



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: July 8, 2008

SUBJECT: Gateway Landscaping and Lighting District Formation –
Public Hearing

Report in Brief

On May 30th, 2006 the City Council took action on Ordinance No. 1466 which approved a Development Agreement between the City of Woodland and Woodland Investment Company for property commonly referred to as the Woodland Gateway Retail Center. The Development Agreement included “Final Conditions of Approval” for the project which contained a requirement for the property owner to establish a landscaping and lighting district to maintain public landscaping and lighting areas within and adjacent to the project. On May 6, 2008 City Council took the initial steps to form the District by approving resolutions that called for a public hearing to be held on July 1, 2008 and to hold a property owner protest ballot proceeding. The July 1 date was rescheduled to July 8 and all property owners were formally notified. At the conclusion of the public hearing, the ballots will be tallied to determine if there is a majority protest against the formation.

Staff recommends that the City Council approve and adopt resolutions that 1) Declare the results of the property owner protest ballot proceeding to form the Woodland Gateway Landscaping and Lighting District; and assuming no majority protest 2) Amending and/or approving the Engineer’s Report regarding the formation of the District and levy the annual assessment for fiscal year 2008/09, and; 3) Ordering the formation of the District and the levy of annual assessment on the properties.

Background

The Woodland Gateway Retail Center is located at the southeast quadrant of the City at Interstate 5, County Road 102 and Bronze Star Drive. The Project is anchored by Costco and Target and will contain other commercial pads and shops currently owned and being developed by Petrovich Development Company under the entity Woodland Investment Company, LLC.

As part of the project approval, the Woodland Gateway Retail Center was conditioned to form a landscaping and lighting district to include maintenance for all public landscaping and lighting areas including: enhanced landscape in the southeast quadrant of the Interstate 5/County Road 102 interchange, the maintenance of the storm drain detention pond, all street landscaping and street

lights in the public right of way on County Road 102, Maxwell Avenue (extension), American Drive, Veterans Drive, entryway monument features, and the signals at the intersection of Maxwell and County Road 102 and American Drive and Bronze Star Drive.

The landscaping and lighting district is being formed pursuant to the terms and the provisions of the “Landscaping and Lighting Act of 1972” (the “1972 Act”), Article XIID of the Constitution of the State of California (“Article XIID”), and the Proposition 218 Omnibus Implementation Act (the “Implementation Act”) (the 1972 Act, Article XIID and the Implementation Act are referred to collectively as the “Assessment Law”). Such District shall be known and designated as the City of Woodland Gateway Landscaping and Lighting District (“Gateway LLD”).

Koppel & Gruber Public Finance (“KGPF”) was retained to assist in the formation process and to prepare the Engineer’s Report that indicates how the property located within the Gateway LLD benefits from the landscaping, lighting and drainage improvements; provides an estimate of the maximum assessment and the 2008/2009 assessment; the method of apportioning these costs to the individual lots located within the Gateway LLD boundaries, and provides a diagram boundary of the Gateway LLD. In summary, the maximum assessment will be \$2,969.39 per acre (subject to an annual CPI increase) with an estimated assessment for fiscal year 2008/2009 of \$1,624.70 per acre.

Based on the requirements of Assessment Law, a property owner ballot protest procedure is required in order to form the Gateway LLD and to levy an assessment on the parcels located within its boundaries. On May 6, 2008 City Council took the initial steps to form the District by approving resolutions that called for a public hearing to be held on July 1, 2008 and to hold a property owner protest ballot proceeding. Ballots were mailed on May 13, 2008 to each property owner located within the boundaries of the Gateway LLD. Each property owner’s ballot will be weighted by the amount of its proposed assessment.

Due to changes in the scheduled City Council meeting dates, the public hearing originally approved for July 1, 2008 was rescheduled to July 8, 2008. The City provided written notice to all property owners of the change in the public hearing date.

The City will hold a public hearing on the matter of forming the Gateway LLD and assessing a levy on the properties. Following the conclusion of the public hearing, the ballots will be tallied and the results will be recorded in the resolutions declaring the results. If a majority protest does not exist, and the ballot procedure is successful, the City Council will take action on the other two resolutions that amend and or approve the Engineer’s Report and order the formation of the District and the levy and collection of assessments starting in fiscal year 2008/2009.

