

CITY OF HAYWARD

Hayward City Hall
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Cover Memo

File #: PH 16-057, **Version:** 1

DATE: June 14, 2016

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Public Hearing for the formation of Benefit Zone No. 14 of the City of Hayward Landscaping and Lighting Assessment District No. 96-1 for the La Vista property; and order the Levy of Assessments for Fiscal Year 2017

RECOMMENDATION

1. That the City Council holds a public hearing for the proposed formation of Benefit Zone No. 14 of the City of Hayward Landscaping and Lighting Assessment District No. 96-1 for the La Vista property;
2. That the City Council, after conclusion of the public input portion of the public hearing, closes the balloting period and directs the City Clerk to tabulate ballots received and announce results; and
3. If a majority protest does not exist, that the City Council adopts the attached Resolution (Attachment I):
 - a. Approving the Engineer's Report
 - b. Conforming Diagram and Assessments
 - c. Approving the formation of Benefit Zone No. 14
 - d. Levying the assessments for Fiscal Year 2017

SUMMARY

The Engineer's Report for the formation of Benefit Zone No. 14 to Landscaping and Lighting District No. 96-1 ("District") for the La Vista Property ("Assessment Area") is included as Attachment II 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 Benefit Zone No. 14 of 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.

BACKGROUND

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 7-13 were individually created and annexed into the District.

On February 24, 2016, SCI Consulting Group was hired to assist the City of Hayward with the formation and/or annexation of three benefit zones to the existing Consolidated Landscaping and Lighting District 96-1. The approved La Vista development will consist of 179 single-family residences. The formation of Benefit Zone No. 14 of the District for the La Vista property is proposed to provide funding for the maintenance and improvement of street lighting, setback landscaping, irrigation, paved trails and bioswales. City staff worked with SCI to prepare the attached documentation, as well as the ballot documents.

DISCUSSION

On May 24, 2016, the City Council approved the resolution preliminarily approving the Engineer's Report and levy of assessment for FY 2017, and set the public hearing for June 14, 2016. This was the first step in the formation of Benefit Zone No. 14 of the City of Hayward Landscaping and Lighting Assessment District No. 96-1 for the La Vista property. The proposed actions for this hearing are the final steps requested of Council to form new Benefit Zone No. 14 for the District associated with the La Vista development.

The purpose of this public hearing is to give all interested parties the opportunity to hear, and have heard, comments regarding the proposed assessments and assessment ballot proceeding. In addition, the balloting period officially closes at the conclusion of the public input portion of the scheduled June 14 public hearing.

Following the close of the public input portion of the public hearing, City Council may direct the City Clerk to commence tabulation of all valid ballots that were received prior to the close of the public input portion of the public hearing.

After tabulation is complete, City Council may consider - provided a majority protest does not exist - a resolution to levy the assessments for fiscal year 2017.

The annual assessments are based on the following developed rates per Single Family Equivalent (SFE). The maximum amounts shown in the Engineer's Report for FY 2017 are \$589.73 per SFE.

The Engineer's Report specifies a maximum assessment amount based on the maintenance costs of fully constructed subdivision improvements. However, per agreement with the developer, the DeSilva Group, they will be responsible for maintenance of the improvements until final tract acceptance scheduled for late 2018. As a result, the FY 2017 assessments for the 179 new parcels are proposed to be set at \$196.58 (30% of the maximum assessment) until such time as the future homes are constructed and Certificates of Occupancy are approved for each lot.

FISCAL IMPACT

There is no fiscal impact to the City's General Fund from this recommendation because expenditures are to be paid for by the Benefit Zone No. 14 Landscaping and Lighting District No. 96-1 fund accounts.

NEXT STEPS

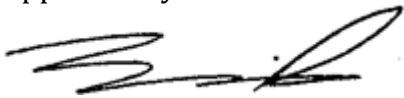
Assuming the City Council adopts the attached Resolution, it will order the levy and the confirmation of the diagram and assessments prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

Immediately upon the adoption of this resolution, but in no event later than the second Monday in August following such adoption for the fiscal year in which the assessments will initially be levied, the City shall file a certified copy of the assessments and a certified copy of this resolution with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment roll. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to Benefit Zone No. 14 of the Landscaping and Lighting Assessment District 96-1 of the City of Hayward.

Prepared by: Peter Rei, PE, PLS, Contract Development Review Engineer

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I

Attachment II

Resolution

Engineer's Report for Benefit Zone No. 14 of the District for the La Vista property