

May 3, 2004

Honorable Mayor and Members of
The Hermosa Beach City Council

Regular Meeting of
May 11, 2004

**HERMOSA BEACH LANDSCAPING AND STREET LIGHTING
DISTRICT
2004-2005 ADOPTION OF RESOLUTIONS REGARDING THE
ENGINEER'S REPORT AND SETTING MAY 25, 2004,
FOR A PUBLIC HEARING**

Recommendation:

It is recommended that the City Council:

1. Adopt the attached Resolutions approving the Engineer's Report for Hermosa Beach Landscaping & Street Lighting District 2004-2005 ("District") made pursuant to the requirements of Resolution No. 03-6257; and
2. Adopt the attached Resolution declaring the City Council's intention to order certain improvements and to levy and collect assessments within the District for the fiscal year beginning July 1, 2004 through June 30, 2005; and setting May 25, 2004, to accept public input on the matter of the proposed assessment.

Discussion:

The Landscaping and Street Lighting District assesses all property owners in the City to provide funding for the maintenance and operation of the citywide street lighting program and landscaping within the street medians and parkways. The City Council must confirm the annual assessment each year to be placed on the tax roles to be collected by the County Tax Assessor.

This year's assessment amount is set at \$41.45 per dwelling unit, which has not increased since 1996. With the passage of Proposition 218 in 1996, this amount cannot be increased without the approval of the affected property owners through a ballot procedure under the majority protest rule. This means that the proposed assessment would be defeated if more than 50% of the ballots received are opposed to the increase.

Adoption of both Resolutions is necessary at this time so that a public hearing can be held to take testimony on the assessments. The first Resolution approves the report prepared by the Director of Public Works acting as the Assessment Engineer. Its adoption confirms that the report has been prepared prior to the public hearing. This report covers matters relating to the District and is on file in the City Clerk's office.

The adoption of the second Resolution provides for the setting of a public hearing for May 25, 2004, at 7:30 PM. At the conclusion of the public hearing, the City Council will be provided with a Resolution it may adopt ordering the assessments.

As mentioned earlier, all decisions will be made after the public hearing and adoption of these Resolutions will only confirm that the report has been prepared and that the public hearing will be held on May 25, 2004.

When the District was originally formed in FY 89/90 the assessment amount was set at \$16.84 per dwelling unit. In FY 95/96 the assessment amount was increased to \$54.82 with the exception for senior citizens maintaining the \$16.84 amount (through a rebate program). Because of a surplus of funds the assessment amount was reduced to the present amount of \$41.45 in FY 97/98.

This surplus of District funds was able to cover the increasing costs of services up until this last fiscal year. FY 04/05 had a deficit of \$141,738 out of a total budget amount of \$661,131. Staff has prepared a balanced budget using a fund transfer of this amount from the General Fund.

Staff will discuss options with the Council to achieve a balanced budget at the Budget Hearing on May 18, 2004. Options will include re-forming this Landscaping and Lighting District to increase assessments with a citywide ballot and/or cutting back services. One measure in service reduction being considered is reducing the number of streetlights by 50%.

Fiscal Impact:

All costs for landscaping and street lighting services are paid from District funds. there is no impact on the General Fund.

Alternatives:

1. Approve staff's recommendation.
2. Let the district lapse; thereby, causing a potential increase in General Fund obligations of approximately \$455,000.

Attachments:

1. Engineer's Report
2. Resolution approving the District Report
3. Resolution setting a time and place for the public hearing

Respectfully submitted,

Concur:

Homayoun Behboodi
Associate Engineer

Richard D. Morgan, P.E.
Director of Public Works/City Engineer

Noted for Fiscal Impact:

Concur:

Viki Copeland
Finance Director

Stephen Burrell
City Manager

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ENGINEER'S REPORT

CITY OF HERMOSA BEACH

**LANDSCAPING AND
STREET LIGHTING DISTRICT
2004-2005**

Prepared By:

**Richard D. Morgan, P.E.
Director of Public Works/City Engineer**

April 8, 2004

ENGINEER'S REPORT
CITY OF HERMOSA BEACH
LANDSCAPING AND STREET LIGHTING DISTRICT 2004-2005

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ENGINEER'S REPORT
CITY OF HERMOSA BEACH
LANDSCAPING AND STREET LIGHTING DISTRICT 2004-2005

The undersigned respectfully submits the enclosed report as directed by the City Council.

DATED: April 8, 2004

BY: Richard D. Morgan, P.E.
Director of Public Works/City Engineer

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Diagram thereto attached, was filed with me on the _____ day of _____, 2004.

