

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

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

DATE: June 3, 2013

SUBJECT: Sierra Point Landscape and Lighting District: Preliminary Approval of Engineer's Report and Intention to Order the Levy and Collection of Assessments

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 continue the process that will result in 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 for preliminary approval of the Engineer's report, and the intention to order the levy and collection of assessments for the Sierra Point Landscaping and Lighting District within the City of Brisbane:

1. Resolution No. 2013-16, "A Resolution of Preliminary Approval of Engineer's Report - Fiscal Year 2013-2014 - Sierra Point Landscaping and Lighting District"
2. Resolution No. 2013-17, "A Resolution of Intention to order the levy and collection of assessments pursuant to the Landscaping and Lighting Act of 1972 - Fiscal Year 2013-2014 - Sierra Point Landscaping and Lighting District"

Background:

At the City Council meeting of May 6, 2013, the City Council initiated the annual process of levying assessments for landscaping and lighting by appointing an engineer of work and attorney for the subject landscaping and lighting district and directing the engineer of work to prepare the required Engineer's Report for the district. The purpose of these resolutions was to direct staff to prepare the necessary report and legal documents as required by state statute, and to notify the public that assessments for improvements are to be levied.

The preliminary Engineer's Report has been prepared and is included for review. The fiscal year 2013–2014 Engineer's Report maintains last year's assessment amount. The 2012-2013 was increased 10% from the 2011–2012 rate after passage of a Proposition 218 vote, which had been put forward with the purpose of offsetting prior years' deficits. In order for the assessment proceedings to continue, it is necessary for Council to approve the draft Engineer's Report, and to approve resolutions of intention to levy and collect assessments. Upon approval, the engineer of work is directed to prepare the final Engineer's Report.

The attorney will also proceed with notice of preparation and abide by state legal requirements for posting and noticing. In addition, the attorney will prepare the necessary resolutions for the final hearing of this process. A public hearing and meeting will be held as required on a date to be determined by the City Council.

Discussion:

If the Council chooses to not continue this process, then the city will not be able to assess the parcels within the Landscape and Lighting District, and there will be no revenue for the work proposed in city budget department 4009.

Fiscal Impact:

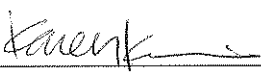
The recommendations contained herein are consistent with the fiscal year 2013-2014 budget recommendations expected to be forwarded to Council by the City Manager.

Measure of Success:

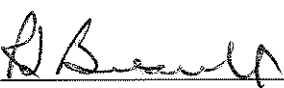
Continuing acceptable maintenance levels in the Sierra Point Landscape and Lighting District.

Attachments:

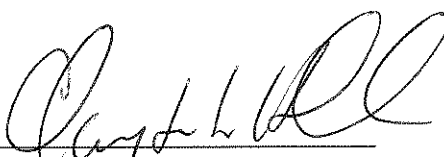
Engineer's Report
Resolution Nos. 2013-16, 2013-17



Senior Civil Engineer



Director of Public Works/City Engineer



City Manager

RESOLUTION NO. 2013-16

**A RESOLUTION OF PRELIMINARY APPROVAL OF ENGINEER'S REPORT
FISCAL YEAR 2013 – 2014**

**SIERRA POINT
LANDSCAPING AND LIGHTING DISTRICT**

RESOLVED, by the City Council of the City of Brisbane, California, that

WHEREAS, on the 6th day of May, 2013, said Council did adopt its Resolution No. 2013-10, Describing Improvements and Directing Preparation of Engineer's Report for Fiscal Year 2013 - 2014 pursuant to the Landscaping and Lighting Act of 1972, for the Sierra Point Landscaping and Lighting District in said City and did refer the proposed improvements to the Engineer of Work, and did therein direct said Engineer of Work to prepare and file with the Clerk of said City a report, in writing, all as therein more particularly described, under and pursuant to the Landscaping and Lighting Act of 1972;

