

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 06/09/08		Item Number: <u>PH - 4</u>	
AGENDA ITEM: PUBLIC HEARING - 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 2008/2009			
Contact Person/Dept.: Mate Gaspar/PW		Phone Number: (310) 253-5602	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification:			
<u>Legal:</u> The Resolution of Intention was published in the April 17, 2008 issue of the Culver City News.			
<u>Non-Legal:</u> First Class Postcards were mailed to the property owners on April 22, 2008.			
Master E-Mail Notification List (06/04/08)			
Department Approval: Charles D. Herbertson (05/29/08)		City Attorney Approval: Carol Schwab (by H. Baker) (06/02/08)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (have ?)		City Manager Approval: Jerry B. Fulwood (06/04/08)	
<u>RECOMMENDATION:</u> Staff recommends the City Council, based on the outcome of the ballot measures and discussion, adopt a resolution 1) approving the Engineer's Report and 2) ordering the assessment levy for Fiscal Year 2008/2009 for the Higuera Street Landscaping and Lighting Maintenance District. <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 2008/2009. 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 2008-R024 and in accordance with			

City of Culver City, California
City Council Agenda Item Report

Articles XIII C and D of the California Constitution, known as the “Right to Vote on Taxes Act” (commonly known as 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: Seek Motion to receive and file all affidavits.

City Engineer: Presents the City Engineer's Report and explains method of assessment for the annual levy.

City Clerk: Announces the tally of ballots supporting and opposing each of the ballot issues.

Mayor: Seek a Motion to open the Public Hearing

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: Offer an opportunity for Rebuttal and announce this is the property owners’ final opportunity to change or withdraw their votes.

Mayor and Council: Seek a motion declaring the Public Hearing closed.

Mayor and Council: Discussion.

Mayor and Council: By Motion, depending upon whether or not a majority of voters approve the increased assessment, adopt a Resolution regarding the assessments

BACKGROUND:

The District was created in 1995 for the purpose of providing on-going maintenance of landscaping and special residential street lighting. The City Council required the

City of Culver City, California
City Council Agenda Item Report

property owners to maintain, in perpetuity, the improvements installed at City cost. Those improvements restricted through-traffic along Higuera Street and created landscaped parkways and medians and provided special residential street lighting. A location map is included in the Engineer's Report.

The annual amount currently collected is \$19,324. In 2007-08, due to the higher costs of maintaining the District, a ballot measure to increase the annual assessments was mailed to the property owner. The ballot failed to pass by a majority of the voting property owners and no increase was implemented. As a result, maintenance services to the District were reduced during certain periods of this fiscal year.

DISCUSSION:

On April 21, 2008, the City Council adopted Resolution 2008-R024, ordering the preparation of the City Engineer's Report, declaring its intention to order the levy of annual assessment and scheduling this public hearing for Fiscal Year 2008/2009 for the Higuera Street Landscaping and Lighting Maintenance District.

The attached City Engineer's report shows that the actual estimated costs to maintain the District are greater than what is currently being assessed on the property owners. Staff estimates that the cost to maintain the District in Fiscal Year 2008/2009 will be \$22,996 (compared with the currently collected amount of \$19,324 for Fiscal Year 2007/2008).

The proposed Fiscal Year 2008/2009 assessment levy is \$22,996. (Detail information is included in the attached City Engineer's report).

Based on this aforementioned information, staff mailed ballots to each property owner within the District. The property owners were requested to return the ballot in the return envelope.

The ballot measure is asking the property owner the following:

I APPROVE A 19% INCREASE TO MY EXISTING ASSESSMENT FROM \$_____ TO \$_____ PER YEAR, FOR THE CURRENT LEVEL OF SERVICE OF MAINTENANCE AND IRRIGATION OCCURRING ONCE A WEEK TO PAY FOR MY SHARE OF THE DISTRICT'S COSTS.

The proposed total assessment levy would represent an increase of 19% from the current \$19,324 to \$22,996. If the ballot measure fails, the City Council could (1) reduce the proposed level of maintenance in the district commensurate with the

City of Culver City, California
City Council Agenda Item Report

funds derived from the current assessment; (2) disband the District and discontinue the services, or (3) absorb the additional costs to maintain the District into the City's General Fund (which given the purpose of the District to be self-sufficient and the current other needs for general funds in other areas and programs of the City, staff does not recommend this action),

Should the City Council determine to order the District disbanded and discontinue the services (Option 2), such an action would require a majority vote of the Council. A resolution implementing that action would be brought for City Council consideration at a subsequent meeting.

Should the City Council determine to suspend collection of said assessment and continue the services, funding them with the City's General Fund (Option 3), such an action would require a four-fifths vote of the Council.

Public Notification

Legal:

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Non-Legal:

Letters were mailed to the property owners on April 22, 2008.

FISCAL ANALYSIS:

The Higuera Street Landscaping and Lighting Maintenance District budget is intended to 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 Engineer's Report.

The annual amount currently collected is \$19,324. Last year's ballot measure to increase the assessment was not approved by the property owners. Should the proposed ballot measure for this year not receive approval from the property owners, staff recommends the City Council continue the action of last year by reducing maintenance activities to the level supported by the approved assessment.

ATTACHMENTS:

City of Culver City, California
City Council Agenda Item Report

1. City Engineer's Report
2. Resolution
3. Sample Ballot

MOTIONS:

That the City Council:

1. Should the increased assessment be approved by a majority of those voting, adopt the Resolution approving the Engineer's Report and ordering the increased annual assessment levy for Fiscal Year July 1, 2008 to June 30, 2009 for Higuera Street Landscaping and Lighting Maintenance District

OR

2. Should the increase not be approved by a majority of those voting, adopt the Resolution approving the Engineer's Report and confirming the existing annual assessment levy for Fiscal Year July 1, 2008 to June 30, 2009 for the Higuera Street Landscaping and Lighting Maintenance District and reducing the level of maintenance provided accordingly.