

CITY COUNCIL

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APPROVED

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DENIED

Reso No. _____

File No. _____

Ord No. _____

Agenda Item No.: 15
Date: May 19, 2010

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Director of Engineering Services
Frank P. Schmitz, Parks and Open Space Administrator

SUBJECT: City of Escondido Landscape Maintenance District Public Hearing

RECOMMENDATION:

It is requested that the City Council receive input from the property owners in Zones 1-36 of the City of Escondido Landscape Maintenance District (LMD) (map attached) on the proposed assessments for FY 2010/2011.

FISCAL ANALYSIS:

The LMD reimburses all costs incurred by the City in all zones except Zone 12 and Zone 13. The City of Escondido purchased property adjacent to the Reidy Creek environmental channel that lies within Zone 12 and therefore assumed the assessment assigned to this property. Zone 13 was formed to pay for the maintenance of the median landscaping in Centre City Parkway south of Felicita Avenue and north of Montview Drive. The City shares the cost of the maintenance in Zone 13 with the two shopping centers on either side of the parkway.

PREVIOUS ACTION:

The City Council approved the formation of the LMD in 1986. The City Council approved the FY 2010/2011 preliminary Engineer's Report for the LMD on March 24, 2010.

BACKGROUND:

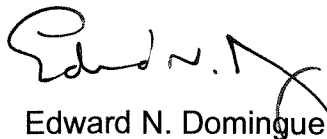
On November 5, 1996, the California voters approved Proposition 218 which, among other things, requires property owner approval for any new assessment and any increase in any existing assessment. Certain assessments that were in existence prior to the passage of Proposition 218 were exempt from this new approval process as long as the assessments were not increased above the amount established at the time the assessment district and any related zones were formed. The LMD is one such district. In FY 2010/2011 there is a proposed increase in the assessment for Zone 4. Ballots have been sent to the property owners in Zone 4 giving them the option of approving or rejecting the proposed assessment. Completed ballots will be accepted until the close of the public

hearing on May 19, 2010. The ballots will be tabulated on Thursday May 20, 2010 at 9:00 AM in Training Room #1 at City Hall. The public is invited to observe this tabulation. The results of the ballot tabulation will be reported to the City Council at the June 16, 2010 City Council meeting in conjunction with City Council action to approve the Final Engineer's Report and setting of assessments for FY 2010/2011.

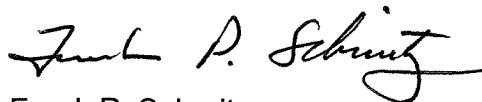
In addition to the proposed increase in the assessment for Zone 4, City staff has determined that the maximum authorized assessments in five other zones are lower than what the assessment law allows. Because the provisions of Proposition 218 pertaining to the levy of annual assessments were unclear, in 1997 the City of Escondido took a conservative approach to this new law and used the budgeted assessments for each zone of the LMD for FY 1997/1998 as the baseline or maximum authorized assessments that the City could levy within each zone. Thereafter, if in any year the City levied the annual assessment within a zone below the assessment levied in 1997/1998, the City determined these lower assessments to be the maximum authorized assessments to be imposed in that zone in later years. Additionally, beginning in 1997, the City followed the requirement of seeking approval from the property owners in any zone for any proposed increases above these maximum authorized assessments.

Since 1997, the state legislature has adopted legislation and the courts have considered many cases which have clarified the provisions of Proposition 218 that pertain to assessments. In light of these clarifications, and as part of the process of establishing the annual LMD assessments for FY 2010/2011, a review was done by City staff of the maximum authorized assessments in all zones within the LMD existing prior to the passage of Proposition 218. It was determined that in Zones 2, 3, 5, 8, and 11 the maximum authorized assessments being used by the City were below the actual maximum authorized assessments approved by property owners and provided by law. Beginning in FY 2010/2011 it has been determined that the City is authorized to levy the annual assessments in Zones 2, 3, 5, 8, and 11 at the correct maximum authorized assessment approved by property owners and in place when these zones were first formed and annexed into the LMD. Letters have been sent to each property owner in these zones informing them of this determination.

