

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 07/02/07		Item Number: <u>PH - 1</u>	
AGENDA ITEM: Continuation of the Public Hearing related to the Adoption of a Resolution Approving the Engineer's Report and Ordering the Assessment Levy for Landscaping Maintenance District No. 1, Zone 1 and Zone 2 - Fiscal Year 2007/2008.			
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: At the City Council meeting of June 25, 2007, the duly noticed public hearing for this item was continued to this date certain. The continuation of this public hearing was voted upon and announced during the portion of the public hearing held on June 25, 2007.			
Master Notification List on June 28, 2007			
Department Approval: Charles D. Herbertson (06/28/07)		City Attorney Approval: Carol Schwab (by H. Iker) (06/28/07)	
City Controller Approval: Marlee Chang (06/28/07)		City Manager Approval: Jerry B. Fulwood (06/28/07)	
<u>RECOMMENDATION:</u> Staff recommends the City Council, based on the outcome of the ballot measures and discussion, adopt the Resolution approving the Engineer's Report and ordering the assessment levy for Fiscal Year 2007/2008 for Landscape Maintenance District No. 1, Zone 1. <u>PROCEDURE:</u> <u>{Please note: The City Council would begin this evening's meeting at Item #9}</u> (1) Mayor: Announce that this is the time and place for the public hearing to discuss the annual levy of assessments for Landscaping Maintenance District No. 1, Zone 1 and Zone 2 ("LMD #1") for Fiscal Year 2007/2008. (2) 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 2007-R023 and in accordance with Articles XIII C and D of the California Constitution, known as the "Right to Vote on Taxes Act" or more commonly known as Proposition 218 and the provisions of the			

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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.

(3) Mayor and Council: Motion to receive and file all affidavits.

(4) City Engineer: Present the City Engineer's Report and explain method of assessment for the annual levy.

(5) City Clerk: Announce the amounts supporting and opposing each of the ballot issues.

(6) 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.

(7) Mayor: Offer an opportunity for Rebuttal and announce this is the property owners' final opportunity to change or withdraw their votes.

(8) Mayor and Council: Declare the Public Hearing CLOSED.

[Items 1-8 were concluded during the Public Hearing on June 25, 2007. This evening, the City Council will begin the Continued Public Hearing with #9]

(9) Mayor and Council: Discussion.

(10) 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 City Council conducted this duly noticed Public Hearing beginning on Monday, June 25, 2007. After declaring the Public Hearing closed, the City Council

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determined to continue this item to this evening. The continuance of this item to tonight's meeting was duly announced at the Public Hearing on July 2, 2007.

DISCUSSION:

During the Public Hearing conducted on June 25, 2007, the results of the Assessment Ballot were announced. Following is a recap of the ballot results:

For Zone #1:

Ballot Measure #1 (Retain Current Level of Service): 45 YES 21 NO **APPROVED**

Ballot Measure #2 (Enhanced Level of Service): 28 YES 39 NO **FAILED**

For Zone #2:

Ballot Measure #1 (Retain Current Level of Service): 3 YES 0 NO **APPROVED**

Ballot Measure #2 (Enhanced Level of Service): 3 YES 1 NO **APPROVED**

CONTINUATION OF PUBLIC HEARING:

During the Public Hearing discussion on June 25, 2007, there were concerns raised that an erroneous Ballot for the Landscape Maintenance District No. 1; Zone 1 (Studio Estates) had been used. Staff has since verified the voting Ballot used in the election was **CORRECT**. The incorrect Sample Ballot (which was part of the attachments of the Staff Report of June 25 and language from which was copied into the body of the Staff Report) has also been replaced by the Corrected Sample Ballot and is listed as page 16 of the Attachments.

For **Zone 1**, Studio Estates, the ballot measure asked the property owner the following:

I APPROVE A 60% 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.

*I APPROVE A 134% INCREASE TO MY EXISTING ASSESSMENT FROM \$_____ TO \$_____ PER YEAR, FOR THE ENHANCED LEVEL OF SERVICE OF MAINTENANCE AND IRRIGATION OCCURRING **TWICE** A WEEK TO PAY FOR MY SHARE OF THE DISTRICT'S COSTS. {Emphasis added}*

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In addition to the above issue, both members of the Public and the City Council raised questions about the quality of services rendered by the landscaping contractor. Additionally, during a separate public hearing held on June 25, the voters in that Assessment District did not approve an increase in assessment and the City Council determined to approve the assessment at current FY 06/07 rates.

Staff will be returning to the City Council on July 16, 2007 with additional information related to the landscape contractor and options for consideration with respect to levels of service in the Higuera Assessment District.

ATTACHMENTS:

- (1) City Council Agenda Item from June 25, 2007
- (2) Corrected Page 16 – Reflects Correct Ballot Language
- (3) Resolution for Zone 1
- (4) Updated Resolution for Zone 2 (adopted by the City Council on June 25, 2007)

MOTION:

That the City Council:

- 1. Adopt the Resolution approving the Engineer's Report and confirming the annual assessment levy for Fiscal Year July 1, 2007 to June 30, 2008 for Landscape Maintenance District No. 1. Zone 1.