MEETING DATE: 4/18/11
ITEM NO: 4

COUNCIL AGENDA REPORT

DATE: MARCH 14, 2011

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

SUBJECT: LANDSCAPING AND LIGHTING ASSESSMENT DISTRICTS NO. 1 & 2 ADOPT RESOLUTION DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF TOWN ENGINEER'S REPORT FOR FISCAL YEAR 2011/12

RECOMMENDATION:

Adopt a Resolution (Attachment 1) describing improvements and directing preparation of Town Engineer's Report for Fiscal Year 2011/12.

BACKGROUND:

In the early 1990's, the Town formed two assessment districts under the Landscaping and Lighting Act of 1972 (Streets & Highways Code Section 22500, et. Seq.). The Districts are comprised of six distinct zones, five of which are included in District No. 1, and one that is included in District No. 2. Maps of the six zones are attached to this report - (Attachment 2). The purpose of the Districts is to provide for the ongoing maintenance and care of landscaped areas that benefit the properties within each of the zones. The Landscaping and Lighting Assessment Districts provide special benefits to the property owners within the Districts that would not otherwise be provided by the Town. These services are provided by a contractor retained directly by, and managed by, the Town on behalf of the property owners. For a more complete description of the services provided by the Districts, please refer to (Exhibit A and B) of the attached Resolution.

DISCUSSION:

As outlined in the assessment district guidelines and per the enabling Act, the Town must annually renew the assessments levied against the properties within the Districts that pay for the services proposed to be provided by the Districts. This entails a three step process that concludes with a public (protest) hearing after which the Town Council may levy the annual assessments.

PREPARED BY: TODD CAPURSO
Director of Parks and Public Works

Reviewed by: BJ Assistant Town Manager ____ Town Attorney
____ Clerk Administrator SC Finance ____ Community Development

DISCUSSION (cont'd):

Attached is a Resolution the Town Council must adopt to initiate the annual process of renewing the Landscaping and Lighting Assessment Districts for the upcoming fiscal year that will begin on July 1. At the Town Council Meeting of May 16, 2011, staff will present the Town Engineer's Report for the Landscaping and Lighting Districts. This report will be in coordination with meetings with the representative of each district to ensure that there is agreement with the level of service and fee assessment.

A brief summary of the following Resolution is as follows:

Resolution describing improvements and directing preparation of the Town Engineer's Report:

This Resolution is required under Streets & Highways Code Section 22622 to initiate the annual renewal process for both Districts for the ensuing fiscal year. The Resolution references improvements (services) proposed to be provided by the Districts (Exhibit A), and directs the preparation of the Town Engineer's Report required under S&H Code Section 22565.

As in prior years, the provisions of SB 919 (The Proposition 218 Omnibus Implementation Act) adopted by the California legislature in 1997, (Chapter 38, Stats. 1997), and which became effective on July 1, 1997, will be implemented during the renewal process. Procedurally this means that assessment ballots will be mailed to those property owners within the Districts whose initial assessments are proposed to be higher than in any prior year, due primarily to rising maintenance costs, and increases in the costs of water and power. Should this occur, the ballots would then be separately tabulated at the close of the Public Hearing for each Zone that may be voting on a proposed assessment increase. Only those ballots returned by the close of the public hearing will count towards determining whether a majority protest exists, and whether any increased assessments may be levied.

The following sets forth the tentative schedule for renewing the Districts for FY 11/12:

April 18	Council adopts Resolution directing preparation of Town Engineer's Report
May 16	Council receives Town Engineer's Report. Council adopts Resolution of Intention preliminarily approving Engineer's Report and assessment amounts, and sets date and time for Public (Protest) Hearing.
May 25	Notices with Proposition 218 ballots mailed to property owners (if necessary).
May 26	Notice of Public (Protest) Hearing published in Los Gatos Weekly.
June 1	Notice of Public (Protest) Hearing published in Los Gatos Weekly.

DISCUSSION (cont'd):

June 20 Council conducts Public Hearing per Govt. Code Sec. 53753. If necessary, ballots are tabulated at the close of the Hearing. If appropriate, Council adopts Resolution confirming assessments for FY 11/12.

August 1 Deadline for Town Engineer to transmit Assessment Roll to County Auditor.

CONCLUSION:

The Landscaping and Lighting Assessment Districts provide special benefits to the property owners within the districts that would not otherwise be provided by the Town. Consequently, the Town should continue to support the existence of the districts by initiating the annual renewal process via adoption of the attached Resolution.

ENVIRONMENTAL ASSESSMENT:

Renewal of the Landscaping and Lighting Assessment Districts is not a project under CEQA and therefore, no further action is required.

