



## CITY COUNCIL STAFF REPORT

Date: July 6, 2016

PUBLIC HEARING

Subject: ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS, FISCAL YEAR 2016/2017

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

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### SUMMARY

This annual item will complete proceedings required by law to continue the levy of existing annual special assessments in the City's various Street Lighting and Parkway Maintenance Districts. A Public Hearing is required to solicit public comments on the City's consideration to levy and collect special assessments for the 2016/2017 fiscal year.

### RECOMMENDATION:

- 1) Open the Public Hearing and take public testimony; and
- 2) Adopt Resolution No. \_\_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE ENGINEER'S REPORT AND ORDERING THE CONTINUED OPERATION AND MAINTENANCE OF IMPROVEMENTS FOR 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 ORDERING THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2016/2017."

### 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:

ITEM NO. 1A

1. Street Lighting Maintenance District No. 3 consists of 75 residential parcels located in the "Crossley Tract," south of 34th Avenue along Lawrence Street and Marguerite Street. District No. 3 was established in 1983 to provide funding for the installation, operation and maintenance of street lighting along Lawrence Street and Marguerite Street, shown in Figure 1 and the following vicinity map:

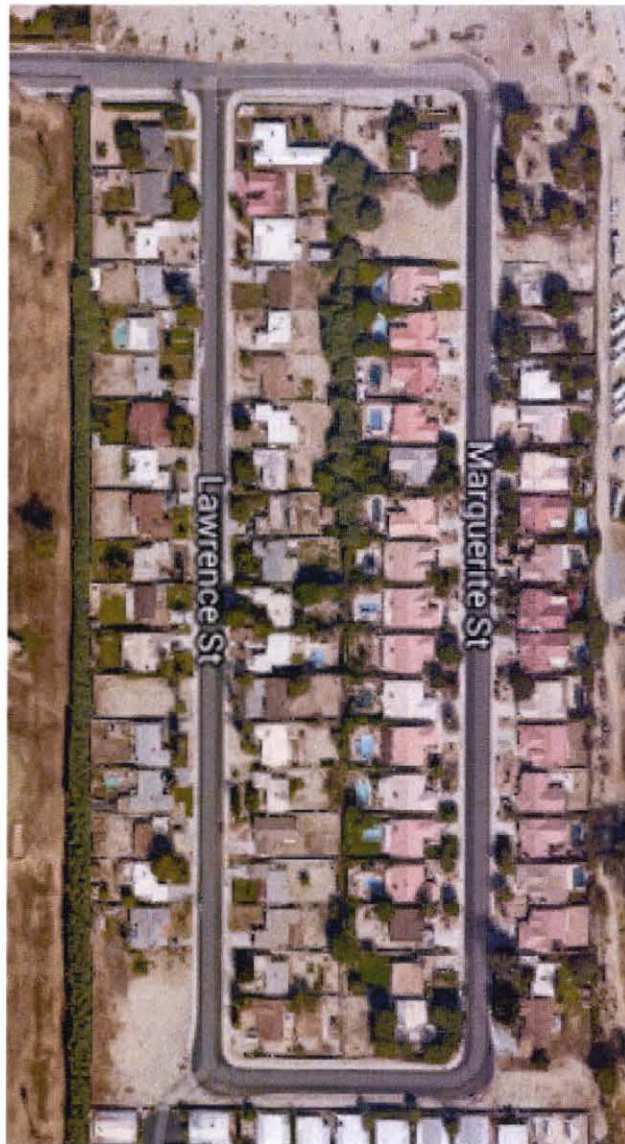
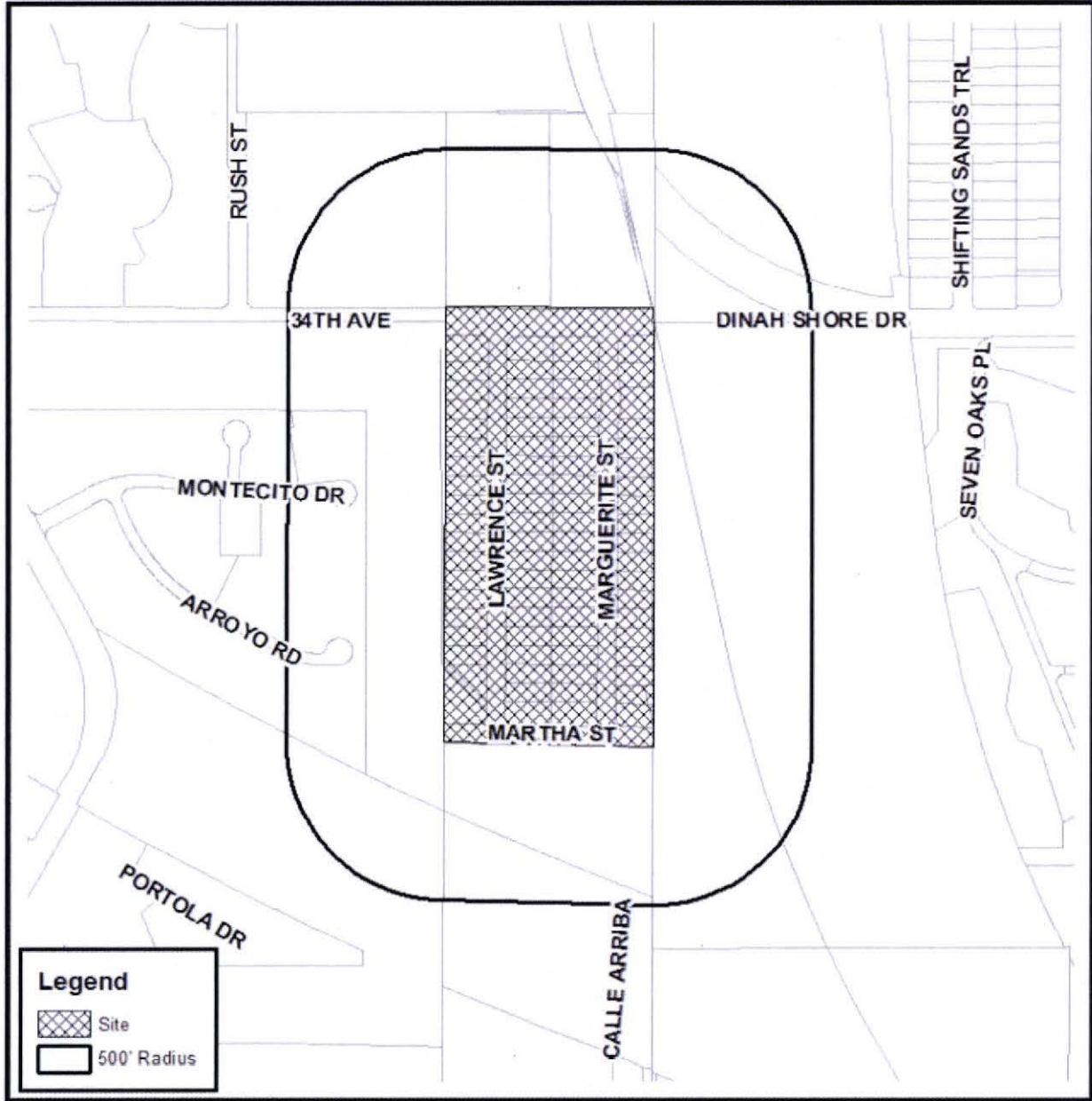


