

January 3, 2005

Honorable Mayor and Members of
The Hermosa Beach City Council

Regular Meeting of
January 11, 2005

**PROPOSED BAY VIEW DRIVE ASSESSMENT DISTRICT NO. 2004-2,
REVIEW PROTESTS AND OBJECTIONS, TABULATION OF BALLOTS**

Purpose:

This report recommends that City Council hear and consider all comments and protests relating to the proposed proceedings such as:

- The improvements proposed to be constructed and installed,
- The extent of the Assessment District,
- The estimate of costs and expenses,
- The proposed Diagram of Assessment,
- To consider and finally determine whether the public interest and convenience require the improvements,

Following the receipt of any comments or protests and the receipt of any additional ballots, it is suggested that the City Council close the public comment portion of this hearing and recess so that staff can tabulate the ballots. Once the tabulation has been completed the City Council will reconvene and hear the results of the ballots.

Recommendation:

It is recommended that the City Council adopt the attached resolution entitled:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH
MAKING DETERMINATIONS, CONFIRMING ASSESSMENTS AND
PROCEEDINGS, AND ORDERING THE ACQUISITION OF THE
IMPROVEMENTS, DESIGNATING THE CITY TREASURER TO COLLECT AND
RECEIVE ASSESSMENTS AND TO ESTABLISH A SPECIAL FUND FOR
ASSESSMENT DISTRICT NO. 2004-2 (BAY VIEW DRIVE).

Analysis:

During the public hearing, the City Council shall consider all evidence for and protests against the proposed assessment and shall tabulate the ballots. The City Council shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, (1) there is a majority protest as set forth in Section 2930 of the Streets and Highways Code (the 1931 Act) or (2) ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

After the approval and confirmation of the District, the Assessment Diagram and Notice of Assessment will be recorded at the County of Los Angeles. In addition, the Notice of Assessment with instructions for payment will be mailed to each property owner. Property owners will have the option to pay for their assessment costs in full within the 30-day cash payment period following the approval of the district.

Fiscal Impact:

All construction costs and incidental expenses such as engineering design, contract administration and inspection, special bond counsel, bond servicing, and bond discount/special reserve fund will be repaid by an assessment to the property owners within the District. The total amount to be funded is \$1,135,000.00.

- Attachments: 1. Resolution of the City Council making determinations
2. Notice of Recordation
3. Certificate of City Clerk as to results of balloting
4. Affidavit of mailing notice
5. Southern California Edison Agreement
6. Verizon Agreement

Respectfully submitted,

Concur:

Frank J. Senteno
Assistant Engineer

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

Noted for Fiscal Impact:

Concur:

Viki Copeland
Finance Director

Stephen R. Burrell
City Manager