FISCAL IMPACT:

All costs associated with administering the Landscaping & Lighting Assessment Districts are recovered via assessments levied against the benefiting properties within the districts. The Landscape and Lighting Assessment Districts do not impact the Town's General Fund. A detailed analysis of the proposed financing for the District in FY 11/12 will be provided in the Town Engineer's Report.

Attachments:

1. Resolution describing improvements and directing preparation of Town Engineer's Report for Fiscal Year 2011/12 (including Exhibits A and B, "Description of Improvements").

2. Maps of Benefit Zones for Landscape and Lighting Districts 1 & 2. (seven maps are labeled as Attachments 2.1 through 2.7)

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Attachment 1

RESOLUTION

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF TOWN ENGINEER'S REPORT FOR FISCAL YEAR 2011/12 TOWN OF LOS GATOS LANDSCAPING AND LIGHTING ASSESSMENT DISTRICTS NO. 1 & 2

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

1. The Town Council did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, conduct proceedings for the formation of the Town of Los Gatos Landscaping and Lighting Assessment Districts No. 1 & 2.

2. The public interest, convenience and necessity require, and it is the intention of said Council to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said Districts, for the construction or installation of improvements, including the maintenance or servicing, or both, thereof, for the fiscal year 2011/12.

3. The improvements to be constructed or installed, including the maintenance or servicing, or both, thereof, are more particularly described in (Exhibits A and B) hereto attached and by reference incorporated herein.

4. The costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said Districts, the exterior boundaries of which Districts are the composite and consolidated area as more particularly shown on a map thereof on file in the Clerk Department of the Town of Los Gatos to which reference is hereby made for further particulars. Said map indicates, by a boundary line, the extent of the territory included in said Districts and of any zone thereof and shall govern for all details as to the extent of the assessment districts.

5. The Engineer of said Town be, and is hereby directed, to prepare and file with said Clerk Administrator a report, in writing, referring to the assessment districts by their distinctive designations, specifying the fiscal year to which the report applies, and, with respect to that year, presenting the following:

a) plans and specification 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, 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; and

d) a proposed assessment of the total amount of the estimated costs and expenses of the proposed new improvements, including the maintenance or servicing, or both, thereof, and of any existing 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.

6. The Office of the Engineer of said Town be, and is hereby designated as the office to answer inquiries regarding any protest proceedings to be had herein, and may be contacted during regular office hours at 41 Miles Avenue, Los Gatos, California 95030 or by calling (408) 399-5770.

PASSED AND ADOPTED by the Town Council of the Town of Los Gatos, California, at a meeting thereof held on the 18th day of April, 2011 by the following vote:

COUNCIL MEMBERS:

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

Exhibit A

DESCRIPTION OF IMPROVEMENTS
TOWN OF LOS GATOS
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 1

1. General Description of Improvements:

The design, construction or installation, including the maintenance or servicing, or both, thereof, of landscaping, including trees, shrubs, grass or other ornamental vegetation, statuary, fountains or other ornamental structures and facilities, and public lighting facilities for the lighting of any public places, including traffic signals, ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments and appurtenances, including the cost of repair, removal or replacement of all or any part thereof; providing for the life, growth, health and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; electric current or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements; and the operation of any fountains or the maintenance of any other improvements.

2. Specific Descriptions of Improvements:

Blackwell Drive Benefit Zone - Maintenance of the landscaping in the median island on Blackwell Drive constructed as a part of the public improvements required of Tract No. 8306, and maintenance of the street lights installed along Blackwell Drive and National Avenue installed as a part of the public improvements required of Tract No. 8306.

Hillbrook Benefit Zone - The maintenance of trees, landscaping, irrigation systems, hardscape and fences as currently exist on APN 523-11-028, located at the southeast corner of Blossom Hill Road and Hillbrook Drive.

Kennedy Meadows Benefit Zone - The maintenance of trees, landscaping, irrigation systems, trail and street lights within the open space areas (Parcels A and B) and along Kennedy Court and Forrester Court, installed as a part of the public improvements required of Tract No. 8612, and the implementation of mitigation and enhancement measures within the riparian and wetlands areas of said Tract described in the report prepared by H.T. Harvey Associates, dated November 11, 1994.

Santa Rosa Heights Benefit Zone - The maintenance of trees, landscaping, trails and retaining walls constructed as a part of the public improvements required of Tract No. 8400.

Vasona Heights Benefit Zone - The maintenance of trees, landscaping, irrigation systems, trails, emergency access roads and retaining walls within the open space areas required as a part of the public improvements required of Tract No. 8280.