Figure 1



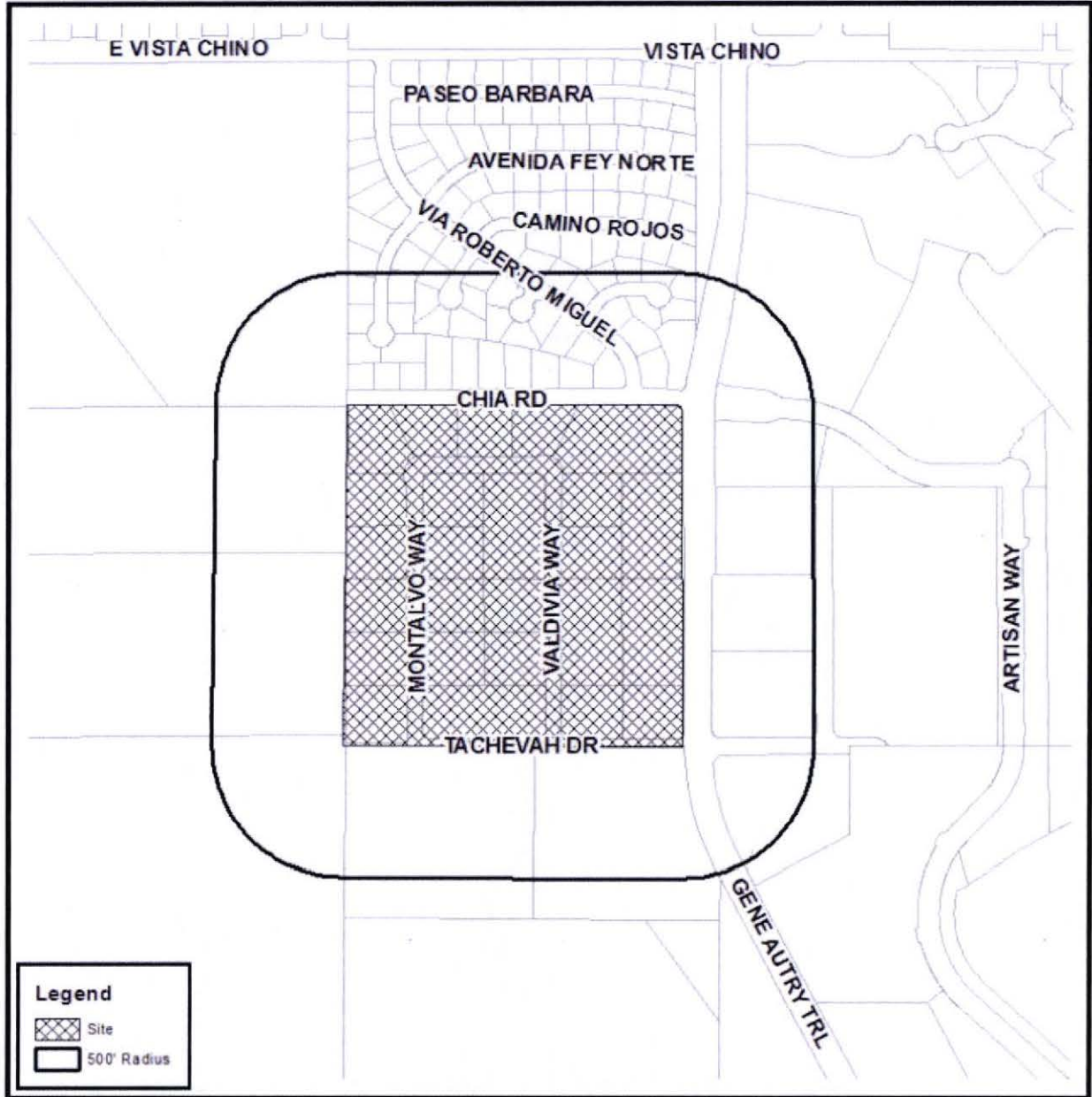
District No. 3 Vicinity Map



2. Parkway Maintenance District No. 6A consists of 25 commercial and industrial properties located in the "Fairport Development," between Chia Road and Tachevah Drive, west of Gene Autry Trail. District No. 6A was established in 1980 to provide funding for the maintenance of parkway landscaping along the south side of Chia Road as generally shown in Figure 2 and the following vicinity map:



Figure 2



District No. 6A Vicinity Map



3. Parkway Maintenance District No. 6C consists of 30 residential parcels located in the "Park Sonora Tract," on the east side of El Cielo Road along Sonora Road, Loma Vista Circle and San Martin Circle. District No. 6C was established in 1980 to provide funding for the maintenance of parkway landscaping along the east side of El Cielo Road along the frontage of the Park Sonora Tract, shown in Figure 3 and the following vicinity map:

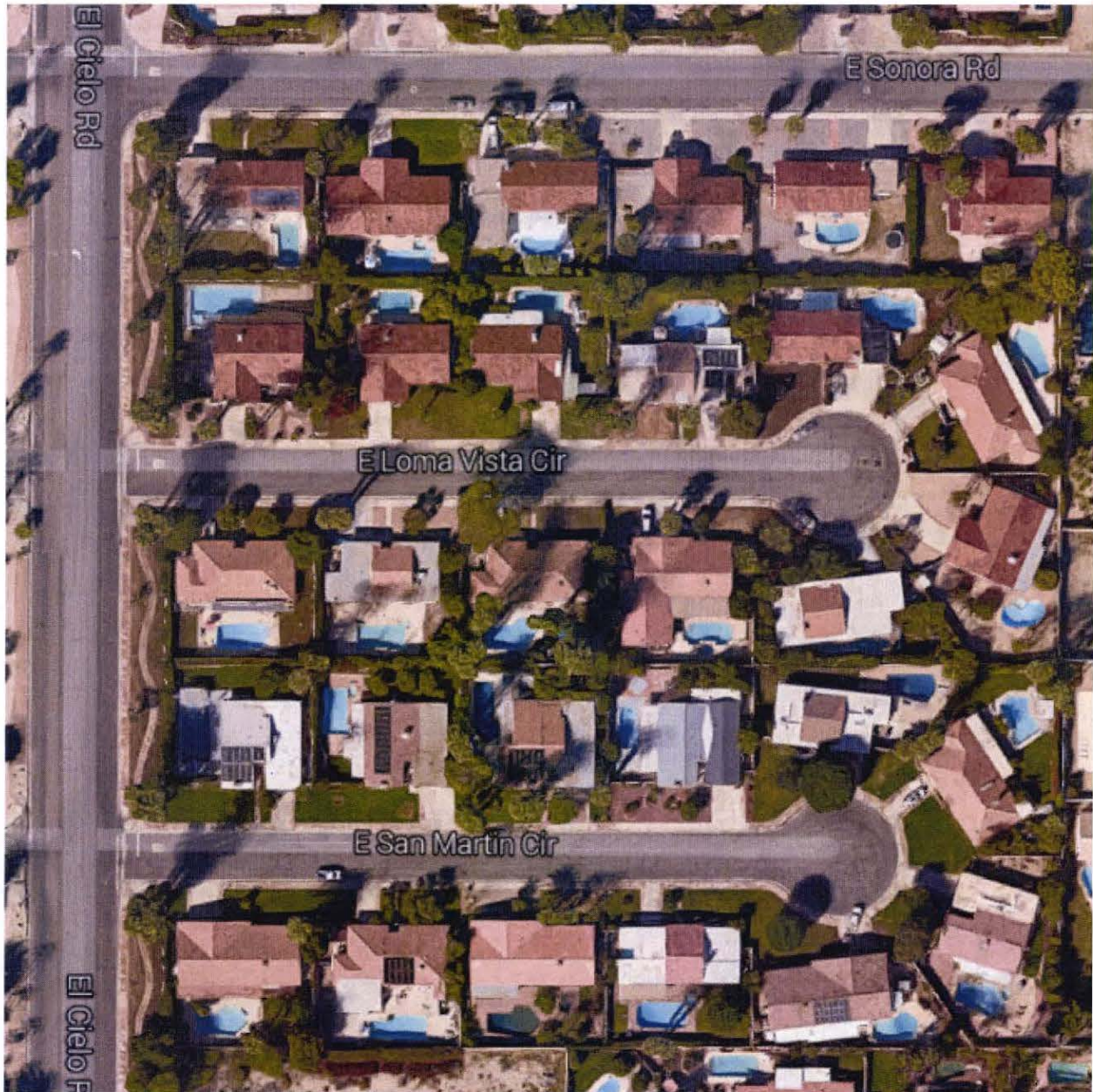
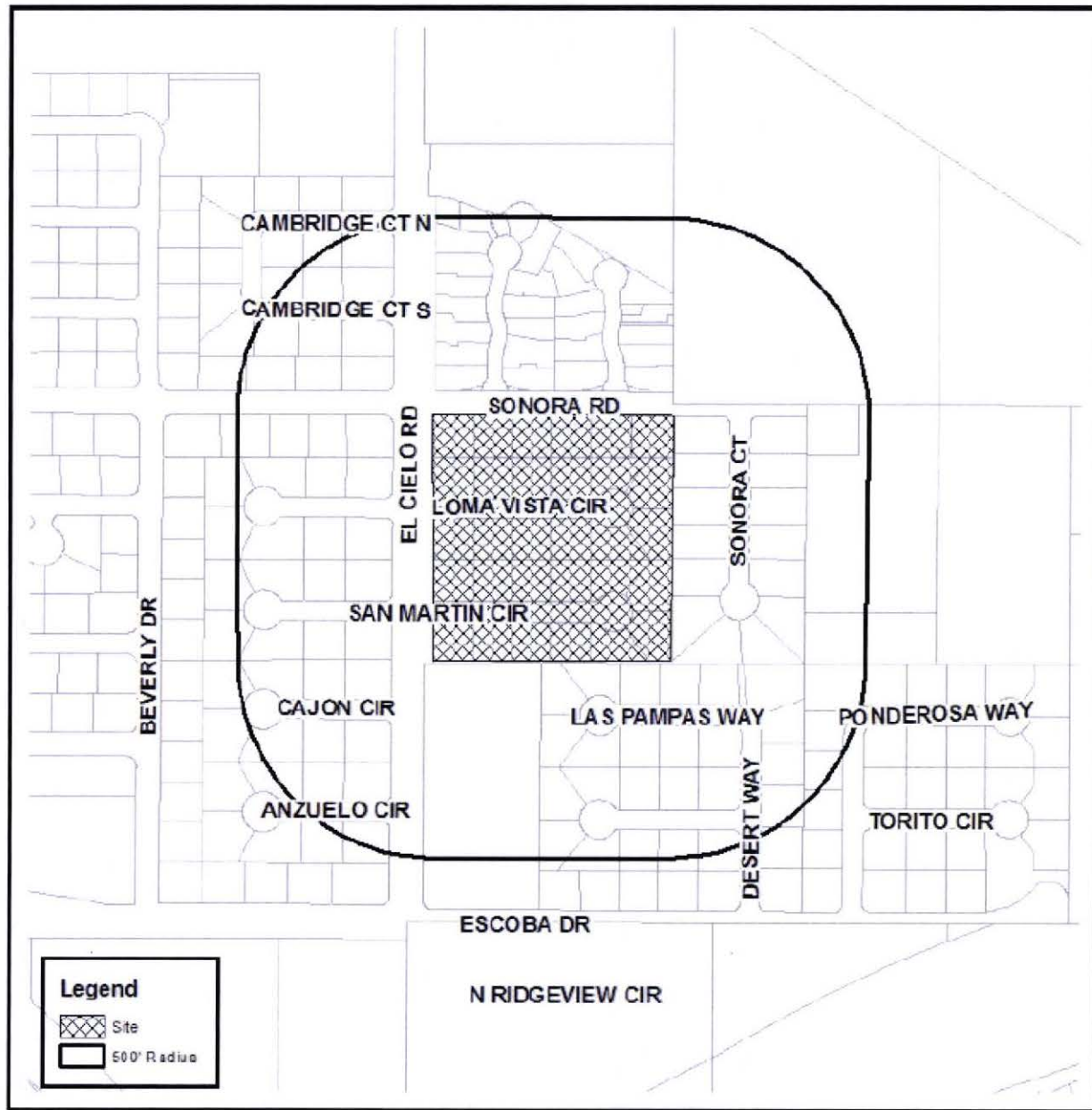


