

CITY OF YUBA CITY  
STAFF REPORT

**Date:** December 2, 2008  
**To:** Honorable Mayor & Members of the City Council  
**From:** Public Works  
**Presented by:** George Musallam, Public Works Director

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**Summary**

**Subject:** Public Hearing – Yuba City Lighting and Landscape Maintenance District No. 6, Zone of Benefit B\_2

**Recommendation:** Conduct a public hearing; THEN

Adopt a Resolution confirming diagram and assessment and levying assessment for Fiscal Year 2008-2009 for Lighting and Landscape Maintenance District No. 6, Zone of Benefit B\_2. [Improvements associated with 1410 Whyler Road, Cinemark Movies 12 project]

**Fiscal Impact:** \$362.44 per year collected from the single parcel owner in the zone, adjusted annually to reflect Consumer Price Index changes

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**Background:**

All actions and resolutions associated with establishment of a Lighting and Landscape Maintenance District are done pursuant to the Landscaping and Lighting Act of 1972. Council proceedings on October 7, 2008, established Lighting and Landscape Maintenance District No. 6, Zone of Benefit B\_2, for the improvements associated with the 1410 Whyler Road, Cinemark project. The October 7<sup>th</sup> proceedings also set a public hearing for December 2, 2008, to receive input from the affected property owner and set the proposed assessments in accordance with the Engineer's Report. Following Council approval, a Notice of Public Hearing on Proposed New Assessment was sent to John P. Ochipinti, the property owner of the proposed parcel improvements. An Assessment District Ballot was mailed with the Notice; the ballot is required to be marked and received in the City Clerk's Office no later than 7:00 P.M. on December 2, 2008.

**Analysis:**

The public hearing and resolution are required by State law to establish the Lighting and Landscape Maintenance District which is required as a condition of the construction of the 1410 Whyler Road, Cinemark project improvements. In Accordance with State Law the property owner has waived the requirement of a notice of the public hearing. The District will enable future lot owners to pay the cost and maintenance of street lighting within the parcel.

**Fiscal Impact:**

The lot owner within the District will be assessed \$362.44 annually via their tax bill. The assessment amount is shown on the Estimate of Cost Maintenance and Engineer's Report on file with the City Clerk. In addition, provisions for annual adjustments to reflect the Consumer Price Index changes have been included in the Engineer's Report. At this point in time, there is no fee charged to the developer for staff time to prepare the necessary paperwork to establish the District. Through the annual assessment, a 10% administration fee is collected to cover City costs associated with the preparation of the annual reports to be filed with the tax collector.

**Alternatives:**


Conduct a public hearing, and then modify the assessments.

**Recommendation:**

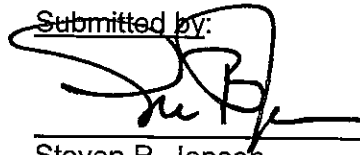
Conduct a public hearing; THEN

Adopt a Resolution confirming diagram and assessment and levying assessment for Fiscal Year 2008-2009 for Lighting and Landscape Maintenance District No. 6, Zone of Benefit B\_2. [Improvements associated with 1410 Whyler Road, Cinemark Movies 12 project]

Prepared by:

  
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Benjamin K. Moody  
Associate Civil Engineer

Submitted by:



  
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Steven R. Jepsen  
City Manager

Reviewed by:

