



Item Number: 19

City Council / Board of Directors

Written Communications

Meeting of: February 20, 2024

Submitted By:

Fredy Bonilla, City Engineer

Subject:

Initiate the Annexation of Tract No. 18980 into Drainage Facilities Assessment District No. 1 and Landscape Maintenance Assessment District No. 6

Recommendation:

That the Honorable City Council:

- 1) Approve Resolution No. 24-013 to initiate proceedings to annex Tract No. 18980 into Drainage Facilities Assessment District No. 1;
- 2) Approve Resolution No. 24-014 to initiate proceedings to annex Tract No. 18980 into Landscape Maintenance Assessment District No. 6;
- 3) Approve Resolution No. 24-015 to preliminarily approve the Drainage Facilities Assessment District No. 1 Engineer's Report;
- 4) Approve Resolution No. 24-016 to preliminarily approve the Landscape Maintenance Assessment District No. 6 Engineer's Report; and
- 5) Approve Resolution Nos. 24-017 and 24-018 setting a public hearing date of April 16, 2024.

Fiscal Impact:

There is no fiscal impact associated with the approval of resolutions listed above. Maintenance and servicing of the drainage and landscaping improvements in future years will be covered by the subsequent annual assessments levied on these and other properties within the boundaries of their assigned districts.

Strategic Plan Goal:

This item aligns with Goal A "Financial Sustainability" and Goal E "Invest in Infrastructure" of the 2023-26 Strategic Plan. Annual assessment revenue supports the expenses for operations, maintenance, and improvement of associated landscaping, parks, and infrastructure.

Background:

The property owner for Tract Map No. 18980 (Tract 18980) has petitioned the City to annex the tract into the City-Wide Drainage Facilities Assessment District No. 1 (DFAD1) and the Landscape Maintenance Assessment District No. 6 (LMAD 6) to comply with the Conditions of Approval for Tract 18980 which is located on Second Avenue just north of Silica Drive. Tract 18980 is a proposed 17-lot single-family subdivision that includes drainage and landscaping improvements along Second Avenue. This annexation will provide for the perpetual maintenance and servicing of the drainage and landscape improvements by means of a new annual assessment to each property within Tract 18980.

Discussion:

The City formed DFAD 1 and LMAD 6 pursuant to the Landscaping and Lighting Act of 1972, Streets and Highways Code section 22500 et seq. (the Act); the applicable provisions of Proposition 218 (Article XIID of the California Constitution, hereinafter referred to as the "California Constitution"); and Government Code section 53753, part of the Omnibus Act.

DFAD 1 and LMAD 6 allows the City to collect assessments for maintaining and servicing the drainage and landscaping improvements within these districts. Assessments are levied and collected annually according to the special benefits received by properties from the improvements provided by the City. The formation documents of DFAD 1 and LMAD 6 contain a mechanism permitting the annual assessment amount to be adjusted from time to time, commensurate with increases in the costs to maintain the drainage and landscaping improvements.

A public hearing regarding the amount of the assessments is conducted annually by the City Council. In accordance with the special benefit calculation contained in the annual Engineer's Report, the total assessments for DFAD 1 and LMAD 6 are equally distributed amongst all the parcels within the district boundaries. The current annual assessment amounts per parcel are \$221.75 for DFAD 1 and \$157.12 for LMAD 6. Both districts are adequately funded to perform all required maintenance and servicing of the proposed improvements for Tract 18980.

Sections 22605 through 22613 of the Act, as amplified by the California Constitution and Government Code section 53753, provide procedures for annexation of new territory into an existing assessment district. For Tract 18980 to become subject to the annual assessments applicable to DFAD 1 and LMAD 6, and to receive the level of perpetual maintenance provided to other properties within those assessment districts, annexation to DFAD 1 and LMAD 6 is required.

For this annexation to occur, the City Council must approve a series of eight resolutions at two City Council meetings. Resolutions Nos. 24-013 and 24-014 will initiate annexation, request the City Engineer's Reports, and file with the City Clerk for City Council consideration. The Engineer's Reports are required by the Act and include the estimated costs of the annexation, a description of the improvements, special benefits to be received

by the parcels, a determination of the estimated amounts of the assessments to be levied upon the properties proposed to be annexed, an annexation map, and other information as required by Article 4 (commencing with section 22565) of the Act and the California Constitution, as amplified by Government Code section 53753.

If the foregoing resolutions are approved, the Engineer's Reports would be preliminarily approved by Resolution Nos. 24-015 and 24-016, which would also declare the City Council's intent to annex Tract 18980 into DFAD 1 and LMAD 6. At this same meeting, a fifth and sixth resolution also need to be approved by the City Council to set a public hearing of April 16, 2024, and order the mailing of the public hearing notices and assessment ballots to the property owners within Tract 18980, no less than 45 days prior to said public hearing.

During the April 16, 2024 meeting, the City Council would then conduct the Public Hearing and count the assessment ballots submitted. If at the end of the public hearing, the ballots cast in favor of the annexation exceed the ballots cast in opposition, the City Council may proceed to annex Tract 18980 into DFAD 1 and LMAD 6, approve the Engineer's Reports for each assessment district, order the assessments to be levied, and complete the subsequent annexations by approving the final resolutions.

Therefore, staff recommends that the City Council approve Resolution No. 24-013 to initiate proceedings to annex Tract 18980 into DFAD 1 and Resolution No. 24-014 to annex into LMAD 6, approve Resolution Nos. 24-015 and 24-016 to preliminarily approve Engineer's Reports for both districts, and approve Resolution Nos. 24-017 and 24-018 setting a public hearing date of April 16, 2024.

Staff remains available for any questions Council may have.

- Attachments:**
- A. Vicinity Map
 - B. Resolution No. 24-013
 - C. Resolution No. 24-014
 - D. Resolution No. 24-015
 - E. Resolution No. 24-016
 - F. Resolution No. 24-017
 - G. Resolution No. 24-018
 - H. Engineer's Reports
 - I. Petitions from Developers