Figure 3



District No. 6C Vicinity Map



4. Parkway Maintenance District No. 7 consists of 53 residential parcels located in the "Sunrise Norte Tract," on the north side of San Rafael Drive west of Sunrise Way, located along Mountain Shadow Drive, Sand Spring Drive, Mica Drive, Garnet Road, and Twin Star Road. District No. 7 was established in 1990 to provide funding for the maintenance of parkway landscaping along the north side of San Rafael Drive along the frontage of the Sunrise Norte Tract, shown in Figure 4 and the following vicinity map:

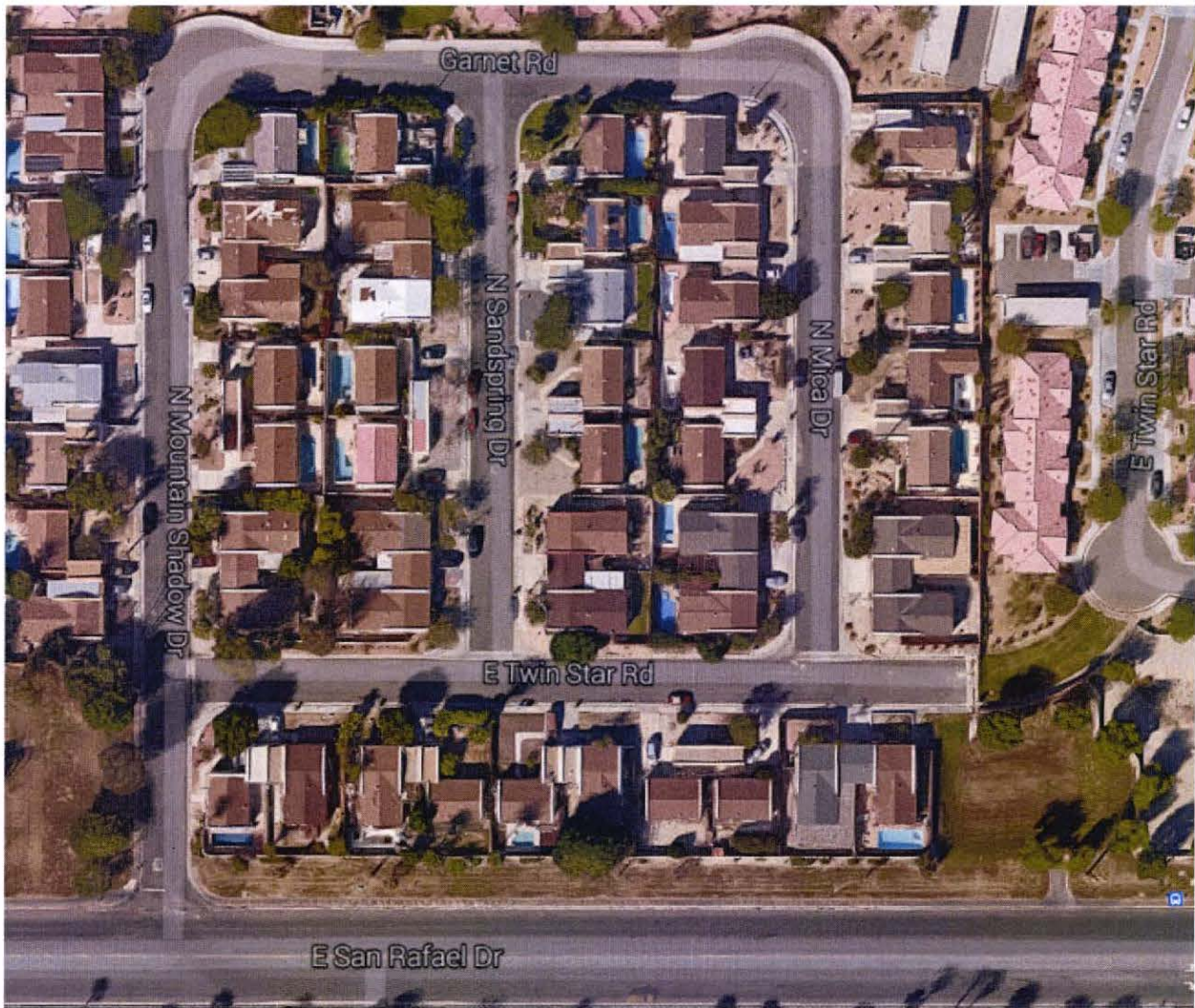
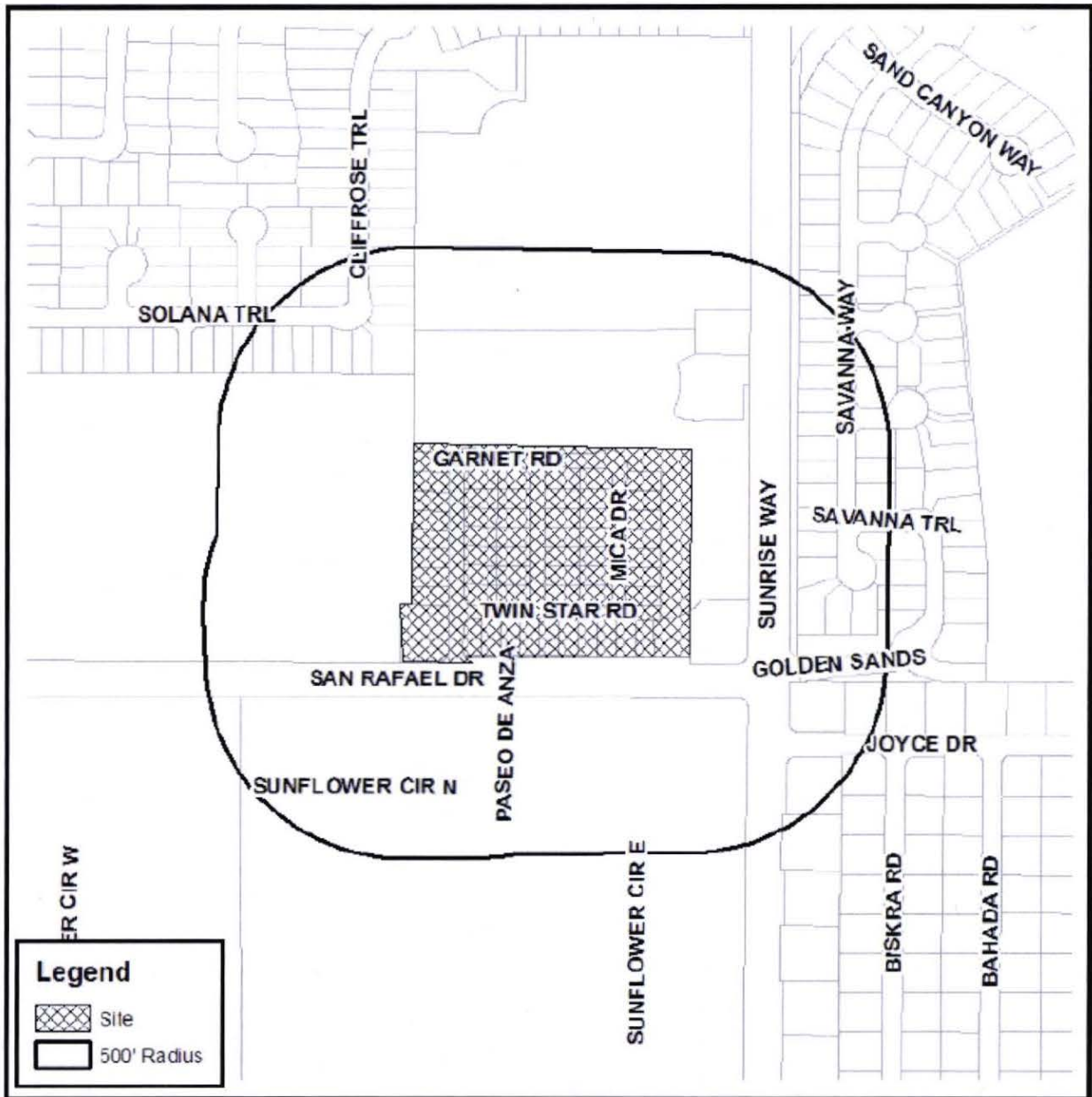