Discussion

Forming the Gateway Landscaping and Lighting District will provide a revenue source to help offset the maintenance and servicing of costs of certain improvements located within or adjacent to the Gateway LLD including landscaping, lighting, drainage facilities and other appurtenant facilities

related thereto. Additionally, the formation of the Gateway LLD was a condition of development for the Woodland Gateway Retail Center.

To complete the formation process, Council is presented with three resolutions for consideration which are titled as follows:

Resolution No. _____ Declaring the Results of a Property Owner Protest Ballot Proceeding for the City of Woodland Gateway Landscaping and Lighting District

Resolution No. _____ Amending and/or Approving the Engineer's Report Regarding the Formation of the Gateway Landscaping and Lighting District, and the Levy and Collection of Annual Assessments Related Thereto Commencing with Fiscal Year 2008/2009

Resolution No. _____ Ordering the Formation of the Gateway Landscaping and Lighting District; and the Levy and Collection of Annual Assessments Related Thereto Commencing with Fiscal Year 2008/2009

Fiscal Impact

If approved, the City of Woodland Gateway Landscaping and Lighting District will generate approximately \$84,000 in Fiscal Year 2008/2009 to help offset the costs of maintaining and servicing the improvements in the Gateway LLD.

Public Contact

Posting of the City Council agenda, mailing of the ballots to property owners, written communication to property owners notifying them of the revised public hearing date and appropriate published public notice.

Recommendation for Action

Staff recommends that the City Council approve and adopt resolutions that 1) Declare the results of the property owner protest ballot proceeding to form the Woodland Gateway Landscaping and Lighting District; and assuming no majority protest 2) Amending and/or approving the Engineer's Report regarding the formation of the District and levy the annual assessment for fiscal year 2008/09, and; 3) Ordering the formation of the District and the levy of annual assessment on the properties.

Prepared by: Kimberly McKinney
Senior Accountant

Reviewed by: Amber D'Amato
Asst. Finance Director

Mark G. Deven
City Manager

Attachments

RESOLUTION NO: _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
DECLARING THE RESULTS OF A PROPERTY OWNER PROTEST BALLOT
PROCEEDING FOR THE CITY OF WOODLAND GATEWAY LANDSCAPING AND
LIGHTING DISTRICT**

WHEREAS, the City Council called and duly held a public hearing for the proposed formation of the “City of Woodland Gateway Landscaping and Lighting District” (the “District”); and the levy of annual assessments related thereto pursuant to the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (the “Act”), and there has been presented to the City Council an Engineer’s Report as required by *Chapter 2, Article 1, Section 22585* of said Act; and,

WHEREAS, the City Council has conducted a property owner protest ballot proceeding relating to the improvements and services described in the Engineer’s Report for the purpose of presenting to the qualified property owners a proposition of the levy and collection of annual assessments and an assessment range formula related thereto in accordance with the provisions of the *California Constitution Article XIID*; and,

WHEREAS, the landowners of record within the District as of the close of the Public Hearing held on July 8, 2008 did cast their ballots, the results of which are illustrated below:

Yes: \$ _____

No: \$ _____

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND DOES
HEREBY RESOLVE AS FOLLOWS:**

Section 1 The above recitals are true and correct.

Section 2 The protest proceedings for the District assessments were conducted, with ballots presented to qualified property owners of the District for receipt by the City Clerk prior to the conclusion of the Public Hearing on July 8, 2008, with each ballot weighted according to the proportional maximum financial obligation of the affected property.

Section 3 The tabulation of the valid property owner protest ballots returned by the property owners within said District is hereby confirmed and made public record.

Section 4 The City Clerk is hereby directed to enter this Resolution on the minutes of the City Council, which shall constitute the official declaration of the result of such property owner protest proceeding.

