

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

FRANK T. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

When making inquiries
relative to this matter
refer to File No.

02-2217

CD 5

August 15, 2006

Chief Legislative Analyst
City Attorney
Controller, Room 300
Accounting Division, F&A
Disbursement Division
City Administrative Officer

Office of Finance
Treasurer
City Clerk, Admin. Services Division
Attn: Holly Wolcott
cc: Special Assessment Unit
Councilmember Weiss

RE: RENEWAL OF THE ENCINO COMMONS PROPERTY AND BUSINESS IMPROVEMENT
DISTRICT AND CONFIRMING THE ASSESSMENTS

At the meeting of the Council held July 26, 2006, the following
action was taken:

Attached report adopted.....
Attached motion adopted().....
Attached resolution adopted.....
Ordinance adopted..... X
Motion adopted to approve attached report.....
Motion adopted to approve attached communication.....
To the Mayor FORTHWITH.....
Ordinance Number..... 17776
Published date..... 8-16-06
Effective date..... 9-16-06
Mayor approved..... 8-07-06
Findings adopted.....
Negative Declaration adopted.....
Categorical exemption approved.....
Generally exempt.....

Handwritten signature of Frank T. Martinez

City Clerk
dng

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1133
Fax: (213) 978-1040

CLAUDIA M. DUNN
Chief, Council and Public Services Division
www.cityclerk.lacity.org



TO THE COUNCIL OF THE
CITY OF LOS ANGELES

File No. 02-2217

Your HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT
COMMITTEE

reports as follows:

	<u>Yes</u>	<u>No</u>
Public Comments	<u>XX</u>	—

HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT COMMITTEE REPORT and
ORDINANCE relative to the renewal of the Encino Commons Business Improvement District
(BID).

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that the petitions submitted on behalf of the proponents of the proposed Encino Commons BID are signed by property owners who will pay more than 50 percent of the assessments proposed to be levied.
2. ADOPT the Preliminary Report of the City Clerk.
3. ADOPT the Management District Plan (attached to the Council file).
4. ADOPT the Engineer's Report (attached to the Council file).
5. FIND that all parcels that will have a special benefit conferred upon them and upon which an assessment would be imposed are those as identified in the Management District Plan.
6. FIND that, in accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the attached Engineer's Report:
 - a. The assessment levied on each parcel within the proposed BID is proportionate to the special benefit derived from the improvements and activities that are to be provided.
 - b. There are no general benefits to be separated from the special benefits conferred on each parcel within the proposed BID.
 - c. No assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.
7. FIND that the services provided by the Owners' Association are in the nature of professional, expert, technical, or other special services, that the services are of a temporary and occasional character, and that the use of competitive bidding would be impractical, not advantageous, undesirable or where the common law otherwise excuses compliance with competitive bidding requirements.

8. APPROVE Encino Property Business Improvement District, Inc. to serve as the Owners' Association to administer the Encino Commons BID, and AUTHORIZE the City Clerk to prepare and execute a contract with Encino Property Business Improvement District, Inc. if the BID is renewed, subject to the approval of the City Attorney as to form and legality.
9. PRESENT and ADOPT the accompanying ORDINANCE of Intention to renew the Encino Commons BID.
10. DIRECT the City Clerk to comply with the notice, protest, and hearing procedures prescribed in the Proposition 218 Omnibus Implementation Act (California Government Code, Section 53750 et seq.).
11. REQUEST that the City Attorney, with the assistance of the City Clerk, to prepare an enabling ordinance renewing the Encino Commons BID for Council consideration at the conclusion of the required public hearing.

Fiscal Impact Statement: The City Clerk reports that its administrative expenses will be charged to the proposed BID and will be recovered from assessments collected. The amount of recoverable costs for the first year of the BID's operations is estimated to be \$3,718, representing 3% of the BID's estimated first-year assessment revenue. If BID assessments are not placed on the County's annual property tax rolls, an additional 1% for processing of direct billing by the City Clerk's office will apply.

Summary:

In a report to Council dated May 10, 2006 (attached to the Council file), the City Clerk recommends that Council approve the actions above relative to the renewal of the Encino Commons BID. The City Clerk has received materials relative to the renewal of the existing Encino Commons BID. The City Clerk report includes: a Management District Plan, which details the improvements and activities to be provided and serves as the framing document for the proposed BID; a detailed Engineer's Report prepared by a registered professional engineer certified by the state of California, which supports the assessment contained in the Management District Plan; and, a draft Ordinance of Intention, approved as to form and legality by the City Attorney's Office.

The City Clerk reports that the proposed BID's programs include image enhancement, maintenance services, special projects, capital reserves, and administration. The BID includes properties along both the north and south sides of Ventura Boulevard between White Oak Avenue to the west and Balboa Boulevard to the east. The BID is expected to expend \$123,919 during its first year of operation. There are no City assessable properties within the BID.

In order to proceed with the renewal process under the State Law, the proponent group needed to secure written support for the project in the form of petitions signed by property owners who will pay more than 50% of the assessments proposed to be levied. The City Clerk has received and verified a set of petitions that support the renewal of the District.

The City Clerk goes on to report that Encino Property Business Improvement District, Inc. has administered the Encino Commons BID since its establishment, overseeing expenditures, and managing and implementing the District's improvements and activities. Encino Property Business Improvement District, Inc. possesses the unique knowledge and expertise relative to the administration of the BID and has a vested interest in the success of the BID.

At its meeting held May 16, 2006, the Housing, Community, and Economic Development Committee recommended that Council approve the above recommendations relative to the renewal of the Encino Commons BID, as recommended by the City Clerk.

Respectfully submitted,

HOUSING, COMMUNITY, AND ECONOMIC DEVELOPMENT COMMITTEE

Thud Long
Ed P. Reyes
E.G.

<u>MEMBER</u>	<u>VOTE</u>
WESSON	YES
REYES	YES
CARDENAS	ABSENT
GARCETTI	YES
PERRY	ABSENT

Rpt + ORD of Intent
ADOPTED

MAY 24 2006

JAW
5/17/06
CD 5

#022217d.wpd

**LOS ANGELES CITY COUNCIL
TO THE MAYOR FORTHWITH**

SET FOR HEARING *July 25, 2006*

*JUL 25 2006 - Public Hearing Held -
Continued to July 26, 2006 for Ballot Results*

ORD
ADOPTED
ESTABLISHING BID
JUL 26 2006

LOS ANGELES CITY COUNCIL