Respectfully submitted,



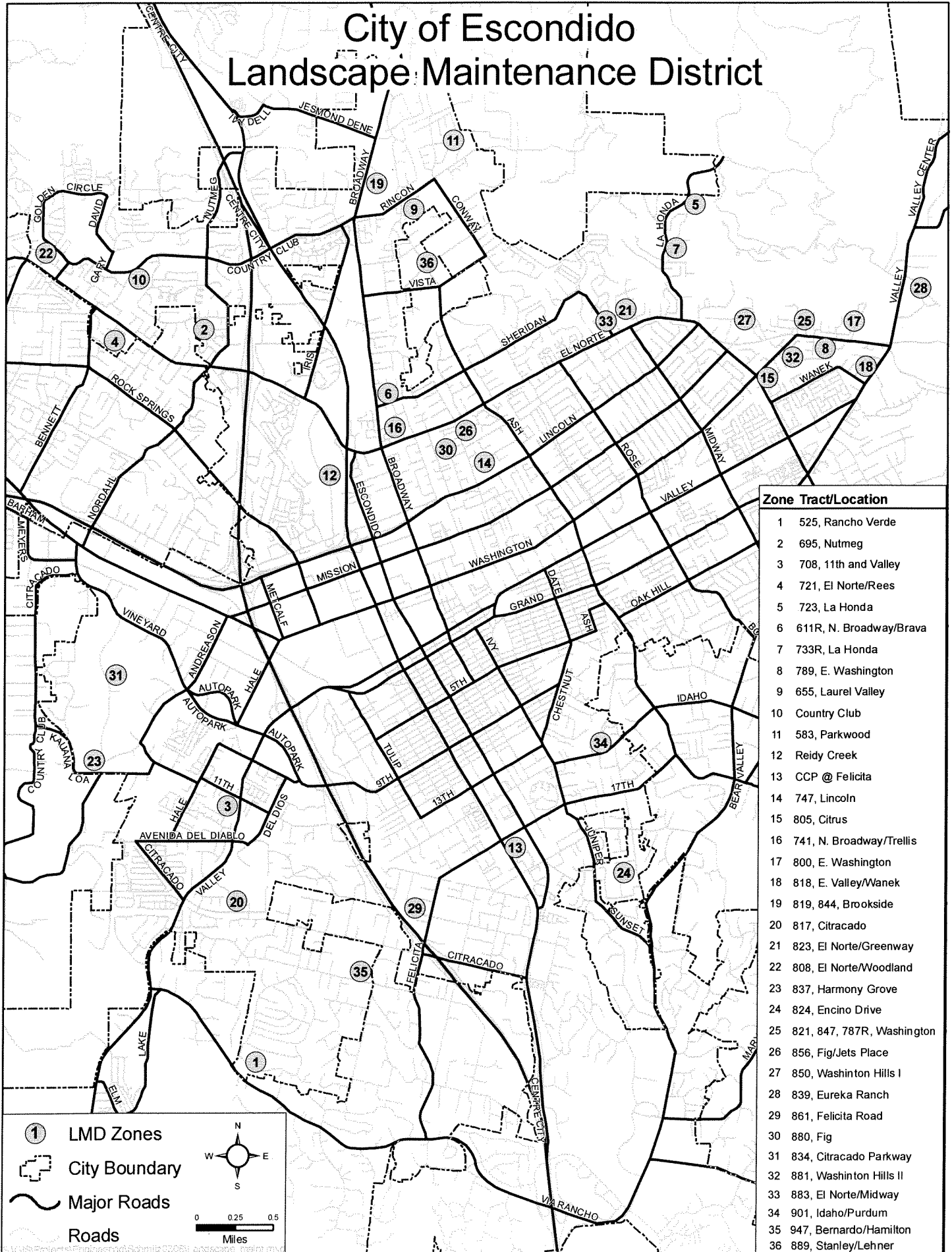
Edward N. Domingue, P.E.
Director of Engineering Services



Frank P. Schmitz
Parks and Open Space Administrator

City of Escondido

Landscape Maintenance District



Zone Tract/Location

- 1 525, Rancho Verde
- 2 695, Nutmeg
- 3 708, 11th and Valley
- 4 721, El Norte/Rees
- 5 723, La Honda
- 6 611R, N. Broadway/Brava
- 7 733R, La Honda
- 8 789, E. Washington
- 9 655, Laurel Valley
- 10 Country Club
- 11 583, Parkwood
- 12 Reidy Creek
- 13 CCP @ Felicita
- 14 747, Lincoln
- 15 805, Citrus
- 16 741, N. Broadway/Trellis
- 17 800, E. Washington
- 18 818, E. Valley/Wanek
- 19 819, 844, Brookside
- 20 817, Citracado
- 21 823, El Norte/Greenway
- 22 808, El Norte/Woodland
- 23 837, Harmony Grove
- 24 824, Encino Drive
- 25 821, 847, 787R, Washington
- 26 856, Fig/Jets Place
- 27 850, Washinton Hills I
- 28 839, Eureka Ranch
- 29 861, Felicita Road
- 30 880, Fig
- 31 834, Citracado Parkway
- 32 881, Washinton Hills II
- 33 883, El Norte/Midway
- 34 901, Idaho/Purdum
- 35 947, Bernardo/Hamilton
- 36 889, Stanley/Lehner