WHEREAS, said Engineer of Work prepared and filed with the Clerk of said City a report in writing as called for in said Resolution No. 2013-10 and under and pursuant to said Act, which report has been presented to this Council for consideration; and

WHEREAS, said Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that neither said report, nor any part thereof should be modified in any respect.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED and ORDERED, as follows:

1. That the plans and specifications for the existing improvements and the proposed new improvements to be made within the assessment district or within any zone thereof, contained in said report, be, and they are hereby, preliminarily approved.
2. That the Engineer's estimate of the itemized and total costs and expenses of said improvements, maintenance and servicing thereof, and of the incidental expenses in connection therewith, contained in said report, be, and each of them are hereby, preliminarily approved.
3. That the diagram showing the exterior boundaries of the assessment district referred to and described in said Resolution No. 2013-10 and also the boundaries of any zones therein and the lines and dimensions of each lot or parcel of land within said district as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which the report applies, each of which lot or parcel of land has been given a separate number upon said diagram, as contained in said report, be, and it is hereby, preliminarily approved.
4. That the proposed assessment of the total amount of the estimated costs and expenses of the proposed 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,

respectively, from said improvements including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto, as contained in said report, be, and they are hereby, preliminarily approved.

5. That said report shall stand as the Engineer's Report for the purpose of all subsequent proceedings to be had pursuant to said Resolution No. 2013-10.

Approved:

Raymond C. Miller
Mayor

I, the undersigned, hereby certify that the foregoing Resolution No. 2013-16, was adopted by the City Council of the City of Brisbane, at a regular meeting thereof held on the 3rd day of June, 2013, by the following roll call vote:

AYES:
NOES:
ABSENT:

Sheri Marie Spediacci
City Clerk

RESOLUTION NO. 2013-17

**A RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION
OF ASSESSMENTS
PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972
FISCAL YEAR 2013-2014**

**SIERRA POINT
LANDSCAPING AND LIGHTING DISTRICT**

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

WHEREAS, pursuant to Resolution No. 2013-10 Describing Improvements and Directing Preparation of Engineer's Report for Fiscal Year 2013-2014 for Sierra Point Landscaping and Lighting District, adopted on May 6, 2013, by the City Council of said City, pursuant to the Landscaping and Lighting Act of 1972, the Engineer of Work of said City has prepared and filed with the Clerk of this City the written report called for under said Act and by said Resolution No. 2013-10 which said report has been submitted preliminarily approved by this Council in accordance with said Act;

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED and ORDERED, as follows:

1. In its opinion the public interest and convenience require and it is the intention of this Council to order the levy and collection of assessments for Fiscal Year 2013-2014 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, for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, more particularly described in Exhibit "A" hereto attached and by reference incorporated herein.

2. The cost and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon the assessment district designated as Sierra Point Landscaping and Lighting District, the exterior boundaries of which district are the composite and consolidated area as more particularly described on a map thereof on file in the office of the Clerk of said City, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the district and of any zone thereof and the general location of said district.

3. Said Engineer's Report prepared by the Engineer of Work of said City, preliminarily approved by this Council, and on file with the Clerk of this City is hereby referred to for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

4. Notice is hereby given that on June 17, 2013, or as soon thereafter as the matter may be heard, at the Brisbane Community Meeting Room, Brisbane City Hall, 50 Park Place, Brisbane, California, the City Council shall convene and hold a public meeting to receive public testimony with respect to said assessments, pursuant to Government Code Section 59954.6. The City Clerk is authorized to cause publication of notice of said public

meeting pursuant to Government Code 6063 and to mail such notice by first-class mail to the owners of the property to be assessed as shown by the last equalized assessment roll said notice shall contain the information as specified by Government Code Section 54954.6 (C)(2).

