



Council Agenda Report

To: Mayor Pierson and the Honorable Members of the City Council

Prepared by: Robert DuBoux, Public Works Director/City Engineer

Approved by: Reva Feldman, City Manager

Date prepared: August 4, 2020 Meeting date: August 24, 2020

Subject: Amend Assessment District 2015-1 Civic Center Wastewater Treatment Facility – Phase One

RECOMMENDED ACTION: 1) Conduct a public hearing regarding the Report of Amended Assessments (Report) and Amended Assessment Diagram for Assessment District 2015-1; and 2) If Council overrules and denies any and all protest, objections and appeals from the public hearing, adopt Resolution No 20-43 approving the Report and the Amended Assessment Diagram for the Assessment District 2015-1 Civic Center Wastewater Treatment Facility – Phase One.

FISCAL IMPACT: There is no fiscal impact to this action. All costs associated with amending the Assessment District Diagram will be paid by those parcels that modified their parcels after Assessment District 2015-1 was created.

WORK PLAN: This item was included as item 8d in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: The Municipal Improvement Act of 1913 (Division 12 of the Streets & Highways Code of the State of California) (1913 Act) provides the City with the legal authority to form an assessment district to finance public improvements. Prop 218 requires that an engineer prepare a report determining the special benefits each property within the proposed assessment district receives from the proposed improvements.

On January 25, 2016, City Council adopted Resolution No. 16-06 establishing Assessment District 2015-1 to finance the design and construction of the Civic Center Water Treatment Facility, Phase 1. All 57 parcels within the Assessment District were assigned an assessment amount based upon the volume and concentration of wastewater generated by their properties.

Since the formation of Assessment District No. 2015-1, Assessment Nos. 43 and 47 (APN 4458-022-001 and 4458-022-022) were merged into one single parcel. In addition, Tract No. 70038 subdivided Assessment Nos. 15, 16, and 17 (APN 4458-018-002, 4458-018-018 and 4458-018-019) into seven separate parcels. These revisions require a modification to the Assessment District Diagram to reallocate the assessments to the appropriate parcel numbers. These revisions are reflected in the Report and the Amended Assessment Diagram. All property owners affected by this amendment were given written notice of the modifications and this public hearing.

Assessment Nos. 43 and 47

In July 2017, Assessment Nos. 43 and 47 were merged. The original Report accounted for these two parcels as commercial development and assigned the assessments based upon their wastewater flow and concentration. Since there are no changes in the existing development, the Amended Engineer's Report for Assessment Nos. 43 and 47 will combine the assessments into the new parcel.

Assessment No. 15-17

In July 2018, Tract No. 70038 subdivided Assessment Nos. 15-17 into seven separate parcels (five (5) estate-sized residential dwelling units, a gate house, and the City's Skate Park location). The original assessments for Assessment Nos. 15-17 accounted for the development of five (5), estate-sized residential dwelling units and a gatehouse. No assessments were accounted for the City's Skate Park since that use did not generate wastewater flow. Therefore, the original assessments will split between the five (5) estate size residential dwelling units and the gate house.

During the Public Hearing, Council will hear public testimony regarding the Report and Amended Assessment Diagram for Assessment District 2015-1. If Council overrules and denies any and all protest, objections and appeals received at the public hearing, Council will be asked to adopt Resolution No 20-43 approving the Report and the Amended Assessment Diagram for Assessment District 2015-1 Civic Center Wastewater Treatment Facility – Phase One.