City Clerk, City of Hermosa Beach
Los Angeles County, California

By _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Diagram thereto attached, was approved and confirmed by the City Council of the City of Hermosa Beach, California, on the _____ day of _____, 2004.

City Clerk, City of Hermosa Beach
Los Angeles County, California

By _____

I HEREBY CERTIFY that the enclosed Assessment Roll and Diagram were filed with the County Auditor of the County of Los Angeles, on the _____ day of _____, 2004.

City Clerk, City of Hermosa Beach
Los Angeles County, California

By _____

FISCAL YEAR 2004-2005

CITY OF HERMOSA BEACH

**ENGINEER'S REPORT PREPARED PURSUANT TO THE PROVISIONS OF THE
LANDSCAPING AND LIGHTING ACT OF 1972, SECTION 22500 THROUGH
22679, OF THE CALIFORNIA STREETS AND HIGHWAYS CODE**

Pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California, and in accordance with the Resolution of Initiation adopted by the Council of the City of Hermosa Beach, State of California, in connection with the proceedings for:

**HERMOSA BEACH
LANDSCAPING AND STREET LIGHTING DISTRICT 2004-2005**

Hereinafter referred to as the "Assessment District" or "District", Richard D. Morgan, P.E., Director of Public Works/City Engineer, the duly appointed ENGINEER OF WORK, submit herewith the "Report" consisting of six (6) parts as follows:

PART A

Plans and specifications for the improvements showing and describing the general nature, location and extent of the improvements.

PART B

An estimate of the cost of the proposed improvements for FY 2004-2005, including incidental costs and expenses in connection therewith.

PART C

An assessment of the estimated cost of the improvements on each benefited lot or parcel of land within the Assessment District.

PART D

The method of apportionment of assessments, indicating the proposed assessment of the total amount of the costs and expenses of the improvements upon the several lots and parcels of land within the Assessment District, in proportion to the estimated benefits to be received by such lots and parcels.

PART E

A list of the names and addresses of the owners of real property within the Assessment District, as shown on the last equalized roll of the Assessor of the County of Los Angeles.

PART F

The Diagram of the Assessment District Boundaries showing the exterior boundaries of the Assessment District, the boundaries of any zones within the Assessment District and the lines and dimensions of each lot or parcel of land within the Assessment District.

PART A

PLANS AND SPECIFICATIONS

The facilities, which have been constructed within the City of Hermosa Beach, and those which may be subsequently constructed, will be operated, serviced and maintained as generally described as follows:

DESCRIPTION OF IMPROVEMENTS FOR THE HERMOSA BEACH LANDSCAPING AND STREET LIGHTING DISTRICT 2004-2005

The proposed improvements for FY 2004-2005 may be generally described as the continued maintenance and operation of streets and sidewalks within the District, including the operation, servicing and maintenance of landscaping, lighting and appurtenant facilities that are located in and along such streets and sidewalks, including but not limited to, personnel, electrical energy, utilities such as water, materials, contracting services, and other items necessary for the satisfactory operation of these services described as follows:

Street Landscaping and Appurtenant Facilities

Landscaping, planting, shrubbery, trees and appurtenant facilities, including irrigation systems, hardscapes and fixtures in public street and sidewalk rights-of-way, including parkways and medians, within the boundaries of the Assessment District.

Street Lighting and Appurtenant Facilities

Poles, fixtures, bulbs, conduits, equipment including guys, anchors, posts and pedestals, metering devices and appurtenant facilities as required to provide street lighting and traffic signals in public street and sidewalk rights-of-way, including parkways and medians, within the boundaries of the Assessment District.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the landscaping, lighting facilities and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, lighting facilities or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; and the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

Servicing means the furnishing of water for the irrigation of the landscaping and the maintenance of any of the lighting facilities or appurtenant facilities and the furnishing of electric current or energy, gas or other illuminating agent for the lighting facilities, or for the lighting or operation of the landscaping or appurtenant facilities.

The plans and specifications for the improvements, showing and describing the general nature, location, and the extent of the improvements, are on file in the office of the City Clerk and are incorporated herein by reference.

