

**City of Culver City, California
Agenda Item Report**

Meeting Date: 06/25/2012		Item Number: <u>PH-1</u>	
CITY COUNCIL AGENDA ITEM: PUBLIC HEARING Adoption of a Resolution Confirming the Assessment and Ordering the Levy for the Albright Avenue Street Lighting Assessment District - Fiscal Year 2012/2013			
Contact Person/Dept.: Mate Gaspar/PW		Phone Number: 310-253-5602	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: (E-Mail) Agenda and Meetings – City Council (06/21/2012); (Letter) Property Owners within the Assessment District (06/22/2012);			
Department Approval: Charles D. Herbertson (06/13/12)		City Attorney Approval: Carol Schwab (by H. Baker) (06/21/12)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (06/21/12)		City Manager Approval: John M. Nachbar (06/21/12)	
<u>RECOMMENDATION:</u> Staff recommends the City Council adopt a Resolution confirming the assessment and ordering the levy for the Albright Street Lighting Assessment District for Fiscal Year 2012/2013. <u>PROCEDURE:</u> 1. Mayor seeks motion from City Council to receive and file the affidavits of publication and posting of notices, and correspondence received in response to the public hearing notices; and, 2. Mayor calls for a staff report and the City Council Members may pose questions to staff as desired; and, 3. Mayor seeks a motion to open the public hearing; and, 4. Mayor seeks a motion to close the public hearing after all public testimony has been presented; and, 5. City Council discusses the item and arrives at its decision. <u>BACKGROUND:</u> On June 11, 2012, the City Council approved the Engineer's Report, declared its intention to order the assessment levy and collection of assessments, and set the date, time and place for this public hearing for the Albright Avenue Streetlight Assessment District.			

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DISCUSSION:

The total cost incurred for the improvement was \$53,152 which was the basis for the subject assessment levy. The costs to be assessed during each fiscal year beginning in Fiscal Year 2005/2006 are \$6,552.00, including Fiscal Year 2012/2013. This is the eighth year of the ten year assessment plan to recoup the cost of the project. One property owner has entirely paid the remaining principal for their portion of the assessment levy and will no longer receive an assessment levy on their property tax bill.

Pursuant to Section 15.01.070.H of the Culver City Municipal Code (CCMC), any interested persons may file a written protest with the City Clerk (or withdrawal a previously filed protest) until the conclusion of the Public Hearing. Pursuant to Article XIII D of the California Constitution (Proposition 218), the City shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, written notices submitted in opposition to the assessment exceed the written notices submitted in favor of the assessment. In determining if a majority protest exists, the written notices shall be weighted according to the proportional financial obligation of the affected property.

Should a majority protest exist, the City Council cannot impose the annual assessment. However, pursuant to CCMC Section 15.01.070 (J and K), the City Council may choose to order changes in any of the matters provided in the report, including changes in the improvements or services, or both, any zones within the district, and the proposed diagram or proposed assessment so long as the changes do not result in an increase of the rates above the voter approved maximum rates adjusted by an inflationary formula, if any, or it may choose to adopt a resolution confirming the diagram and assessment, either as originally proposed or as changed by it. Adoption of such resolution constitutes the assessment levy for Fiscal Year 2012/2013. The City Council may also choose to dissolve the District pursuant to CCMC Section 15.01.065.A.3 or pay for the improvements with the City's General Fund.

FISCAL ANALYSIS:

The Albright Avenue Street Lighting Assessment District budget is 100 percent self-supporting for all expenditures related to the street lighting installation improvement. Property owners within the District are charged for their fair share of these costs, as described in the Engineer's Report. The cost of operations and maintenance are assumed by the City as part of the City's street lighting system grid.

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ATTACHMENT:

1. Proposed Resolution

MOTION:

That the City Council:

(Absent a majority protest) Adopt a Resolution confirming the assessment and ordering the levy for the Albright Avenue Street Lighting Assessment District - Fiscal Year 2012/2013.