

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

Meeting Date: 07/25/11		Item Number: <u>PH-1</u>	
CITY COUNCIL AGENDA ITEM: PUBLIC HEARING: (1) Declaration of the results of the Assessment Ballot Tabulation for West Washington Benefit Assessment District Number Three; and, (2) Adoption of a Resolution Forming the Assessment District, Confirming the Diagram and Assessment, and Ordering the Improvements, Services and Annual Levy.			
Contact Person/Dept.: Elaine Warner		Phone Number: 310.253.5777	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: (E-MAIL) Meetings and Agendas – City Council (07/21/10); (USPS) Property Owners in Proposed West Washington Assessment District No. 3 (06/10/11)			
Department Approval: Sol Blumenfeld: (07/13/11)		City Attorney Approval: Carol Schwab (by H. Baker) (07/18/11)	
Chief Financial Officer Review: Jeff Muir (07/19/11)		City Manager Approval: John Nachbar (07/20/11)	

RECOMMENDATION:

Staff recommends the City Council declare the results of the assessment ballot tabulation for West Washington Benefit Assessment District Number Three and, absent a majority protest, adopt a Resolution to order the improvements, services and annual levy.

PROCEDURE:

1. Mayor calls on staff for a brief staff report.
2. Mayor seeks a motion to open the public hearing.
3. Tabulation begins (the City Clerk may request a short recess with the Public Hearing remaining open for the purposes of tabulating the results of the balloting)
4. Receive comment from public.
5. Mayor seeks a motion to close the public hearing after all testimony has been presented and all ballots have been tabulated.
6. The City Clerk shall announce the results of the Ballot tabulation
7. The City Council discusses the matter and arrives at its decision.

BACKGROUND:

In September 2010, the City Council adopted a Resolution of Initiation to begin the proceedings for the formation of a benefit assessment district along West

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Washington Boulevard. The name designated for this district is "West Washington Boulevard Benefit Assessment District Number 3" (AIP III).

Conceptual plans for two (2) new medians, totaling 388 linear feet, and rehabilitation of the five existing medians located near Zanja Avenue were developed and approved by the Agency Board and City Council in May, 2011 and the Engineer's Report was reviewed and approved by the City Council on June 6, 2011. The Engineer's Report outlines the requirement and benefit for AIP III and details the general nature, location, and extent of the improvements to be maintained, the costs of the maintenance, operations and servicing of the improvements, and includes a diagram showing the area and properties to be assessed.

Pursuant to Culver City Municipal Code and Article XIID of the Constitution of the State of California, the official ballot for formation of AIP III and the public hearing notice was created and mailed on June 10, 2011 to all property owners within the proposed District.

DISCUSSION:

On September 27, 2010, the City Council initiated proceedings for the development of the Phase III assessment district through a Resolution of Initiation. Conceptual plans were then developed for the Phase III area between Wade Avenue and Boise Avenue and on April 28th, a community meeting was held to present and discuss these plans with the businesses and residents. On May 9, 2011, the conceptual plans were approved and the Engineers Report, outlining the proposed improvements and associated maintenance assessments was brought forth to City Council on June 6th. Upon approval of the Engineer's Report, the Council approved a Resolution of Intent to set the time and place for the Public Hearing to consider the formation of the District and for the authorization to levy annual assessments therein.

If, as a result of the assessment ballot proceeding, a majority protest is found to exist, the City Council shall not have the authority to levy and collect the assessments as proposed. A majority protest exists if the assessments represented by ballots submitted in opposition exceed those submitted in favor of the assessment. All returned ballots are tabulated and weighted according to the financial obligation of each particular parcel.

If there is no majority protest as described above, the City Council may consider a resolution to create the district, order the improvements and services, and levy of annual assessment for the AIP III. Should the City Council adopt the proposed

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resolution, the assessments for the District contained in the Engineer's Report for Fiscal Year 2010/2011 will be confirmed and levied upon the respective lots or parcels within the District. The diagram and assessment shall then be filed in the Office of the City Clerk and available for public inspection. The proposed resolution authorizes the City Clerk to immediately file a certified copy of the diagram and assessment with the County Assessor. After the filing of the diagram and assessment, the County Assessor shall enter onto the County assessment roll opposite each lot or parcel of land, the amount assessed thereon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection of the assessments.

If approved, staff will initiate Phase II of the landscape architect contract and will provide a notice to proceed relative to the creation of construction documents. It is anticipated that the document preparation and bid process will take approximately four to six months. To that end, the construction of the medians would begin at the beginning of January 2012.

If a majority protest to levy the assessments is found, formation of the proposed District fails, and the City Council may not take any further action to form AIP III.

FISCAL IMPACT:

If a majority protest does not exist and the City Council forms the district, the assessments for AIP III will provide revenue to finance the reserve and maintenance of the streetscape median project in the fiscal year commencing July 1, 2011 and ending June 30, 2012. Each fiscal year beginning Fiscal Year 2012/2013, the maximum amount of each assessment shall be increased by the February Consumer Price Index for all Urban Consumers for Los Angeles – Riverside – Orange County area without further compliance with the assessment ballot procedures required under the CCMC and Article XIID.

ATTACHMENTS:

1. Boundary Map
2. Proposed Resolution

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MOTION:

That the City Council:

1. Declare the results of the assessment ballot tabulation for West Washington Benefit Assessment District Number 3 and,
2. Adopt a Resolution forming the District, and ordering the improvements, services and annual levy.