

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda date: July 6, 2010
Reviewed by: BP

SUBJECT: Public Hearing on the Landscaping & Lighting Assessment District Diagram and Assessment and Levying Assessment for Assessment District No. 1988-1 and Assessment District No. 1996-1 for Fiscal Year 2010-11

FROM: Ann Chaney, Community Development Director
Randy Leptien, City Engineer

RECOMMENDATION

1. Conduct the Public Hearing.
2. Approve Resolution No. 2010-36 - A Resolution of the Albany City Council Confirming the Landscaping and Lighting Assessment District Diagram and Assessment and Levying Assessment for LLDA No. 1988-1 for Fiscal Year 2010-11.
3. Approve Resolution No. 2010-37 - A Resolution of the Albany City Council Confirming the Landscaping and Lighting Assessment District Diagram and Assessment and Levying Assessment for LLDA No. 1996-1 for Fiscal Year 2010-11.

BACKGROUND

On June 21, 2010, the City Council set a Public Hearing for July 6, 2010 on the proposed assessments for Landscaping and Lighting District No. 1988-1 and 1996-1. This year's LLAD budget shows a two-year period for planning purposes. However, pursuant to state law, for actual assessment purposes, the attached resolutions apply only to the upcoming fiscal year.

In most years, the LLAD scope and budget are presented to the Park and Recreation Commission for review and recommendation. However, no hearings were held with the Commission because no excess funding will be available this year for discretionary use. However, it is anticipated that discretionary funds may be available when the 1997 Certificate of Participation Bonds are paid off in fiscal year 2012-13.

LLDA 1988-1

In 1988, the City Council established Assessment District No. 1988-1 to provide for landscaping and lighting improvements and maintenance throughout the City. In order to levy assessments, state law requires that the Council direct the filing of an annual report,

notice a public hearing, and provide property owners an opportunity to review the proposed program, its associated costs and the proposed amount of assessment. The assessments are not proposed to increase from the fiscal year 2009-10 assessment level and, in fact have not increased in nineteen years.

The majority of the funds will go toward maintaining Albany's existing lighting and landscaping infrastructure. These funds will be used toward street trees, graffiti abatement, tennis courts, street lights in residential and commercial areas and Ohlone Greenway, sidewalks, the urban forest program, and improving Albany's street medians, and upgrading park and recreation facilities.

Since the June 21, 2010 City Council meeting, several changes to the 1988-1 LLAD are being proposed due to receipt of detailed accounting information showing that the \$100,000 budgeted in 2009-10 for the Community Center Tower repair is not needed. This is due in part to a favorable construction bid. These changes are addressed in *Amendment No. 1 to Engineer's Report on Assessment District No. 1988-1* (attached).

The following is a summary of differences between the 2009-10 and proposed 2010-11 budget:

- Creates a single Urban Forestry Program by combining: 1) Street Tree Maintenance (Commercial); 2) Street Tree Maintenance (Residential); 3) Urban Forestry (Commercial); and 4) Urban Forestry (Residential) in the 2010-11 budget.
- Reduces Urban Forestry Program in 2010-11 by \$5,349 (i.e., allotting \$120,000); and by \$15,349 in 2011-12 (i.e., allotting \$110,000).
- Reduces Community Center Tower repairs from \$100,000 to \$20,000 in 2009-10 Projected.
- Adds Catherine's Walk repairs - \$10,000 in 2009-10 and \$60,000 in 2010-11
- Reduces the amounts allocated to Graffiti Abatement, Park Irrigation Maintenance, Buchanan/San Pablo medians, and Sidewalk maintenance (50/50 share) to reflect the actual expenditures Projected in 2009-10. Note: Sidewalk Pilot Program is temporarily suspended due to staffing resources.
- Suspends the \$10,000 allocated for Tennis Court maintenance pending availability of funding.
- Eliminates Ohlone Path Irrigation maintenance (\$1,000) which will now be funded through the Park Irrigation Maintenance for all parks (including Ohlone).

The only projects identified in Parts A and B (as amended), for the 2010-11 fiscal year, is a contribution toward final work on the Community Center Tower, and for Catherine's Walk repairs (located between Hillside and Washington avenues) that will occur during two fiscal years.

LLDA 1996-1

In November 1996, the voters of Albany approved the levy of assessments for the Open Space, Recreational Playfields, and Creek Restoration Assessment District (Assessment

District No. 1996-1 also known as Measure R). In order to annually levy assessments, state law requires that the Council direct the filing of an annual report, notice a public hearing, and provide property owners an opportunity to review the proposed program, its associated costs and the proposed amount of assessment. The assessments are not proposed to increase from the 2010-11 assessment level and, in fact have not increased since the district's inception in 1996.

Under the terms of Measure R, Assessment District revenues must be allocated as follows:

- One half (50%) to the acquisition and improvement of open space on Albany Hill.
- One fourth (25%) for the acquisition, development and maintenance of recreational playfields.
- One fourth (25%) for creek restoration improvements.

The 2010-11 budget continues to allocate \$10,000 vegetation management on Albany Hill, and a new allocation of \$50,000 for updating the Albany Hill Master Plan. This is being proposed from the Open Space Fund.

PROCESS

The Engineer of Work, Leptien, Cronin, Cooper, Morris & Poore, Inc. filed his report for both these Assessment Districts on June 14, 2010, as directed by the Council. At the June 21 meeting, the Council approved Resolution No. 2010-29 (LLAD 1988-1) and No. 2010-30 (LLAD 1996-1) declaring the intention of the Council to levy and collect assessments for fiscal year 2010-11. That resolution also set July 6, 2010 as the date for the public hearing. The City Clerk published the notice as required by law.

FINANCIAL IMPACT

Sufficient funds are available in the 2010-11 Landscaping & Lighting Assessment District No. 1988-1 to complete the proposed projects.

Sufficient funds are available in the 2010-11 Landscaping & Lighting Assessment District No. 1996-1 budget for progress to continue in the three areas outlined under the terms of the District.

Attachments

- Resolutions No. 2010-36 and Resolution No. 2010-37
- June 21, 2010 City Council Staff Report and attachments regarding LLAD No. 1988-1 and 1996-1
- Amendment No. 1 to Engineer's Report on Assessment District No. 1988-1