

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

Agenda date: June 15, 2009
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 2009-10

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

RECOMMENDATION

1. Conduct the Public Hearing.
2. Approve Resolution #09-32 - 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 2009-10.
3. Approve Resolution #09-33 - 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 2009-10.

BACKGROUND

On June 1, 2009, the City Council set a Public Hearing for June 15, 2009 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.

Routinely the LLAD scope and budget are presented to the Park and Recreation Commission for review and recommendation. The Commission met on April 9, 2009 and May 14, 2009 to discuss the proposed LLAD 1988-1 and 1996-1 budgets, and approved the budgets at their May meeting.

Attached is the City Council packet for June 1, 2009, which included all the pertinent budgets and descriptions.

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 2008-09 assessment level and, in fact have not increased in eighteen years.

The majority of the funds will go toward maintaining Albany's existing lighting and landscaping infrastructure, including street trees, graffiti abatement, tennis courts, street lights on Solano Avenue and Ohlone Greenway, sidewalks, the urban forest program, street medians, and upgrading park and recreation facilities. The only project identified in Parts A and B (attached), for the 2009-10 fiscal year, is a contribution toward the Community Center Tower repair.

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 2009-10 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.

In 2007-08, \$10,000 was allocated for vegetation management on Albany Hill. For fiscal year 2009-10, the Park and Recreation Commission has recommended a one time expenditure of up to \$30,000 (\$20,000 more than is currently budgeted) for fire prevention maintenance, the removal of English Ivy, French Broom, and other invasives on Albany Hill (see attached Park and Recreation staff report dated 4-14-09). 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 1, 2009, as directed by the Council. At the June 1 meeting, the Council approved Resolution #09-26 (LLAD 1988-1) and #09-27 (LLAD 1996-1) declaring the intention of the Council to levy and collect assessments for fiscal year 2009-10. That resolution also set June 15, 2009 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 2009-10 Landscaping & Lighting Assessment District No. 1988-1 to complete the proposed projects or provide a city match for future grants.

Sufficient funds are available in the 2009-10 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 #09-32 and #09-33

June 1, 2009 City Council Staff Report and attachments regarding LLAD No. 1988-1 and 1996-1