RESOLUTION NO: _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND AMENDING AND/OR APPROVING THE ENGINEER'S REPORT REGARDING THE FORMATION OF THE GATEWAY LANDSCAPING AND LIGHTING DISTRICT; AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2008/2009

WHEREAS, the City Council, pursuant to the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (the "Act"), did by previous Resolution order the Assessment Engineer, Koppel & Gruber Public Finance, to prepare and file a Report in connection with the proposed formation of the "**City of Woodland Gateway Landscaping and Lighting District**" (the "District"), and the proposed levy and collection of annual assessments against parcels of land within the District for the fiscal year commencing July 1, 2008 and ending June 30, 2009; and

WHEREAS, the Assessment Engineer has prepared and filed with the City Clerk of the City of Woodland, California and the City Clerk has presented to the City Council such report entitled "**City of Woodland Gateway Landscaping and Lighting District Engineer's Report**" (the "Engineer's Report"), as required by the Act; and,

WHEREAS, the City Council pursuant to the provisions of *Chapter 2, Article 1, Section 22586* of said Act may approve the report, as filed, or may modify the Engineer's Report in any particular and approve it as modified; and

WHEREAS, the City Council has carefully examined and reviewed the Engineer's Report as presented, considered all oral and written comments presented with respect to the District and Engineer's Report at a noticed Public Hearing and has discussed any necessary or desired modifications to the Engineer's Report.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND, FOR THE FORMATION OF THE CITY OF WOODLAND GATEWAY LANDSCAPING AND LIGHTING DISTRICT, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1 The above recitals are all true and correct.

Section 2 The Engineer's Report, as presented or as modified, consists of the following:

- a) A Description of Improvements;
- b) The Maximum Annual Budget (Costs and Expenses of Services, Operations and Maintenance);
- c) The Method of Apportionment and the proposed amount to be levied and collected against each Assessor Parcel within the District for Fiscal Year 2008/2009; and

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- d) The “Maximum Assessment” based upon full build out of the project as approved by the property owners pursuant to the provision of the California Constitution Article XIID Section 4.
- e) An “Assessment Range Formula” for calculating annual inflationary adjustments to the initial “Maximum Assessment” (Adjusted Maximum Levy per benefit unit), also approved by the property owners.
- f) The District Roll containing the Levy for each Assessor Parcel Number within the District commencing fiscal year 2008/2009.
- g) An exhibit showing the boundaries of the District.

Section 3 The City Clerk is hereby directed to enter on the minutes of the City Council any and all modifications to the Engineer’s Report determined and approved by the City Council, and all such changes and/or modifications by reference are incorporated into the Engineer’s Report.

Section 4 The City Council is satisfied with the Engineer’s Report as presented or modified, each and all of the budget items and documents as set forth therein, and is satisfied that the maximum annual assessments contained therein are consistent with the assessments approved by the property owners and spread in accordance with the special benefits received from the improvements pursuant to the provisions of the California Constitution Article XIID.

Section 5 The Report is hereby approved as submitted or modified and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

Section 6 The City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation and approval of the Engineer’s Report as submitted or modified.

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PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF _____, 2008.

STATE OF CALIFORNIA
COUNTY OF YOLO ss.
CITY OF WOODLAND

I, _____, City Clerk of the City of Woodland, County of Yolo, State of California do hereby certify that the foregoing Resolution No. _____ was regularly adopted by the City Council of said City of Woodland at a regular meeting of said council held on the _____ day of _____, 2008, by the following vote:

AYES:	Council members:	_____
NOES:	Council members:	_____
ABSENT:	Council members:	_____
ABSTAIN:	Council members:	_____

Mayor, Marlin H. "Skip" Davies

Attest:

_____,
City Clerk, Sue Vannucci

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, ORDERING THE FORMATION OF THE GATEWAY LANDSCAPING AND LIGHTING DISTRICT; AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2008/2009

WHEREAS, the City Council, desires to form the “**City of Woodland Gateway Landscaping and Lighting District**” (the “District”), and to levy and collect annual assessments against parcels of land within said territory commencing with fiscal year 2008/2009 to pay the costs and expenses of operating, maintaining and servicing the improvements and appurtenant facilities related thereto, pursuant to the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (the “Act”); and,

