



TO: Elizabeth A. Pauli, City Manager
 FROM: Jeff H. Capell, Hearing Examiner *JHC*
 Ralph K. Rodriguez, LID Administrator, Public Works Engineering Division *RKR*
 COPY: City Council and City Clerk
 SUBJECT: Ordinance Request No. 21-0155 - LID No. 8667 Formation - March 16, 2021
 DATE: February 23, 2021

SUMMARY AND PURPOSE:

An ordinance forming Local Improvement District No. 8667, for establishing a grade and placing thereon (upgraded) permanent street pavement with a structural section, together with the installation of concrete curbs, gutters, surface water mains, and surface water catch basins, where needed on Ruby Street, from Baltimore Street to Shirley Street; and on Mullen Street, from North 46th Street to North 47th Street.

BACKGROUND:

The Hearing Examiner’s recommendation to approve formation of Local Improvement District No. (“LID”) 8667 is based on the evidence and testimony presented at the public hearing held on December 14, 2020, as well as property owner statements. LID 8667 proposes to establish a grade and place thereon upgraded permanent street pavement with a structural section, together with installation of concrete curbs, gutters, surface water mains, and surface water catch basins, where needed on Ruby Street, from Baltimore Street to Shirley Street (“Segment 1”); and on Mullen Street, from North 46th Street to North 47th Street (“Segment 2”). Originally, the Hearing Examiner had recommended Segment 1 be left out of the LID due to the amount of property owner opposition reaching the level to reject formation under City policy; however, on January 15, 2021, the City’s Department of Public Works LID Section informed the Examiner’s Office that three property owners within Segment 1 had rescinded their opposition and were now in favor. This dropped the level of protest under both State law and City policy levels for rejection, and the Examiner subsequently amended his original recommendation to now recommend both Segment 1 and Segment 2 be formed.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

All property owners within the LID were notified of the public hearing, held on December 14, 2020, at which they could attend to express their concerns and voice support for, or opposition to the formation of LID 8667. At the hearing, multiple property owners spoke both for, and against formation, and to ask clarifying questions to the City’s Department of Public Works LID Section representative. Property owners also had the opportunity to send their written comments to the Hearing Examiner’s Office. Property owners within LID 8667 boundary will benefit from the improvements, the option of receiving the long-term financing from the City, and from the City’s contribution to the LID.



2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

Positive impacts on equity and accessibility result from approving this LID formation because residents within the LID boundary will have an improved and safer roadway for travel, and enhanced drainage along the roadway.

Livability: Equity Index Score: Moderate Opportunity

Improve access and proximity by residents of diverse income levels and race/ethnicity to community facilities, services, infrastructure, and employment.

Explain how your legislation will affect the selected indicator(s).

The formation of the Local Improvement District acknowledges the support of property owners to form the LID and supports their opportunity to have direct involvement in public improvements in their neighborhood.

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. The Council could approve LID formation under different terms than those recommended.	Any positive impact arising from varying from the Examiner's recommendation would depend on what those variations are.	Any variation from the current recommendation could potentially delay the LID formation and construction of the improvements.
2. The Council could reject formation of the LID.	The most positive impacts come from approving the LID formation.	The most positive impacts come from approving the LID formation, thereby making the improvements that are supported by the City and the property owners.

EVALUATION AND FOLLOW UP:

All evaluation and follow up should be coordinated between the appropriate City Department and property owners within the LID.

STAFF/SPONSOR RECOMMENDATION:

The Hearing Examiner recommends formation of Local Improvement District No. 8667, including both Segments 1 and 2, and following the costs and legal description as revised in the Addendum to the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation.



FISCAL IMPACT:

Fund Number & Name	COST OBJECT (CC/WBS/ORDER)	Cost Element	Total Amount
1. 1060-LID	LID-8667R-06	5600000	\$963,146.75
2. 4301-ES Surface Water	LID-8667S-06	5600000	\$107,421.25
TOTAL			\$1,070,568.00

What Funding is being used to support the expense?

1060-LID, LID Assessments, 6398645, \$345,628.75
 1060-LID, Streets Initiative Funds, 6311108, \$617,518.00
 4301, ES Surface Water Funds, 4300020, \$107,421.25

Are the expenditures and revenues planned and budgeted in this biennium’s current budget?

YES
 ES Surface Water is budgeted at the fund level.
 Streets Initiative Funds are budgeted at the project level.
 LID assessments are budgeted at the project level upon adoption of the formation ordinance.

Are there financial costs or other impacts of not implementing the legislation?

No
 There are no financial costs to the city for not adopting the ordinance creating the Local Improvement District.

Will the legislation have an ongoing/recurring fiscal impact?

YES
 The storm water main extension will require periodic cleaning.
 The new street surface with curb and gutter will require periodic street sweeping

Will the legislation change the City’s FTE/personnel counts?

No
 Existing staff will design, inspect and maintain the improvements authorized by the Local Improvement District.

ATTACHMENTS:

The following attachments can be found in Legistar:

- The Hearing Examiner’s City Council Action Memorandum, dated February 23, 2021.
- The Hearing Examiner’s Addendum to Findings of Fact, Conclusions of Law, and Recommendation, issued on January 22, 2021.
- The Hearing Examiner’s Findings of Fact, Conclusions of Law, and Recommendation, issued on December 30, 2020.
- The City Witness List, Exhibit List, and Exhibits C-1 through C-12.
- Six LID property owner comments.
- Verbatim electronic recording from the hearing held on December 14, 2020.