



# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Cohen and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager

**FROM:** Bruce Moe, Finance Director  
Henry Mitzner, Controller

**DATE:** July 7, 2009

**SUBJECT:** Public Hearing for the Annual Levy and Collection of Street Lighting and Landscaping District Maintenance Assessments for Fiscal Year 2009-2010

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**RECOMMENDATION:**

Staff recommends that the City Council: a) conduct a public hearing, and b) adopt Resolution No. 6202, providing for the annual levy and collection of Street Lighting and Landscaping District maintenance assessments for the fiscal year 2009-2010.

**FISCAL IMPLICATION:**

The assessment rates remain unchanged from fiscal year 2008-2009. The total assessment for fiscal year 2009-2010 is \$378,831 and is in accordance with the assessment engineer's report.

**BACKGROUND:**

The City provides for the maintenance costs of citywide street lighting and downtown landscaping via the Street Lighting and Landscaping Assessment District. The district was formed pursuant to the state's Landscaping and Lighting Act of 1972. The district must be renewed annually through a series of Council resolutions culminating with tonight's public hearing and adoption of the resolution.

The following is a summary of previous Council actions:

- 4/21/2009 Adoption of Resolution No. 6184 ordering plans, specifications, cost estimates and the assessment engineer's report for the annual assessment.
- 6/02/2009 Adoption of Resolution No. 6194 - approving the assessment engineer's report for the annual levy of street lighting assessments for fiscal year 2009-2010; and adoption of Resolution No. 6195 - declaring City Council intention to provide for the annual levy and collection of assessments for street lighting maintenance and setting the public hearing for July 7, 2009.

**DISCUSSION:**

The total assessment for fiscal year 2009-2010 of \$378,831 plus a City contribution of \$18,871 (Streetscape zone 10 only), will be used entirely for maintenance and operation of the lighting (zones 1 through 9) and the Downtown Streetscape (zone 10). The contribution of \$18,871 represents benefit received by the City via inclusion of City Hall frontage along Highland Ave in Zone 10. In addition, the General Fund will be providing an operating subsidy of \$171,904 to cover total revenue and contribution shortfalls. The shortfall components are \$109,539 for zones 1 through 9 and \$62,365 for Streetscape (zone 10). In summary, total estimated revenue, including a General Fund contribution for fiscal 2009-2010 is \$397,702 while the budget for all zones is \$569,606, resulting in a deficit of \$171,904. Please refer to page 7 of the Engineer's Report.

As discussed during the FY 2009-2010 budget meetings and in prior staff reports, the Street Lighting and Landscaping Fund will require support from the General Fund in the current fiscal year and for the foreseeable future. According to the five year forecast, the required General Fund transfer increases from \$171,904 in Fiscal 2009-2010 to a projected \$252,804 in fiscal 2013-2014. Ongoing General Fund transfers to cover these deficits will need to be addressed in the coming years, and can only be alleviated by increased assessments, which require a Proposition 218 vote.

Tonight's public hearing is the final step in the process to establish the fiscal year 2009-2010 assessment. The public hearing has been properly noticed and the assessment engineer's report, map of assessment zones, and register of assessment levies have been placed on file with the City Clerk.

Attachment: A - Resolution No. 6202  
B - Zone map

RESOLUTION NO. 6202

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, OVERRULING PROTESTS AND PROVIDING FOR THE ANNUAL LEVY AND COLLECTING OF ASSESSMENTS FOR CERTAIN STREET LIGHTING MAINTENANCE IN AN EXISTING DISTRICT, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA

SECTION 1. The City Council hereby makes the following findings:

A. This City Council has previously formed a Lighting Maintenance District pursuant to the provisions of Division 15, Part 2, of the Streets and Highways Code of the State of California, being the "Landscaping and Lighting Act of 1972" for a maintenance district known and designated as LANDSCAPING AND STREET LIGHTING MAINTENANCE DISTRICT NO. 99 (hereinafter referred to as the "District"); and

B. This Council did, on the 2<sup>nd</sup> day of June, 2009, adopt a Resolution declaring its intention to order the maintenance of landscaping and lighting on certain streets in the City of Manhattan Beach for a period beginning July 1, 2009 and ending June 30, 2010, said landscaping and lighting service to be within the "District"; and

C. Said Resolution did fix the time and place for a hearing of any and all protests in relation to said proposed maintenance; and

D. The public hearing took place on July 7, 2009, and all interested persons were given full opportunity to present their protests or objections; and

E. Evidence has been received as to the publication and mailing of notice of said hearing in the time, form and manner required by law; and

F. This Resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15061(3) in that it has no potential for causing a significant impact to the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 2. The City Council after due consideration of all such objections and protests, does hereby overrule and deny any such protests and objections and each of them to the street lighting maintenance to be done within said "District", and to the proposed assessment therefore; and does hereby confirm and adopt as a whole the assessment and report.

SECTION 3. That the public interest and convenience demands and requires and this City Council does hereby order the said contemplated maintenance to be performed in accordance with the plans and specifications therefore, adopted and approved, and the City Council does hereby levy and said proposed assessment is hereby made to cover the costs and expenses of said maintenance upon the respective subdivisions of land in said "District" and as fixed by the report and assessment heretofore filed in the office of the City Clerk.

