



CITY COUNCIL STAFF REPORT

Date: July 5, 2017

PUBLIC HEARING

Subject: ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS, FISCAL YEAR 2017/2018

From: David H. Ready, City Manager

Initiated by: Engineering Services Department

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 2017/2018 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 2017/2018."

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. 2.C.

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:

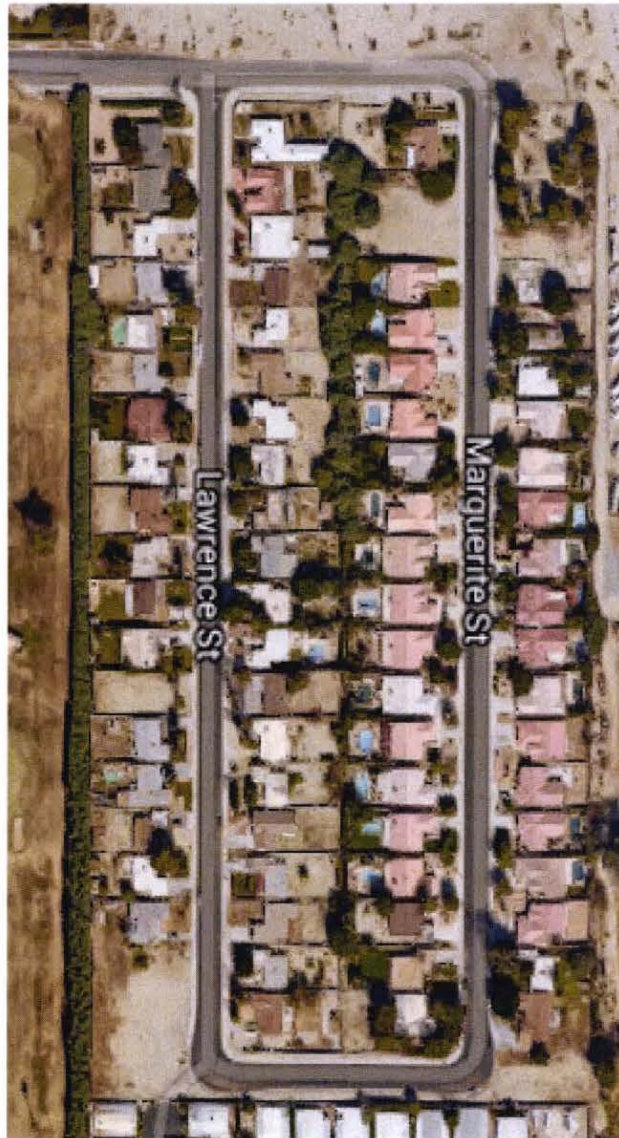
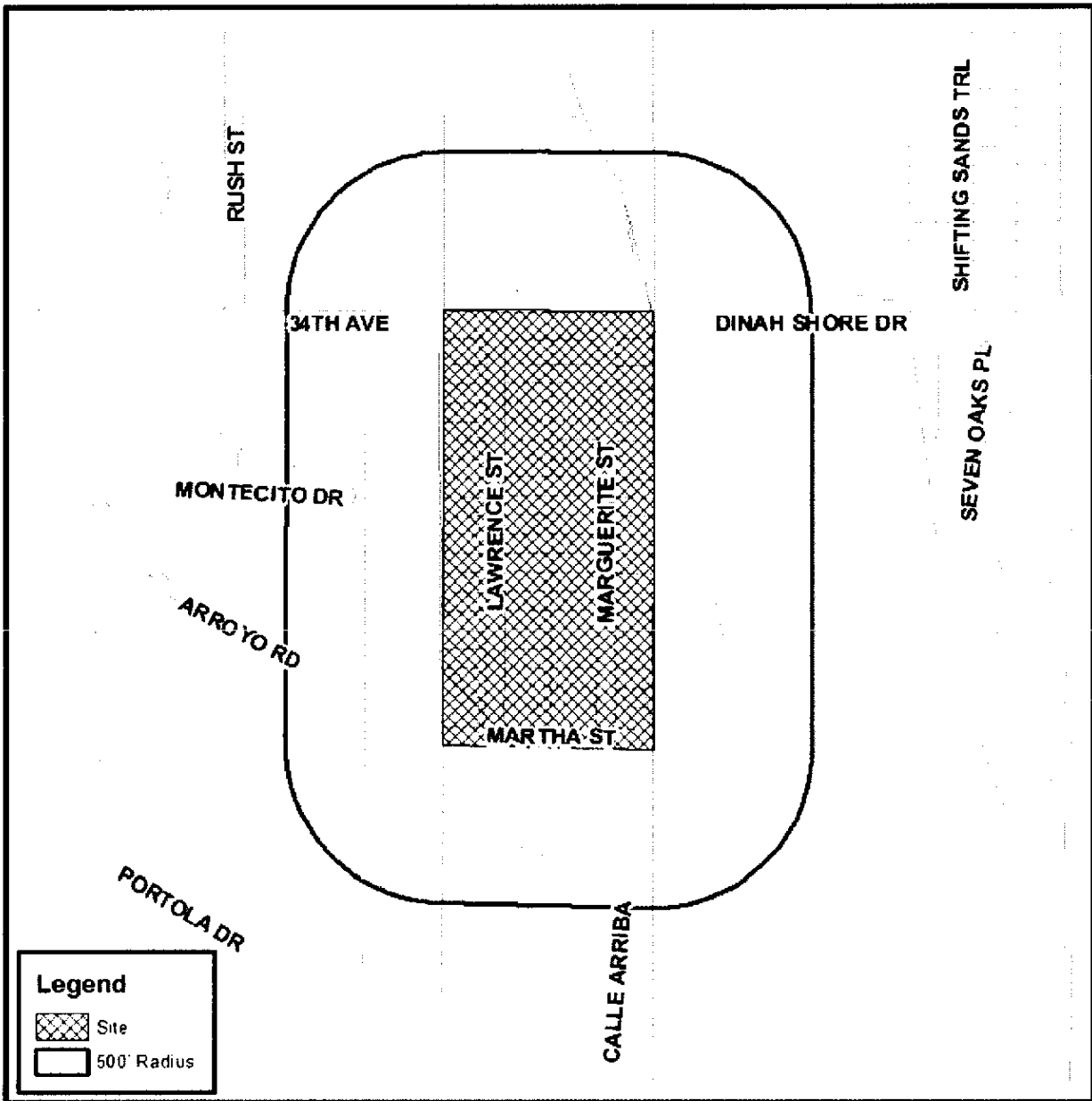


