

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 06/27/05		Item Number: PH-2	
AGENDA ITEM: Public Hearing Concerning Adoption of a Resolution Confirming the Assessment Levy and Ordering the Maintenance Work for the Higuera Street Landscaping and Lighting Maintenance District - Fiscal Year 2005/2006			
Contact Person/Dept.: Jorge Pachas		Phone Number: (310) 253-5604	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: The Resolution of Intention was posted on the City's official bulletin board on June 17, 2005. First Class Postcards were mailed to the property owners on June 7, 2005 and Master Notification List on June 22, 2005.			
Department Approval: Charles D. Herbertson 6/16/05		CAO Approval: Jerry Fulwood 6/20/05	
City Controller Approval: Jim Lavery 6/20/05			
<u>RECOMMENDATION:</u> Staff recommends that the City Council hold a public hearing, consider all presentations from the public and determine what charges should be assessed to each benefited property for the services provided. Upon closing the public hearing, City Council is requested to confirm the assessments, the diagram and order the maintenance assessment for Fiscal Year July 1, 2005 to June 30, 2006 by adoption of a resolution, unless the results of the public discussion dictate otherwise. <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 2005/2006. City Clerk: Announce that Notice of this hearing has been given pursuant to the provisions of Chapter 15.01 of Code of the City of Culver City, California, and pursuant to the provisions of the City Council's Resolution 2005-R033, 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 of Culver City, California
City Council Agenda Item Report

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

In October 1996, all of the 76 property owners in the District were sent a descriptive letter and an 'Advisory Ballot' to determine whether to continue to assess the properties for landscaping and lighting maintenance on Higuera Street. The letter and Advisory Ballot were prepared by the City Attorney to assure compliance with Proposition 218. There were 44 valid votes returned to the City. Of those 44 votes, 27 voted to continue the assessment and 17 voted to discontinue. That vote

City of Culver City, California
City Council Agenda Item Report

resulted in the establishment of the District as then conforming to all requirements of Proposition 218.

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 last year. The increase covered the District's existing deficit of \$912 and included maintenance of the parkways, which cost \$5,012, for a total assessment of \$19,324

DISCUSSION:

On April 4, 2005, the City Council adopted Resolution 2005-R016, ordering the preparation of the City 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 City Engineer's Report for the 2005/06 Fiscal Year.

On May 9, 2005, the City Council adopted Resolution 2005-R033, approving the City Engineer's Report that 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 27, 2005 as the date for the public hearing.

The estimated cost to be incurred during the 2005/06 Fiscal Year is \$19,324. It is recommended that the surplus of \$198.49 generated in Fiscal Year 2004-2005 be carried into the Fiscal Year 2006/07 assessment. In compliance with Resolution 95-R056 and as stipulated in Section VII.B of this report, any deficit/surplus shall be carried over to next year's assessment.

The Parks Division is responsible for overseeing all landscape maintenance work performed by the contractor as well as contract management including bidding process and contract award.

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.

City of Culver City, California
City Council Agenda Item Report

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 and the Resolutions were prepared in conjunction with the City Attorney's Office.

Public Notification

Legal:

The Resolution of Intention was posted on the City Hall official bulletin board on June 17, 2005.

Non-Legal:

First Class Postcards were mailed to the property owners on June 9, 2005.

The City's Master Public Notification List was notified via e-mail on June 22, 2005.

FISCAL ANALYSIS:

The Higuera Street Landscaping and Lighting Maintenance District budget should be 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 City Engineer's Report.

ATTACHMENTS:

- City Engineer's Report
- Recommended Resolutions
- Notification Postcards

MOTION:

That the City Council:

Adopt a Resolution confirming the annual assessment levy and ordering the landscape and lighting maintenance work for the Higuera Street Landscaping and Lighting Maintenance District, within Culver City, for Fiscal Year 2005/2006.