SECTION 4. The City Clerk of the City of Manhattan Beach is hereby ordered to transmit to the County of Los Angeles Tax Collector the diagram and assessment upon which such levy is based, and said County Tax Collector is hereby authorized and directed to make collections of all such assessments, and to perform all the acts and duties as are required of said Act to be performed by the persons designated as "County Auditor" in Chapter 4 of the Landscaping and Lighting Act of 1972, as amended.

SECTION 5. The City Clerk shall certify to the passage and adoption of this resolution; shall cause the same to be entered among the original resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

PASSED, APPROVED and ADOPTED this 7<sup>th</sup> day of July, 2009.

Ayes:  
Noes:  
Abstain:  
Absent:

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Mayor, City of Manhattan Beach, California

ATTEST:

\_\_\_\_\_  
City Clerk

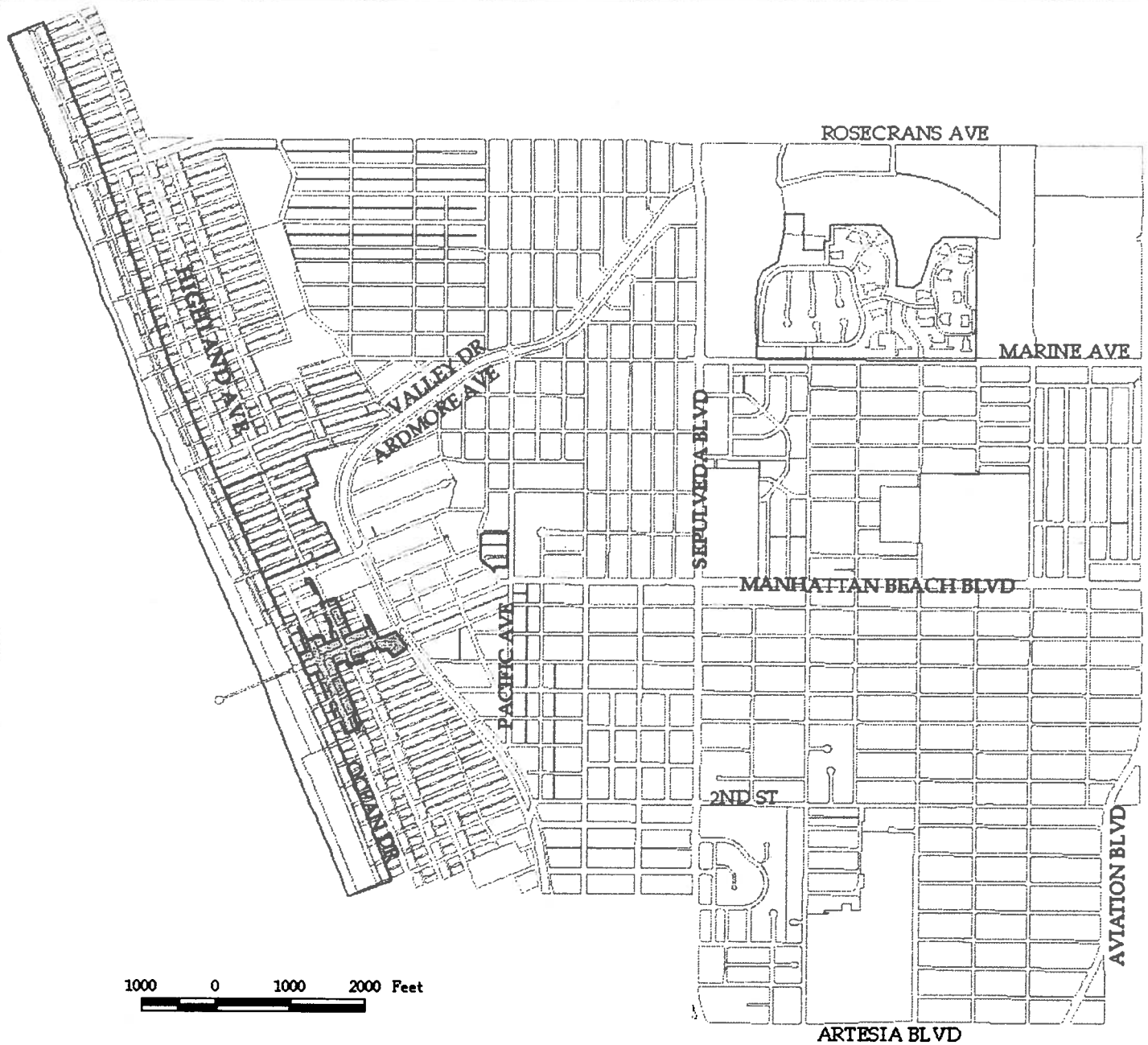
APPROVED AS TO FORM:

By

  
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City Attorney

"B"

# City of Manhattan Beach Lighting and Landscape Assessment Districts



## Total Area (Acres)

Zone 1		General	2231.7
Zone 5		Gas Lights	39.0
Zone 6		The Strand	127.5
Zone 7		Walkway Streets	25.7
Zone 9		Arbolado Tract	2.9
Zone 10		Downtown Streetscape	15.4
		Excepted	82.5



August 2001