Figure 1

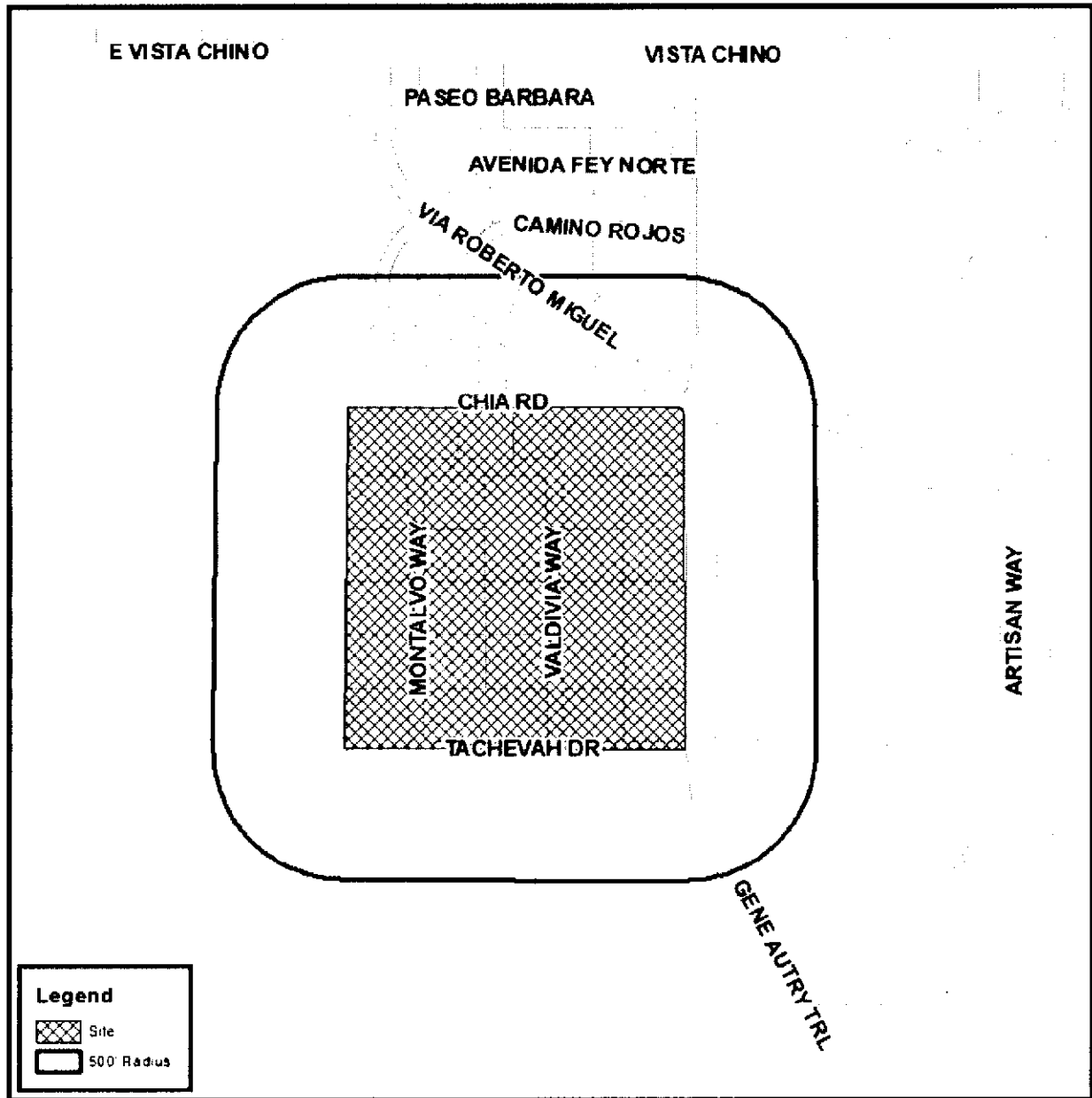


District No. 3 Vicinity Map

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 west side of Gene Autry Trail between Chia Road and Tachevah Drive 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:

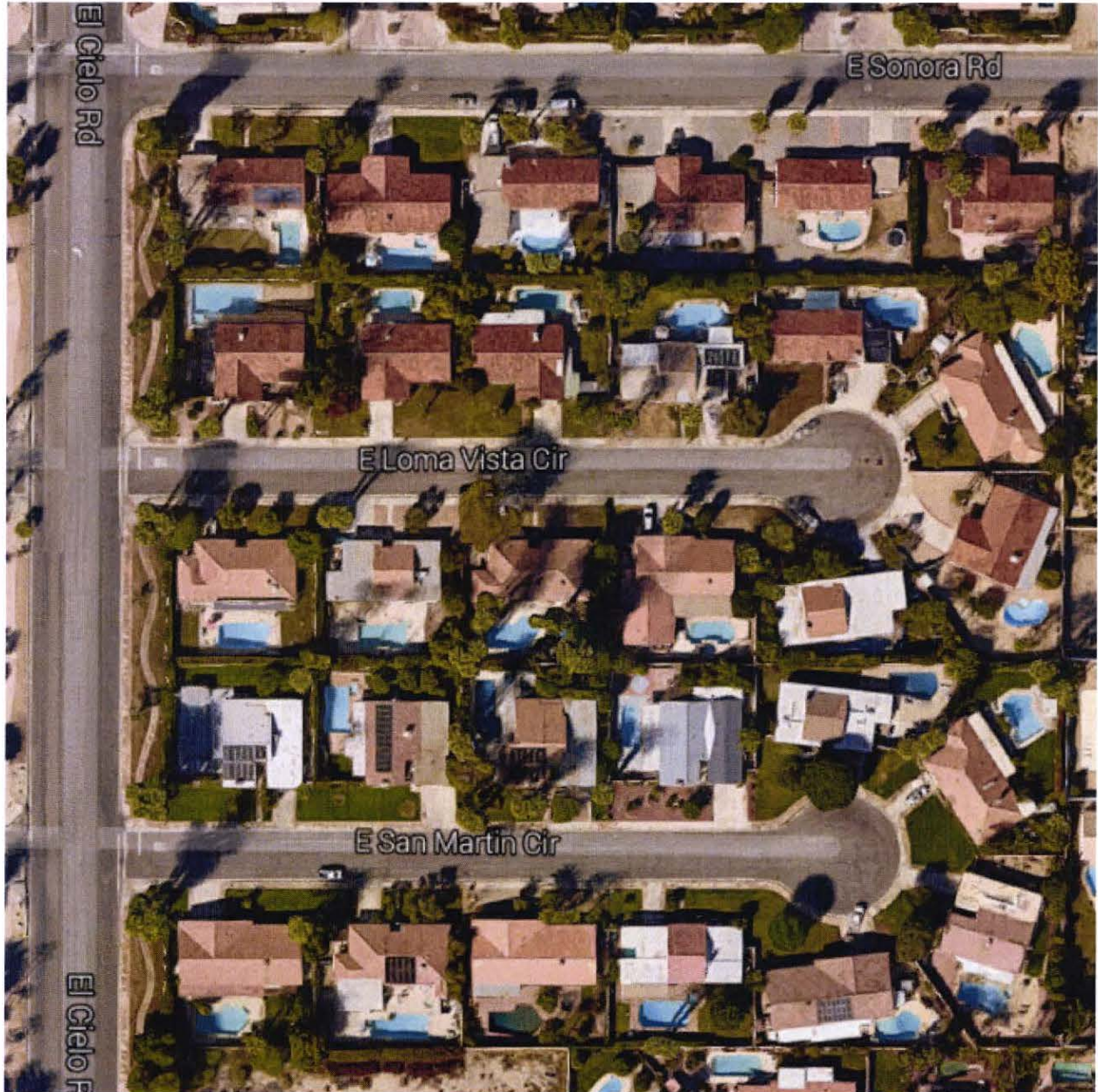
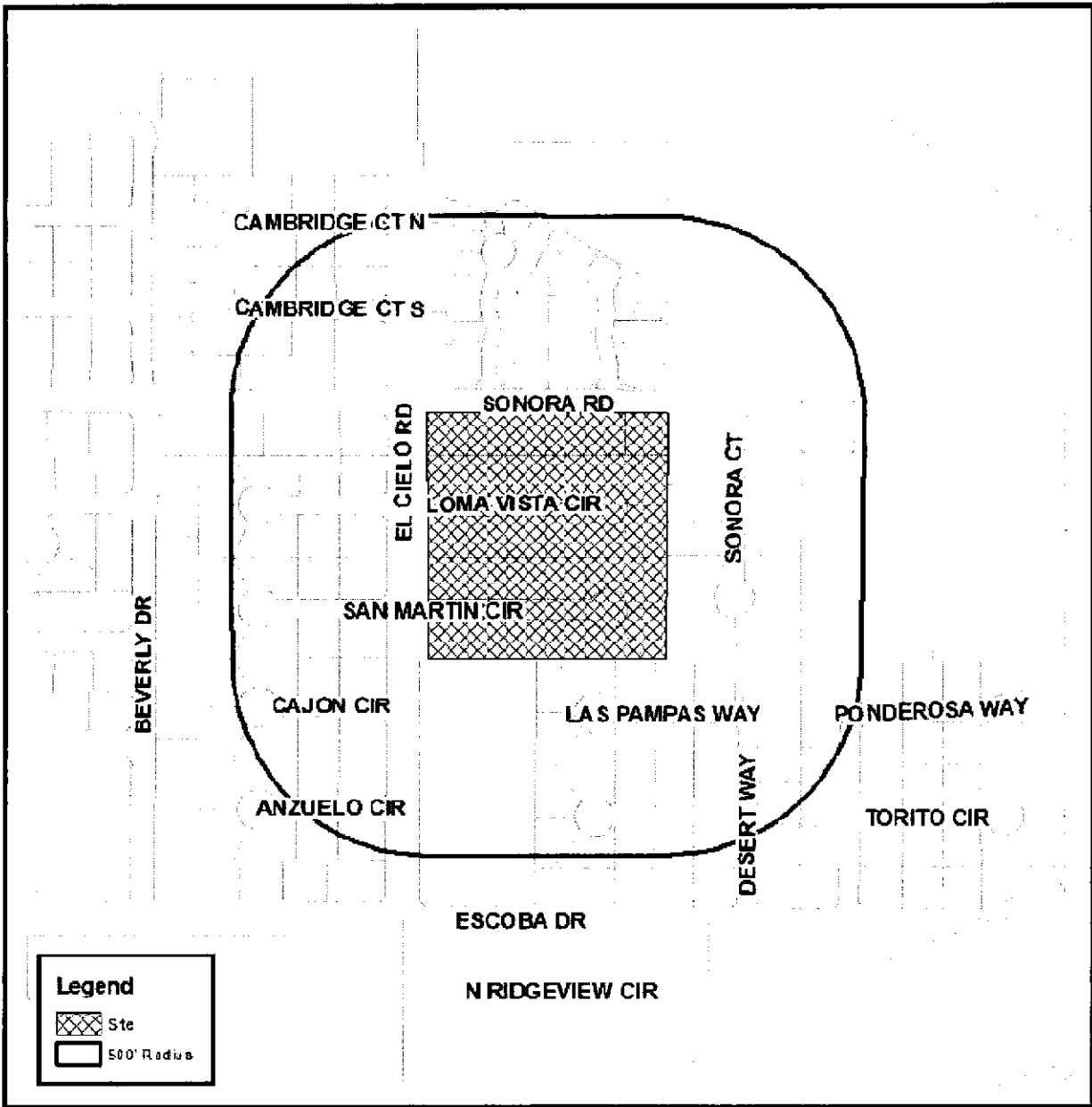


