engineer's Report is attached hereto and is presented to the Council for its consideration.

DISCUSSION:

In accordance with Resolution No. 2007-034, and pursuant to the requirements of the Landscaping and Lighting Act of 1972, the attached Engineer's Report contains the following information:

- a) plans and specifications of the existing improvements and for proposed new improvements, if any, to be made within the assessment districts or within any zones thereof;
- b) an estimate of the costs of said proposed new improvements, if any, to be made along with the costs of maintenance or servicing, or both, thereof, and of any existing improvements, together with the incidental expenses in connection therewith;
- c) a diagram showing the exterior boundaries of the assessment districts and of any zones within said districts and the lines and dimensions of each lot or parcel of land within the districts as such lot or parcel of land is shown on the County Assessor's map for the fiscal year to which the report applies, each of which lots or parcels of land shall be identified by a distinctive number or letter on said diagram.
- d) a proposed assessment of the total amount of the estimated costs and expenses of the proposed new improvements, upon the several lots or parcels of land in said districts in proportion to the estimated particular and distinct benefits to be received by each of such lots or parcels of land, respectively, from said improvements, including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto.

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MAYOR AND TOWN COUNCIL

SUBJECT: LANDSCAPING AND LIGHTING ASSESSMENT DISTRICTS NO. 1 & 2

APRIL 3, 2007

Thus, if the Council is satisfied with the format and content of the preliminary Engineer's Report, then it should adopt the following seven Resolutions that are attached to this report to continue the process of renewing the assessment districts for FY 07-08.

1. **A Resolution of Preliminary Approval of Engineer's Report...Fiscal Year 2007-2008 -** This is the Resolution required under Streets & Highways Code Section 22623 which grants preliminary approval of the Engineer's Report for the renewal of the Districts for FY 07-08.
2. **Six Resolutions of Intention to Order the Levy and Collection of Assessments...Fiscal Year 2007-2008** – These resolutions are required under Streets & Highways Code Section 22624 which, among other things, fixes the date and time for the Public (Protest) Hearing on June 4.

The Council may also direct modification be made to the Engineer's Report if it so desires. If however, the Council chooses not to adopt the seven Resolutions, then the renewal process would halt and staff would follow whatever other direction the Council may choose to give. If ultimately the Council were to decide not to renew the assessment districts, then a policy decision would need to be made about whether and how the services currently provided by the districts should be continued.

Presumably, the two options from which the Council could choose would be to either 1) give the responsibility for providing the services back to the property owners within the districts, or 2) assume responsibility for providing the services through the Town's General Fund operating budget.

However, since the districts provide for higher levels of landscaping and lighting services within the specific benefit zones than in other areas of the Town, neither of these two approaches are recommended by staff.

A Notice of Intention to Levy Annual Assessments for Fiscal Year 2007-08 will be mailed to all property owners on May 14, 2007. This notice will also include the public hearing date, time and location. Property owners may file a written protest to the Clerk Administrator at 110 East Main Street, Los Gatos, CA 95030 no later than the public hearing date of June 4, 2007. Notice regarding the public hearing will also be published in the Los Gatos Weekly on May 16, 2007 and May 23, 2007.

CONCLUSION:

It is recommended that the Council adopt the attached seven Resolutions to continue the process of renewing the Landscaping and Lighting Assessment Districts 1 & 2 for Fiscal Year 2007-2008.

ENVIRONMENTAL ASSESSMENT:

Is not a project defined under CEQA, and no further action is required.

FISCAL IMPACT:

There are no direct fiscal impacts on the Town's General Fund as a result of administering the Landscaping & Lighting Assessment Districts. All of the costs associated with the districts are recovered via the assessments levied against the property owners within the districts. Also, there are no proposed increases in any of the parcel assessments for FY 07-08 that would require a ballot vote under Proposition 218.

Attachments:

1. Resolution Preliminarily Approving Engineer's Report
2. Preliminary Engineer's Report for Fiscal Year 2007-2008
3. Resolution of Intention to Order the Levy and Collection of Assessments - Blackwell Drive Benefit Zone
4. Resolution of Intention to Order the Levy and Collection of Assessments – Kennedy Meadows Benefit Zone
5. Resolution of Intention to Order the Levy and Collection of Assessments – Santa Rosa Heights Benefit Zone
6. Resolution of Intention to Order the Levy and Collection of Assessments – Vasona Heights Benefit Zone
7. Resolution of Intention to Order the Levy and Collection of Assessments – Hillbrook Drive Benefit Zone
8. Resolution of Intention to Order the Levy and Collection of Assessments – Gemini Court Benefit Zone

Distribution:

None at this time. Notices of proposed assessments and of the public (protest) hearing will be mailed to each of the property owners within the districts

RESOLUTION 2007

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
PRELIMINARY APPROVING THE ENGINEER'S REPORT FOR
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICTS NO. 1 & 2 FOR
FISCAL YEAR 2007-2008**

RESOLVED, by the Town Council of the Town of Los Gatos, California as follows:

WHEREAS, pursuant to the Landscaping and Lighting Act of 1972, on the 2nd day of April, 2007, said Council did adopt its Resolution No. 2007-034 "A Resolution Describing Improvements and Directing Preparation of Engineer's Report For Fiscal Year 2007-2008," for the Town of Los Gatos Landscaping and Lighting Assessment Districts No. 1 & 2, in said Town and did refer the proposed improvements to the Engineer of the Town and did therein direct said Engineer to prepare and file with the Clerk Administrator of said Town a report, in writing, all as therein more particularly described; and

WHEREAS, said Town Engineer prepared and filed with the Clerk Administrator a report in writing as called for in said Resolution No. 2007-034 and under and pursuant to said Act, which report has been presented to this Council for consideration; and

WHEREAS, said Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that neither said report, nor any part thereof should be modified in any respect.

NOW, THEREFORE, it is hereby found, determined and ordered, as follows:

1. That the plans and specifications for the existing improvements and the proposed new improvements to be made within the assessment districts or within any zone thereof, contained in said report, be, and they are hereby preliminarily approved.

2. That the Engineer's estimate of the itemized and total costs and expenses of said improvements, maintenance and servicing thereof, and of the incidental expenses in connection therewith, contained in said report, be, and each of them are hereby preliminarily approved.

3. That the diagram showing the exterior boundaries of the assessment districts referred to and described in said Resolution No. 2007-034 and also the boundaries of any zones therein, and the lines and dimensions of each lot or parcel of land within said districts as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which the report applies, each of which lot or parcel of land has been given a separate number upon said diagram, as contained in said report, be, and it hereby is preliminarily approved.

4. That the proposed assessment of the total amount of the estimated costs and expenses of the proposed improvements upon the several lots or parcels of land in said assessment districts in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements including the maintenance or servicing or both, thereof, and of the expenses incidental thereto, as contained in said report, be, and they are hereby preliminarily approved.

5. That said report shall stand as the Engineer's Report for the purpose of all subsequent proceedings to be had pursuant to said Resolution No. 2007-034.

PASSED AND ADOPTED by the Town Council of the Town of Los Gatos, California,
at a meeting thereof held on the 16th day of April, 2007 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA