CITY COUNCIL STAFF REPORT

Date: June 3, 2015
Subject: ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS, FISCAL YEAR 2015/2016
From: David H. Ready, City Manager
Initiated by: Public Works and Engineering Department

SUMMARY

This item will initiate proceedings required by law to continue the levy of existing annual special assessments in the City's various Street Lighting and Parkway Maintenance Districts. Adoption of a Resolution of Intention will schedule a Public Hearing for July 1, 2015, to consider the formal levy and collection of special assessments for the 2015/2016 fiscal year.

RECOMMENDATION:

1) Adopt Resolution No. ___ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE PREPARATION OF AND GIVING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3, AND PARKWAY MAINTENANCE DISTRICTS NO. 6A, 6C, 7, 8, 9, AND 10 (ZONES 1 AND 2), AND LANDSCAPE MAINTENANCE DISTRICT NO. 12, TO ESTABLISH ANNUAL ASSESSMENTS AND THE LEVY AND COLLECTION RELATED THERETO FOR FISCAL YEAR 2015/2016;" and

2) Adopt Resolution No. ___ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON JULY 1, 2015, REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3, AND PARKWAY MAINTENANCE DISTRICTS NO. 6A, 6C, 7, 8, 9, AND 10 (ZONES 1 AND 2), AND LANDSCAPE MAINTENANCE DISTRICT NO. 12, AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2015/2016."
STAFF ANALYSIS:

In accordance with the Streets and Highways Code of the State of California, the City is required to prepare Engineer's Reports on the annual costs to operate and maintain improvements within the City's various Street Lighting or Parkway Maintenance Districts, which include:

1. Street Lighting Maintenance District No. 3 (Crossley Tract – 75 Properties)
2. Parkway Maintenance District No. 6A (Fairport Development – 25 Properties)
3. Parkway Maintenance District No. 6C (Park Sonora Tract – 30 Properties)
4. Parkway Maintenance District No. 7 (Sunrise Norte Tract – 53 Properties)
5. Parkway Maintenance District No. 8 (Vintage Palms Tract – 62 Properties)
6. Parkway Maintenance District No. 9 (Flora Vista Tract – 77 Properties)
7. Parkway Maintenance District No. 10, Zone 1, (Mountain Gate – 308 Properties)
   Parkway Maintenance District No. 10, Zone 2 (Mountain Gate 2 – 196 Properties)
8. Landscape Maintenance District No. 12 (Smoke Tree Commons – 6 Parcels)

The Preliminary Engineer's Reports are on file with the City Clerk and are available for public inspection. In accordance with the Streets and Highways Code of the state of California, it is necessary for a Resolution of Intention to be adopted scheduling a Public Hearing for consideration of the levy and collection of special assessments for the various Maintenance Districts for the 2015/2016 fiscal year.

FISCAL IMPACT:

Approval of this action is the first step to formally levying special assessments in the City's Street Lighting and Parkway Maintenance Districts. In accordance with the Engineer's Reports prepared for each Maintenance District, at the public hearing to be held on July 1, 2015, the City Council will consider levying special assessments to collect revenue to pay for expenditures incurred within each District, as identified in the following Table:

<table>
<thead>
<tr>
<th>Special District</th>
<th>FY 15/16 Levy Amount</th>
<th># of Parcels</th>
<th>Special Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>#3 (Crossley Tract)</td>
<td>$4,283.00</td>
<td>75</td>
<td>$57.10</td>
</tr>
<tr>
<td>#6A (Fairport Development)</td>
<td>$5,154.00</td>
<td>31</td>
<td>19@$166.26, 2@$332.52</td>
</tr>
<tr>
<td>#6C (Park Sonora Tract)</td>
<td>$12,368.00</td>
<td>30</td>
<td>$412.26</td>
</tr>
<tr>
<td>#7 (Sunrise Norte)</td>
<td>$23,747.00</td>
<td>53</td>
<td>448.06</td>
</tr>
<tr>
<td>#8 (Vintage Palms)</td>
<td>$19,220.00</td>
<td>62</td>
<td>310.00</td>
</tr>
<tr>
<td>#9 (Flora Vista)</td>
<td>$17,409.00</td>
<td>77</td>
<td>226.10</td>
</tr>
<tr>
<td>#10 (Mountain Gate Zone 1)</td>
<td>$127,204.00</td>
<td>308</td>
<td>292@$410.86, 16@$451.94</td>
</tr>
<tr>
<td>#10 (Mountain Gate Zone 2)</td>
<td>$127,344.00</td>
<td>196</td>
<td>175@$642.83, 21@$707.11</td>
</tr>
<tr>
<td>#12 (Smoketree Commons)</td>
<td>$14,643.00</td>
<td>6</td>
<td>Varies, $420.68-$9,991.22</td>
</tr>
</tbody>
</table>

Total FY 15/16 Levy $351,372.00

The proposed assessments for Fiscal Year 2015/2016 are less than or equal to the maximum assessment amounts previously approved by property owner petition or balloting, in accordance with the provisions of the California Constitution Article XIIID (Proposition 218).
SUBMITTED:

Recommended by:

Savat Khamphou, PE
Asst. Public Works Director/Asst. City Engineer

Approved by:

David H. Ready, City Manager

ATTACHMENTS:

1. Resolutions (2)
ATTACHMENTS
RESOLUTION NO. _____


WHEREAS, the City Council of the City of Palm Springs, California, (hereinafter the "City Council"), has by previous Resolution established Street Lighting Maintenance District No. 3 ("Crossley Tract"), Parkway Maintenance District No. 6A ("Fairport Development"), Parkway Maintenance District No. 6C ("Park Sonora Tract"), Parkway Maintenance District No. 7 ("Sunrise Norte Tract"), Parkway Maintenance District No. 8 ("Vintage Palms Tract"), Parkway Maintenance District No. 9 ("Flora Vista"), Parkway Maintenance District No. 10 (Zones 1 and 2) ("Mountain Gate"), and Landscape Maintenance District No. 12 ("Smoke Tree Commons"), (hereafter individually referred to as the "District", or collectively referred to as the "Districts"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of the State of California, beginning with §22500 (hereafter referred to as the "Act"), that provides for the levy and collection of assessments by the City of Palm Springs to pay for the maintenance and services of improvements and all appurtenant facilities and operations related thereto; and

WHEREAS, §22566 and §22622 of the Act requires the preparation of an Engineer's Report to determine and adjust the annual assessment rates for the Districts; and

WHEREAS, the Districts includes existing street lighting improvements, or existing streetscape landscaping including parkways and medians as well as public landscaped areas, including turf, ground cover, plants, shrubs, trees, irrigation and drainage systems, landscape lighting improvements, and appurtenant facilities and improvements within non-contiguous, separately established District areas within the incorporated boundaries of the City of Palm Springs; and

WHEREAS, the Act provides for the levy and collection of assessments by the County of Riverside for the City of Palm Springs to pay costs for the maintenance and services of all improvements and facilities related thereto; and

WHEREAS, the City Engineer, or designee, has prepared an Engineer's Report (hereafter referred to as the "Report") in accordance with the Act, and in accordance with the requirements of Articles XlllC and XllID of the California Constitution as
enacted by the passage of Proposition 218, also referred to as "The Right to Vote on Taxes Act," as approved by the voters of the State of California on November 5, 1996; and

WHEREAS, there has now been presented to the City Council the Report for each of the Districts for Fiscal Year 2015/2016; and

WHEREAS, the City Council has carefully examined and reviewed the Report for each of the Districts as presented and is preliminarily satisfied with each and all of the budget items and documents as set forth therein, and is preliminarily satisfied that the proposed annual assessments have been spread in accordance with the special benefits properties within the Districts will receive from the improvements, operation, maintenance and services to be performed as part of the Districts, as set forth in said Report.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1: The preceding recitals are all true and correct.

Section 2: The City Engineer, or designee, is hereby ordered to prepare and appropriately file an Engineer's Report for the Districts required to determine and adjust the assessments therein each District for Fiscal Year 2015/2016 in accordance with §22566 and §22622 of the Act. The Engineer's Report for each District shall be filed with the City Clerk for submission to the City Council.

Section 3: The improvements to be operated and maintained by the Districts generally include the operation, administration, maintenance, and servicing of street lighting, or streetscape landscaping including parkways and medians as well as public landscaped areas, including turf, ground cover, plants, shrubs, trees, irrigation and drainage systems, landscape lighting improvements, and appurtenant facilities and expenses associated with the Districts that will be maintained by the City of Palm Springs through annual assessments.

Section 4: The improvements to be maintained by the City of Palm Springs for Fiscal Year 2015/2016 are substantially the same as the improvements provided and maintained in the previous Fiscal Year and the Engineer’s Report for each District prepared in connection therewith shall describe the improvements as required by the Act, and as presented, consists of the following:

1) A description of the District and its improvements.

2) A Method of Apportionment that outlines the special benefit conferred on properties within the District from the improvements; and the calculations used to establish each parcel’s proportional special benefit assessment for Fiscal Year 2015/2016.
3) An annual budget that outlines the costs and expenses to service, and maintain the improvements, including incidental expenses, as authorized by the Act.

4) An Assessment Diagram that identifies the lots, parcels and properties included within the boundaries of the District.

5) An Assessment Roll containing each of the Assessor Parcel Numbers that comprise the District, and the proportional maximum assessment for Fiscal Year 2015/2016.

Section 5: The Engineer’s Report for each District shall reflect provisions and related assessments in accordance with the requirements of Articles XIIIC and XIIID of the California Constitution as enacted by the passage of Proposition 218, also referred to as “The Right to Vote on Taxes Act,” as approved by the voters of the State of California on November 5, 1996.

Section 6: The Engineer’s Report for each District is hereby approved on a preliminary basis (as submitted or amended), and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

Section 7: The proposed assessments for Fiscal Year 2015/2016 are less than or equal to the maximum assessment amounts previously approved by property owner petition or balloting, in accordance with the provisions of the California Constitution Article XIIID (Proposition 218).

Section 8: The City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Engineer’s Report for each District.

ADOPTED THIS 3rd day of June, 2015.

______________________________
David H. Ready, City Manager

ATTEST:

______________________________
James Thompson, City Clerk
CERTIFICATION

STATE OF CALIFORNIA  )
COUNTY OF RIVERSIDE  )    ss.
CITY OF PALM SPRINGS  )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. ____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on June 3, 2015, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  

James Thompson, City Clerk  
City of Palm Springs, California
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON JULY 1, 2015, REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3, AND PARKWAY MAINTENANCE DISTRICTS NO. 6A, 6C, 7, 8, 9, AND 10 (ZONES 1 AND 2), AND LANDSCAPE MAINTENANCE DISTRICT NO. 12, AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2015/2016

WHEREAS, the City Council of the City of Palm Springs, California, (hereinafter the “City Council”), has by previous Resolution established Street Lighting Maintenance District No. 3 (“Crossley Tract”), Parkway Maintenance District No. 6A (“Fairport Development”), Parkway Maintenance District No. 6C (“Park Sonora Tract”), Parkway Maintenance District No. 7 (“Sunrise Norte Tract”), Parkway Maintenance District No. 8 (“Vintage Palms Tract”), Parkway Maintenance District No. 9 (“Flora Vista”), Parkway Maintenance District No. 10 (Zones 1 and 2) (“Mountain Gate”), and Landscape Maintenance District No. 12 (“Smoke Tree Commons”), (hereafter individually referred to as the “District”, or collectively referred to as the “Districts”), pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of the State of California, beginning with §22500 (hereafter referred to as the “Act”), that provides for the levy and collection of assessments by the City of Palm Springs to pay for the maintenance and services of improvements and all appurtenant facilities and operations related thereto; and

WHEREAS, an Engineer’s Report for each District, (hereafter referred to as the “Report”), has been prepared and filed with the City Clerk of the City of Palm Springs, (hereafter referred to as the “City Clerk”), and the Report identifies the levy of assessments for Fiscal Year 2015/2016 (July 1, 2015, and ending June 30, 2016) in accordance with the Act; and the City Council did by previous Resolution preliminarily approve each Report.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1: The City Council hereby declares its intention to levy and collect annual assessments against parcels of land within each District for Fiscal Year 2015/2016 in accordance with §22624 of the Act.

Section 2: The territory of land within each District consists of non-contiguous, separately established District areas within the incorporated boundaries of the City of Palm Springs, and a full and complete listing of parcels within each District is included in the Report on file with the City Clerk.
Section 3: The improvements include the operation, maintenance and servicing of existing street lighting, or streetscape landscaping including parkways and medians as well as public landscaped areas, including turf, ground cover, plants, shrubs, trees, irrigation and drainage systems, landscape lighting improvements, and appurtenant facilities and improvements to be provided by the City of Palm Springs in connection with the improvements installed within each District. Detailed maps and descriptions of the location and extent of the improvements to be maintained are included as part of the Report for each District, and by reference are made part of this Resolution.

Section 4: The proposed assessments for each District are outlined in the Report. The Report details the assessments necessary to provide for the annual operation, administration, services and maintenance of the improvements described in Section 3 of this Resolution. These assessments are less than or equal to the maximum assessment amounts previously approved by property owner petition or balloting within each District, in accordance with the provisions of the California Constitution Article XIIIID (Proposition 218).

Section 5: The City Council hereby declares its intention to conduct a Public Hearing concerning the levy of assessments for the improvements in accordance with §22625 of the Act. Any interested person may file a written protest with the City Clerk prior to the conclusion of the hearing, or having previously filed protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

Section 6: Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Wednesday, July 1, 2015, at 6:00 P.M., or as soon thereafter as feasible in the City Council Chambers at City Hall, located at 3200 E. Tahquitz Canyon Way, Palm Springs, California.

Section 7: In accordance with §22552 and §22553 of the Act, the City Clerk shall cause notice to be given of the time and place of the Public Hearing by causing the publishing of this Resolution once in the local paper not less than ten (10) days before the date of the Public Hearing, and by posting a copy of this Resolution on the official bulletin board customarily used by the City Council for the posting of such notices, pursuant to the Act.
ADOPTED THIS 3rd day of June, 2015.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA )
COUNTY OF RIVERSIDE ) ss.
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on June 3, 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California