ATTACHMENTS:

1. Resolution No. 20-43
2. Public Notice
3. Report of Amended Assessments
4. Amended Assessment Diagram

RESOLUTION NO. 20-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING AN AMENDMENT TO EXISTING ASSESSMENTS OF FOR CITY OF MALIBU ASSESSMENT DISTRICT NO. 2015-1 (CIVIC CENTER WASTEWATER TREATMENT FACILITY-PHASE 1) AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

- A. This City Council of the City of Malibu (the “City”) has taken proceedings under the Municipal Improvement Act of 1913, Division 12 of the California Streets and Highways Code (the “Code”), for the formation of City of Malibu Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase 1) (the “Assessment District”) and has confirmed an assessment in the amount of \$63,688,774.33, which assessment and a related diagram were recorded in the office of the Public Works Director of the City, acting as the Superintendent of Streets, and with the County Recorder of the County of Los Angeles; and
- B. A notice of assessment (the “Notice of Assessment”), as prescribed in Section 3114 of the Code, has been recorded with the County Recorder of the County of Los Angeles, whereupon the assessment attached as a lien upon the property assessed within the Assessment District as provided in Section 3115 of the Code; and
- C. Subsequent to the formation of the Assessment District, certain parcels of land within the Assessment District have been subdivided and the City Council now desires to approve certain amendments to the assessment levied within the Assessment District and the related diagram; and
- D. A Report, an Amended Assessment Diagram and a Notice of Amended Assessment have been prepared and filed with the City Council and have been available for review by the property owners within the Assessment District; and
- E. This City Council fixed August 24, 2020, at the hour of 6:30 p.m. at the regular meeting place of the City Council, City Hall, 23825 Stuart Ranch Road, Malibu, California 90265, as the time and place of hearing protests and objections to the Report, Amended Assessment Diagram, Notice of Amended Assessment and/or to the revised assessment; and
- F. The City Clerk has caused notice to be given of the filing of the Report and the Amended Assessment and Amended Assessment Diagram and the time and place and purpose of said hearing, all as required by Sections 8731 and 8732 of the Code and Article XIID, Section 4 of the California Constitution (“Article XIID”); and

- G. At the time and place stated in the aforesaid notice, a hearing was duly held by this City Council and, during the course of said hearing, the Report, Amended Assessment Diagram and Notice of Amended Assessment were duly presented and considered, all written protests and objections received, if any, were duly presented, read, heard and considered and all persons appearing at said hearing and desiring to be heard in the matter of said Report were heard, and a full, fair and complete hearing has been conducted; and
- H. This City Council has considered the revised assessment proposed in the Report, Amended Assessment Diagram and Notice of Amended Assessment and the evidence presented at said hearing.

SECTION 2. The above recitals, and each of them, are true and correct.

SECTION 3. The public hearing referred to in the recitals hereof has been duly held, and each and every step in the proceedings prior to and including the hearing has been duly and regularly taken. This City Council is satisfied with the correctness of the Report, Amended Assessment Diagram and Notice of Amended Assessment.

SECTION 4. The City Council overrules and denies any and all protests, objections and appeals made in regard to these proceedings.

SECTION 5. The amount of the assessments and the costs incurred by the City in connection with the amendment described herein are shown in the Report and the amended maximum annual assessment per parcel for administrative expenses shown are confirmed and are fixed in said amounts.

SECTION 6. The amounts to be assessed against the individual parcels shown on the Amended Assessment Diagram are hereby approved and confirmed, and the City Council is authorized and directed to endorse the fact and date of such approval on the Final Report.

SECTION 7. The Amended Assessment Diagram and the Notice of Amended Assessment are to be placed on file in the office of the Superintendent of Streets, and the City Clerk is authorized and directed to record, or cause to be recorded, the Amended Assessment Diagram and the Notice of Amended Assessment in the office of the County Recorder of the County of Los Angeles as required by Sections 3114, 10401 and 10402 of the Code.

SECTION 8. This Resolution shall take effect immediately upon its adoption.

SECTION 9. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED on August 24, 2020.

