

May 18, 2004

Honorable Mayor and Members of  
The Hermosa Beach City Council

Regular Meeting of  
May 25, 2004

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

**Recommendation:**

It is recommended that the City Council:

1. Conduct a Public Hearing in connection with the levy of assessments for fiscal year 2004-2005; and
2. Adopt the attached Resolution confirming the diagram and assessment for Hermosa Beach Landscaping & Street Lighting District 2004-2005 ("District") and levying an assessment for the fiscal year commencing July 1, 2004 and ending June 30, 2005.

**Background:**

As required by law, the following steps have been taken for the levy and collection of assessments for fiscal year 2004-2005 within the District:

1. March 23, 2004: The City Council adopted Resolution No. 04-6331 ordering the preparation of a report for the District.
2. April 8, 2004: The Director of Public Works filed with the City Clerk the report consisting of, among other things, the assessment diagram and assessment roll for the District.
3. May 11, 2004: The City Council adopted Resolution No. 04-6338 approving the report of the Director of Public Works.
4. May 11, 2004: The City Council adopted Resolution No. 04-6339 setting May 25, 2004 at 7:30 p.m. as the date and time for a public hearing in order to accept public input on the District.
5. May 13, 2004: Notice of the Public Hearing was given by publishing a public notice in the Easy Reader.

**Analysis:**

The District assessment funds the cost of maintaining and operating street lights, traffic signals and landscaping located within parkways or medians. The proposed assessment rate for fiscal year 2004-2005 is \$41.45 per equivalent dwelling unit, the same equivalent dwelling unit rate as used in fiscal year 2003-2004 to finance those improvements. The assessment is based on the actual number of dwelling units that are on a property (or their equivalent for vacant and commercial properties).

The surplus of District funds noted at the May 11, 2004 Council meeting was enough to cover the increasing costs of services up until the last fiscal year. FY 04-05 has a deficit of \$141,738 out of a total budget amount \$661,131. Staff has prepared a balanced budget using a fund transfer from the General Fund in this amount.

Adoption of the attached resolution constitutes the levy of an assessment for FY 2004-2005.

**Alternatives:**

1. Approve Staff's recommendation.
2. Let the District lapse; thereby causing a potential increase in General Fund obligations of \$455,000.
3. Levy an assessment at less than the proposed amount, thereby causing an increased General Fund obligation.

Respectfully submitted,

Concur:

\_\_\_\_\_  
Homayoun Behboodi  
Associate Engineer

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

Noted for Fiscal Impact:

Concur:

\_\_\_\_\_  
Viki Copeland  
Finance Director

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Stephen R. Burrell  
City Manager

Attachment: Resolution Confirming Diagram and Assessment

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**RESOLUTION NO. 04-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DECLARING ITS INTENTION TO ORDER CERTAIN IMPROVEMENTS AND TO LEVY AND COLLECT ASSESSMENTS WITHIN THE HERMOSA BEACH LANDSCAPING AND STREET LIGHTING DISTRICT 2004-2005 FOR THE FISCAL YEAR BEGINNING JULY 1, 2004 AND ENDING JUNE 30, 2005, AND APPOINTING A TIME AND PLACE FOR A PUBLIC HEARING IN RELATION THERETO.**

**THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

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**SECTION 1.** The public interest and convenience require, and it is the intention of the City Council of the City of Hermosa Beach, California, to order certain improvements within an existing citywide assessment district for the fiscal year beginning July 1, 2004 and ending June 30, 2005, and to levy and collect assessments against properties within the assessment district for that fiscal year.

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**SECTION 2.** The proposed improvements are the continued maintenance and operation of the streets and sidewalks within the assessment district including the operation, servicing and maintenance of landscaping, lighting and appurtenant facilities that are located in and along such streets and sidewalks.

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**SECTION 3.** The assessment district is designated as the "Hermosa Beach Landscaping and Street Lighting District 2004-2005." The assessment district is comprised of all of the City of Hermosa Beach, as shown on the "MAP OF LANDSCAPING AND STREET LIGHTING DISTRICT 2004-2005" on file in the Office of the City Clerk.

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**SECTION 4.** The assessments to be levied and collected against the assessable lots and parcels of land within the assessment district for fiscal year 2004-2005 are not proposed to increase from those levied and collected in fiscal year 2003-2004.

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**SECTION 5.** Reference is hereby made to the report prepared by the Director of Public Works, entitled "Engineer's Report, for Hermosa Beach Landscaping and Street Lighting District 2004-2005," on file in the Office of the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the assessment district.

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 25<sup>th</sup> day of May, 2004.  
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PRESIDENT, of the City Council and MAYOR  
of the City of Hermosa Beach, California

ATTEST:

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, CITY CLERK

APPROVED AS TO FORM:

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, CITY ATTORNEY

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