Figure 4





District No. 7 Vicinity Map

5. Parkway Maintenance District No. 8 consists of 62 residential parcels located in the "Vintage Palms Tract," on the north side of San Rafael Drive and the east side of Avenida Caballeros. District No. 8 was established in 1990 to provide funding for the maintenance of parkway landscaping along the north side of San Rafael Drive and the east side of Avenida Caballeros along the frontages of the Vintage Palms Tract, shown in Figure 5 and the following vicinity map:

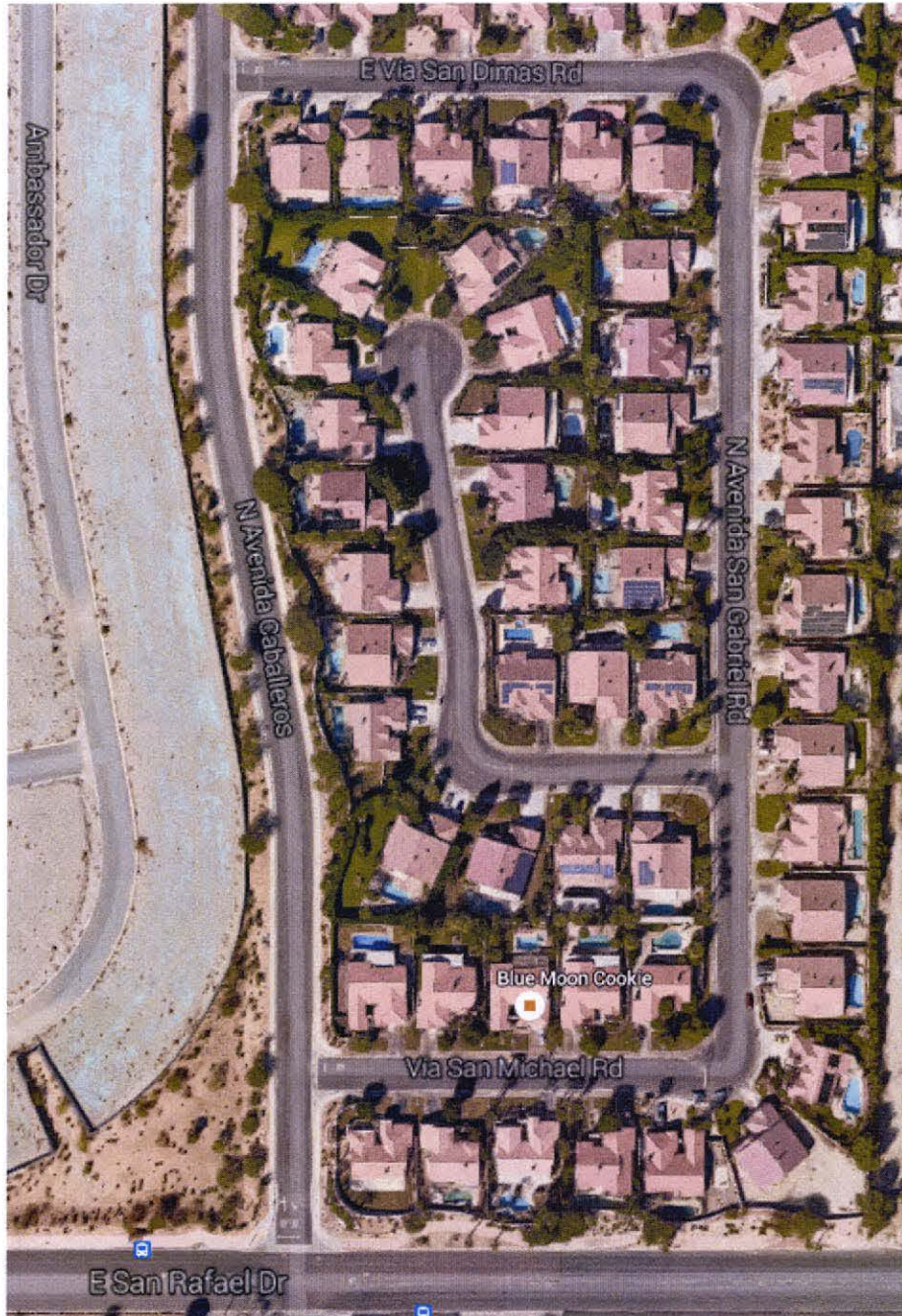
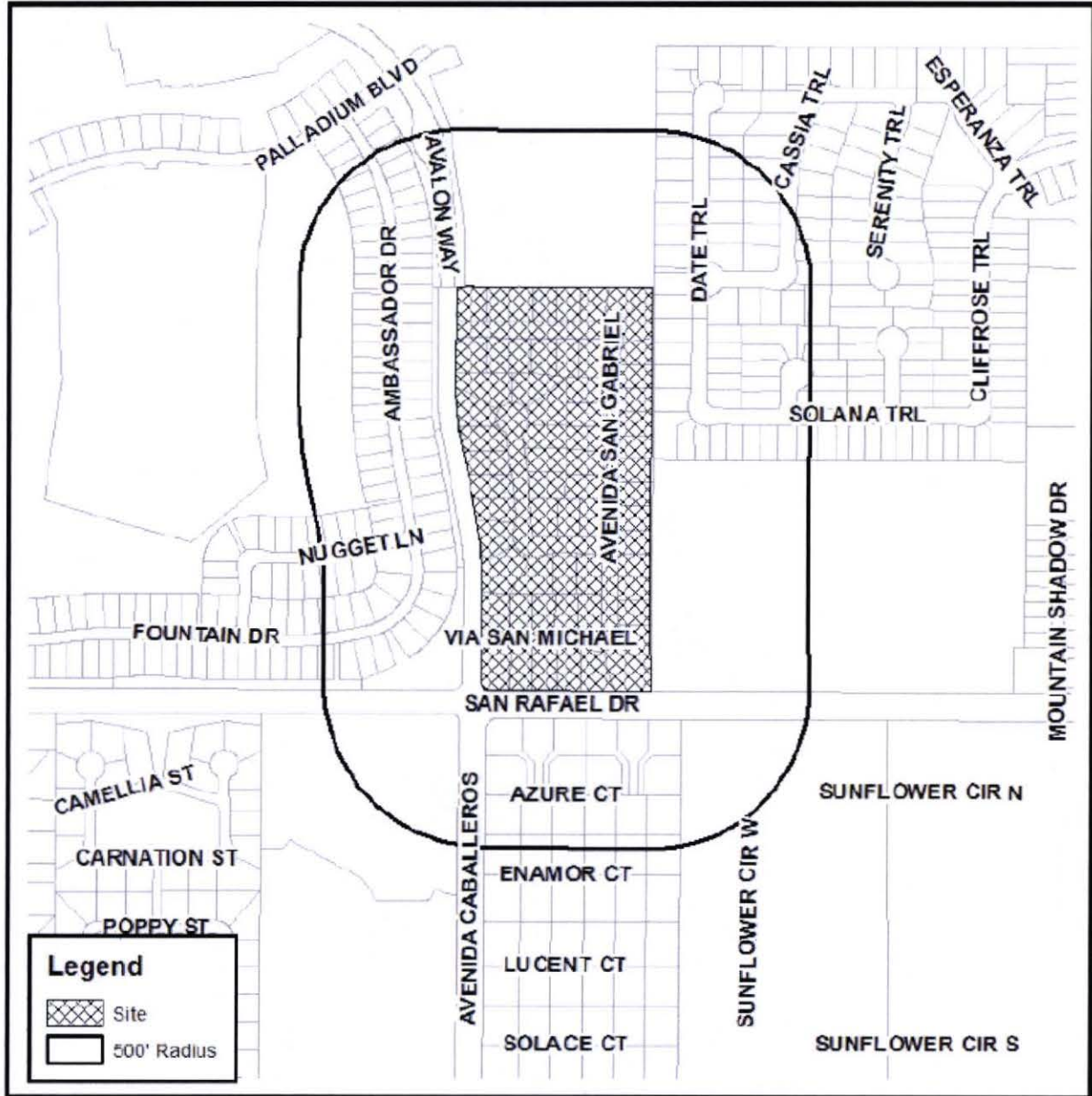


