

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

Meeting Date: 07/14/14	Item Number: PH-2
CITY COUNCIL AGENDA ITEM: CONTINUED PUBLIC HEARING - Adoption of a Resolution Confirming the Assessment and Ordering the Levy for Landscaping Maintenance District No. 1 - Fiscal Year 2014/2015	
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 (07/09/14); This Public Hearing was continued from its original date of June 23, 2014.	
Department Approval: Charles D. Herbertson (07/03/14)	City Attorney Approval: Carol Schwab (by H. Baker) (07/09/14)
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (07/09/14)	City Manager Approval: John M. Nachbar (07/09/14)
<u>RECOMMENDATION:</u> Staff recommends the City Council adopt a resolution confirming the assessment and ordering the levy for Landscape Maintenance Assessment District No.1 - Fiscal Year 2014/2015. <u>THE PUBLIC HEARING WAS CONTINUED TO JULY 14, 2014. AN ADDITIONAL ATTACHMENT HAS BEEN INCLUDED TO THE REPORT.</u> <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, (completed on June 23, 2014) 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, (completed on June 23, 2014 – the Public Hearing is Open) 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.	

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BACKGROUND:

On May 27, 2014, 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 Landscape Maintenance District #1.

Landscape Maintenance District No. 1 was created for the purpose of providing on-going maintenance of landscaping along the periphery of the MGM Lot 2 residential subdivision.

On July 13, 2009, the property owners of the District approved an annual increase based on the February Consumer Price Index for All Urban Consumers for the Los Angeles – Riverside - Orange County area plus a 5% premium each year until the revenues generated from the District match the annual expenditures and the fund has a positive balance.

DISCUSSION:

The existing assessment levy per parcel is \$225.77 and is proposed to remain the same for Fiscal Year 2014/2015. The total amount of the assessment for the entire District is \$40,638.60 (180 parcels).

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 CCMC Section 15.01.070.K, the City Council shall not impose an **increased** assessment if there is a majority protest. In this case, for Fiscal Year 2014/2015, the Engineer's Report does not propose an increased assessment. Therefore, notwithstanding any written protests received, the City Council may adopt the resolution confirming the assessment as determined by the Engineer's Report.

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 2014/2015. The City Council may also choose to dissolve the District pursuant to CCMC Section 15.01.065.A.3 or pay for the costs of the District with the City's General Fund.

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Additional Information Related to Concerns Raised at the June 23, 2014 City Council Meeting

At the public hearing conducted on June 23, 2014, a property owner expressed concerns regarding the maintenance effort and the condition of the irrigation system. The City Council directed that the public hearing be continued to the July 14, 2014, City Council meeting and that information be provided and presented showing a cost accounting and itemization of the maintenance conducted at the site and a schedule.

Attached to this report is a summary of the cost accounting of the assessment district and the maintenance schedule, an itemization of the required maintenance services in the contract document between Marina Landscape, Inc., and Culver City, and a monthly invoice from Marina Landscape.

Also the Parks Manager will provide a presentation with photographs of the current maintenance services being conducted at the site and answer any questions.

FISCAL ANALYSIS:

The Landscape Maintenance District #1 budget is proposed to be 100 percent self-supporting for all expenditures. Property owners within the District are charged their fair share of these costs, as described in the Engineer's Report.

ATTACHMENT:

1. Proposed Resolution
2. Cost accounting, itemization of maintenance services, and an invoice.

MOTION:

That the City Council:

Adopt a resolution approving the Engineer's Report and assessment levy for Landscape Maintenance District #1 for Fiscal Year 2014/2015.