MIKKE PIERSON, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE
CHRISTI HOGIN, City Attorney

NOTICE OF HEARING ON AMENDED ASSESSMENT
Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase 1)
City of Malibu, County of Los Angeles

NOTICE IS HEREBY GIVEN that pursuant to the order of the City Council of the City of Malibu, there has been filed with in the office of the Public Works Director, as Superintendent of Streets, of the City of Malibu, a Report and an Amended Assessment and Amended Assessment Diagram of the parcel(s) identified in the Report for Assessment District No. 2015-1. The Report and Amended Assessment and Amended Assessment Diagram concern the assessments and proceedings confirmed by Resolution No. 16-06 of the City Council of the City of Malibu, adopted on January 25, 2016. Reference is made to the Report and all proceedings of the City Council of the City of Malibu for Assessment District No. 2015-1 for further particulars.

NOTICE IS FURTHER GIVEN that on August 24, 2020, at the hour of 6:30 p.m. a hearing will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Order (revised July 18, 2020) on the Amended Assessments, at which time all persons interested in the Amended Assessments or in the lands affected thereby, or in the bonds secured thereby, may protest against the same as provided in Part 10 of Division 10 of the Streets and Highways Code of California. No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>. Members of the public are encouraged to submit email correspondence to citycouncil@malibucity.org before the meeting begins. Members of the public may also speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Mayor and then you must be present in the Zoom conference to be recognized. Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

Report of Amended Assessments

Amending Existing Assessment Nos. 15, 16, 17, 43 and 47
Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase 1)
City of Malibu, County of Los Angeles, State of California

Pursuant to a Resolution Approving an Amendment to Existing Assessments adopted by the City Council of the City of Malibu, the undersigned does hereby apportion the assessments heretofore levied by the City Council in its proceedings in and for the captioned assessment district because of divisions, mergers or other changes with respect to the original lots, pieces and parcels of and within said assessment district which have occurred since the levy of such assessments.

This report consists of the apportioned amended assessments attached hereto as Exhibit A, including the costs of apportionment not otherwise paid by the owners of record of the changed parcels and an amended assessment diagram relating to the changed parcels attached hereto as Exhibit B, which amended diagram refers to the original recorded assessment diagram for the assessment district.

Respectfully submitted this _____ day of _____ 2020

By: _____

Exhibit A
 Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase 1)
 City of Malibu, County of Los Angeles, State of California

City of Malibu										
Assessment District 2015-1 (Civic Center Wastewater Treatment Facility - Phase 1)										
City of Malibu, County of Los Angeles, State of California										
Original Assessor's Parcel Number	Original Assessment Number	Original Assessment Amount	Unpaid Assessment	New Assessor's Parcel Numbers	New Assessment Number	Original Assessment Apportioned	Unpaid Assessment Apportioned	Costs of Apportionment	Owner of Record	Maximum Annual Administrative Expenses ¹
4458-018-002	15	\$0.00	\$0.00	4458-018-040	63	\$0.00	\$0.00	\$0.00	600 Spring LLC	\$0.00
4458-018-018	16	\$0.00	\$0.00	4458-018-042	65	\$0.00	\$0.00	\$0.00	600 Spring LLC	\$0.00
				4458-018-907	67	\$0.00	\$0.00	\$0.00	City of Malibu	\$0.00
Subtotal		\$0.00	\$0.00			\$0.00	\$0.00	\$0.00		\$0.00
4458-018-019	17	\$1,160,682.03	\$1,101,478.38	4458-018-035	58	\$232,136.41	\$220,295.69	\$600.00	600 Spring LLC	\$111.39
				4458-018-036	59	\$232,136.40	\$220,295.67	\$600.00	600 Spring LLC	\$111.39
				4458-018-037	60	\$232,136.40	\$220,295.67	\$600.00	600 Spring LLC	\$111.39
				4458-018-038	61	\$232,136.41	\$220,295.69	\$600.00	600 Spring LLC	\$111.39
				4458-018-039	62	\$232,136.41	\$220,295.69	\$600.00	600 Spring LLC	\$111.39
				4458-018-041	64	\$0.00	\$0.00	\$0.00	600 Spring LLC	\$0.00
				4458-018-906	66	\$0.00	\$0.00	\$0.00	City of Malibu	\$0.00
Subtotal		\$1,160,682.03	\$1,101,478.38			\$1,160,682.03	\$1,101,478.41	\$3,000.00		\$556.97
4458-022-001	43	\$1,669,766.23	\$1,584,595.40	4458-022-030	68	\$3,997,577.16	\$3,793,670.19	\$600.00	DB MALIBU HOLDCO LLC	\$1,918.30
4458-022-022	47	\$2,327,810.93	\$2,209,074.79							
Subtotal		\$3,997,577.16	\$3,793,670.19			\$3,997,577.16	\$3,793,670.19	\$600.00		\$1,918.30
Grand Total		\$5,158,259.19	\$4,895,148.57			\$5,158,259.19	\$4,895,148.60	\$3,600.00		\$2,475.27