Figure 5





District No. 8 Vicinity Map

6. Parkway Maintenance District No. 9 consists of 77 residential parcels located in the "Flora Vista Tract," on the south side of Racquet Club Road, the west side of Sunrise Way, and the north side of Via Escuela. District No. 9 was established in 1997 to provide funding for the maintenance of parkway landscaping along the west side of Sunrise Way along the frontage of the Flora Vista Tract, shown in Figure 6 and the following vicinity map:

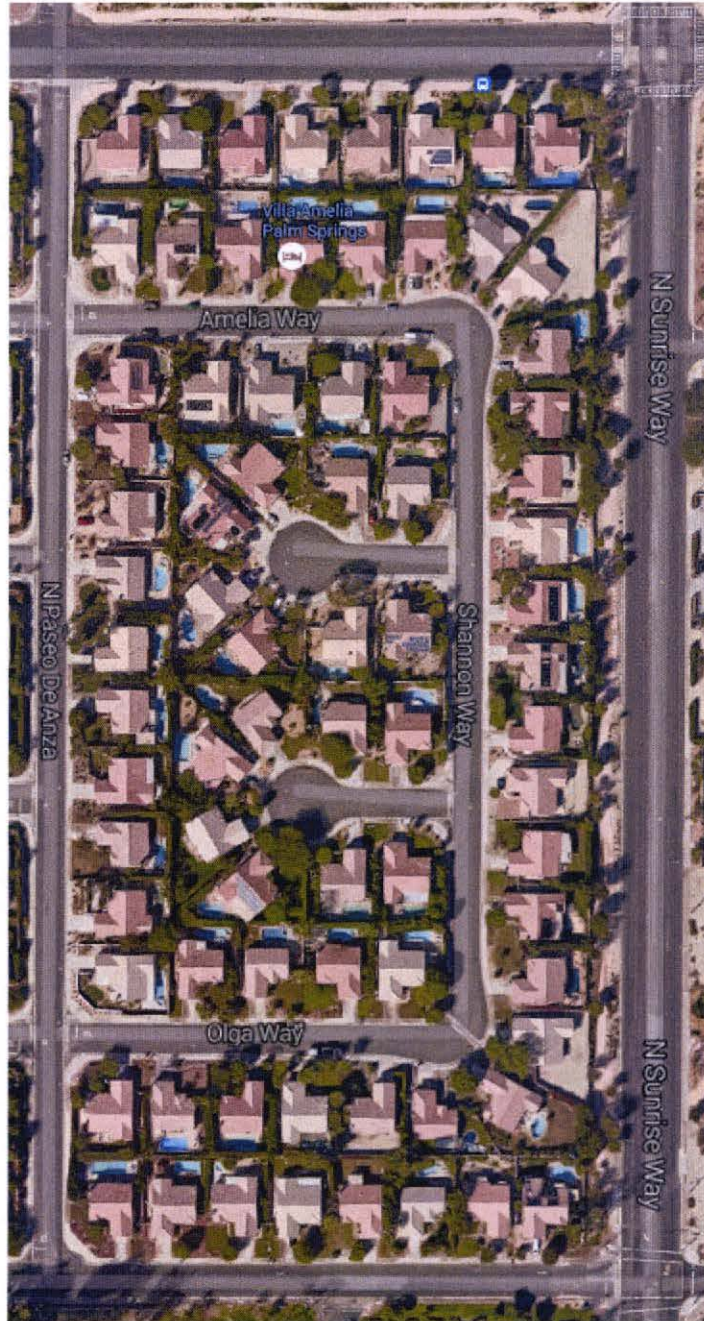
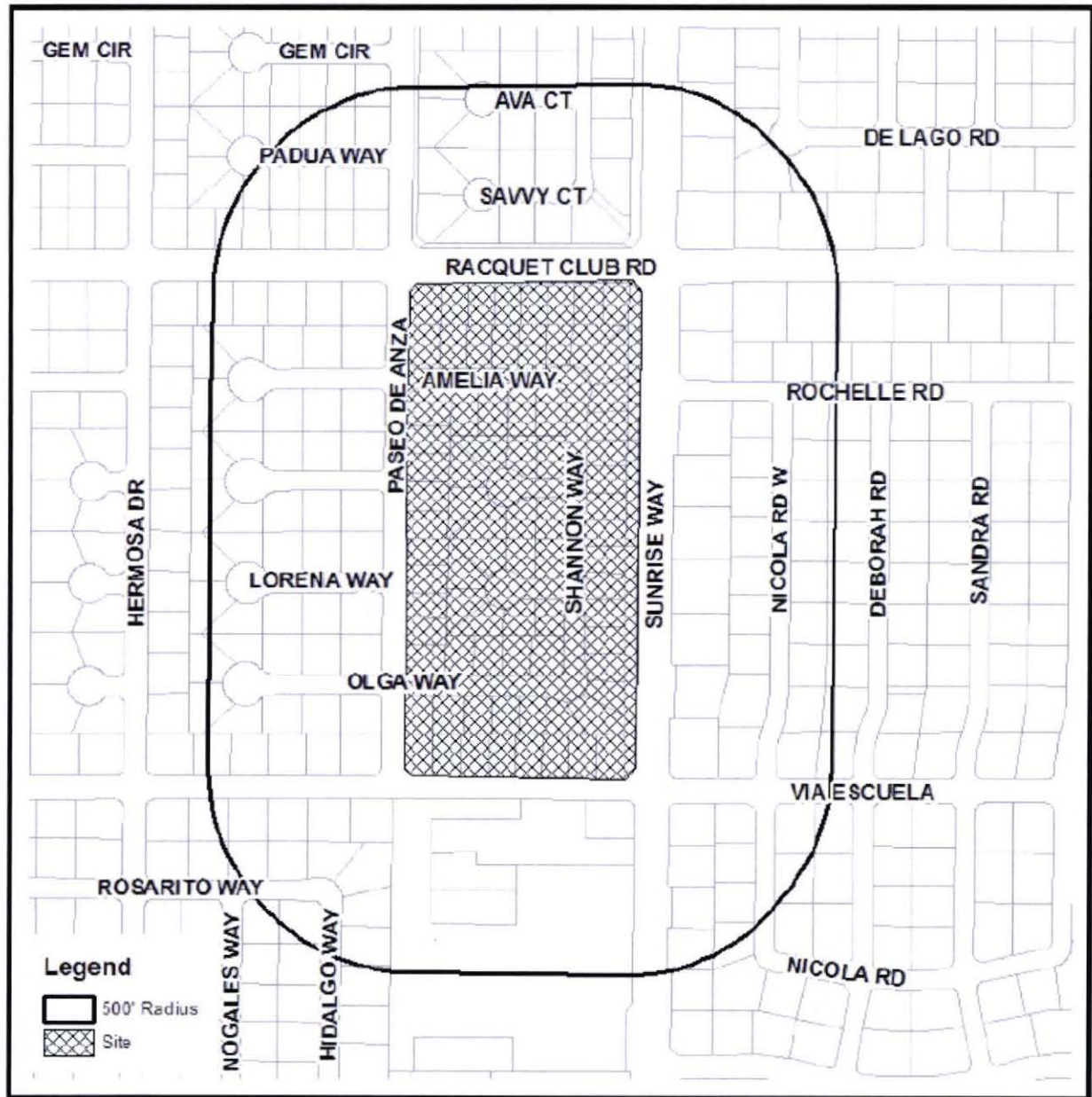


