

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Director of Public Works/City Engineer via City Manager

DATE: Meeting of May 16, 2011

SUBJECT: Sierra Point Landscape and Lighting District Annual Appointments and Directed Preparation of Engineer's Report

City Council Goals:

To provide for effective and efficient delivery of City Services. (1)

To maintain and improve infrastructure. (3)

To develop management and fiscal systems to maximize effectiveness of City services and accountability to Brisbane taxpayers and citizens. (11)

Purpose:

To begin the process which will ultimately provide a public hearing to consider imposition of annual tax roll charges that fund Sierra Point's Landscape and Lighting Assessment District, which provides for maintenance of the landscaping, irrigation and lighting installed in 1989.

Recommendation: Adopt the following resolutions:

1. Resolution No. 2011-18, "Appointing Attorney for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2011-2012."
2. Resolution No. 2011-19, "Appointing Engineer for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2011-2012."
3. Resolution No. 2011-20, "Describing Improvements and Directing Preparation of Engineer's Report for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2011-2012."

Background:

These resolutions are part of the required annual process for the Sierra Point Landscaping and Lighting District. In order, they appoint an Attorney and then an Engineer of Record for the landscaping and lighting district, and they direct the Engineer of Record to prepare the Engineer's Report, which specifies

the work to be completed, the cost of the work, and the proportionate share of the costs within the district for the next fiscal year.

Discussion:

The requested actions begin the annual process that provides funding for the operation and maintenance of the Sierra Point Landscaping and Lighting District. At subsequent meetings, the Council will be requested to approve the Engineer's Report and the Levy of Assessments, and finally, a Public Hearing will be held to confirm and order the Improvements/Assessments.

If the Council chooses to not approve these Resolutions, then the city will most likely not have a mechanism to collect the assessments which fund the maintenance of the landscaping, irrigation and lighting at Sierra Point.

Fiscal Impact:

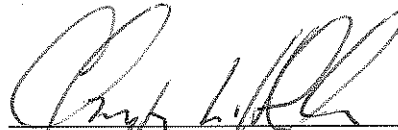
There is no direct fiscal impact as a result of approving the recommended resolutions; all work to be completed in this phase of the process will be completed by existing staff.

Attachments:

Resolution Nos. 2011-18, 2011-19, 2011-20



Director of Public Works/City Engineer



City Manager

RESOLUTION NO. 2011-18

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
APPOINTING ATTORNEY FOR THE SIERRA POINT
LANDSCAPING AND LIGHTING DISTRICT
FISCAL YEAR 2011-2012**

WHEREAS, the City Council of the City of Brisbane has determined to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in the Sierra Point Landscaping and Lighting District pursuant to the Landscaping and Lighting Act of 1972 for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for the fiscal year 2011-2012; and

WHEREAS, the public interest and general welfare will be served by appointing and employing an attorney for the preparation and conduct of said proceedings;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brisbane as follows:

Harold S. Toppel, Attorney at Law, be, and he is, hereby appointed and employed to do and perform all legal services required for said proceedings.

Cyril G. Bologoff
Mayor

I, Sheri Marie Spediacci, duly appointed and City Clerk of the City of Brisbane, do hereby certify that the foregoing Resolution No. 2011-18 was duly and regularly adopted at a regular meeting of the City Council of the City of Brisbane on the 16th day of May, 2011 by the following vote:

AYES:

NOES:

ABSENT:

Sheri Marie Spediacci
City Clerk

RESOLUTION NO. 2011-19

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
APPOINTING ENGINEER FOR THE SIERRA POINT
LANDSCAPING AND LIGHTING DISTRICT
FISCAL YEAR 2011-2012**

WHEREAS, the City Council of the City of Brisbane has determined to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in the Sierra Point Landscaping and Lighting District, pursuant to the Landscaping and Lighting Act of 1972 for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for fiscal year 2011-2012;

WHEREAS, the public interest and general welfare will be served by appointing and employing an engineer for the preparation and conduct of said proceedings;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brisbane as follows:

Karen A. Kinser, P.E., Senior Civil Engineer, is hereby appointed and employed as Engineer of Work, employed in order to perform all engineering work necessary in and for said proceedings.

