

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 06/22/09		Item Number: <u>PH-1</u>	
AGENDA ITEM: PUBLIC HEARING - (1) Declare the Results of the Assessment Ballot Tabulation for the West Washington Benefit Assessment District Number 1 and, if approved, (2) Approve a Resolution to Confirm the Diagram and Assessment and Order the Improvements, Services and Annual Levy for said District.			
Contact Person/Dept.: Elaine Gerety Warner; Sol Blumenfeld		Phone Number: (310) 253-5777; (310) 253-5702	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: Property Owners (May 6, 2009) and Business within district area (6/8/09); Master E-Mail Notification List (06/17/09)			
Department Approval: Sol Blumenfeld (06/15/09)		City Attorney Approval: Carol Schwab (by H. Baker) (06/17/09)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (06/17/09)		City Manager Approval: Mark Scott (06/18/09)	
<u>RECOMMENDATION:</u> Staff recommends the City Council (1) declare the results of the assessment ballot tabulation for the West Washington Benefit Assessment District Number 1 and, if approved, (2) approve a resolution to confirm the diagram and assessment and order the improvements, services, and annual levy for said District. <u>PROCEDURE:</u> 1. Mayor calls on staff for a brief staff report. 2. Mayor seeks a motion to open the public hearing. 3. Tabulation begins 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. Tabulation results announced 7. Council discusses the matter and arrives at its decision. <u>BACKGROUND:</u> In December 2007, the Council approved an Area Improvement Plan along West Washington Boulevard between Wade Street and Beethoven Street ("The Plan" - Attachment 1). A key component of the Plan involves the installation of			

City of Culver City, California
City Council Agenda Item Report

streetscape medians funded by the Culver City Redevelopment Agency (Agency). While the Agency has proposed to fund the improvements, it will only do so if the on-going median maintenance is funded through an assessment district.

In September 2008, the City approved a Resolution of Initiation to begin the proceedings for the formation of a benefit assessment district along West Washington Boulevard. The name designated for this proposed district is "the West Washington Boulevard Benefit Assessment District Number 1" ("The District").

Conceptual plans for five (5) new medians were developed and approved by the Agency in March and the official Engineer's Report was reviewed and approved by the Council in April 2009. The Engineer's Report outlines the requirement and benefit for the District 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 the Culver City Municipal Code and Article XIID of the Constitution of the State of California, the official ballot for formation of the District and the public hearing notice was created and mailed on May 6, 2009 to all property owners of record.

DISCUSSION:

Staff, under the direction and supervision of the City Clerk and with the assistance of the City's Assessment District consultant, will tabulate the ballots. If the ballot tabulation to form the District does not form a Majority Protest, the Council may consider a resolution to order the improvements and services, and levy of annual assessment for the District.

Absent a Majority Protest, the proposed resolution includes confirmation of the assessments for the District contained in the Engineer's Report for Fiscal Year 2009/10 and direction to levy such assessments upon the respective lots or parcels within the District as set forth in the Engineer's Report. The diagram and assessment shall then be filed in the Office of the City Clerk and available for public inspection. Should the City Council adopt the proposed resolution, the City Clerk will be directed to immediately file a certified copy of the diagram and assessment with the County Auditor. After the filing of the diagram and assessment, the County Auditor 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.

City of Culver City, California
City Council Agenda Item Report

If the District is 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 five months. To that end, the construction of the medians is anticipated to begin by November/December 2009.

If a majority protest to levy the assessments is found, no further proceedings can be undertaken by the City Council to form the District. Should a Majority Protest occur, staff would return at a later date to the City Council to present options and receive Council direction.

FISCAL IMPACT:

The assessments for the District will provide revenue to finance the maintenance of the streetscape median project in the fiscal year commencing July 1, 2009 and ending June 30, 2010. Further, it will create a reserve in the District for funding such costs during Fiscal Year 2009/2010 and beyond.

As contained in the Engineer's Report, each fiscal year beginning with Fiscal Year 2010/11, the maximum amount of each assessment (the "Maximum Assessment") shall be increased by the February Consumer Price Index for all Urban Consumers for Los Angeles – Riverside – Orange County. The annual assessment shall not exceed the Maximum Assessment, unless the appropriate proceedings (including those required under Proposition 218 and other applicable law) are conducted by the City to authorize an increase beyond the Maximum Assessment amount.

ATTACHMENTS:

1. Proposed Resolution.

MOTION:

That the City Council:

1. Declare the results of the assessment ballot tabulation for West Washington Benefit Assessment District No. 1; and,

2A. (In the Case a Majority Protest is NOT received) Approve a resolution to order the improvements, services and annual levy;

OR

2B. (In the Case a Majority Protest is received) Take no further action.

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City Council Agenda Item Report