5. Notice is hereby given that on June 17, 2013, or as soon thereafter as the matter may be heard, at the Brisbane Community Meeting Room, Brisbane City Hall, 50 Park Place, Brisbane, California, be and the same are hereby appointed and fixed as the time and place for a hearing by this Council on the question of the levy and collection of the proposed assessment for the construction or installation of said improvements, including the maintenance and servicing, or both, thereof, and when and where it will consider all oral statements and all written protests made or filed by any interested person at or before the conclusion of said hearing, against said improvements, the boundaries of the assessment district and any zone therein, the proposed diagram or the proposed assessment, to the Engineer's estimate of the cost thereof, and when and where it will consider and finally act upon the Engineer's Report.

6. The Clerk of said City is hereby directed to give notice of said hearing by causing a copy of this Resolution to be published once in the San Mateo Times, a newspaper published and circulated in San Mateo County, there being no newspaper published in said City, and by conspicuously posting a copy thereof upon the official bulletin board customarily used by the City for the posting of notices, said posting and publication to be had and completed at least ten (10) days prior to the date of hearing specified herein.

7. The office of the City Manager of said City 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 City Hall, 50 Park Lane, Brisbane, California 94005 or by calling (415) 508-2110.

Approved:

Raymond C. Miller
Mayor

I, the undersigned, hereby certify that the foregoing Resolution No. 2013-17, was adopted by the City Council of the City of Brisbane, at a regular meeting thereof held on the 3rd day of June, 2013, by the following roll call vote:

AYES:
NOES:
ABSENT:

Sheri Marie Spediacci
City Clerk

EXHIBIT "A" to Resolution No. 2013-17

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.

CITY OF BRISBANE

SIERRA POINT

LANDSCAPING AND LIGHTING DISTRICT

ENGINEER'S REPORT

on the
Levy of an Assessment
for the
2013 - 2014 Fiscal Year

Prepared by

Karen Kinser, P.E.
Senior Civil Engineer

May 23, 2013

I. BACKGROUND

In 1983, the Brisbane City Council determined to undertake proceedings under the provisions of Division 15, Part 2, of the California Streets and Highways Code, entitled "Landscaping and Lighting Act of 1972", for the formation of an assessment district for the purpose of constructing, installing, maintaining and servicing the following facilities within said district:

- a) Public landscaping, including trees, shrubs, grass, other vegetation, and irrigation facilities.
- b) Public lighting facilities, including standards, poles, and electric current or energy.

The proposed district was designated the "Sierra Point Landscaping and Lighting District".

This report was prepared pursuant to a City Council resolution ordering the engineer to prepare and file a report covering the 2013 - 2014 fiscal year.

II. PLANS AND SPECIFICATIONS

The original plans and specifications for the assessment district have been separately bound but are incorporated herein by this reference thereto.

III. ESTIMATE OF COSTS

The costs of this assessment district for the 2013 - 2014 fiscal year are estimated to be as follows:

ZONE 1 & 2 CONSTRUCTION & MAINTENANCE

		FY 13/14
	Employee salaries & fringes	53,907
54250	Indirect costs	114,452
	Maintenance & Servicing Costs (see detail)	320,685
	Misc. Services & Supplies (see detail)	8,186
	Offset previous years deficits	94,546
	TOTAL ZONE 1 & 2	\$591,776

MAINTENANCE & SERVICING COSTS (Detail)

		FY 13/14
52200	Safety Clothing	1,200
52231	Gas & oil for vehicles	5,136
	Mobile radio, field equip. repair & maint.	1,000
	Auto & truck repair & maintenance	4,030
	Tire & tire repair	471
	Field equipment repair and maintenance	763
52232	Contract turf maintenance	36,540
	Gopher Control	12,000
	Pest Control - Myoporum replacement	20,000
	Tree trimming/replacement	9,995
	Plants, shrubs and other vegetation	5,500
	Street light repair & maintenance	2,000
	Fertilizer, stakes, seed, compost	3,000
	Irrigation supplies	4,000
52235	Landscape beds contract maintenance	45,000
	Non-routine maintenance (planting, etc.)	16,850
52236	Equipment rental	3,000
52242	Small tools and supplies	200
52244	Electricity and water	150,000
	Total Maintenance & Servicing Costs	\$320,685