Exhibit B

DESCRIPTION OF IMPROVEMENTS
TOWN OF LOS GATOS
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 2

1. General Description of Improvements:

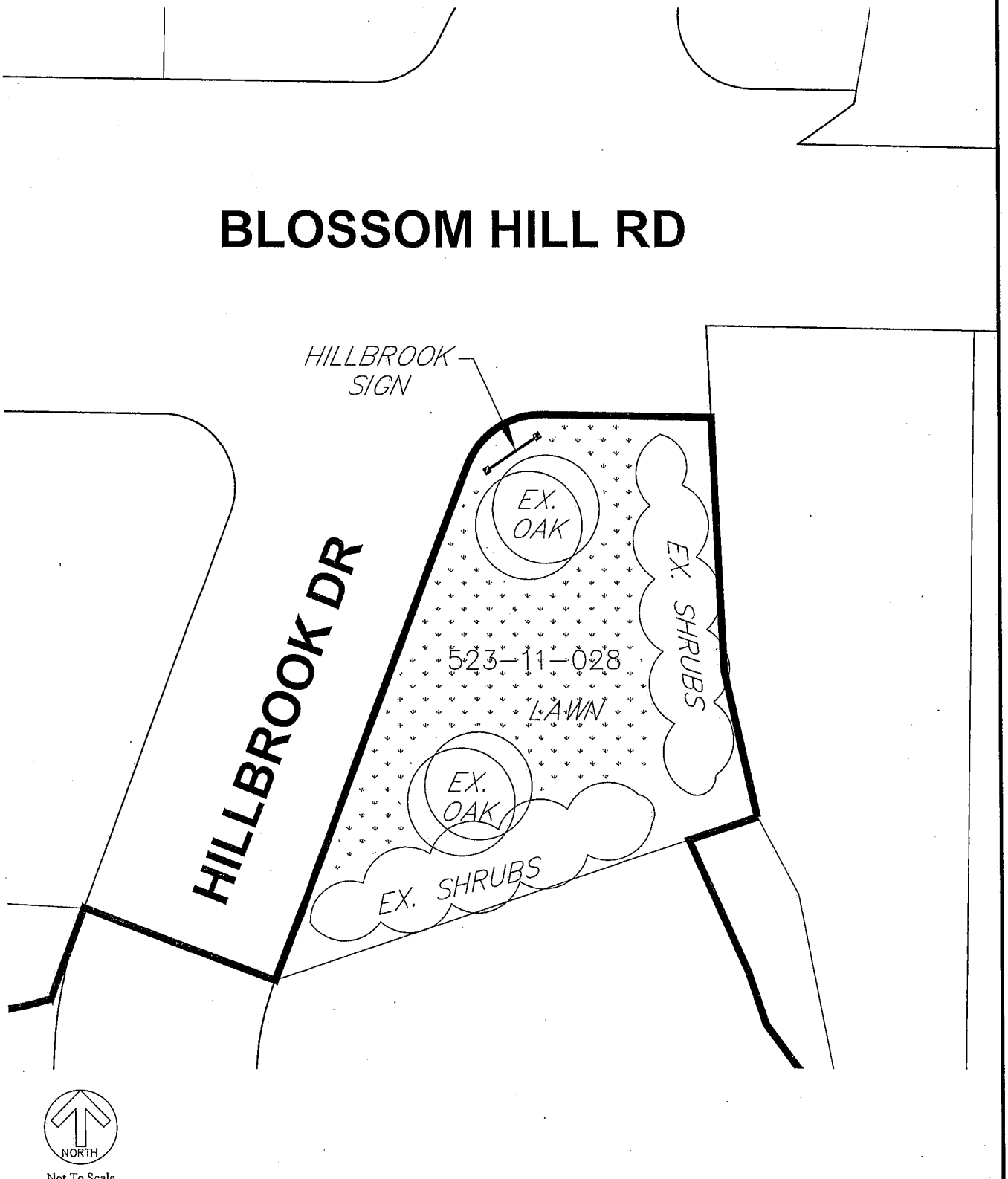
The design, construction or installation, including the maintenance or servicing, or both, thereof, of landscaping, including trees, shrubs, grass or other ornamental vegetation, statuary, fountains or other ornamental structures and facilities, and public lighting facilities for the lighting of any public places, including traffic signals, ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments and appurtenances, including the cost of repair, removal or replacement of all or any part thereof; providing for the life, growth, health and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; electric current or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements; and the operation of any fountains or the maintenance of any other improvements.

2. Specific Description of Improvements:

Gemini Court Benefit Zone - The maintenance of trees, landscaping, irrigation systems, lighting, sound walls, and fences installed as a part of the public improvements required of Tract No. 8439.