PART B
ESTIMATE OF COSTS

LANDSCAPING AND STREET LIGHTING DISTRICT Proposed Budget - Fiscal Year 2004-2005	
The estimated cost of the operation, servicing and maintenance of the street and sidewalk improvements for fiscal year 2004-2005, as described in Part A, are summarized herein and described below.	
Lighting and Landscaping Maintenance and Servicing <ul style="list-style-type: none"> • Median & Pkwy Landscaping Maintenance and Servicing • Lighting Maintenance and Servicing • Tree Trimming 	563,896
Administration Costs	22,029
Insurance	39,136
Assessment Proceedings Costs	2,500
Equipment Replacement	33,570
Proposed Capital Improvements	- 0 -
Expenditures Subtotal	661,131
Appropriation from Fund balance 07/01/04	(61,643)
Transfer from General Fund 07/01/04	(141,738)
Miscellaneous Revenues	(2,750)
Total to Assessment	455,000
Fund Balance (6/30/05)	--0-

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purpose as stated herein. A contribution to the District by the City may be made to reduce assessments, as the City Council deems appropriate. Any balance or deficit remaining on July 1 must be carried over to the next fiscal year.

PART C

ASSESSMENT ROLL

The total proposed assessment for Fiscal Year 2004-2005 and the amount of the total proposed assessment apportioned to each lot or parcel within the District, as shown on the latest assessment roll at the Los Angeles County Assessor's Office, are contained in the Assessment Roll on file in the office of the City Clerk of the City of Hermosa Beach, which is incorporated herein by reference.

The description of each lot or parcel is part of the Los Angeles County assessment roll and this roll is, by reference, made part of this Report.

PART D

METHOD OF APPORTIONMENT OF ASSESSMENT

GENERAL

Part 2, of Division 15, of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by cities for the purpose of providing certain public improvements which include operation, maintenance and servicing of street lights, traffic signals and landscaping.

The 1972 Act requires that maintenance assessments be levied according to benefit rather than according to assessed value. Section 22573 provides that:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The Act permits the designation of zones of benefit within any individual assessment district if "by reason of variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvements" (Sec. 22574) Thus, the 1972 Act requires the levy of a true "benefit assessment" rather than a "special tax."

Exempted from the assessment would be the areas of all publicly owned property in use in the performance of a public function. Railroad and utility rights-of-way are also exempt from assessment.

BENEFIT ANALYSIS

- **Street Lighting and Traffic Signals** - The proper functioning of street lighting and traffic signals is imperative for the welfare and safety of the public and property throughout the City. Proper operation, maintenance and servicing of the street lighting system benefits properties within the District by providing proper illumination for ingress and egress and safe traveling at night. Properties within the District also benefit from the proper functioning of the District's traffic signal system. Proper operation of the street light and traffic signal systems is imperative to public convenience, orderly traffic flow, enhanced congestion management and safety. Improved security, fuel conservation, protection of property from crime and vandalism, and reduction of traffic accidents, are special and direct benefits to all properties within the City; lighting benefits are directly related to public safety and property protection and therefore increase property values.
- **Median and Parkway Landscaping and Tree Trimming** - Trees, landscaping, hardscaping and appurtenant facilities, if well maintained, provide beautification, shade and enhancement of the desirability of the surroundings, and therefore increase property value.

The City maintains trees and miscellaneous shrubbery and landscaping throughout the City. The trees, shrubbery and landscaping are located within the public street and sidewalk rights-of-way, including parkways and medians. These trees, shrubbery and landscaping provide an aesthetically pleasing environment, shade, beautification, and, according to some authorities, air purification and sound attenuation. These positive attributes increase the value of all properties throughout the City.

Therefore, all property within the District receive an overall specific and direct benefit from the maintenance and servicing of the street median and parkway landscaping and street tree trimming programs.

Special benefits which are received by all parcels in the City are considered to be City-wide Benefits, and the associated costs of these special benefits are spread equally, based on Equivalent Dwelling Units, to all parcels within the District. All properties in the District benefit from the operation, maintenance and servicing of the street lighting, traffic signals, street median and parkway landscaping and street tree trimming.

The degree of benefit to each parcel of land varies depending on its land use and the size of the parcel. If assessments were spread on an individual parcel basis, not considering land use or parcel size, it would not be an equitable method of spread because a single family parcel would pay the same assessment as a 50-unit apartment parcel or a large commercial parcel. Therefore, the method for spreading the improvement costs, which must be based on special and direct benefit, is on an Equivalent Dwelling Unit (EDU) basis. The EDU method uses the residential dwelling unit as the basic unit and compares other uses to it, as follows:

- **Residential** parcels are assessed based on the number of dwelling units on each parcel, where each residential dwelling unit equals one EDU
- **Non-residential** parcels have been converted into EDU'S, based on engineering judgment taking into consideration the size of the parcel and the amount of frontage along the street. Every parcel is assessed a minimum of one (1) EDU.