MISC. SERVICES & SUPPLIES (Detail)

		FY 13/14
52233	Memberships	225
52221	Communications	500
52231	Office equipment repair & maintenance	600
52234	Printing & forms	200
52235	Assessment Engineering	1,000
	Legal Counsel	1,800
52243	Travel and training	100
51800	Liability Insurance	1,489
51810	Worker's Compensation	2,272
	Total misc. services & supplies	\$8,186

IV. DIAGRAM

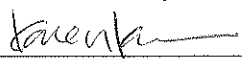
The assessment diagrams for Zones 1 and 2 are attached hereto and are a part of this report.

V. ASSESSMENT

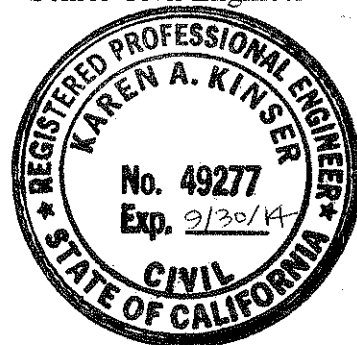
The assessments to be made against the assessable lots and parcels of land within this assessment district are attached hereto and are a part of this report.

Respectfully submitted,

Dated 5/23/13



 Karen Kinser, P.E.
 Senior Civil Engineer



Filed in the office of the City Clerk of the City of Brisbane, San Mateo County,
California, this _____ day of _____, 2013.

Sheri Marie Spediacci
City Clerk

Filed in the office of the County Controller-Auditor of the County of San Mateo,
California, this _____ day of _____, 2013.

Bob Adler
County Controller

ASSESSMENT ROLL

<u>ASSESSMENT NUMBER</u>	<u>ASSESSOR'S PARCEL NUMBER</u>	<u>PARCEL AREA, AC.</u>	<u>ASSESSMENT</u>
<u>ZONE 1</u>			
A 1	007—165—010	4.52	\$25,180
A 2	007—165—020	8.87	49,414
A 3	007—165—110	3.44	19,164
A 4	007—165—050	6.13	34,148
A 5	007—164—020	5.66	31,530
A 6	007—164—010	10.20	56,823
A 7	007—165—080	5.78	32,200
A 8	007—165—090	9.09	50,640
A 9	007—165—100	7.98	44,455
A 10	007—163—030	3.52	19,609
A 11	007—163—040	3.08	17,158
A 12	007—165—120	4.56	25,404
C 1	015—010—530	Note ¹	0
C 2	015—010—560	6.92	38,551
C 3	015—010—570	8.57	47,742
C 4	015—010—580	8.56	47,686
C 5	015—010—610	2.41	13,427
	Subtotals	99.29	\$553,131

¹ Although previously assessed, this parcel is owned by California State Lands Commission, which is exempt from local assessments.

ZONE 2

B 1	None (placeholder only)		-0-
B 2	005—162—430 (Ptn)	15.2	7,189
B 3	005—162—300	66.5	31,456
B 4	005—162—400 (Ptn)	Note ²	-0-
B 5	005—162—410 (Ptn)	0.2 ³	-0-
B 6	005—162—390	Note ⁴	-0-
B 7	005—162—420 (Ptn)	Note ⁴	-0-
	Subtotals	81.7	\$ 38,645
	Totals	180.99	\$591,776

² This portion of this parcel is private land over which the public has been granted access for use as the street, Tunnel Avenue.

³ No assessment has been imposed for a value less than \$100.

⁴ B6 and B7 are publicly owned portions of Tunnel Avenue.

METHOD OF ASSESSMENT SPREAD

The amounts to be assessed against the parcels of property to pay the costs and expenses of the work and improvements shall be based on the estimated benefits to be derived by the various properties within the assessment district.