PART "A"

Existing Improvements to be Maintained



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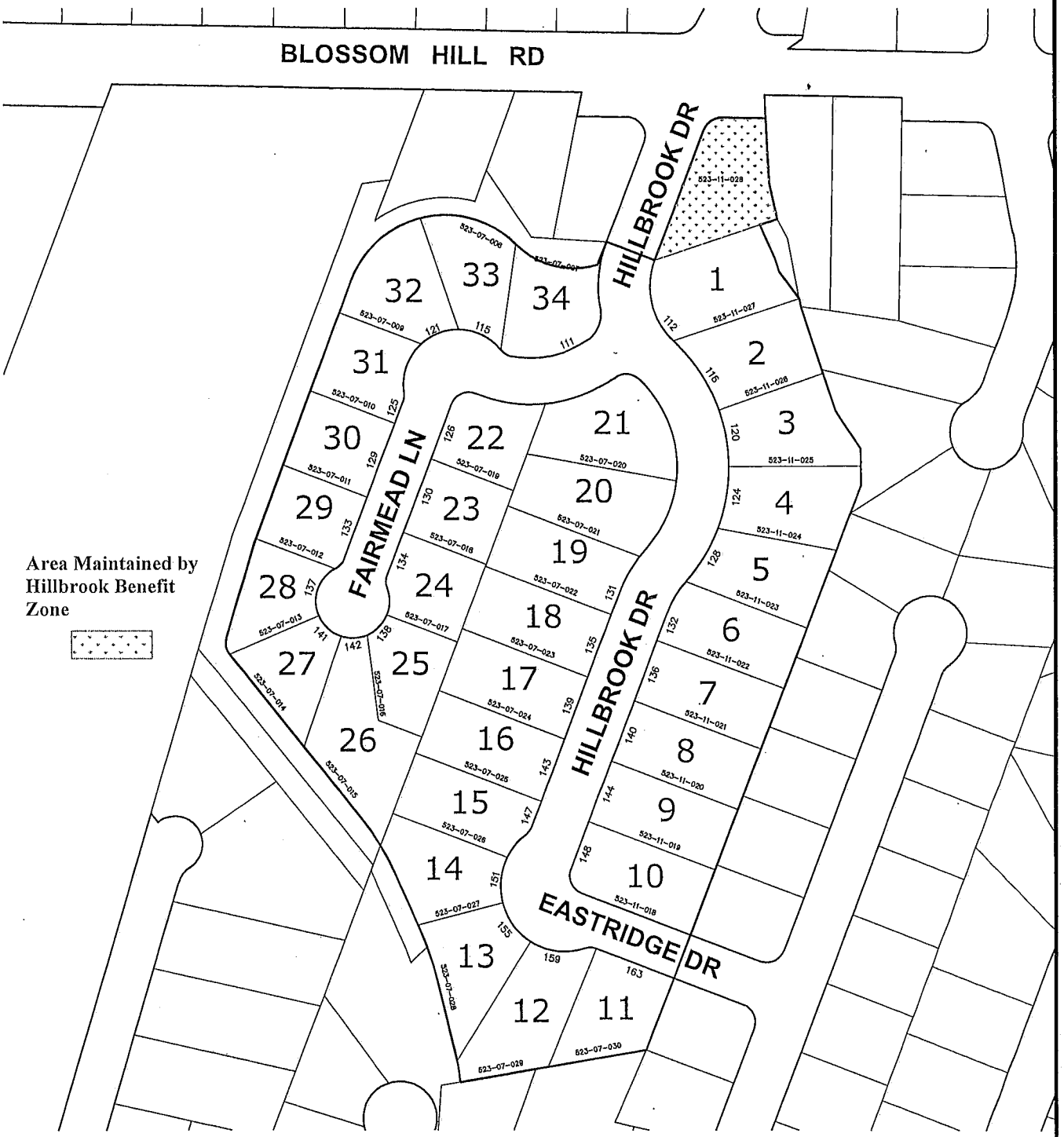
Hillbrook Benefit Zone

Landscaping & Lighting Assessment District No. 1

PART "D"

Assessment Diagram



Hillbrook Benefit Zone

Landscaping & Lighting Assessment District No. 1

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PART "D"