1. Maximum Annual Administrative Expenses is for Fiscal Year 20-21 and increases by the lesser of 5% over the previous year or by the change in CPI from the previous year.

Exhibit B
Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase 1)
City of Malibu, County of Los Angeles, State of California

Sheet 1 of 2

AMENDED ASSESSMENT DIAGRAM
AMENDING ASSESSMENT NOS. 15, 16, 17, 43, AND 47
ASSESSMENT DISTRICT NO. 2015-1 (CIVIC CENTER WASTEWATER TREATMENT FACILITY – PHASE 1)
CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Filed in the office of the City Clerk of the City of Malibu this ____ day of _____, 2020

 City Clerk of the City of Malibu
 County of Los Angeles, State of California

Recorded in the office of the Public Works Director / City Engineer this ____ day of _____, 2020

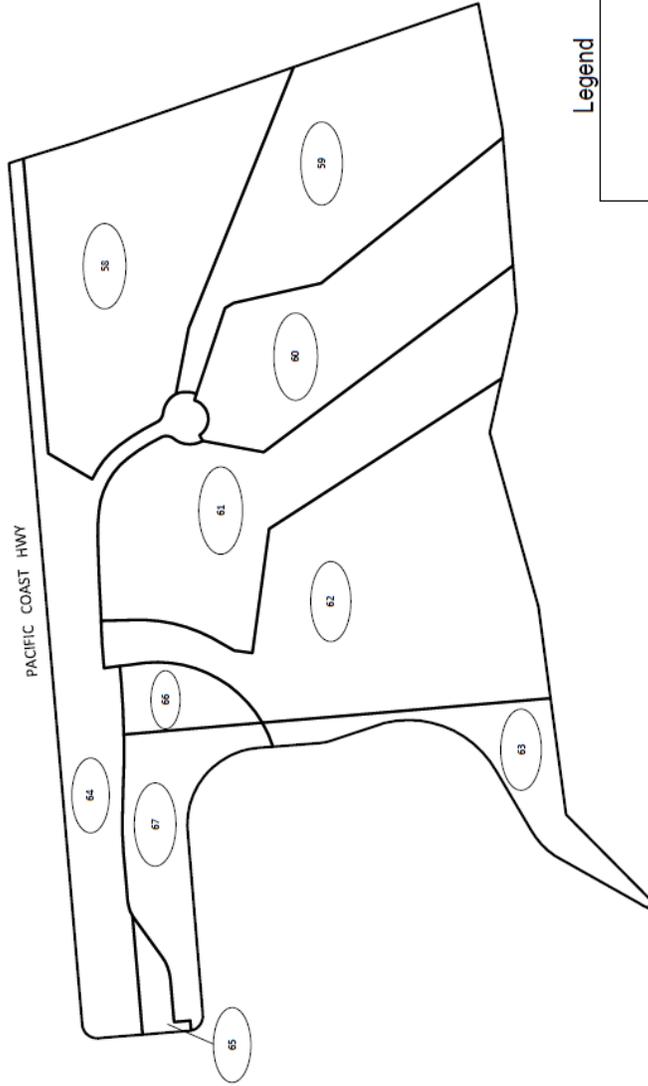
 Rob DuBoux, PE., Esq.
 Public Works Director / City Engineer, City of Malibu

Filed this ____ day of _____, 2020, at the hour of ____ o'clock ____ m. in Book _____ of Maps of Assessment and Community Facilities Districts at page ____ and a Instrument No. _____, in the office of the County Recorder in the County of Los Angeles, State of California.