Figure 3



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:

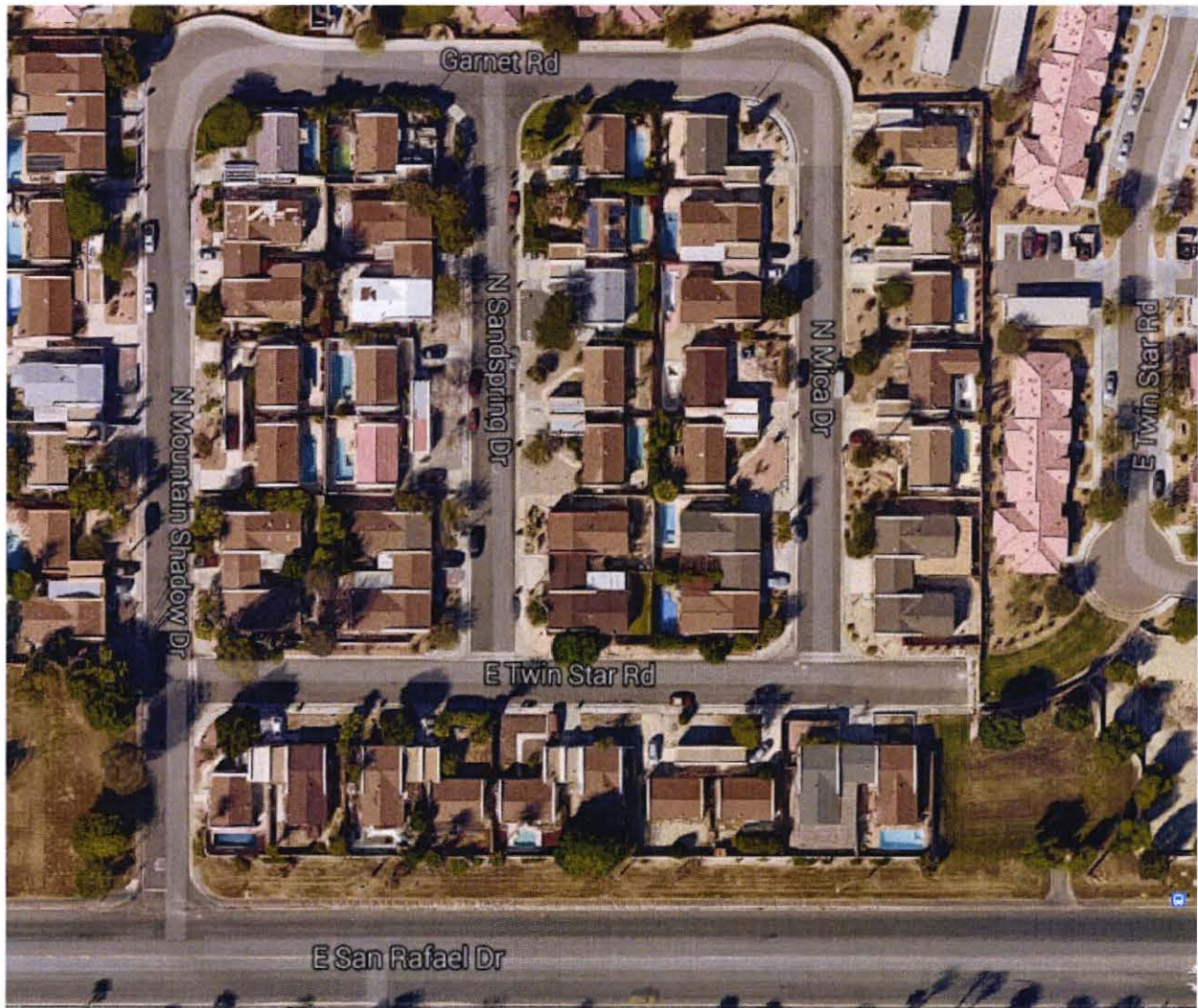
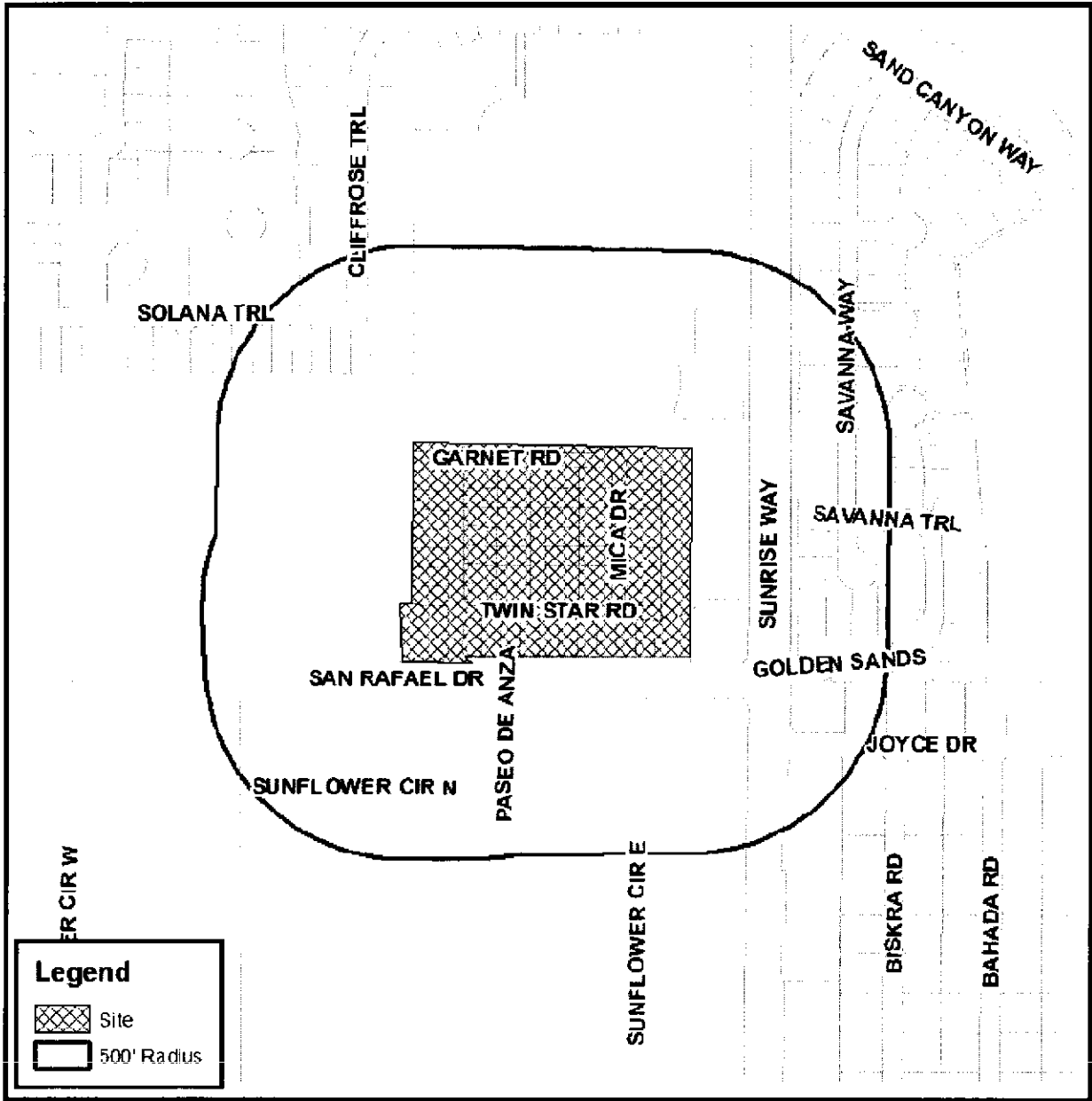