Department Head

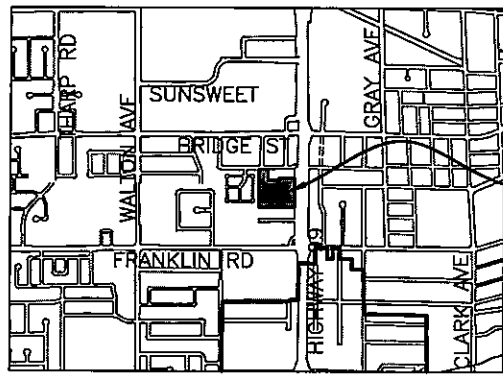
Finance

City Attorney

  
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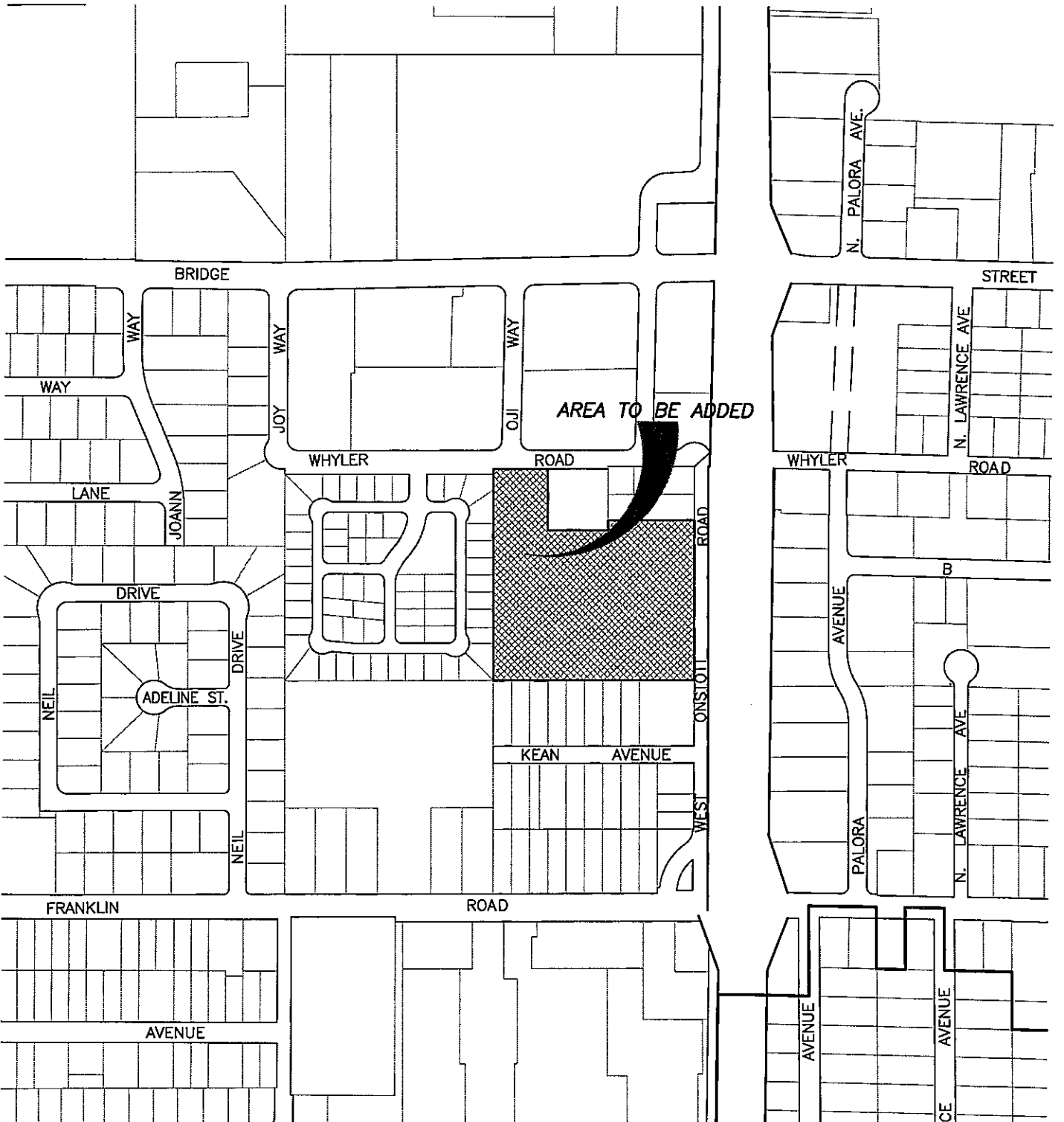


SCALE: 1" = 400'



SUBJECT AREA

CINEMARK MOVIES 12  
LIGHTING AND LANDSCAPE MAINTENANCE  
DISTRICT No. 6  
ZONE OF BENEFIT B\_2



RESOLUTION NO. \_\_\_\_\_

**YUBA CITY LIGHTING AND LANDSCAPE  
MAINTENANCE DISTRICT NO. 6,  
ZONE OF BENEFIT B\_2  
(Pursuant to the Landscaping and Lighting Act of 1972)**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
CONFIRMING DIAGRAM AND ASSESSMENT AND LEVYING ASSESSMENT  
FOR FISCAL YEAR 2008-2009**

THE CITY COUNCIL OF THE CITY OF YUBA CITY RESOLVES:

1. Pursuant to Chapter 3 of the Landscaping and Lighting Act of 1972, the City Council directed George L. Musallam, Engineer of Work for Yuba City Lighting and Landscape Maintenance District No. 6, to prepare and file an annual report for fiscal year 2008-2009.

2. The Engineer of Work filed his annual report and the City Council adopted its resolution of intention to levy and collect assessments within the assessment district for fiscal year 2008-2009, and set a public hearing to be held on December 2, 2008, in the meeting place of the City Council, City Hall, 1201 Civic Center Boulevard, Yuba City, California. Notice of the hearing was given in the time and manner required by law.

3. At the public meeting and hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.

4. The City Council hereby confirms the diagram and assessment as set forth in the annual report of the Engineer of Work and hereby levies the assessment set forth therein for fiscal year 2008-2009.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 2<sup>nd</sup> day of December 2008.

AYES:

NOES:

ABSENT:

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MAYOR

ATTEST:

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CITY CLERK