 County Recorder of the County of Los Angeles

Reference is hereby made to the Assessor maps of the County of Los Angeles for an exact description of the lines and dimensions of each lot and parcel.

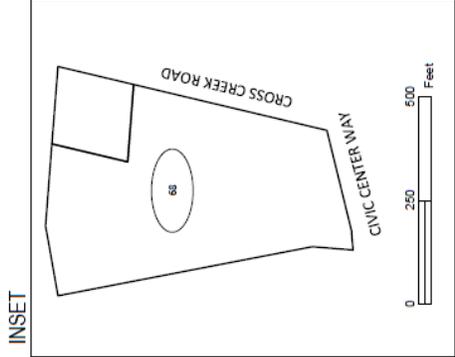
This amended assessment diagram amends the assessment diagram for Assessment District No. 2015-1, (Civic Center Wastewater Treatment Facility – Phase I) City of Malibu, County of Los Angeles, State of California, prior recorded at Book 194 of Maps of Assessment Districts at pages 36 and 37, in the office of the County Recorder for the County of Los Angeles, State of California.



Prepared by 30 Three Sixty Public Finance, Inc.

Legend

○ # Assessment District Assessment Number



AMENDED ASSESSMENT DIAGRAM
AMENDING ASSESSMENT NOS. 15, 16, 17, 43, AND 47
ASSESSMENT DISTRICT NO. 2015-1 (CIVIC CENTER WASTEWATER TREATMENT FACILITY – PHASE 1)
CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Filed in the office of the City Clerk of the City of Malibu this ____ day of _____, 2020

City Clerk of the City of Malibu
County of Los Angeles, State of California

Recorded in the office of the Public Works Director / City Engineer this ____ day of _____, 2020

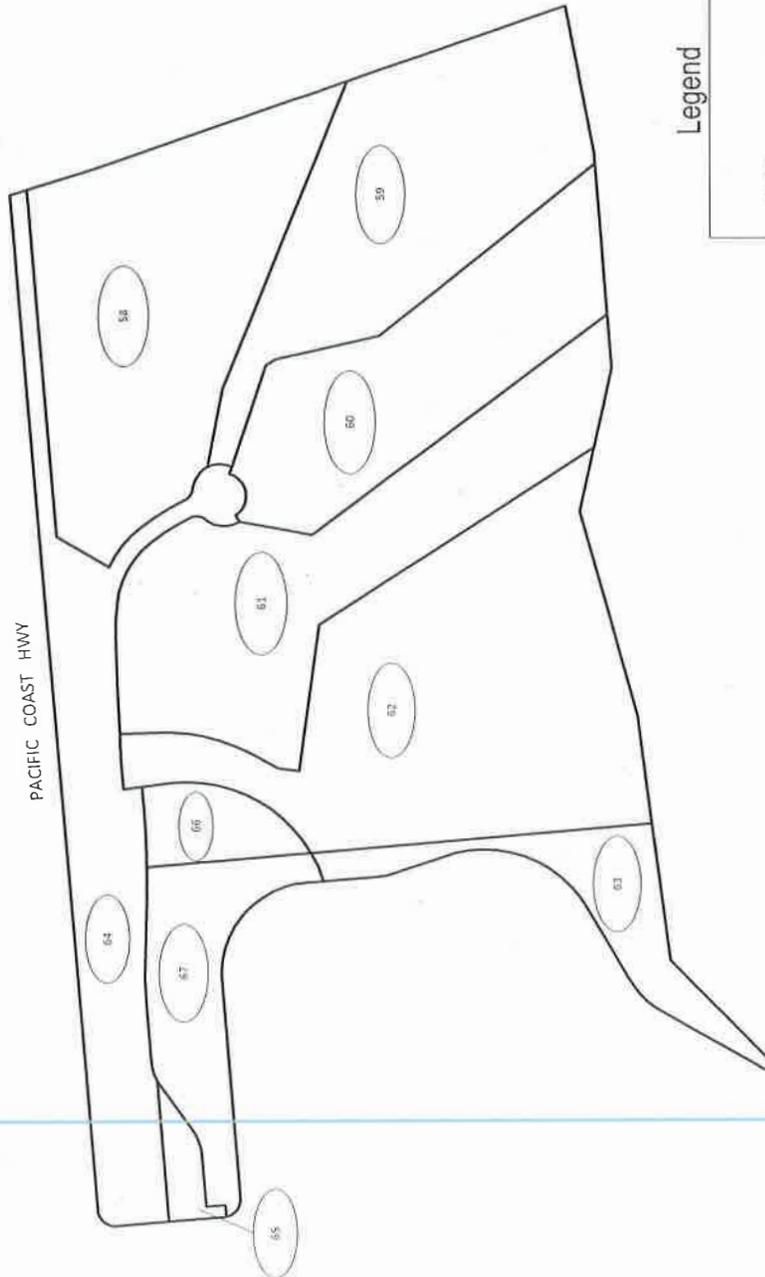
Rob DuBoux, PE., Esq.
Public Works Director / City Engineer, City of Malibu