Figure 4



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:

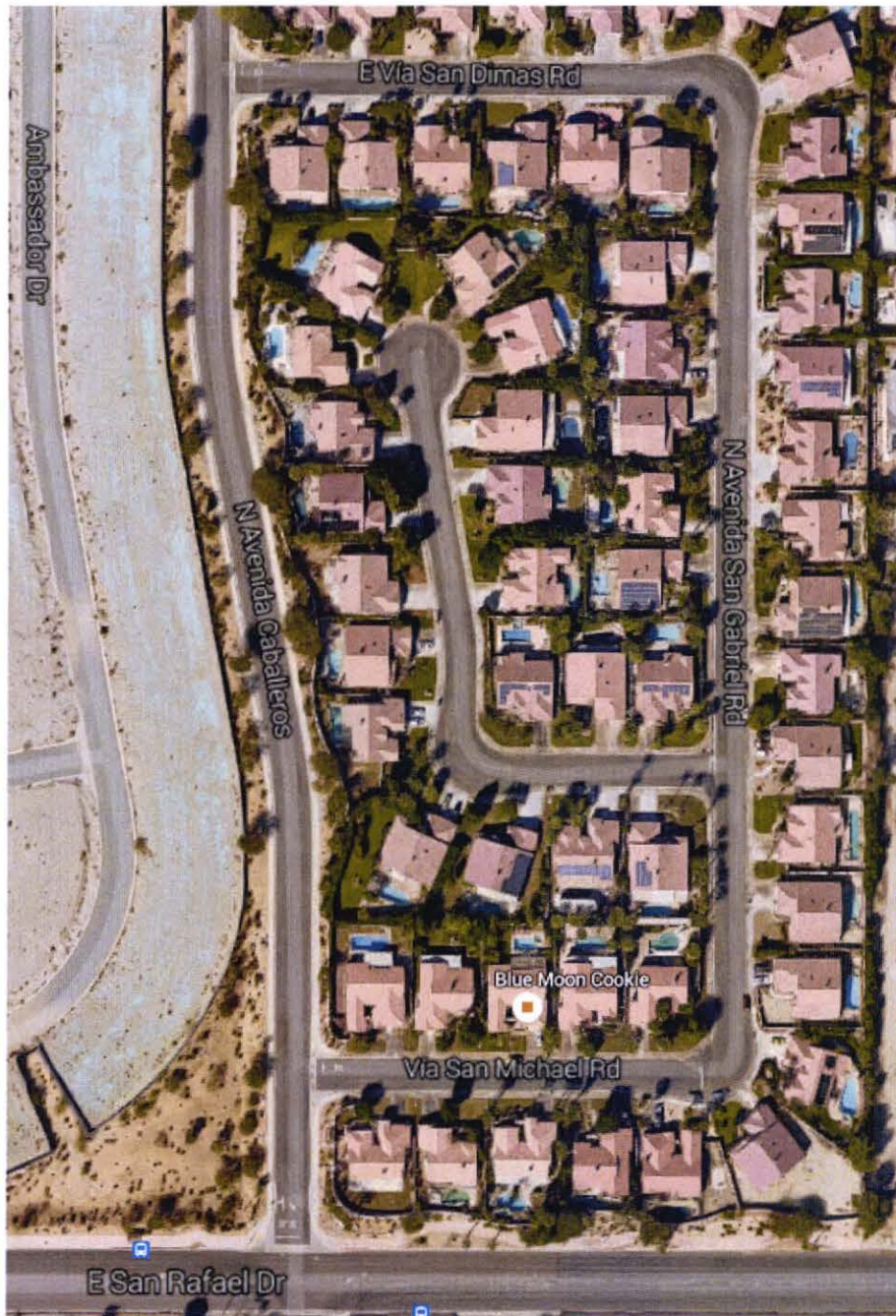
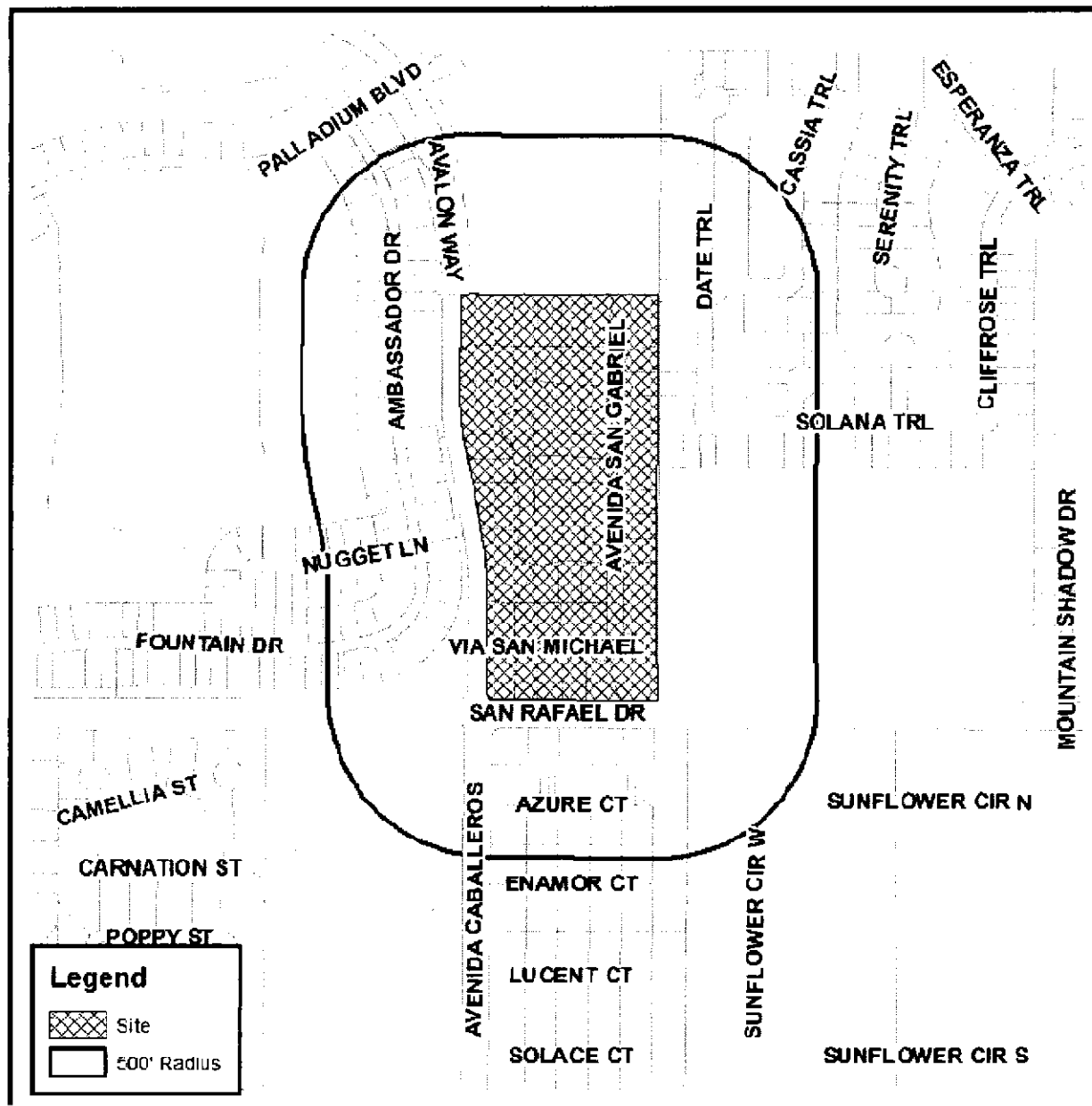