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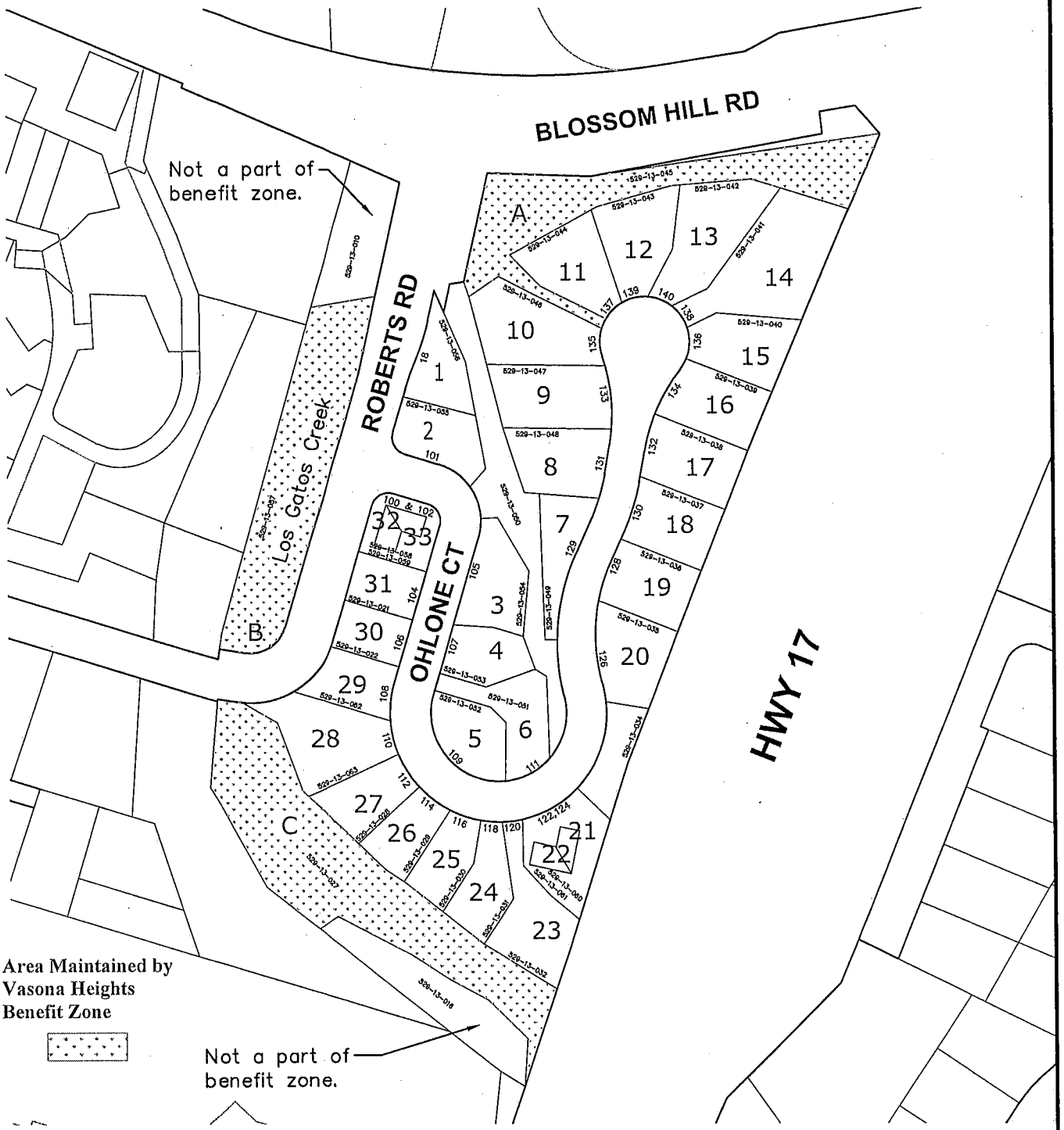