There are a total of 10,977 EDU's within the Assessment District.

ASSESSMENT RATE CALCULATION

Based on a budget of \$455,000, as shown in Part B of this report, the preliminary assessment rate for FY 2004-2005 is calculated as follows:

$$\$455,000 / 10,977 \text{ EDU's} = \$41.45 \text{ per EDU}$$

The assessment for FY 2003-2004 was \$41.45 per EDU.

PART E

PROPERTY OWNER LIST

A list of names and addresses of the owners of all parcels within this District is shown on the last equalized Property Tax Roll of the Assessor of the County of Los Angeles, which by reference is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll on file in the office of the City Clerk of the City of Hermosa Beach.

PART F

ASSESSMENT DISTRICT BOUNDARY

The boundaries of the District are coterminous with the boundaries of the City of Hermosa Beach. A diagram showing the exterior boundaries of the District, the boundaries of any zones within the District, and the lines and dimensions of each lot or parcel of land within the District is on file in the office of the City Clerk of the City of Hermosa Beach, and is incorporated herein by reference. The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Assessor of the County of Los Angeles for fiscal year 2004-2004. The Assessor's maps and records are incorporated by reference herein and made part of this report.

1 22500, et seq.) of the Streets and Highways Code of the State of California, is hereby approved as
2 filed.

3 **SECTION 2.** This Resolution shall take effect immediately. The City Clerk shall certify to
4 the passage and adoption of this Resolution, shall cause the original of the same to be entered among
5 the original resolutions of the City Council, and shall make a minute of the passage and adoption
6 thereof in the minutes of the City Council meeting at which the same is passed and adopted.

7 PASSED, APPROVED and ADOPTED this 11th day of May 2004.

8
9 _____
10 PRESIDENT, of the City Council and MAYOR
11 of the City of Hermosa Beach, California

12 ATTEST:

13
14 _____, CITY CLERK

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16 APPROVED AS TO FORM:

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18 _____, CITY ATTORNEY

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1 **SECTION 6.** The improvements shall be provided pursuant to the provisions of the
2 Landscaping and Lighting Act of 1972, Part 2 of Division 15 (Section 22500, et seq.) of the Street and
3 Highways Code of the State of California, and in accordance with plans and specifications on file in the
4 office of the City Clerk.

5 **SECTION 7.** The assessment shall be levied and collected at the same time and in the same
6 manner and with the same interest and penalties as general taxes of the City, which are collected for the
7 City by the Los Angeles County Tax Collector.

8 **SECTION 8.** Public property owned by any public agency and in use in the performance of a
9 public function, which is included within the boundaries of the assessment district shall be omitted and
10 exempt from the assessment to be made to cover the costs and expenses of the improvements.

11 **SECTION 9.** To expedite the making of the improvements, the City Council may transfer
12 into the "Hermosa Beach Landscaping and Street Lighting District 2004-2005 Fund," out of any
13 money in the General Fund, any sums as it shall deem necessary, and the sums so transferred shall be
14 deemed a loan to such fund and shall be repaid in accordance with the Landscaping and Lighting Act
15 of 1972.

16 **SECTION 10.** NOTICE IS HEREBY GIVEN that Tuesday, May 25, 2004, at the hour of
17 7:30 PM in Civic Center Council Chambers, 1315 Valley Drive, Hermosa Beach, California, is
18 appointed as the date, time and place for hearing protests to the question of approving and confirming
19 the levy of the proposed assessment.

20 **SECTION 11.** The City Clerk is hereby authorized, designated and directed to give notice of
21 the public hearing in the time, form and manner required by law.

22 **SECTION 12.** The EASY READER, a weekly newspaper of general circulation circulated
23 within the City, is hereby designated as the newspaper in which said notice shall be published.

24 **SECTION 13.** This Resolution shall take effect immediately. The City Clerk shall certify to
25 the passage and adoption of this Resolution, shall cause the original of the same to be entered among
26 the original resolutions of the City Council and shall make a minute of the passage and adoption thereof
27 in the minutes of the City Council meeting at which the same is passed and adopted.

28 **PASSED, APPROVED and ADOPTED** this 11th day of May 2004.
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PRESIDENT, of the City Council and MAYOR
of the City of Hermosa Beach, California

ATTEST:

, CITY CLERK

APPROVED AS TO FORM:

, CITY ATTORNEY