Figure 5



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:

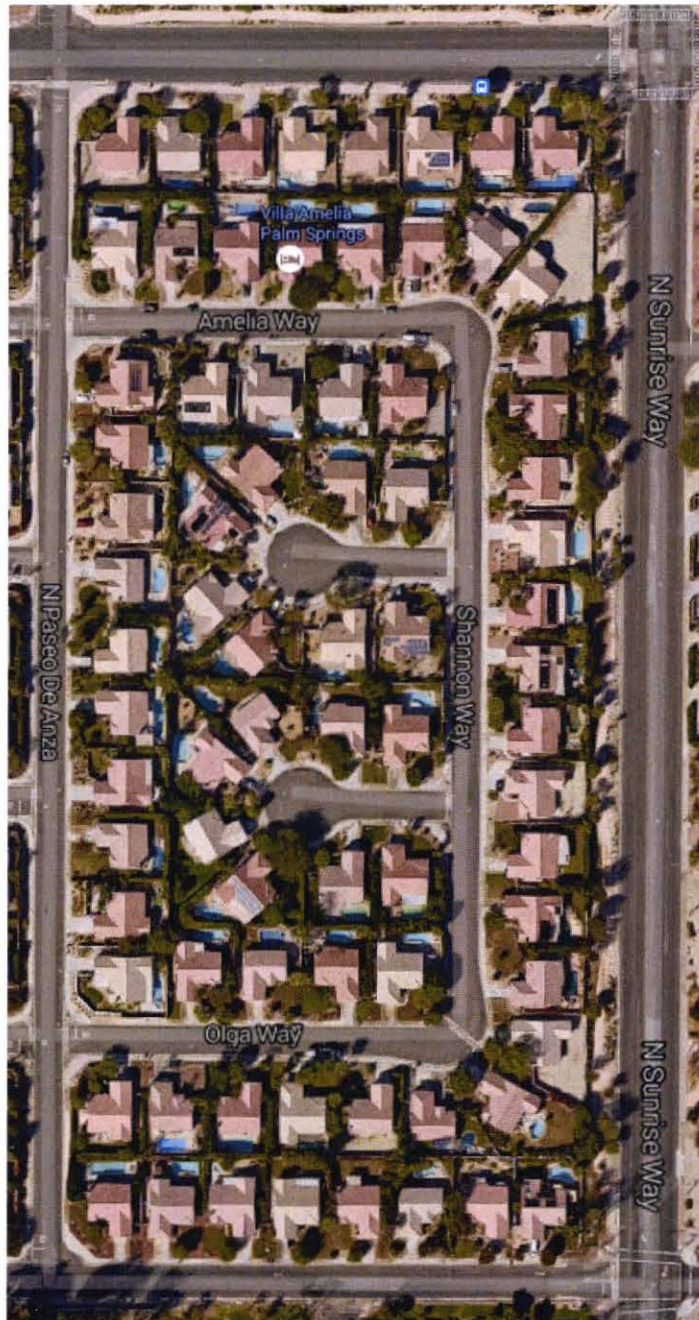
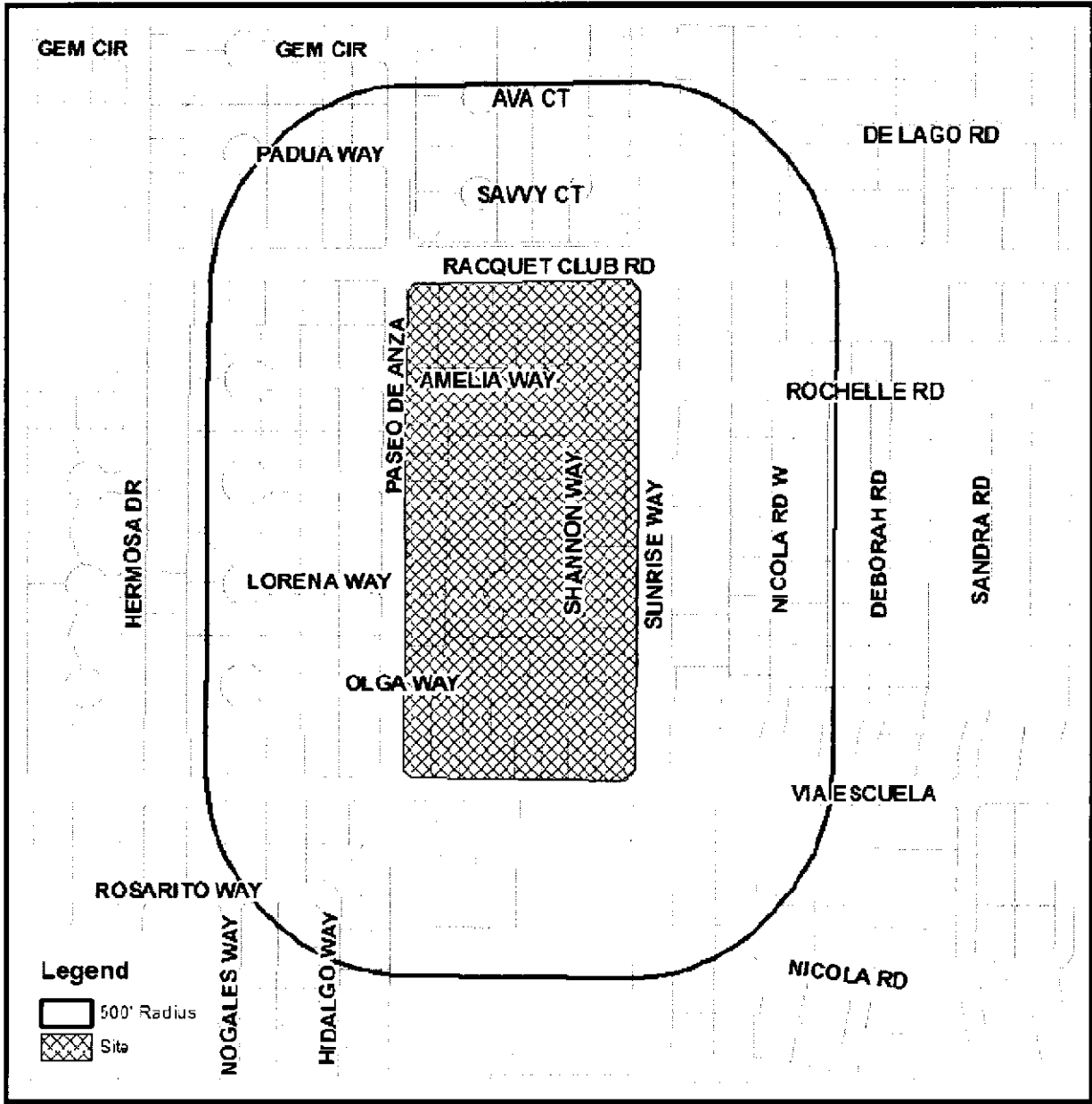


Figure 6



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:

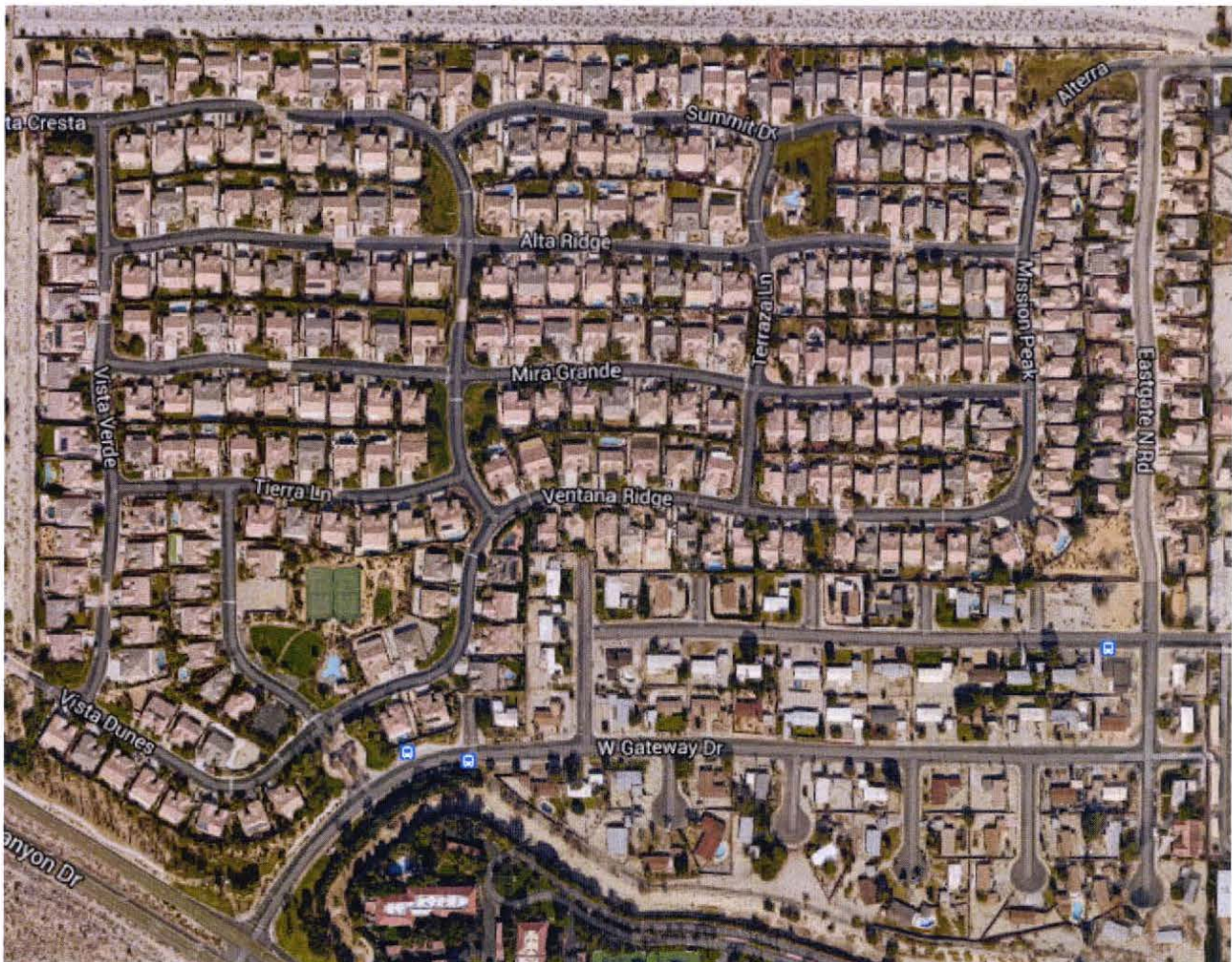
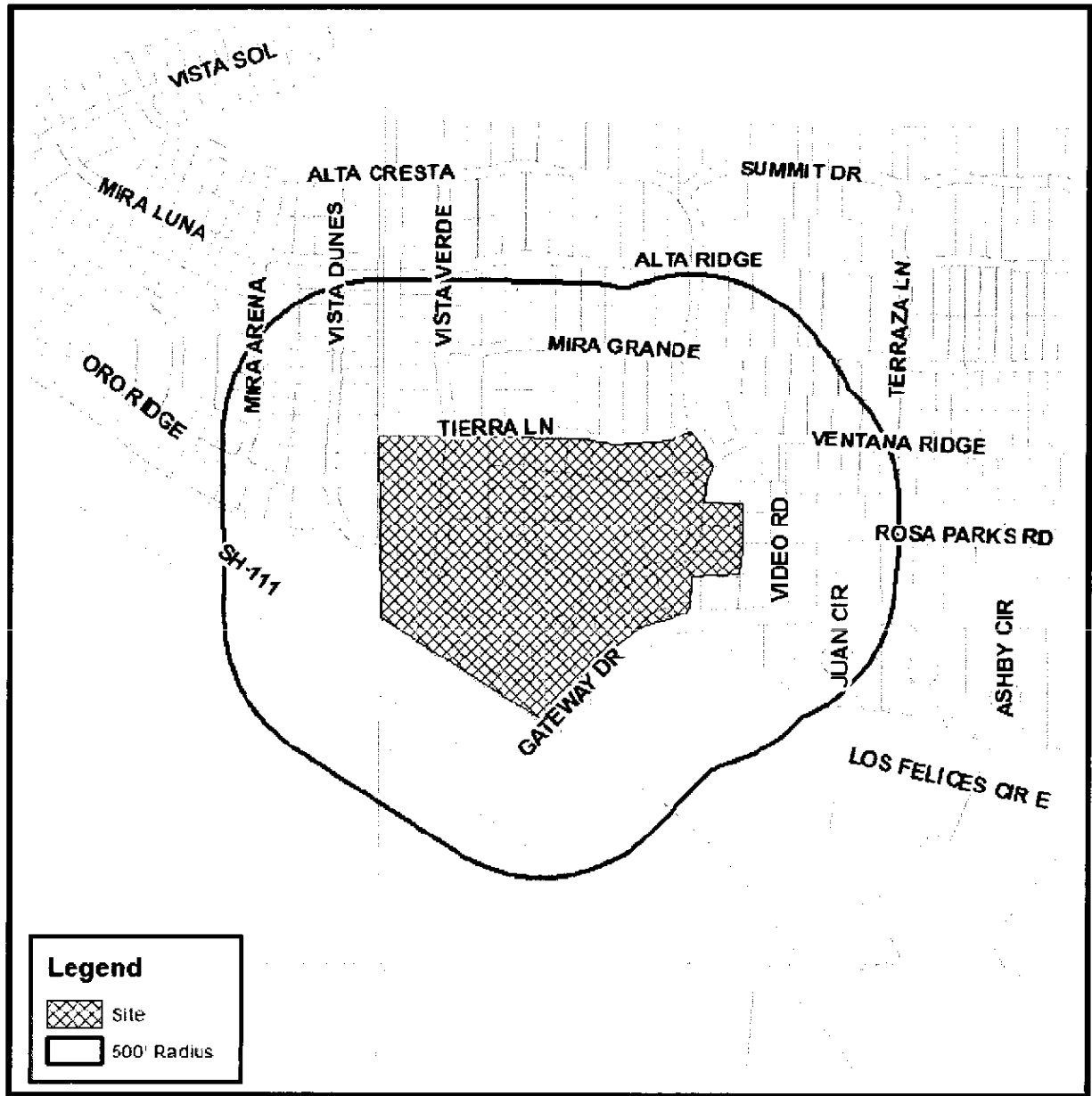


Figure 7

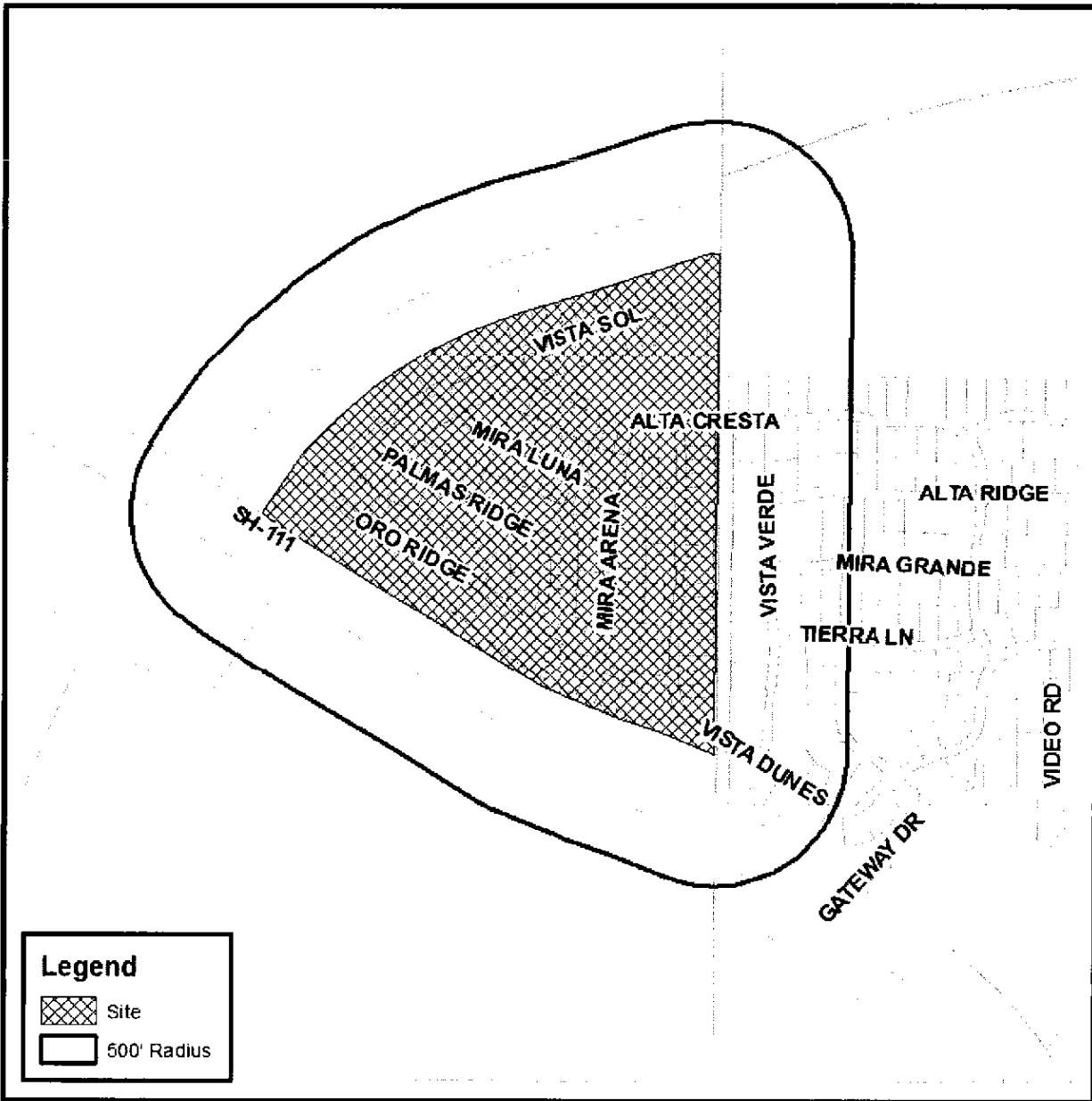


District No. 10 – Zone 1 Vicinity Map

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

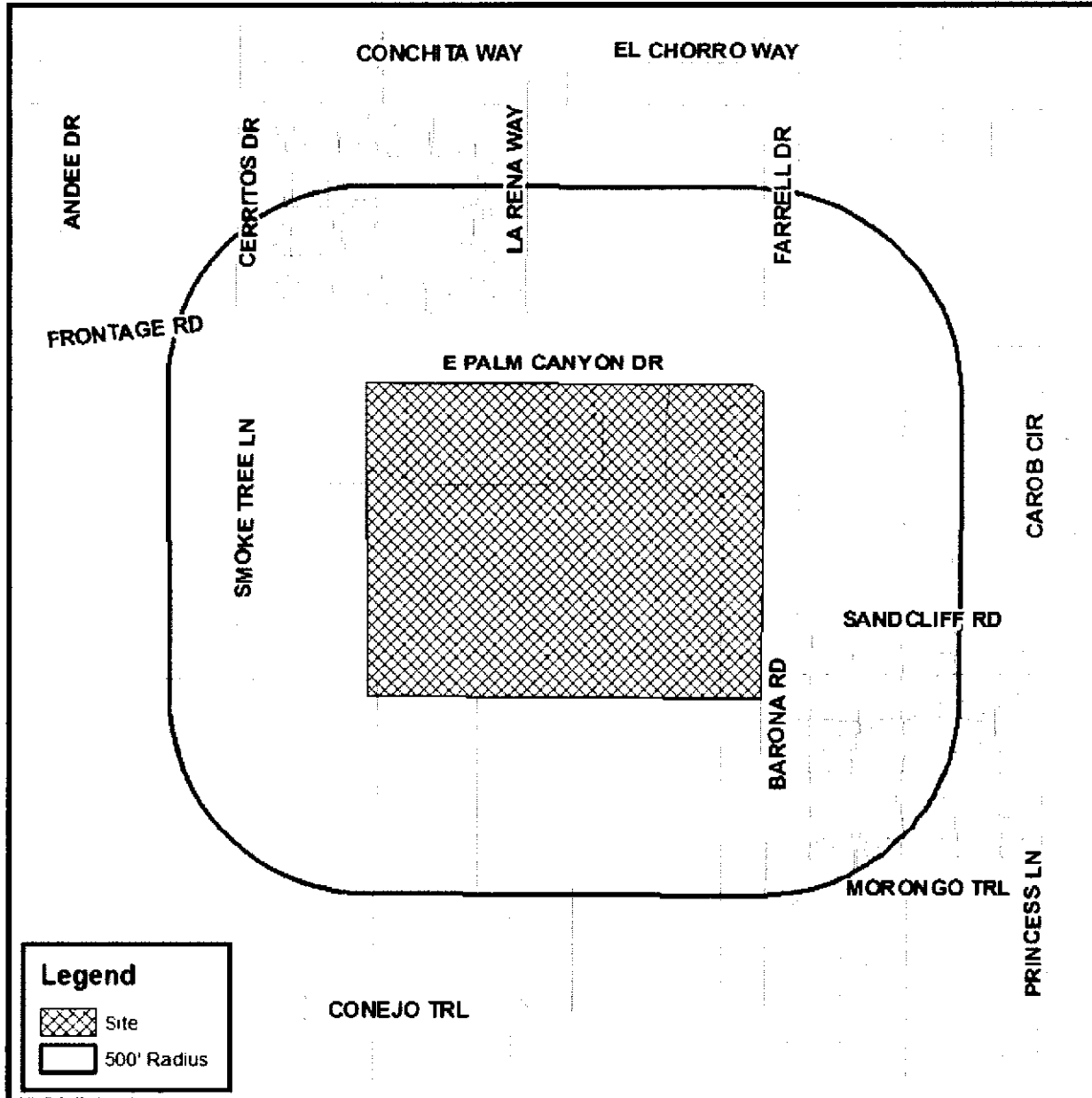


District No. 10 – Zone 2 Vicinity Map

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 7, 2017, 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 5, 2017, regarding the Districts and the levy and collection of special assessments related thereto. The Engineer’s Reports have been filed with the City Clerk and are available for public review. 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 2017/2018 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:

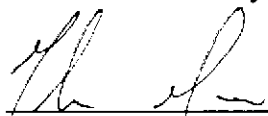
Approval of this action is the final annual step to continue levying special assessments in the City’s Street Lighting and Parkway Maintenance Districts. In accordance with the Engineer’s Reports prepared for each Maintenance District, on the basis that a majority protest is not presented at the public hearing the City Council can order the levying of special assessments to collect revenue to pay for expenditures incurred within each District, as identified in the following Table:

<u>Special District</u>	<u>FY 15/16 Levy Amount</u>	<u># of Parcels</u>
#3 (Crossley Tract)	\$ 4,282.50	75
#6A (Fairport Development)	\$ 5,154.06	25
#6C (Park Sonora Tract)	\$ 12,367.80	30
#7 (Sunrise Norte)	\$ 23,747.18	53
#8 (Vintage Palms)	\$ 20,111.56	62
#9 (Flora Vista)	\$ 17,409.70	77
#10 (Mountain Gate Zone 1)	\$ 133,108.88	308
#10 (Mountain Gate Zone 2)	\$ 133,254.24	196
#12 (Smoketree Commons)	\$ 15,323.00	6
	\$ 364,758.92	

The proposed assessments for Fiscal Year 2017/2018 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 XIII D (Proposition 218).

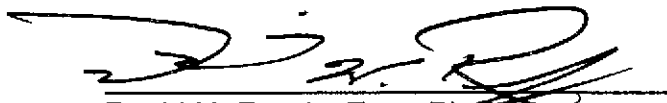
SUBMITTED:

Recommended by:



Thomas Garcia, P.E.
City Engineer

Approved by:



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

ATTACHMENT:

1. Resolution

ATTACHMENT 1

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 2017/2018

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 2017/2018 (commencing July 1, 2017, and ending June 30, 2018) 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 2017/2018 (commencing July 1, 2017, and ending June 30, 2018) 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 XIIID of the California Constitution (Proposition 218); and