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Vasona Heights Benefit Zone

Landscaping & Lighting Assessment District No. 1

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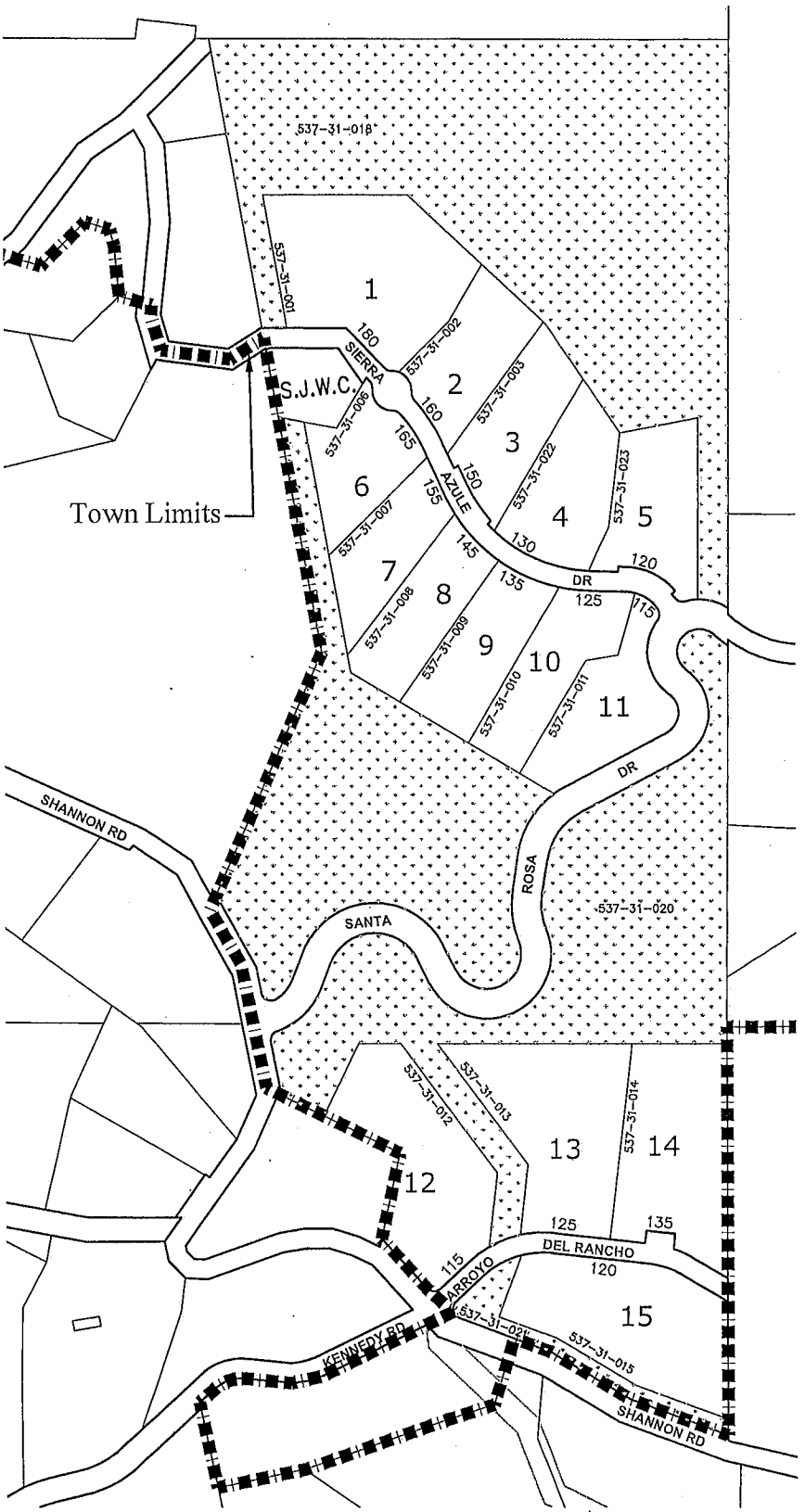
Assessment Diagram



Area Maintained by Santa Rosa Heights Benefit Zone

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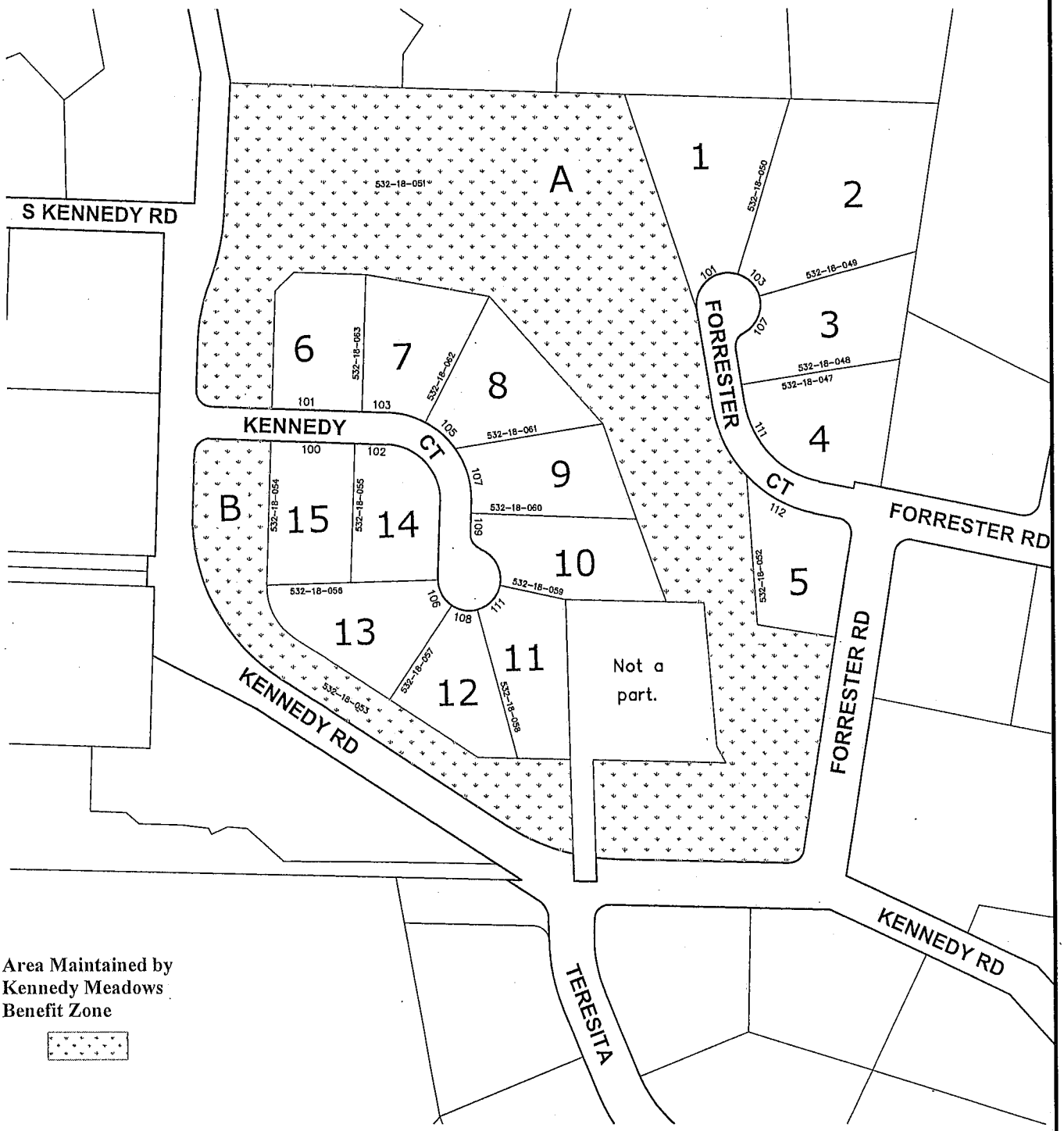
Santa Rosa Heights Benefit Zone

