

REPORT TO THE CITY COUNCIL



DATE: March 6, 2018

TITLE: Resolution to Continue Hearing Date to Annex and Assess 259 Homes Commonly Known as Rancho Del Oro to the City of Desert Hot Springs Landscape and Lighting Maintenance District No. 2 from April 3, 2018 to May 15, 2018

Prepared by: Daniel Porras, Community Development Director
Reviewed by: Jennifer Mizrahi, City Attorney

RECOMMENDATION

Adopt a Resolution of the City Council continuing the Public Hearing Date for the Hearing to Annex and Assess Property to Landscape and Lighting Maintenance District No. 2 (Annexation No. 18, Zone 19) and to Levy Assessments on Such Property for Fiscal Year 2018-19 (Rancho del Oro) from April 3, 2018 to May 15, 2018.

BACKGROUND:

In 2004, the City Council formed the Landscape and Lighting Maintenance District No. 2 ("the District") to collect annual assessments from properties throughout portions of the City to provide a funding mechanism for the installation, maintenance and servicing of landscaping. The District is currently comprised of 18 zones throughout the City and the improvements being provided may include but are not limited to: ground cover, shrubs, plants and trees, irrigation systems, landscape lighting, street lighting, graffiti removal, masonry walls, entry monuments, and associated appurtenant facilities. Services provided include all necessary service, operations, administration and maintenance required to keep the above mentioned improvements in a healthy, vigorous and satisfactory working condition.

The Rancho Del Oro residential subdivision is located on the north side of Mission Lakes Blvd. between Sonora Drive and West Drive, just south of Avenida Jalisco. The subdivision tracts were developed and recorded in 1992 and 1993. 259 single family homes were completed and the majority of the perimeter landscaping was installed. However, no provisions were made to maintain any of the perimeter landscape improvements and no assessment district was established or formed. The typical process for formation of such a district is for the property owners in each subdivision to form a Landscape Maintenance District, in which the cost of maintaining the landscaping is funded through an assessment that is paid for by the corresponding benefitting lots.

Initially the developer was maintaining the perimeter landscaping, but some time ago the developer stopped. In the interest of keeping the landscaping alive and viable, the City has been maintaining it. With the various financial struggles the City has been through (including multiple staff reductions) and with no funding mechanism initially or subsequently established for the ongoing maintenance, the maintenance efforts were recently reduced to only the minimal as-needed maintenance and emergency repairs. Throughout the last few years, City Staff worked with the Rancho Del Oro residents in an effort to establish a permanent solution to fund the landscape maintenance. In 2017, City Council held the requisite meetings and public hearings to initiate annexation into the District. Ultimately, however, annexation into the District failed due to a higher number of residents voting "no."

Subsequently, the City received a petition from 93 property owners within Rancho Del Oro to again initiate annexation into the District. In response to the Petition, the residents of Rancho Del Oro, On February 6, 2018, the City Council (the "City Council") of the City of Desert Hot

Springs passed a Resolution of Intention to, among other things, initiate proceedings for the annexation of certain property, as Annexation No. 18, Zone 19, to Landscape and Lighting Maintenance District No. 2 of the City of Desert Hot Springs (the "Assessment District") pursuant to the Landscaping and Lighting Act of 1972, as found in Part 2 (commencing with Section 22500) of Division 15 of the California Streets and Highways Code ("the Act"), for the planting and installation of public landscaping and facilities which are appurtenant thereto and the maintenance and servicing thereof in accordance with Section 22525 of the California Streets and Highways Code ("Resolution of Intention").

The Resolution of Intention, among other things, set the hearing for 6:00 p.m. on April 3, 2018.

The City would like to provide more time to the property owners to submit their ballots on the proposed annexation and assessment. The proposed new hearing date to be **at 6:00 p.m. on May 15, 2018**, in the Carl May Community Center located at 11711 West Drive. Pursuant to Proposition 218, the City must comply with applicable sections of Article XIII(D) of the California Constitution regarding the notice, hearing and protest procedures.

FISCAL IMPACT:

There is no fiscal impact, as a result of this action.

EXHIBIT(S):

- 1) Resolution to Continue Hearing Date