WHEREAS, the City Council did by previous resolutions initiate proceedings and declare its intention to form the District; and to levy and collect annual assessments for the purpose of operating, maintaining and servicing the improvements related thereto, pursuant to the Act; and,

WHEREAS, the Assessment Engineer selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council an Engineer’s Report that describes the District and maximum assessments against parcels of land within the District for the Fiscal Year commencing July 1, 2008, and ending June 30, 2009, pursuant to the provisions of the Act; and,

WHEREAS, the City Council has caused notices and property owner assessment ballots to be mailed to all property owners of record for the affected properties pursuant to the Act and in accordance with the provisions of the California Constitution Article XIID; and

WHEREAS, the City Council following notice duly given, has held a full and fair Public Hearing on July 8, 2008, regarding the formation of the District, the Engineer’s Report prepared in connection therewith, and considered all oral and written statements, protests and communications made or filed by interested persons regarding these matters, pursuant to the Act; and has conducted property owner protest proceedings relating to the District assessments and assessment range formula described in the Engineer’s Report related thereto in accordance with the provisions of the California Constitution Article XIID.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND, FOR THE CITY OF WOODLAND GATEWAY LANDSCAPING AND LIGHTING DISTRICT, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1 The above recitals are all true and correct.

Section 2 The City Council upon the conclusion of the noticed Public Hearing has ordered the tabulation of the property owner protest ballots returned, and received weighted according to the proportional financial obligation of each affected property (“Weighted Assessment Ballots”). Based on this tabulation, the City Council finds the record owners of property within the District, or others authorized

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to submit assessment ballots, have approved the proposed maximum assessments, the assessment range formula connected therewith, and the levy and collection of annual assessments as described in the Engineer's Report..

Section 3 Furthermore, the City Council finds that a written majority protest does not exist, pursuant to the provisions of the Act (Chapter 2, Article 1, Sections 22593 and 22594).

Section 4 The City Council desires to levy and collect assessments against parcels of land within the District for the fiscal year commencing July 1, 2008 and ending June 30, 2009, to pay the costs and expenses of operating, maintaining and servicing the landscaping, lighting, drainage and appurtenant facilities located within public places in the District.

Section 5 The City Council has carefully reviewed and examined the Engineer's Report in connection with the District, and the levy and collection of assessments. Based upon its review (and amendments, as applicable) of the Engineer's Report, a copy of which has been presented to the City Council and which as been filed with the City Clerk, the City Council hereby finds and determines that:

- a) The territory of land within District will receive special benefits from the operation, maintenance and servicing of the landscaping, lighting, and appurtenant facilities and improvements related thereto.
- b) The District includes all of the lands so benefited; and
- c) The maximum amount to be assessed upon the lands within the District, in accordance with the proposed budget for the fiscal year commencing July 1, 2008 and ending June 30, 2009 is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the special benefits to be received by each parcel from the improvements and services and is satisfied that the assessments are levied without regard to property valuation.

Section 6 The Engineer's Report, assessments and assessment range formula as presented to the City Council and on file in the office of the City Clerk are hereby confirmed as filed.

Section 7 The City Council hereby orders the formation of the District, the proposed improvements to be made, which improvements are briefly described as the operation, administration, maintenance and servicing of public landscaping, lighting, drainage and appurtenant facilities and expenses associated with the District and that will be maintained by the City of Woodland or their designee and all such maintenance, operation and servicing of the landscaping, lighting, drainage and appurtenant facilities shall be performed pursuant to the "Act". A more complete description of the improvements are detailed in the Engineer's Report for the

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Formation of the City of Woodland Gateway Landscaping and Lighting District, Engineer's Report and by reference this document is made part of this resolution.

The City Clerk is hereby directed to mail, pursuant to the Assessment Law, a notice of the Public Hearing and a property owner ballot not less than 45 days before the date of the public hearing to the record owner of real property proposed to be assessed. Property owners being balloted for a new assessment must return their ballots to the City Clerk prior to the conclusion of the Public Hearing, at which they will be tabulated.

Section 8

The adoption of this Resolution constitutes the Authorization of the District levy for the Fiscal Year commencing July 1, 2008 and ending June 30, 2009.