Cyril G. Bologoff
Mayor

I, Sheri Marie Spediacci, duly appointed and City Clerk of the City of Brisbane, do hereby certify that the foregoing Resolution No. 2011-19 was duly and regularly adopted at a regular meeting of the City Council of the City of Brisbane on the 16th day of May, 2011 by the following vote:

AYES:

NOES:

ABSENT:

Sheri Marie Spediacci
City Clerk

RESOLUTION NO. 2011-20

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF
ENGINEER'S REPORT FOR FISCAL YEAR 2011-2012**

**SIERRA POINT
LANDSCAPING AND LIGHTING DISTRICT**

RESOLVED, by the City Council of the City of Brisbane, California, as follows:

1. This Council did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, conduct proceedings for the formation of the Sierra Point Landscaping and Lighting District and for the levy and collection of assessments for Fiscal Year 1989 -1990, and did on August 28, 1989, pursuant to proceedings duly had, adopt its Resolution No. 89-45, A Resolution Overruling Protests, Ordering the Formation of an Assessment District and Ordering Reduction of Assessments.

2. The public interest, convenience and necessity require, and it is the intention of said Council to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said District, for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for the Fiscal Year 2011-2012.

3. The improvements to be constructed or installed, including the maintenance or servicing, or both, thereof, are more particularly described in Exhibit "A" hereto attached and by reference incorporated herein.

4. The costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said District, the exterior boundaries of which District are the composite and consolidated area as more particularly shown on a map thereof on file in the office of the Clerk of the City of Brisbane to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in said District and of any zone thereof and shall govern for all details as to the extent of the assessment district.

5. The Engineer of Work of said City be, and is hereby, directed to prepare and file with said Clerk a report, in writing, referring to the assessment district by its distinctive designation, specifying the fiscal year to which the report applies, and, with respect to that year, presenting the following:

- a) Plans and specifications of the existing improvements and for proposed new improvements, if any, to be made within the assessment district or within any zone thereof;
- b) An estimate of the costs of said proposed new improvements, if any, to be made, the costs of maintenance or servicing, or both, thereof, and of any existing improvements, together with the incidental expenses in connection therewith;

- c) A diagram showing the exterior boundaries of the assessment district and of any zones within said district and the lines and dimensions of each lot or parcel of land within the district as such lot or parcel of land is shown on the County Assessor's map for the fiscal year to which the report applies, each of which lots or parcels of land shall be identified by a distinctive number or letter on said diagram; and
- d) A proposed assessment of the total amount of the estimated costs and expenses of the proposed new improvements, including the maintenance or servicing, or both, thereof, and of any existing improvements upon the several lots or parcels of land in said district in proportion to the estimated benefits to be received by such lots or parcels of land respectively from said improvements, including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto.

6. The office of the City Clerk of said City be, and is hereby, designated as the office to answer inquiries regarding any protest proceedings to be had herein, and may be contacted during regular office hours at the City Hall, 50 Park Place, Brisbane, California 94005 or by calling (415) 508-2113.

Cyril G. Bologoff
Mayor

I, the undersigned, hereby certify that the foregoing Resolution No. 2011-20 was adopted by the City Council of the City of Brisbane, at a regular meeting thereof held on the 16th day of May, 2011, by the following roll call vote:

AYES:
NOES:
ABSENT:

Sheri Marie Spediacci
City Clerk

EXHIBIT "A" to Resolution No. 2011-20

Description of District Purpose

**SIERRA POINT
LANDSCAPING AND LIGHTING DISTRICT**

- a) The construction or installation, including the maintenance or servicing, or both, thereof, of public landscaping, including trees, shrubs, grass, or other vegetation.
- b) The construction or installation, including the maintenance or servicing, or both, thereof, of public lighting facilities, including standards, poles and electric current or energy.