

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

Meeting Date: 07/20/2009		Item Number: <u>A-2</u>	
CITY COUNCIL AGENDA ITEM: Adoption of a Resolution Approving the Preliminary Engineer's Report, Declaring the City's Intention to Order the Annual Levy of Assessment, and Setting the Date, Time, and Place for the Public Hearing for the Higuera Street Landscaping and Lighting Maintenance District - Fiscal Year 2009/10			
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) Agendas and Meetings – City Council (07/15/09) Property owners will be sent a postcard a minimum of ten days prior to the Public Hearing scheduled for August 3, 2009.			
Department Approval: Charles D. Herbertson 07/14/09		City Attorney Approval: Carol Schwab (by H. Baker) (07/15/09)	
Chief Financial Officer Approval: Jeff Muir (by N. Kimball) (07/15/09)		City Manager Approval: Mark Scott (07/15/09)	
<u>RECOMMENDATION:</u> Staff recommends that the City Council Adopt a Resolution: 1. Approving the Preliminary Engineer's Report for the Higuera Street Landscaping and Lighting Maintenance Assessment District for Fiscal Year 2009/2010; and 2. Declaring its intention to Order the Levy of Annual Assessments for Fiscal Year 2009/2010; and 3. Setting a Public Hearing for August 3, 2009, at 7:00 p.m. in the Mike Balkman Council Chambers to consider levying this assessment <u>BACKGROUND/DISCUSSION:</u> The Higuera Street landscaping and street lighting improvements were installed in 1995 at the request of the property owners. The assessment area was formed and the boundary includes properties on both sides of Higuera Street between Lindblade Avenue and Hayden Avenue. Each of the properties directly or indirectly benefits from the public improvements maintained in the District. On May 26, 2009, the City Council approved the preliminary Assessment Engineer's Report for proceedings for an assessment increase, declared its intention to levy and collect assessments, set the date, time and place for the Public			

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Hearing, and ordered the initiation of assessment ballot procedures, in accordance with Proposition 218 requirements.

Pursuant to the Culver City Municipal Code and Article XIID of the Constitution of the State of California, the ballot for the assessment increase and the notice of public hearing were created and mailed on May 27, 2009 to all property owners of record within the District.

On July 13, 2009, the proposed assessment increase for the Higuera Street Landscaping and Lighting Maintenance District did not pass as a result of a majority ballot protest. Therefore, staff proposes that the existing assessment levy remain and be approved at the public hearing on August 3, 2009.

FISCAL ANALYSIS:

The purpose of creating a Benefit Assessment District is to provide an enhanced level of service to a defined area that provides a specific benefit to a certain group of property owners. As such, a Benefit Assessment District is established and approved by the benefitting property owners and are typically set up to pay 100 percent of the cost to provide the enhanced service level. In this case, the Benefit Assessment District provides enhanced landscape and lighting maintenance services. The property owners within the District are charged their fair share of the cost to provide the service, as described each year in the Preliminary Engineer's Report.

The existing assessment levy is no longer sufficient to cover the increased costs to provide the enhanced landscape and lighting maintenance services to the Higuera Street District. . Since a proposed increase was not approved by property owners, the City may decide to either continue to provide the same level of service by subsidizing the district, or reduce services to stay within the existing assessment receipts. These options will be provided to the City Council at the August 3, 2009, meeting.

ATTACHMENTS:

1. Resolution
2. Preliminary Engineer's Report

MOTION:

That the City Council:

Adopt the Resolution Approving the Preliminary Engineer's Report for the Higuera Street Landscaping and Lighting Maintenance District for Fiscal Year 2009/10 and Declaring its Intention to Order the Annual Assessment Levy and Setting August 3, 2009 at 7:00 p.m. in the City Council Chambers as the date, time and place for the Public Hearing.