

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 07/12/10		Item Number: <u>PH-1</u>	
AGENDA ITEM: PUBLIC HEARING - (1) Tabulation and Announcement of the Results of the Assessment District Formation Ballot for the Proposed West Washington Benefit Assessment District Number Two; and,(2) Absent a Majority Protest, Adoption of a Resolution Confirming the Diagram and Assessment and Ordering the Improvements, Services and Annual Levy for Said Assessment District.			
Contact Person/Dept.: Elaine Warner		Phone Number: 310.253.5777	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: (E-MAIL) Meetings and Agendas – City Council (07/7/10); (USPS – Official Ballots) Property Owners in West Washington Assessment District No. 1 (05/24/10), Resolution of Intent published in Culver City News (7/1/10)			
Department Approval: Sol Blumenfeld (06/24/10)		City Attorney Approval: Carol Schwab (by H. Baker) (07/07/10)	
Chief Financial Officer Approval: Jeff Muir (by N. Kimball) (07/07/10)		City Manager Approval: P. Lamont Ewell (07/08/10)	

RECOMMENDATION:

Staff recommends the City Council (1) authorize the City Clerk to tabulate and announce the results of the assessment district formation ballot for the West Washington Boulevard Assessment District Number Two; and, absent a majority protest, (2) adopt a Resolution confirming the diagram and assessment and ordering the improvements, services, and annual levy for said Assessment District.

PROCEDURE:

1. The Mayor seeks a motion regarding the filing of the affidavit of posting of the notices for this Public Hearing.
2. The Mayor calls on staff for a brief staff report.
3. The Mayor seeks a motion to open the public hearing.
4. The City Clerk announces this is the time and place for those who wish to submit ballots in person to do so.
5. The City Clerk begins tabulation of the Assessment Ballots (the City Clerk may request that the public hearing be briefly recessed to allow ballot tabulation to occur)
6. The City Council receives comment from public.
7. The Mayor seeks a motion to close the public hearing after all testimony has been presented and all ballots have been received and tabulated.
8. The City Clerk announces the results of the Assessment Ballot Tabulation
9. Should a majority protest exist, then no further action to form the proposed District can be taken by the City Council at this time.

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10. Absent a majority protest, the City Council discusses the matter and arrives at its decision.

BACKGROUND:

In November 2009, the City Council adopted a Resolution of Initiation to begin the proceedings for the formation of a second benefit assessment district along West Washington Boulevard. The name designated for this proposed district is "West Washington Boulevard Benefit Assessment District Number Two" (District).

Conceptual plans for three (3) new medians were developed and approved by the Culver City Redevelopment Agency Board in May, 2010 and the official Engineers Report was reviewed and approved by the City Council in June 2010. The Engineer's Report outlines the requirements for and benefits of the District and details the general nature, location and extent of the improvements to be maintained, the costs of the maintenance, operations and servicing of the improvements, and includes a diagram showing the area and properties to be assessed.

Pursuant to Section 15.01.060 of the Culver City Municipal Code and Article XIID of the Constitution of the State of California, the official ballot for formation of the West Washington Assessment District No. 2 and the public hearing notice was created and mailed on May 25, 2010 to all record property owners.

DISCUSSION:

Unless a majority protest is received during the ballot process, the City Council may consider adopting a resolution to order the improvements and services, and levy the annual assessment for the District. Should the City Council adopt the proposed resolution, the assessments for the District contained in the Engineer's Report for Fiscal Year 2010/2011 will be confirmed and levied upon the respective lots or parcels within the District as set forth in the Engineer's Report. The diagram and assessment shall be filed in the Office of the City Clerk and be available for public inspection. In accordance with the terms of the proposed resolution, the City Clerk will be authorized to immediately file a certified copy of the diagram and assessment with the County Auditor. After the filing of the diagram and assessment, the County Auditor shall enter onto the County assessment roll opposite each lot or parcel of land, the amount assessed thereon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection of the assessments.

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Should the City Council adopt the proposed Resolution, staff will initiate Phase II of the landscape architect contract (which was approved by the Agency Board on September 21, 2009) and will provide a notice to proceed relative to the creation of construction documents. It is anticipated that the document preparation and bid process will take approximately four to six months. Construction of the medians would begin in January 2011.

If a majority protest to levy the assessments exists upon tabulation of the ballots, the District cannot be formed at this time. In that event, the City Council may wish to direct staff to revisit the assessment formation for a different area and/or the policy to implement public improvements without maintenance assistance from local property owners.

FISCAL IMPACT:

Should a majority protest not exist and the City Council adopt the proposed Resolution, the property assessments from the District will provide revenue to fund the ongoing maintenance of the streetscape median project, including a reserve fund for unforeseen expenses, commencing in Fiscal Year 2010/2011. Beginning in Fiscal Year 2011/2012 and each fiscal year thereafter, the maximum amount of each assessment (the "Maximum Assessment") shall be increased by the February Consumer Price Index for all Urban Consumers for Los Angeles – Riverside – Orange County area without further compliance with the assessment ballot procedures required under the CCMC and Article XIID. The City Council may then levy an assessment no greater than the Maximum Assessment.

ATTACHMENTS:

1. Proposed Resolution

MOTION:

That the City Council:

1. Conduct the public hearing and obtain the results of the assessment district formation balloting from the City Clerk for the proposed West Washington Benefit Assessment District Number Two; and,

- 2A. (Absent a majority protest) Adopt a Resolution confirming the Diagram and Assessment and ordering the Improvements, Services and Annual Levy for the West Washington Benefit Assessment District Number Two;

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OR.

- 2B. (In the event a majority protest exists), cease formation action of the proposed district and direct staff as deemed appropriate.