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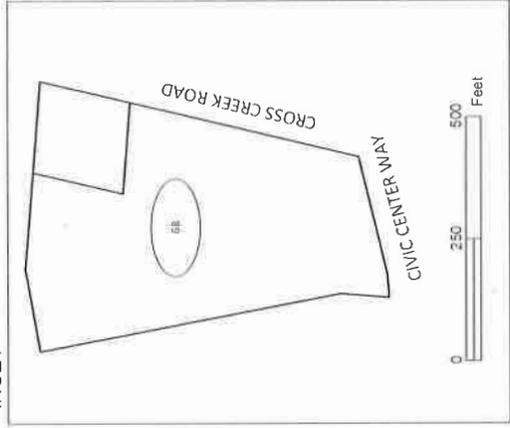
County Recorder of the County of Los Angeles

Reference is hereby made to the Assessor maps of the County of Los Angeles for an exact description of the lines and dimensions of each lot and parcel.

This amended assessment diagram amends the assessment diagram for Assessment District No. 2015-1, (Civic Center Wastewater Treatment Facility – Phase I) City of Malibu, County of Los Angeles, State of California prior recorded at Book 194 of Maps of Assessment Districts at pages 36 and 37, in the office of the County Record for the County of Los Angeles, State of California.



INSET



Legend



0 250 500 Feet

Prepared by 30 Three Sixty Public Finance, Inc.

AMENDED ASSESSMENT DIAGRAM
AMENDING ASSESSMENT NOS. 15, 16, 17, 43, AND 47
ASSESSMENT DISTRICT NO. 2015-1 (CIVIC CENTER WASTEWATER TREATMENT FACILITY – PHASE 1)
CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
PRIOR RECORDED BOOK ___ OF MAPS OF ASSESSMENT DISTRICTS AT PAGE __,
IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Assessment Number	Assessor Parcel Number	Reference is hereby made to the Assessor maps of the County of Los Angeles for an exact description of the lines and dimensions of each lot and parcel.
58	4458-018-035	
59	4458-018-036	
60	4458-018-037	
61	4458-018-038	
62	4458-018-039	
63	4458-018-040	
64	4458-018-041	
65	4458-018-042	
66	4458-018-906	
67	4458-018-907	
68	4458-022-030	