

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

Agenda date: June 20, 2011

Reviewed by: JRL

SUBJECT: Public Hearing on the Levy of Assessments within Landscaping & Lighting Assessment District No. 1988-1 and No. 1996-1 for Fiscal Year 2011/12

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

RECOMMENDATION

1. Conduct the Public Hearing.
2. Approve Resolution No. 2011-31 - A Resolution of the Albany City Council Confirming the Diagram and Assessment and Levying Assessments in LLAD No. 1988-1 for Fiscal Year 2011/12.
3. Approve Resolution No. 2011-32 - A Resolution of the Albany City Council Confirming the Diagram and Assessment (including Amendment No. 1) and Levying Assessments in LLAD No. 1996-1 for Fiscal Year 2011/12.

BACKGROUND

May 16, 2011, the City Council set a Public Hearing for June 20, 2011 on the proposed assessments for Landscaping and Lighting Districts No. 1988-1 and 1996-1. The LLAD budgets show 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, a hearing was not held with the Commission this year because no excess funding will be available for discretionary use. However, it is anticipated that discretionary funds may be available when the 1997 Certificate of Participation Bonds are paid off in August 2012.

LLAD 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 last year's assessment level and, in fact have not increased in twenty 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, park irrigation, graffiti abatement, street lights in residential and commercial areas and the Ohlone Greenway, sidewalks, the urban forestry program, improving Albany's street medians, and upgrading park and recreation facilities.

LLAD 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 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 last year's 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.

Following the May 16, 2011 City Council meeting, the Engineer discovered that the bond payments for 2010/11, 2011/12 and 2012/13 for Open Space Fund 780 had been inadvertently omitted from the Cost Estimate (Part B). Inclusion of bond payments on page B(2) will result in a reduction of approximately \$239,000 to the projected and estimated Ending Balance for these years. Additionally, the bond payments for the Creek Restoration Fund 782 were corrected. This correction will result in an increase of approximately \$500 to the Ending Balance. These changes are addressed in *Amendment No. 1 to Engineer's Report on Assessment District No. 1996-1* (attached).

The 2011/12 Budget continues to allocate \$10,000 for vegetation management and \$5,000 for vegetation management in Cerrito Creek in the Creek Restoration Fund. In addition the report includes \$50,000 for an update to the Albany Hill Master Plan in the Open Space Fund as previously approved by the Council.

PROCESS

The Engineer of Work, Leptien, Cronin, Cooper, Morris & Poore, Inc. filed his report for both these Assessment Districts on May 10, 2011, as directed by the Council. At the

May 16 meeting, the Council approved Resolution No. 2011-25 (LLAD 1988-1) and No. 2011-26 (LLAD 1996-1) declaring the intention of the Council to levy and collect assessments for fiscal year 2011/12. Both resolutions set June 20, 2011 as the date for the public hearing. The Deputy City Clerk published the notice as required by law.

FINANCIAL IMPACT

Sufficient funds are available in the 2011/12 Landscaping & Lighting Assessment District No. 1988-1 to complete the proposed projects.

Sufficient funds are available in the 2011/12 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. 2011-31 and Resolution No. 2011-32
- May 16, 2011 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. 1996-1