Construction and maintenance costs shall be segregated by zone, then spread to the parcels within each zone in proportion to the area of the benefited parcels within the zone.

Incidental expenses shall be spread proportional to the area of benefited parcels within the assessment district.

Due to the County Auditor's requirement that individual parcel assessments be rounded to the nearest even cent, the total of said individual assessments may not exactly equal the total estimate of costs.

NAMES AND ADDRESSES OF OWNERS

**ASSESSMENT
NUMBER**

ASSESSEE

A 1	Fund Viii 1000 Marina LLC Attn: TA Associates Realty 1301 Dove St., Ste. 860 Newport Beach, CA 92660
A 2	Sierra Point LLC C/O Opus 10350 Bren Rd. West Minnetonka, MN 55343-9014
A 5	Diamond Marina LLC 2000 Sierra Point Parkway #100 Brisbane, CA 94005
A 3 A12	Sri Seven Marina LLC c/o Shorenstein Prop LLC 235 Montgomery St., 16 th Floor San Francisco, CA 94104
	Dmarc 2006 Cd2 Marina Office LP 1601 Washington Ave. Ste. 700 Miami Beach, FL 33139
A 4	Tuntex Properties, Inc. 150 Executive Park Blvd. #4200 San Francisco, CA 94134
A 6	2000 Sierra Point Parkway LLC Attn: Diamond Investment Properties, Inc. 2000 Sierra Point Pkwy., Ste. 100 Brisbane, CA 94005
A7 A8 A9	Slough Brisbane LLC PO Box 847 Carlsbad, CA 92018
A 10	Brisbane Lodging LP 5000 Sierra Point Parkway Brisbane, CA 94005
A 11	CPI Sage Hotels Brisbane Owner LLC

Attn: Shanna Lehman
PO Box 847
Carlsbad, CA 92018

- B 2 Oyster Point Properties, Inc.
- B 3 c/o Tuntex Properties, Inc.
- B 4 150 Executive Park Blvd. #4200
- B 5 San Francisco, CA 94134-3332