Landscaping & Lighting Assessment District No. 1

PART "D"

Assessment Diagram



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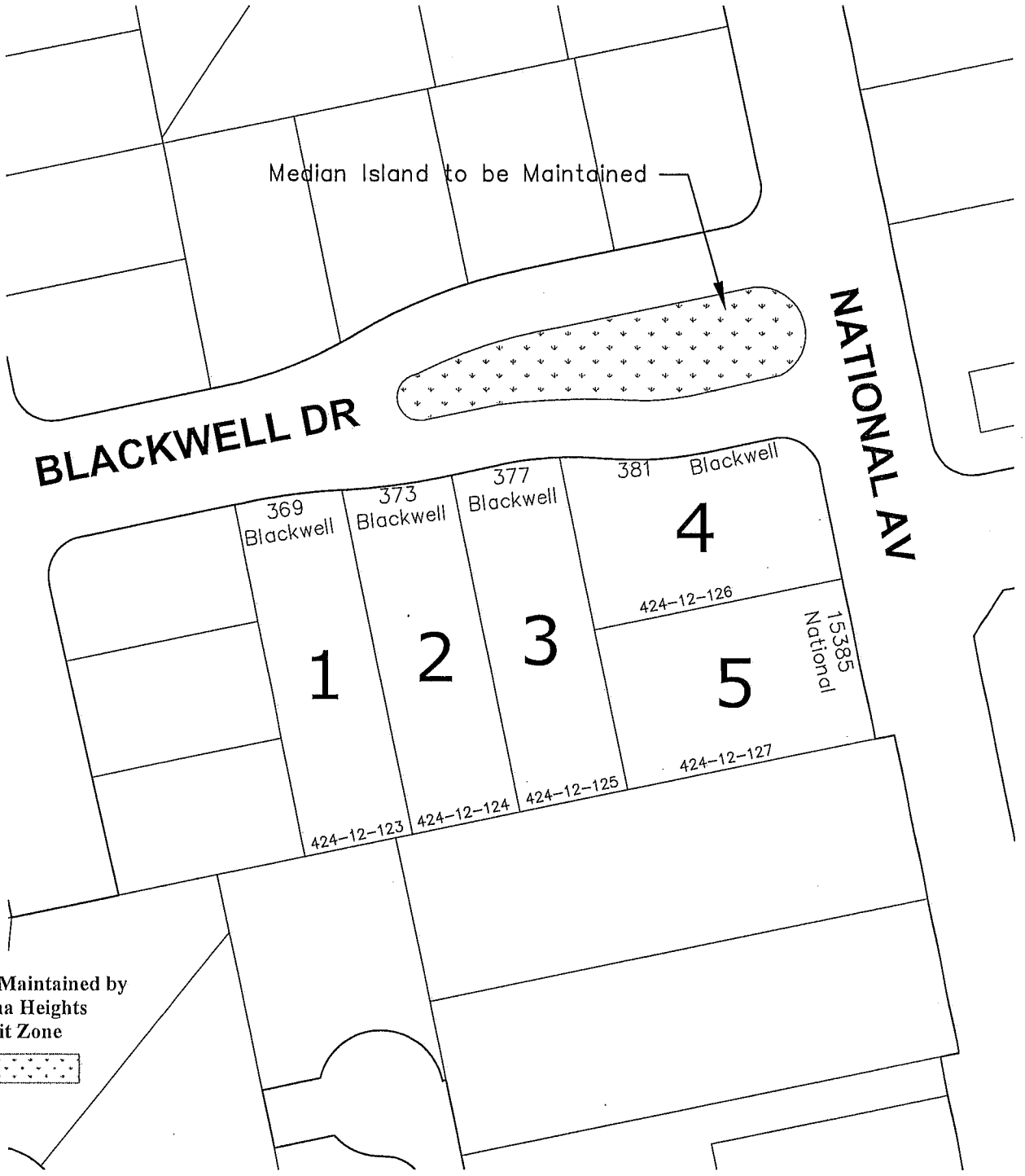
Kennedy Meadows Benefit Zone