Figure 6





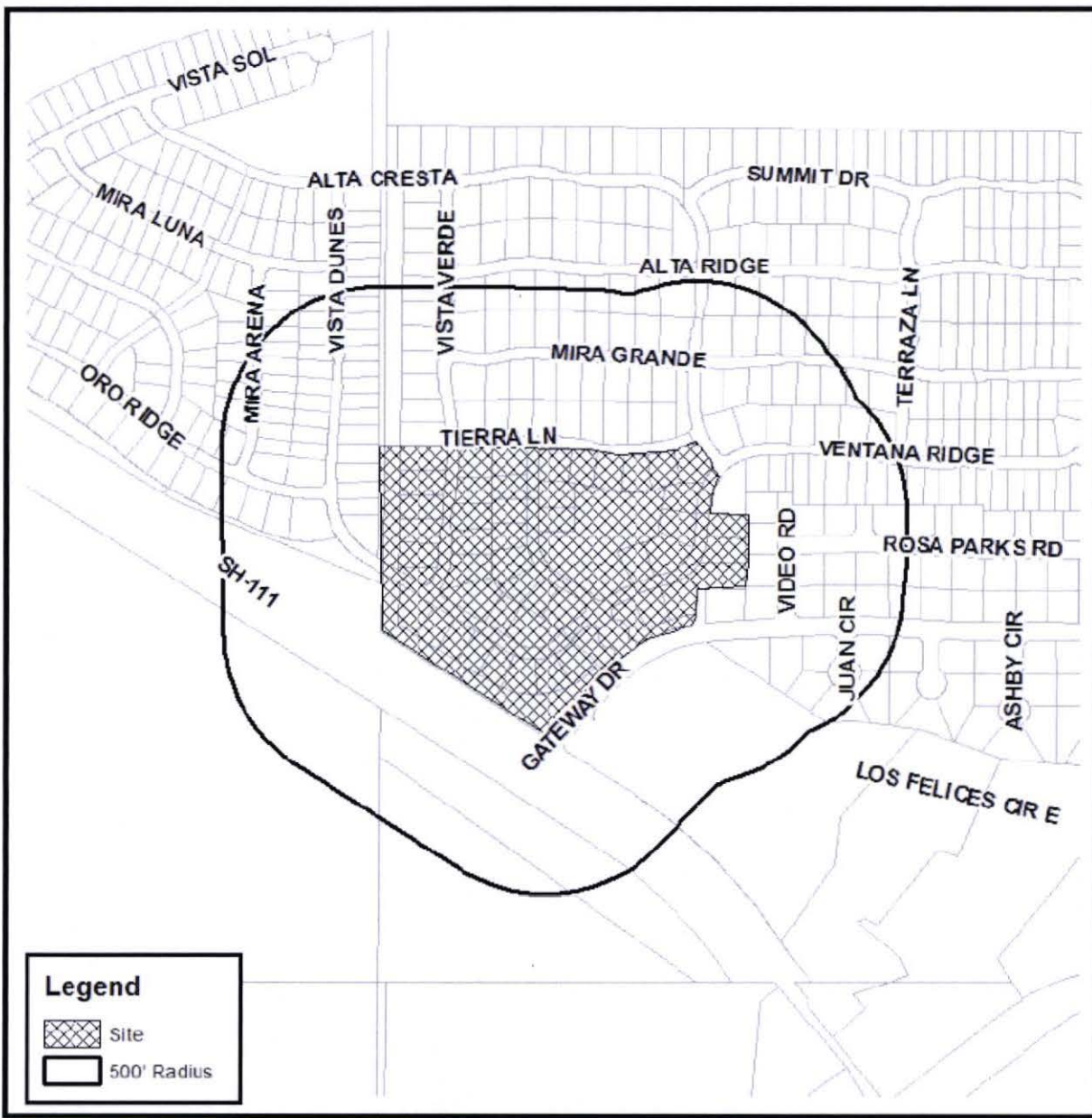
District No. 9 Vicinity Map

7. Parkway Maintenance District No. 10, Zone 1, consists of 308 residential parcels located in the "Mountain Gate (Phase 1)," development on the east side of N. Palm Canyon Drive and north of Gateway Drive. District No. 10, Zone 1, was established in 2003 to provide funding for the maintenance of parkway landscaping along the east side of N. Palm Canyon Drive, the north side of Gateway Drive, and drainage basins along East Gate Road, shown in Figure 7 and the following vicinity map:



Figure 7





District No. 10 – Zone 1 Vicinity Map

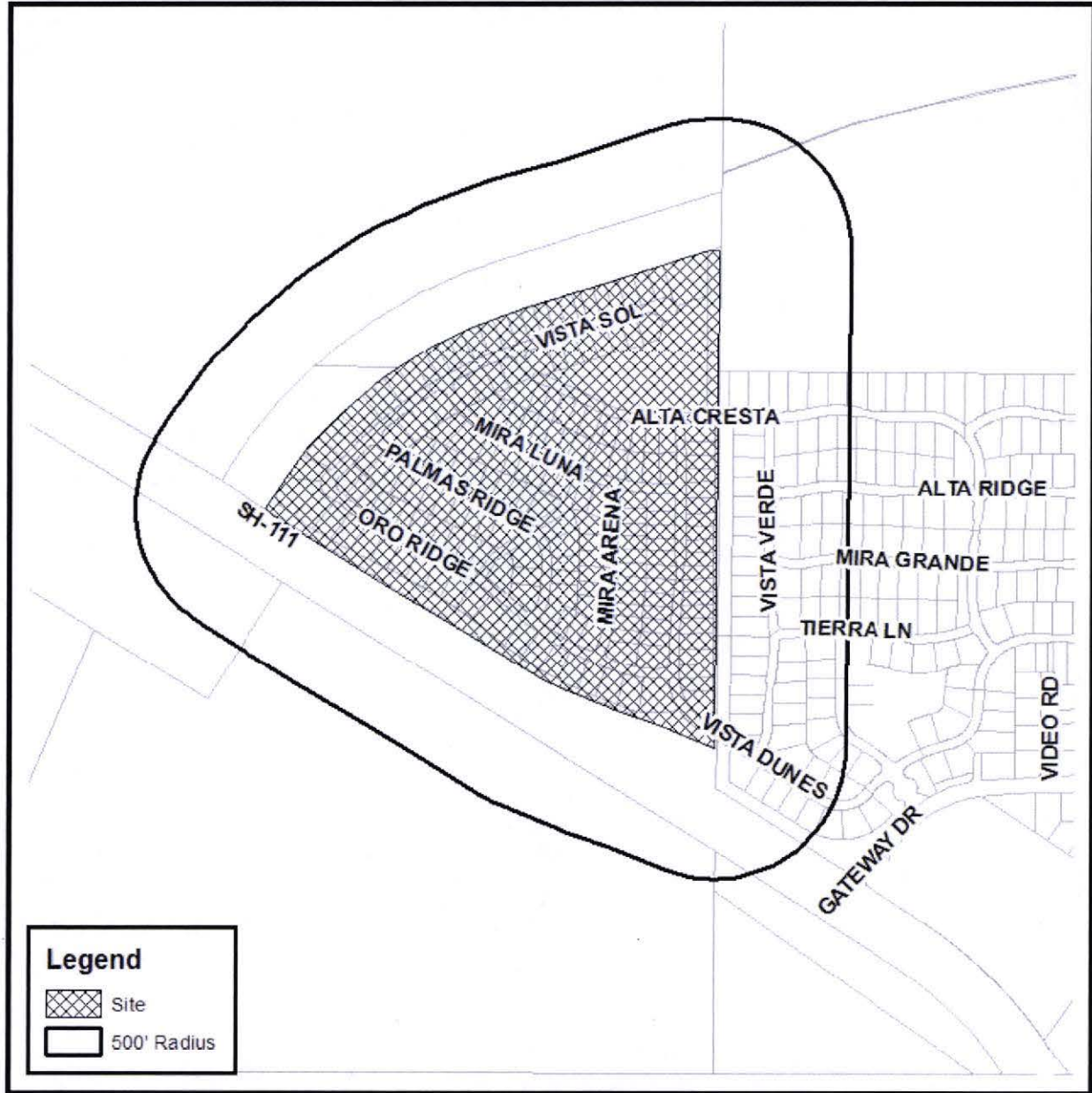


8. Parkway Maintenance District No. 10, Zone 2, consists of 196 residential parcels located in the "Mountain Gate (Phase 2)," development on the east side of N. Palm Canyon Drive. District No. 10, Zone 2, was established in 2005 to provide funding for the maintenance of parkway landscaping along the east side of N. Palm Canyon Drive, shown in Figure 8 and the following vicinity map:



Figure 8





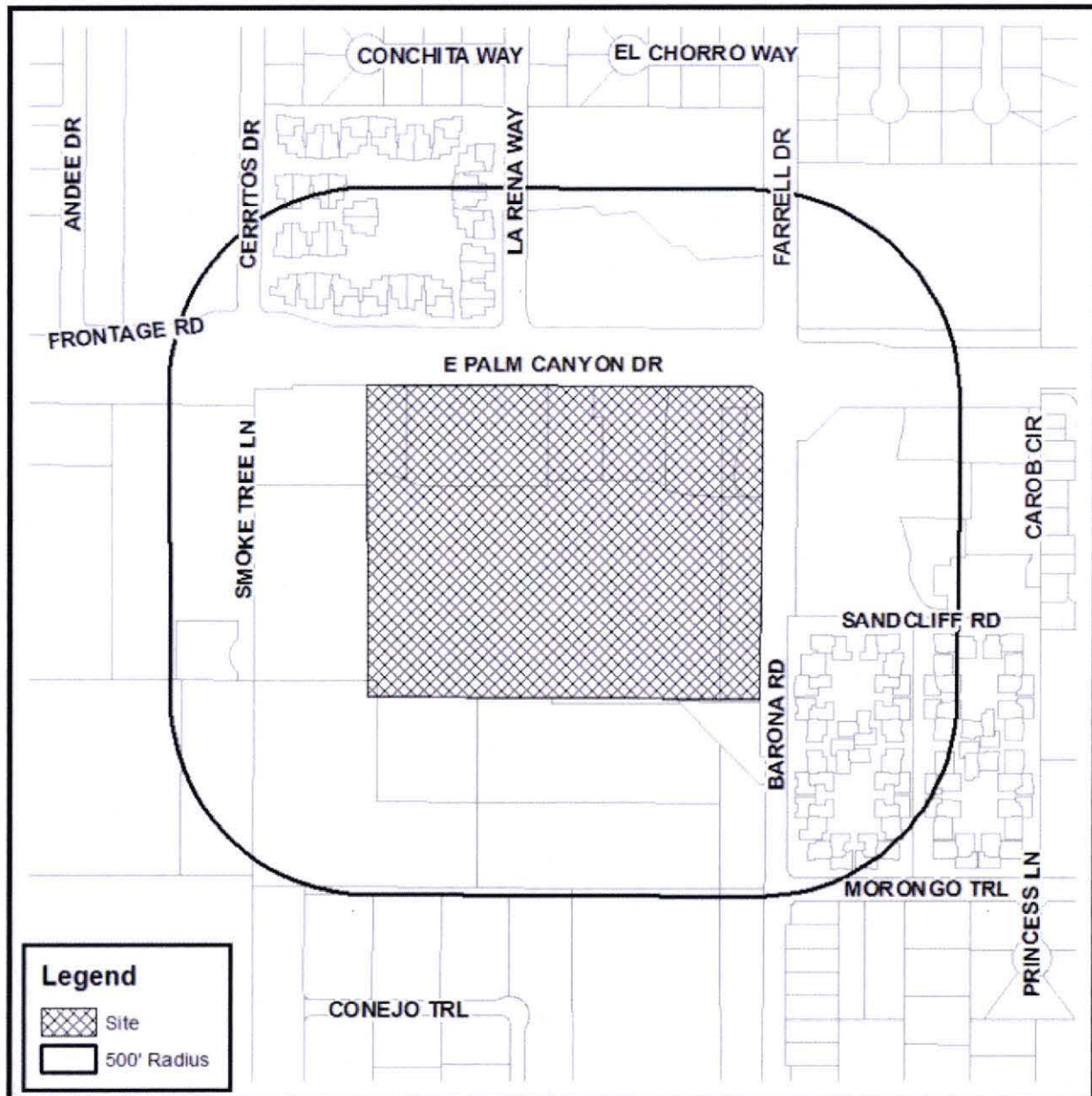
District No. 10 – Zone 2 Vicinity Map

9. Landscape Maintenance District No. 12 consists of 6 commercial parcels located in the "Smoke Tree Commons" shopping center on the south side of E. Palm Canyon Drive and west side of Barona Road. District No. 12 was established in 2008 to provide funding for the maintenance of median landscaping within E. Palm Canyon Drive between Cerritos Drive and Farrell Drive, shown in Figure 9 and the following vicinity map:



Figure 9





District No. 12 Vicinity Map

On June 1, 2016, the City Council adopted Resolutions ordering the preparation of and giving preliminary approval of the Engineer's Reports for the Districts, and declaring its intention to conduct a public hearing on July 6, 2016, regarding the Districts and the levy and collection of special assessments related thereto. The final Engineer's Reports are on file with the City Clerk and are available for public inspection for the assessment districts below:

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)
8. Parkway Maintenance District No. 10, Zone 2 (Mountain Gate 2 – 196 Properties)
9. Landscape Maintenance District No. 12 (Smoke Tree Commons – 6 Parcels)

In accordance with the Streets and Highways Code of the state of California, it is necessary for the City Council to conduct a Public Hearing, take public testimony, and in the absence of a majority protest to the special assessments, the City Council can approve the levy and collection of special assessments for the various Special Districts for the 2016/2017 fiscal year.

#### ENVIRONMENTAL IMPACT:

Section 15061 (b)(3) of the California Environmental Quality Act ("CEQA") Guidelines exempts activities that are covered under the general rule that CEQA applies only to projects that have the potential to cause significant effects on the environment. Where it can be seen with certainty that there is no possibility the activity in question may have a significant effect upon the environment, the activity is not subject to CEQA. The requested action requests the City Council to consider ordering the levy and collection of assessments associated with various Special Districts, which itself will not result in any new direct physical impacts to the environment. Therefore, the requested action is considered exempt from CEQA.

#### FISCAL IMPACT:

On November 5, 1996, the voters of California approved Proposition 218, the "Right to Vote on Taxes Act," (or "Prop 218"). Prop 218 revised the manner in which local agencies could increase special assessments or levy new taxes, by adding Articles XIII C and XIII D to the California Constitution and imposing new regulations requiring local agencies to call for elections for a vote of affected property owners for any proposed new or increased special assessment. Prior to Prop 218, local agencies had the legal ability to propose new or increased special assessments, and such



assessments could be implemented insofar as a majority protests was not presented by the affected property owners.

Prop 218 has imposed a challenge on local agencies administering Special Districts that generate revenue for maintaining public improvements that benefit private properties. Those Special Districts that were established prior to Prop 218 did not have a formula for adjustment of special assessments to account for inflation, therefore, after Prop 218 any increase in special assessments requires a local agency to call for a special election and for a majority vote to support such increased assessment.

Specifically for Palm Springs, four of its remaining Special Districts (District No. 3, 6A, 6C, and 7) were established prior to Prop 218, and District No. 7 was established immediately after Prop 218 in 1997. However, Districts No. 10 and 12 were originally established with a formula allowing for annual increases to the special assessment subject to the Consumer Price Index ("CPI").

As costs have increased associated with street lighting or landscape maintenance, namely with utility costs, the total costs incurred by the City for maintenance of public improvements in these Special Districts has, at times, exceeded the revenue generated by the special assessments in each District, causing a deficit. In those cases, the City's General Fund has subsidized these Districts to accommodate the deficit. This fact has been presented to the City Council at different times over the years, resulting in the City Council calling for special elections to facilitate increased assessments in its various Special Districts.

On July 21, 2004, the City Council completed a special election for increasing special assessments in the following Special Districts:

- Street Lighting Maintenance District No. 1 ("Belardo Road [Tennis Club Neighborhood] Area")
- Street Lighting Maintenance District No. 2 ("McManus Drive Area")
- Street Lighting Maintenance District No. 4 ("Eagle Way Area")
- Parkway Maintenance District No. 6A ("Fairport Development")
- Parkway Maintenance District No. 6C ("Park Sonora Tract")
- Parkway Maintenance District No. 8 ("Vintage Palms Tract")

At that time, none of the special elections in those Districts were successful, and upon the City Council's adoption of the Engineer's Reports and confirmation of the ballot proceedings, it was determined that the City would continue to subsidize these Districts with General Fund revenue, but to continue a reduced standard of operation and maintenance of improvements within those Districts.

On July 19, 2006, the City Council completed a second special election for increasing special assessments in the following Special Districts:

- Street Lighting Maintenance District No. 1 ("Belardo Road [Tennis Club Neighborhood] Area")
- Street Lighting Maintenance District No. 2 ("McManus Drive Area")
- Street Lighting Maintenance District No. 4 ("Eagle Way Area")
- Parkway Maintenance District No. 6A ("Fairport Development")
- Parkway Maintenance District No. 6C ("Park Sonora Tract")
- Parkway Maintenance District No. 8 ("Vintage Palms Tract")
- Parkway Maintenance District No. 9 ("Flora Vista Tract")

At that time, all of the special elections in those Districts failed with the exception of District No. 6C where a new fixed special assessment of \$412.27 was approved, and upon the City Council's adoption of the Engineer's Reports and confirmation of the ballot proceedings, it was determined that the City would continue to subsidize these Districts with General Fund revenue, but to continue a reduced standard of operation and maintenance of improvements within those Districts.

On January 16, 2008, the City Council completed a third special election for increasing special assessments in the following Special Districts:

- Street Lighting Maintenance District No. 1 ("Belardo Road [Tennis Club Neighborhood] Area")
- Street Lighting Maintenance District No. 2 ("McManus Drive Area")
- Street Lighting Maintenance District No. 4 ("Eagle Way Area")
- Parkway Maintenance District No. 6B ("Parkside Estates")
- Parkway Maintenance District No. 8 ("Vintage Palms Tract")

At that time, all of the special elections in those Districts failed with the exception of District No. 8 where an increased special assessment with CPI adjustment was approved. At that time, the City Council also determined that elimination of services and abandonment (dissolution) of the following Special District was necessary given the repeated failure of special elections to support increased assessments:

- Street Lighting Maintenance District No. 1 ("Belardo Road [Tennis Club Neighborhood] Area")
- Street Lighting Maintenance District No. 2 ("McManus Drive Area")
- Street Lighting Maintenance District No. 4 ("Eagle Way Area")
- Parkway Maintenance District No. 6B ("Parkside Estates")

On March 5, 2008, the City Council took action and official dissolved those Special Districts, and maintaining the other Special Districts on the condition that a reduced level of service is provided to minimize any General Fund subsidy to pay for costs in those Special Districts. However, over time, increasing utility costs (namely water service) have increased to the extent that any further reduction of service is not



possible. The following analysis identifies the current financial status of each remaining Special District.

**Street Lighting Maintenance District No. 3 (“Crossley Tract”)**

Maximum FY 16/17 assessment: \$4,283 (spread over 75 parcels)  
FY 16/17 estimated costs: \$4,283

**Status: Acceptable** Costs for street lighting are currently recovered through the special assessments.

**Parkway Maintenance District No. 6A (“Fairport Development”)**

Maximum FY 16/17 assessment: \$5,154 (spread over 25 parcels)  
FY 16/17 estimated costs: \$5,154\*\*

\*\*Costs have been reduced reflecting a significant reduction of landscape maintenance and administration services to ensure total costs do not exceed the maximum assessment that can be levied. Maintenance levels will be diminished, and plant material will not be replaced.

