

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 06/26/06		Item Number: <u>PH-1</u>	
AGENDA ITEM: Public Hearing Considering Adoption of a Resolution Approving the Engineer's Report and Ordering the Annual Assessment Levy and Collection for the Higuera Street Landscaping and Lighting Maintenance District - Fiscal Year 2006/2007			
Contact Person/Dept.: Dan Garcia/PW		Phone Number: (310) 253-5604	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: <u>Legal:</u> The Resolution of Intention was posted on the City's official bulletin board on April 27 and June 15, 2006 and published in the April 27 and June 15, 2006 issues of Culver City News. <u>Non-Legal:</u> First Class Postcards were mailed to the property owners on April 27 and June 15, 2006. Master Notification List on April 27 and June 15, 2006.			
Department Approval: Charles D. Herbertson (06/15/06)		CAO Approval: Martin R. Cole for Jerry B. Fulwood	
City Controller Approval: Marlee Chang (06/21/2006)			
<u>RECOMMENDATION:</u> Staff recommends the City Council conduct a public hearing and adopt a resolution approving the Engineer's Report and the levy and ordering of assessments for Fiscal Year July 1, 2006 to June 30, 2007. <u>PROCEDURE:</u> Mayor: Announce that this is the time and place for the public hearing to discuss the annual levy of assessments for the Higuera Street Landscaping and Lighting Maintenance District for Fiscal Year 2006/2007. City Clerk: Announce that Notice of this hearing has been given pursuant to the provisions of Chapter 15.01 of the Municipal Code of the City of Culver City, California, and pursuant to the provisions of the City Council's Resolution 2006-R032 and in accordance with Articles XIII C and D of the California Constitution, known as the			

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“Right to Vote on Taxes Act” (Proposition 218) and the 1972 Landscape and Lighting Assessment District Act, and that the following affidavits are on file in his office:

1. Affidavit of Publication; and
2. Affidavit of Posting.

Mayor and Council: Motion to receive and file all affidavits.

City Engineer: Present the City Engineer's Report and explain method of assessment for the annual levy.

City Clerk: Announce the number of written protests received, if any, and announce that copies of all such protests have been delivered to the City Council OR, summarize the contents thereof.

Mayor: First, ask to hear from those who have filed a written protest. Next, ask to hear from those in the audience wishing to speak against the proposed assessments.

Then, ask to hear from anyone who wishes to speak in favor of the proposed assessments.

Mayor and Council: Declare the Public Hearing CLOSED.

Mayor and Council: Discussion.

Mayor and Council: By Motion, overrule and deny all protests, assuming protests represent less than 50% of property interest.

Mayor and Council: By Motion, adopt the Resolution approving the Engineer's Report, confirming the assessments and the diagram of the District.

BACKGROUND:

The District was created in 1995 for the purpose of providing on-going maintenance of landscaping and special lighting. The City Council required the property owners to maintain, in perpetuity, the improvements installed at City cost. Those improvements restricted through-traffic along Higuera Street and created

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landscaped parkways and medians and provided special residential lighting. A location map is included in the Engineer's Report.

The annual amount collected for Fiscal Years 1995/96 through 2002/03 was \$13,400. For the first time in the District's history, an increase was supported by a 52 to 48 percent vote of the District property owners in fiscal year 2004/2005. The increase covered the District's existing deficit of \$912 and the increased cost of maintenance of the parkways, of \$5,012, for a total annual assessment of \$19,324.

DISCUSSION:

On May 8, 2006, the City Council adopted Resolution 2006-R032, ordering the preparation of the Engineer's Report, which is required by Chapter 15.01 of the Culver City Municipal Code, prior to scheduling a public hearing for the annual assessment for landscaping and lighting maintenance. The assessment for the District includes costs for providing complete maintenance, administration, and for preparation of the Engineer's Report for the 2006/07 Fiscal Year.

Also as part of adopting Resolution 2006-R032, the City Council addressed the Higuera Street Landscaping and Lighting Maintenance District's (District) annual budget and corresponding charges to be levied to cover all costs for the next fiscal year's assessment and setting June 26, 2006 as the date for the public hearing.

The estimated cost to be incurred during the 2006/07 Fiscal Year is \$19,324. It is recommended that the surplus of \$198.49 generated in Fiscal Year 2005-2006 be carried over to the Fiscal Year 2006/07 assessment account. In compliance with Resolution 95-R056 and as stipulated in Section VII.B of the Engineer's Report, any deficit/surplus shall be carried over to next year's assessment.

If a majority protest exists for continuing the existing annual assessment, Council could still impose the existing assessment with a 4/5ths majority vote. Alternatively, Council could, by simple majority, order the District disbanded and discontinue the services. A resolution implementing that disbanding action would be brought back at a subsequent meeting.

Lastly, Council could, by 4/5ths majority vote, impose the existing assessment, suspend collection of that assessment and continue the services, funding them with the City's General Fund.

This report, the Engineer's Report, and the Resolution were prepared in conjunction with the City Attorney's Office.

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FISCAL ANALYSIS:

The Higuera Street Landscaping and Lighting Maintenance District budget is 100 percent self-supporting for all expenditures. Property owners within the District are charged for their fair share of these costs, based upon their benefit, as described in the Engineer's Report.

ATTACHMENTS:

- Engineer's Report
- Resolution
- Notification Postcards

MOTION:

Adopt a Resolution approving the Engineer's Report and ordering the levy and collection of the annual assessment for the Higuera Street Landscaping and Lighting Maintenance District for Fiscal Year 2006/2007.