

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

Agenda Date: July 2, 2012
Reviewed by: BP

Subject: Intention to Order Improvements and Levy Assessments in Assessment District No. 1988-1 and Assessment District No. 1996-1 for the 2012/13 Fiscal Year, and Set a Public Hearing for July 16, 2012 on the proposed assessments.

Report By: Jeff Bond, Community Development Director
Judy Lieberman, Projects Manager
Randy Leptien, City Engineer

STAFF RECOMMENDATION

1. Approve Resolution #2012-35 - A Resolution of Intention to Order Improvements and Levy Assessments in Assessment District No. 1988-1 for the 2012/13 Fiscal Year (Pursuant to the Landscaping & Lighting Act of 1972), set a public hearing for July 16 , 2012 on the proposed assessment; and
2. Approve Resolution #2012-36 – A Resolution of Intention to Order Improvements and Levy Assessments in Assessment District No. 1996-1 for the 2012/13 Fiscal Year (Pursuant to the Landscaping & Lighting Act of 1972), set a public hearing for July 16, 2012 on the proposed assessment.

BACKGROUND

The City has two Landscaping and Lighting Assessment Districts (LLAD). These Districts were both formed pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Section 22500 et. Seq. of the Streets and Highways Code) and provide funding for two different, but related purposes. Assessment District No. 1988-1 (LLAD 1988-1) was initially formed to provide for the maintenance of park and recreational facilities. The scope of the District was later expanded to include street lighting on Solano Avenue, the maintenance of medians on Buchanan Street and San Pablo Avenue and payment of Bonds for the Community Center and Maintenance Center. Assessment District No. 1996-1, “Open Space, Recreational Playfields and Creek Restoration” (LLAD 1996-1) was created for the explicit purposes of acquiring and maintaining open space on Albany Hill, creating recreational playfields and restoring creeks. LLAD 1996-1 was approved by a majority of voters at the General Election held in November of 1996 and is also known as “Measure R”.

The Landscaping and Lighting Act of 1972 requires that in each year that assessment is to be levied and collected within an existing District, a report on the nature and the estimated cost of the improvements to be made during the fiscal year, must be prepared and filed with the City Clerk. Following receipt of the report the Council may adopt a resolution of intention (ROI) which: (1) preliminarily approves the report of the Engineer, as submitted or as modified (2) declares the intention of the Council to levy and collect assessments within the existing District for the next fiscal year and (3) sets the time and place for a public hearing on the proposed assessments for the fiscal year and (4) directs the City Clerk to provide notice of the proposed hearing by publishing the ROI in the newspaper at least 10 days prior to the hearing.

DISCUSSION

On May 7, 2012, the Council approved Resolutions #2012-29 and #2012-30 directing the Engineer (the City Engineer, LCC, Inc.) to prepare and file the annual report for LLAD No. 1988-1 and 1996-1, respectively. The complete report for each District, including the Assessment Roll, a list of each parcel and owner within the City and the assessment on each and the Assessment Diagram, a large scale map showing all of the properties within the City, has been filed with the City Clerk. Attached are portions of each report including excerpts from:

- Part A, the description of improvements for FY 2012-13 and 2013-14;
- Part B, the estimated cost of the improvements for FY 2012-13 and 2013-14; and
- Part C, the schedule of assessment rates for each District.

Beginning in 2010 a budget for the Landscape and Lighting Assessment Districts was adopted for a two-year period for planning purposes, and the cost estimate for each District reflects this. However, for assessment purposes the attached resolutions apply only to the upcoming (2012-13) fiscal year.

Approval of the attached resolutions will set July 16, 2012 as the date when the City Council will conduct a public hearing on the proposed assessments within each district, respectively.

The following are notes with regard to the attached excerpts from the Engineer's Report for each district for the 2012-13 year:

LLAD No. 1988-1

LLAD No. 1988-1 provides funding for the installation, maintenance and servicing of park and recreational facilities including the Ohlone Greenway, maintenance of street medians, development and maintenance of an urban forest, as well as street lighting on Solano Avenue, bond payments for Community and Maintenance Centers.

The proposed FY 2012-13 assessment for a detached single-family residential parcel is \$75.54. Assessments for other parcels of land are based on special benefit as determined by the Assessment District Engineer. Annual assessments in LLAD No. 1988-1 have

remained the same, i.e. they have not been increased since FY 1993-94.

In August 2012, the City will make the last installment on bonds that were issued and refinanced in 1997 for the construction of the Community Center. Removal of this obligation will free up revenue for other uses. In FY 2012-13 and 2013-14, it is proposed that these funds be used to help fund: (1) the preliminary design of the new Maintenance Center and Path at Pierce Street Park (2) the preliminary design for the Upper Solano Streetscape improvements (3) and the repairs to the Tennis Courts at Jewel's Terrace Park.

LLAD No. 1996-1

LLAD No. 1996-1, provides funds for open space, ball fields and creek restoration. This District has provided funding for the acquisition of several acres of land on Albany Hill, construction and renovation of playfields at City Parks, and for providing the City's match for the Codornices Creek restoration project. As proposed, in FY 2012-13 and 2013-14, Measure R will provide funding for: (1) the implementation of the programs included in the update to the Master Plan for vegetation management and trails on Albany Hill and along the bank of Cerrito Creek (2) continued design and planning for the Codornices - Creekside (Kains to San Pablo) improvements and assist with the final close out of the River Parkways Grant, and to work on the Coastal Conservancy Grant planning process for Lower Codornices Creek.

Assessments are made in proportion to the estimated special benefits received as determined by the Engineer. The proposed 2012-13 FY assessment for a detached single-family residential (SFR) parcel is \$69. Assessments for other land use are based upon the special benefits received compared to those received by a SFR parcel. Assessments in LLAD No. 1996-1 have not been increased since formation of the District in 1996.

FINANCIAL IMPACT

Adoption of the resolutions will enable the Council to conduct the required public hearings on the approval of the assessments. If the hearings are not authorized as proposed the City will not be able to proceed with the proposal to fund the various projects and services described in the reports with the assessments. If assessments are not collected, services and or projects would have to be reduced or eliminated, or additional funding sources identified.

Attachments

1. LLAD No. 1988-1 Resolution of Intention
2. LLAD No. 1996-1 Resolution of Intention
3. LLAD No. 1988-1, Engineer's Report, 2012-13 FY, Parts A,B & C (portions)
4. LLAD No. 1996-1, Engineer's Report, 2012-13 FY, Parts A, B, & C (portions)