**Parkway Maintenance District No. 6C (“Park Sonora Tract”)**

Maximum FY 16/17 assessment: \$12,368 (spread over 30 parcels)  
FY 16/17 estimated costs: \$12,368\*\*

\*\*Costs have been reduced reflecting a significant reduction of landscape maintenance and administration services to ensure total costs do not exceed the maximum assessment that can be levied. Maintenance levels will be diminished, and plant material will not be replaced.

**Parkway Maintenance District No. 7 (“Sunrise Norte”)**

Maximum FY 16/17 assessment: \$23,747 (spread over 53 parcels)  
FY 16/17 estimated costs: \$23,747\*\*

\*\*Costs have been reduced reflecting a significant reduction of landscape maintenance and administration services to ensure total costs do not exceed the maximum assessment that can be levied. Maintenance levels will be diminished, and plant material will not be replaced. Moreover, considering the parkway landscaping consists **entirely of turf**, with the current irrigation restrictions it will be necessary to consider an alternative landscape plan in the future, requiring Proposition 218 balloting in the future to increase assessments to provide a source of funding for turf conversion.

**Parkway Maintenance District No. 8 (“Vintage Palms”)**

Maximum FY 16/17 assessment: \$19,591 (spread over 62 parcels)  
 FY 16/17 estimated costs: \$19,591\*\*

\*\*Costs have been reduced reflecting a significant reduction of landscape maintenance and administration services to ensure total costs do not exceed the maximum assessment that can be levied. Maintenance levels will be diminished, and plant material will not be replaced.

**Parkway Maintenance District No. 9 (“Flora Vista”)**

Maximum FY 16/17 assessment: \$17,409 (spread over 77 parcels)  
 FY 16/17 estimated costs: \$17,409\*\*

\*\*Costs have been reduced reflecting a significant reduction of landscape maintenance and administration services to ensure total costs do not exceed the maximum assessment that can be levied. Maintenance levels will be diminished, and plant material will not be replaced.

Unless and until a new Proposition 218 balloting process is conducted within these Special Districts, and a majority support increased assessments in those Districts, landscape maintenance will remain reduced to levels that can be supported by the revenues generated by the existing maximum assessments. Alternatively, the City Council can subsidize these Districts with General Fund revenue to allow for increased landscape maintenance services and plant material replacement.

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 6, 2016, 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:

<b><u>Special District</u></b>	<b><u>FY 16/17 Levy Amount</u></b>	<b><u># of Parcels</u></b>	<b><u>Special Assessment</u></b>
#3 Crossley Tract	\$4,283.25	75	\$57.11
#6A Fairport Development	\$5,154.06	25	19@\$166.26; 6@\$332.52
#6C Park Sonora Tract	\$12,367.80	30	\$412.26
#7 Sunrise Norte	\$23,747.18	53	\$448.06
#8 Vintage Palms	\$19,541.16	62	\$315.18
#9 Flora Vista	\$17,409.70	77	\$226.10
#10 Mountain Gate Zone 1	\$129,660.48	308	292@\$418.80; 16@\$460.68
#10 Mountain Gate Zone 2	\$129,802.96	196	175@\$655.24; 21@\$720.76
# 12 Smoke Tree Commons	\$14,926.00	6	Varies \$428.80 - \$10,184.32
<b>Total FY 2016/17 Levy</b>	<b>\$356,892.59</b>		



The proposed assessments for Fiscal Year 2016/2017 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 XIID (Proposition 218).

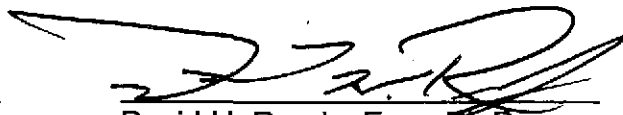
SUBMITTED:

Recommended by:

Approved by:



Savat Khamphou, P.E.  
Senior Civil Engineer



David H. Ready, Esq., Ph.D  
City Manager

ATTACHMENT:

1. Resolution

# **ATTACHMENT**



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE ENGINEER'S REPORT AND ORDERING THE CONTINUED OPERATION AND MAINTENANCE OF IMPROVEMENTS FOR 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 ORDERING THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2016/2017

**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 2016/2017 (July 1, 2016, and ending June 30, 2017) in accordance with the Act; and the City Council did by previous Resolution preliminarily approve each Report; and

**WHEREAS**, the City Council has carefully examined and reviewed the Report as presented, and is satisfied with each and all of the items and documents as set forth therein, and finds that the levy has been spread in accordance with the special benefits received from the improvements, and the operation, maintenance and services to be performed, as set forth in the Report; and

**WHEREAS**, the City Council desires to levy and collect assessments against parcels of land within the Districts for Fiscal Year 2016/2017 (commencing July 1, 2016, and ending June 30, 2017) to pay the costs and expenses of the operation, maintenance, repair and servicing of improvements related thereto; and

**WHEREAS**, the Report proposes the levy and collection of annual assessments less than or equal to the maximum assessment amounts previously approved by property owner petition or balloting, in accordance with the provisions of Article XIID of the California Constitution (Proposition 218); and

**WHEREAS**, the City Council has noticed and held a Public Hearing on July 6, 2016, regarding the Districts, and the proposed improvements and assessments for Fiscal Year 2016/2017 (commencing July 1, 2016, and ending June 30, 2017), as described in the Report in accordance with the provisions of the Act and applicable provisions of Article XIID of the California Constitution (Proposition 218).

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

**Section 1:** The above recitals are all true and correct.

**Section 2:** Following notice duly given, on July 6, 2016, the City Council has held a full and fair Public Hearing to approve or amend the Report, the levy and collection of assessments related thereto, and has considered all oral and written statements, protests and communications made or filed by interested persons. The City Council has determined that the property owners have approved the assessments so presented in the Report in accordance with the requirements of Article XIID of the California Constitution (Proposition 218).

**Section 3:** Based upon its review (and amendments, as applicable) of the Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, the City Council hereby finds and determines that:

- a) The land within each District will receive special benefit by the operation, maintenance, and servicing of certain improvements within the boundaries of such District.
- b) Each District includes all of the lands receiving such special benefit.
- c) The net amount to be assessed upon the lands within each District for Fiscal Year 2016/2017 (commencing July 1, 2016, and ending June 30, 2017), is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the special benefits to be received by each parcel from the improvements and services.
- d) The assessment amounts described in the Report do not exceed the maximum assessments previously established in accordance with the provisions of Article XIID of the California Constitution (Proposition 218).



**Section 4:** The Report and assessments as presented to the City Council and on file in the Office of the City Clerk are hereby confirmed as filed.

**Section 5:** The City Council hereby orders the proposed improvements to be made, which improvements are generally described as 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. The Report describes any new improvements or substantial changes in existing improvements.

**Section 6:** The assessments as confirmed shall be submitted to the County Auditor of the County of Riverside (the "County Auditor"), and the County Auditor shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy so apportioned by the formula and method outlined in the Report, and such levies shall be collected at the same time and in the same manner as Riverside County taxes are collected pursuant to §22646 of the Act. After collection by Riverside County, the net amount of the levy shall be paid to the City Treasurer.

**Section 7:** The City Treasurer shall deposit all money representing assessments collected by Riverside County for each District, and such money shall be expended only for the operation, maintenance and servicing of the improvements as described in Section 5.

**Section 8:** The adoption of this Resolution constitutes the levy for Fiscal Year 2016/2017 (commencing July 1, 2016, and ending June 30, 2017) for each District.

**Section 9:** The City Clerk is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution.

**ADOPTED THIS 6th day of July, 2016.**

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David H. Ready, City Manager

ATTEST:

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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 July 6, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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James Thompson, City Clerk  
City of Palm Springs, California



**CITY OF PALM SPRINGS  
PUBLIC NOTIFICATION**



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Date: July 6, 2016  
Subject: Assessment Districts

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**AFFIDAVIT OF PUBLICATION**

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on June 11, 2016, and May 27, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Kathie Hart, MMC  
Chief Deputy City Clerk

**AFFIDAVIT OF POSTING**

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on June 9, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Kathie Hart, MMC  
Chief Deputy City Clerk

RESOLUTION NO. 24046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON JULY 6, 2016, 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 2016-17.

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 2016-2017 (July 1, 2016, and ending June 30, 2017) 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 2016-2017 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 is 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 XIID (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 6, 2016, 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 1<sup>ST</sup> DAY OF JUNE, 2016.

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David H. Ready, City Manager

ATTEST:

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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. 24046 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 the 1<sup>st</sup> day of June, 2016, by the following vote:

AYES: Councilmember Foat, Councilmember Kors, Councilmember Roberts,  
Mayor Pro Tem Mills, and Mayor Moon.  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.

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James Thompson, City Clerk  
City of Palm Springs, California