



CITY OF HAYWARD

Hayward City Hall
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Cover Memo

File #: CONS 16-240, **Version:** 1

DATE: May 24, 2016

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Approval to Initiate Formation of Benefit Zone No. 14 to the Consolidated Landscaping and Lighting District 96-1 for the La Vista Property, Setting of the Date for the Public Hearing and Ordering the mailing of Ballots and Associated Waiver

RECOMMENDATION

That the City Council

(a) Adopts the attached two resolutions (Attachments I and II)

- i. Approving the formation of Benefit Zone No. 14, adding it to the existing Lighting and Landscaping District 96-1, and designating it as La Vista Property
- ii. Defining the improvements to be undertaken by the District:
- iii. Designating the Engineer of Work and directing preparation of the required Engineer's Report; and
- iv. Establishing the maximum assessment rate for FY 2017
- v. Setting the date, time, and place for the Public Hearing; and
- vi. Authorizing the City Clerk to give Notice of Hearing in accordance with law; and
- vii. Proposing to levy annual assessments.

(b) Preliminarily approves the Engineer's Report (Attachment III).

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 improvements to perimeter and setback landscaping, irrigation, bioswales and lighting facilities. City staff worked with SCI to prepare the attached documentation, as well as the ballot documents.

DISCUSSION

Attachment I, if adopted, would initiate the proceedings for the formation of Benefit Zone No. 14 of Consolidated Landscaping and Lighting District 96-1 for the La Vista Property and designates SCI Consulting Group as the Engineer of Work.

Adoption of the second resolution (Attachment II) would preliminarily approve the Engineer's Report, set June 14, 2016 as the date for the public hearing, and order the mailing of the ballots and waiver. Noteworthy in the resolution is that the total assessment and rates as shown in the seventh item for fiscal year 2017 assessment are \$589.73 per Single Family Equivalent (SFE). The cost escalator mechanism describing the changes in the maximum assessment rate, calculated in accord with the Bay Area consumer price index (CPI), is contained in item ten in the resolution.

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 Consolidated Landscaping and Lighting District No. 96-1 fund accounts.

NEXT STEPS

Assuming the City Council adopts the attached resolutions, proceedings for the formation of Benefit Zone No. 14 of the Consolidated Landscaping and Lighting District No 96-1 for the La Vista Property and balloting procedures required by Proposition 218 will be initiated.

Ballots will be mailed on May 25, 2016 to all property owners within the proposed benefit zone area.

A Waiver of the 45 Day Balloting Period required by law will also be sent on May 25, 2016 (this balloting period may be waived if there is only one property owner, which is the case).

If the property owner elects to proceed with the Waiver, which is expected, this will remove the need for the 45 day balloting period 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, which is anticipated for June 14, 2016.

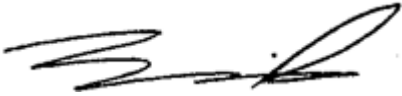
Should a noticed Public Hearing be held on June 14, 2016, the property owner within the Property Area will have an opportunity to raise concerns about assessments. Following the conclusion of the public input portion of the public hearing, the Council will order the close of the balloting and commence tabulation of the results. After tabulation of the ballots is completed, the Council may consider - provided a majority protest does not exist - adoption of a Resolution to Levy the Assessments for fiscal year 2017.

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

Reviewed by: Sara Buizer, AICP, Planning Manager

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

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| Attachment I | Resolution to initiate formation of Benefit Zone No. 14 of Landscaping and Lighting Assessment District No. 96-1 for the La Vista Property |
| Attachment II | Resolution providing Intent to Levy Assessments, approve the Engineers Report and set the date for a Public Hearing for the formation of Benefit Zone 14 to Landscaping and Lighting Assessment District No. 96-1 for the La Vista Property |
| Attachment III | Preliminary Engineer's Report for the Benefit Zone Formation for the La Vista Property |