

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 06/27/05		Item Number: <u>PH-1</u>	
AGENDA ITEM: Public Hearing Concerning Adoption of a Resolution Confirming the Assessment Levy and Ordering the Maintenance Work for Landscaping Maintenance District No. 1 - Fiscal Year 2005/2006			
Contact Person/Dept.: Jorge Pachas/Public Works		Phone Number: (310) 253-5604	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐	Attachments: ☒
Public Notification: <u>Legal:</u> The Resolution of Intention was posted on the City's official bulletin board on June 17, 2005. <u>Non-Legal:</u> 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 diagrams 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 Landscaping Maintenance District No. 1 (LMD#1) for Fiscal Year 2005/2006. City Clerk: Announce that notice of this hearing has been given pursuant to the provisions of the 'Landscaping and Lighting Act of 1972', which is in Division 15 of the Streets and Highways Code of the State of California, and pursuant to the provisions of the City Council's Resolution 2005-R034, and that the following affidavits are on file in his office: 1. Affidavit of Publication; and 2. Affidavit of Posting.			

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- Mayor and Council: Motion to receive and file all affidavits.
- 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 any protests, assuming protests represent less than 50% of property interest.
- Mayor and Council: By Motion, adopt the Resolution confirming the assessments and the diagrams of the District.

BACKGROUND:

LMD#1, consisting of two zones, was created for the purpose of providing on-going maintenance of landscaping along:

- 'Zone 1' (Studio Estates), being the periphery of the MGM Lot 2 residential subdivision; and
- 'Zone 2' (Ballona Creek), being the 20-foot wide strip along the southerly side of Ballona Creek from the easterly side of Overland Avenue to the northeasterly line of Westside Business Park, a distance of about 2,200 feet.

Location maps are included in the Engineer's Report.

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Zone 1 was the result of a City Council conditional approval of the subdivision being created. The subdivider wanted to develop an area that was surrounded by landscaping within the public right-of-way. The City Council allowed, in perpetuity, the additional landscaping along Elenda Street and Culver Boulevard conditioned upon the formation of a landscape maintenance district, paid for by the property owners.

The assessment for the District includes costs for providing complete maintenance, administration, and preparation of the City Engineer's Report.

Recent Assessment History

The annual amounts collected for Zone 1 and Zone 2 in Fiscal Years 1994/95 through 2002/03 were \$15,211.80 and \$7,500.00, respectively.

In Fiscal Year 2003/2004 the property owners within Zone 1 supported an increase of \$4,534.20, or \$25.19 per property, by a vote of 67 to 33 percent. Zone 2 carried a surplus of \$1,500.00 over to the Fiscal Year 2004-2005 assessment.

Therefore, the total assessments for Fiscal Year 2003/04 and Fiscal Year 2004/05 were \$19,746 for Zone 1 and \$7,500 for Zone 2, respectively.

DISCUSSION

On April 4, 2005, the City Council adopted Resolution 2005-R018, ordering the preparation of the City Engineer's Report, which is required by the State of California's Streets and Highways Code, prior to scheduling a public hearing on the next fiscal year's assessment for landscaping maintenance.

On May 9, 2005, the City Council adopted Resolution 2005-R034, approving the City Engineer's Report that addressed the District's 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 costs to be incurred during the 2005/06 Fiscal Year are \$19,704.00 for Zone 1 and \$6,186.00 for Zone 2. Staff is recommending that the assessment for Zone 1 remain the same as last year (\$19,746) and that the \$42 surplus be carried over to next fiscal year 2006/07. For Zone 2, staff recommends that the surplus for fiscal years 2002/03 and 2004/05 in the amounts of \$1,380 and \$1,500, respectively, be applied as a credit and that the total assessment for Zone 2 be \$3,306.00.

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The Park 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 simple majority protest exists for continuing the existing annual assessment, the City Council could still impose the existing assessment with a 4/5ths majority vote. Alternatively, the City 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.

Lastly, City Council could, by 4/5ths majority vote, 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's official bulletin board on June 17, 2005.

Non-Legal:

First Class Postcards were mailed to the property owners on June 7, 2005.

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

FISCAL ANALYSIS:

The Landscaping Maintenance District No. 1 budget should be 100 percent self-supporting for all expenditures. Property owners within the District are charged for their fair share of these costs, as described in the City Engineer's Report.

ATTACHMENTS:

- City Engineer's Report
- Recommended Resolutions

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- Notification Postcards

MOTION:

That the City Council:

Adopt a Resolution confirming the annual assessment levy and ordering the landscape maintenance work for Landscaping Maintenance District #1, within Culver City, for the Fiscal Year 2005/2006.