

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

Meeting Date: 07/20/2009		Item Number: <u>A-3</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 Landscaping Maintenance District No. 1, Zone 2 – 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 Landscape Maintenance Assessment District No. 1, Zone 2 (LDM#1, Z2) 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> Landscaping Maintenance District No. 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.			

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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 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 Zone 1 passed. However, the proposed assessment increase for Zone 2 did not pass as a result of a majority ballot protest. Therefore, staff proposes that the existing assessment levy for Zone 2 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 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 maintenance services to LMD#1, Z2. Since an increase to the District assessment 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 presented to the City Council at the August 3, 2009, public hearing meeting.

ATTACHMENTS:

1. Resolution
2. Preliminary Engineer's Report

MOTION:

That the City Council:

Adopt the Resolution Approving the Preliminary Engineer's Report for Landscaping Maintenance District No. 1, Zone 2 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.