- B 6 City of Brisbane
- B 7 50 Park Place
Brisbane, CA 94005

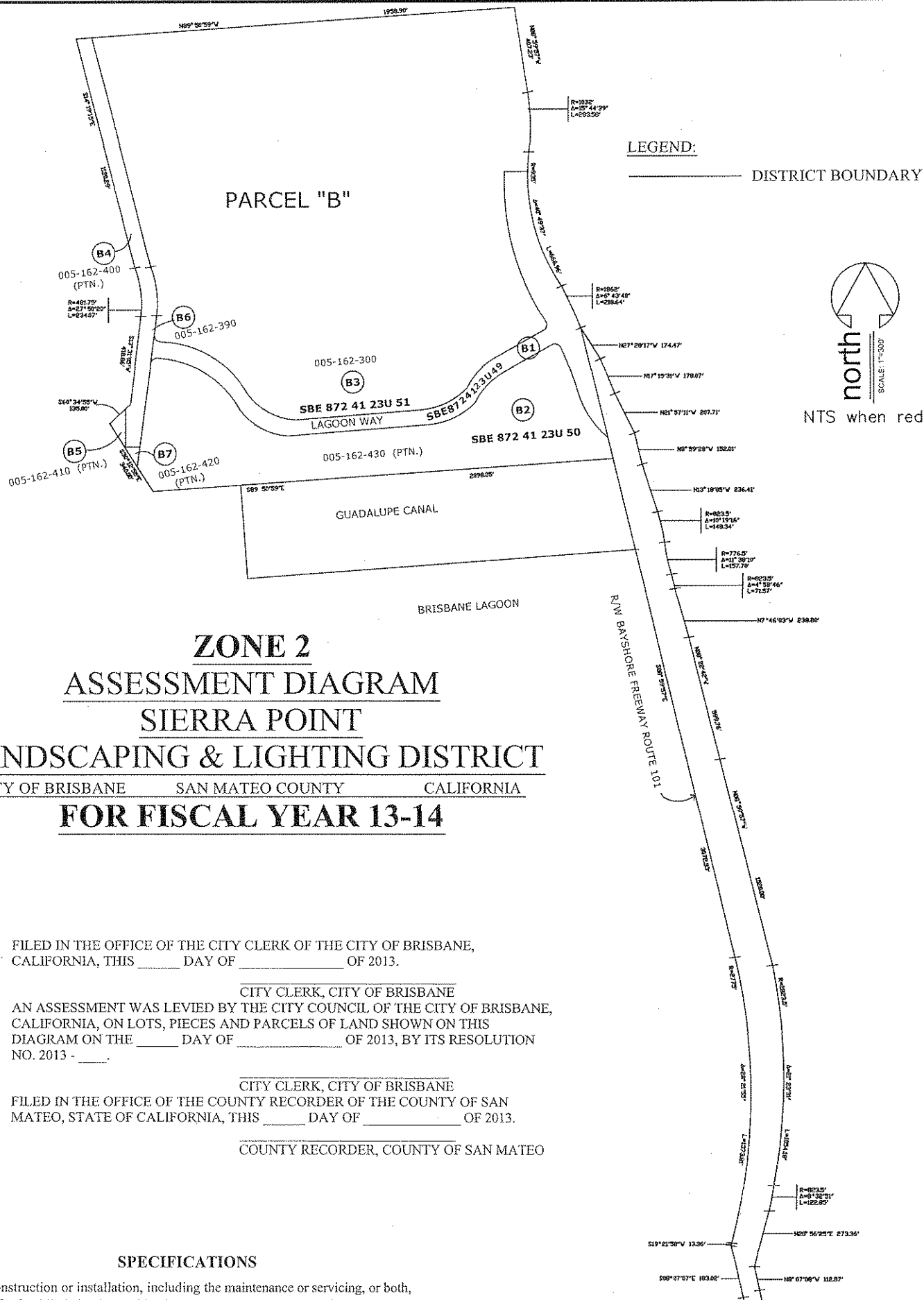
- C 1 State of California
C/O State Lands Commission
Attn: Title Unit
100 Howe Ave., Ste. 100
Sacramento, CA 95825

- C 2 OIK Sierra Point LLC
C/O Real Estate Capital Partners
Attn: Michael Fruchtman
114 W 47th St. 23rd Floor
New York, NY 10036

- C 3 ARE San Francisco No. 17 LLC
C/O Deloitte & Touche
Attn: Shanna Lehman
PO Box 847
Carlsbad, CA 92018

- C 4 Areus Inc.
5000 Shoreline Ct.
South San Francisco, CA 94080

- C 5 Sierra Point Ten LP
C/O Tim Fritz
3500 American Blvd.
Bloomington, MN 55431



ZONE 2
ASSESSMENT DIAGRAM
SIERRA POINT
LANDSCAPING & LIGHTING DISTRICT
 CITY OF BRISBANE SAN MATEO COUNTY CALIFORNIA
FOR FISCAL YEAR 13-14

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF BRISBANE,
 CALIFORNIA, THIS _____ DAY OF _____ OF 2013.

CITY CLERK, CITY OF BRISBANE

AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL OF THE CITY OF BRISBANE,
 CALIFORNIA, ON LOTS, PIECES AND PARCELS OF LAND SHOWN ON THIS
 DIAGRAM ON THE _____ DAY OF _____ OF 2013, BY ITS RESOLUTION
 NO. 2013 - _____.

CITY CLERK, CITY OF BRISBANE

FILED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SAN
 MATEO, STATE OF CALIFORNIA, THIS _____ DAY OF _____ OF 2013.

COUNTY RECORDER, COUNTY OF SAN MATEO

SPECIFICATIONS

The construction or installation, including the maintenance or servicing, or both,
 thereof, of each of the irrigation and landscaping, including trees, shrubs, grass, or other