



**DATE:** May 7, 2019

**TO:** Mayor and City Council

**FROM:** Development Services Director

**SUBJECT:** Resolution to Preliminarily Approve the Engineer's Report and Set the Public Hearing Date for Annexing the Parkside Heights Properties into Consolidated Landscaping and Lighting District 96-1.

### **RECOMMENDATION**

That the City Council adopts a Resolution (Attachment II) to preliminarily approve the Engineer's Report, set the public hearing date, and order the mailing of ballots for annexing the Parkside Heights Properties into the Consolidated Landscaping and Lighting District 96-1.

### **SUMMARY**

If adopted, this resolution preliminarily approves the Engineer's Report, sets the public hearing date for June 4, 2019, and orders the mailing of ballots for annexing the Parkside Heights Properties to Benefit Zone No. 17 of Consolidated Landscaping and Lighting District 96-1.

### **BACKGROUND AND DISCUSSION**

The Landscaping and Lighting Act of 1972 (Streets and Highways §22500) is a flexible tool used by local government agencies to form Landscaping and Lighting Districts for the purpose of financing the costs and expenses of operating, maintaining, and servicing landscaping (including parks) and lighting improvements in public areas.

In 1996, six separate Landscaping and Lighting Districts, Benefit Zones 1-6, were consolidated into one district, Consolidated Landscaping and Lighting District No. 96-1 (the District), by the adoption of Resolution No. 96-63. In subsequent years, Benefit Zones 7-16 were individually created and annexed into the District.

SCI Consulting Group was hired to assist the City of Hayward with the formation and annexation of a new benefit zone to the existing Consolidated Landscaping and Lighting District 96-1. The Parkside Heights development is located on a 10.68-acre site at the Southern Corner of 2nd Street and Walpert Street (see Attachment IV- Vicinity Map) and consists of 97 single family residences and a public trail. The formation and annexation of Parkside Heights property into Benefit Zone No. 17 of the District is proposed to provide

funding for operations maintenance and servicing of landscaping and lighting improvements to the public trail and undeveloped public open space along Ward Creek.

The Engineer's Report (ER) for the formation and annexation of the Parkside Heights property ("Assessment Area") to Consolidated Landscaping and Lighting District No. 96-1 ("District") is included as Attachment III and includes the following information: (1) an estimated budget for the Assessment Area; (2) a description of the improvements to be operated, maintained, and serviced by the District; (3) a Special Benefits section including the General Benefit calculation and methodology; and (4) the assessment apportionment and list of the assessments proposed to be levied upon each assessable parcel within the Assessment Area.

### **FISCAL AND ECONOMIC IMPACT**

There is no economic or fiscal impact to the City's General Fund from this recommendation because expenditures are to be paid for by the developer of Parkside Heights.

### **STRATEGIC INITIATIVES**

This agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

### **NEXT STEPS**

Assuming the City Council adopts the attached Resolution, it will preliminarily approve the Engineer's Report and initiate the balloting procedures required by Proposition 218.

A Ballot will be mailed on May 8, 2019 to the single property owner within the proposed annexation.

A Waiver of the 45-Day notice required by law will also be sent on May 8, 2019 (statutory notice may be waived if territory is being annexed into an existing benefit assessment district and/or where there is only one property owner in the affected territory).

If the property owner elects to proceed with the Waiver, this will remove the need for 45-days' notice prior to the public hearing/Proposition 218 election and allow the City Council to consider final approval of the Engineer's Report and a Resolution to Levy Assessments at a Public Hearing on the next available City Council meeting agenda.

A noticed Public Hearing will be held on June 4, 2019. At that hearing, the property owner within the Annexation Area will have an opportunity to raise concerns about assessments. Following the conclusion of the public input portion of the public hearing, the Council will order the close of the balloting and commence tabulation of the results. After tabulation of the ballots is completed, the Council may consider — provided a majority protest does not exist — a Resolution to Levy the Assessments for fiscal year 2019-20.

*Prepared by:* Allen Baquilar, PE, Senior Civil Engineer

*Recommended by:* Laura Simpson, Development Services Director

*Approved by:*

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

---

Kelly McAdoo, City Manager