Landscaping & Lighting Assessment District No. 1

PART "D"

Assessment Diagram



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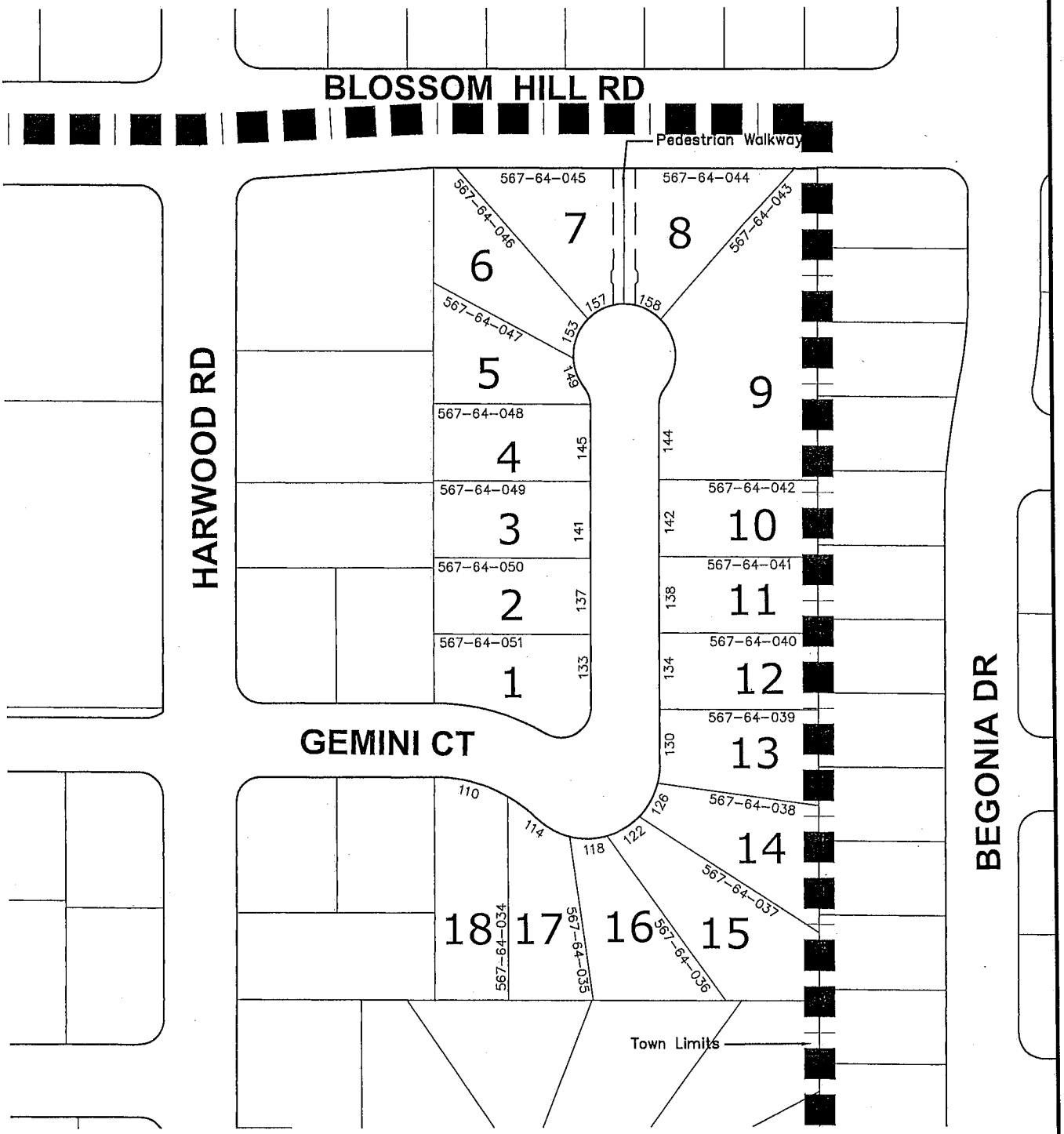
Blackwell Drive Benefit Zone

Landscaping & Lighting Assessment District No. 1

PART "D"

Assessment Diagram



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Gemini Court Benefit Zone

Landscaping & Lighting Assessment District No. 1

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