WHEREAS, the City Council has noticed and held a Public Hearing on July 5, 2017, regarding the Districts, and the proposed improvements and assessments for Fiscal Year 2017/2018 (commencing July 1, 2017, and ending June 30, 2018), as described in the Report in accordance with the provisions of the Act and applicable provisions of Article XIIID 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 5, 2017, 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 XIIID 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 2017/2018 (commencing July 1, 2017, and ending June 30, 2018), 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 XIIID 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 2017/2018 (commencing July 1, 2017, and ending June 30, 2018) 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 5th day of July, 2017.

David H. Ready, City Manager

ATTEST:

Kathleen D. Hart, MMC
Interim City Clerk

CERTIFICATION

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

I, KATHLEEN D. HART, MMC, Interim 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 5, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Kathleen D. Hart, MMC, Interim City Clerk
City of Palm Springs, California

**CITY OF PALM SPRINGS
PUBLIC NOTIFICATION**




Date: July 5, 2016
Subject: Assessment Districts

AFFIDAVIT OF PUBLICATION

I, Cynthia A. Berardi, CMC, Interim 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 17, 2017.

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




Cynthia A. Berardi, CMC
Interim Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Cynthia A. Berardi, CMC, Interim 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 15, 2017.

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



Cynthia A. Berardi, CMC
Interim Chief Deputy City Clerk

RESOLUTION NO. 24233

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON JULY 5, 2017, 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 2017-2018.

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 2017/2018 (July 1, 2017, and ending June 30, 2018) 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 2017/2018 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 XIII D (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 5, 2017, 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 7TH DAY OF JUNE, 2017.

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

ATTEST:

Kathleen D. Hart, MMC
Interim City Clerk

CERTIFICATION

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

I, Kathleen D. Hart, Interim City Clerk of the City of Palm Springs, hereby certify that Resolution No. 24233 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 7, 2017, by the following vote:

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

Kathleen D. Hart, MMC
Interim City Clerk