

# City of Brisbane

## Agenda Report

**TO:** Honorable Mayor and City Council

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

**DATE:** June 15, 2009

**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. 2009-23, "A Resolution of Preliminary Approval of Engineer's Report - Fiscal Year 2009-2010 - Sierra Point Landscaping and Lighting District"
2. Resolution No. 2009-24, "A Resolution of Intention to order the levy and collection of assessments pursuant to the Landscaping and Lighting Act of 1972 - Fiscal Year 2009-2010 - Sierra Point Landscaping and Lighting District"

**Background:**

At the City Council meeting of May 18, 2009, 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. In addition, Council also approved resolutions 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 2009 – 2010 Engineer's Report incorporates the assessment amounts increased one year prior by a Proposition 218 vote. In order for the assessment proceedings to continue, it is necessary for Council to approve the 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:**

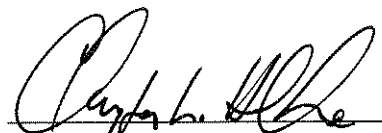
The recommendations contained herein are consistent with the FY2009-2011 budget recommendations forwarded to Council by the City Manager.

**Attachments:**

Engineer's Report  
Resolution Nos. 2009-23, 2009-24



Director of Public Works/City Engineer



City Manager

A copy of supporting materials provided to the City Manager and Council Persons in connection with this agenda item is available for public inspection and copying at 50 Park Place, City of Brisbane Department of Public Works, Brisbane, CA, 94005, Telephone: (415) 508-2130.

CITY OF BRISBANE

**SIERRA POINT**

**LANDSCAPING AND LIGHTING DISTRICT**

DRAFT

**ENGINEER'S REPORT**

on the  
Levy of an Assessment  
for the  
2009 - 2010 Fiscal Year

Prepared by  
  
Karen Kinser  
Senior Civil Engineer

June 9, 2009



## 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 2009 - 2010 fiscal year.

This year's budget and Engineer's Report reflect the increased assessment amounts put in place last year after a Proposition 218 vote held and passed in February 2008.

## II. PLANS AND SPECIFICATIONS

The plans and specifications for this assessment district, which are combined with the diagram for the 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 2009 - 2010 fiscal year are estimated to be as follows:

### **ZONE 1 & 2 CONSTRUCTION & MAINTENANCE**

		<b>FY 09/10</b>
	Employee salaries & fringes	96,916
54250	Indirect costs	118,602
	Maintenance & Servicing Costs (see detail)	258,635
	Misc. Services & Supplies (see detail)	10,915
	<b>SUBTOTAL ZONE 1 &amp; 2</b>	<b>\$485,068</b>
	Previous year expenditures	4,002
	<b>TOTAL ZONE 1 &amp; 2</b>	<b>\$489,070</b>

### **MAINTENANCE & SERVICING COSTS (Detail)**

		<b>FY 09/10</b>
52200	Safety Clothing	1,200
52231	Gas & oil for vehicles	4,230
	Mobile radio, field equip. repair & maint.	0
	Auto & truck repair & maintenance	5,936
	Tire & tire repair	500
	Field equipment repair and maintenance	763
52232	Contract landscape maintenance	38,585
	Gopher Control	30,000
	Tree trimming/replacement	17,921
	Plants, shrubs and other vegetation	5,500
	Street light repair & maintenance	4,000
	Fertilizer, stakes, seed, compost	4,000
	Irrigation supplies	4,000
52236	Equipment rental	3,000
52242	Small tools and supplies	0
52244	Electricity and water	139,000
	<b>Total Maintenance &amp; Servicing Costs</b>	<b>\$258,635</b>

MISC. SERVICES & SUPPLIES (Detail)

		<b>FY 09/10</b>
52233	Memberships	225
52221	Communications	750
52231	Office equipment repair & maintenance	600
52234	Printing & forms	200
52235	Assessment Engineering	1,000
	Legal Counsel	2,000
52243	Travel and training	100
51800	Liability Insurance	3,251
51810	Worker's Compensation	2,789
	Total misc. services & supplies	<b>\$10,915</b>

IV. DIAGRAM

The diagram for this assessment district has been separately bound but is incorporated herein by this reference thereto.

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 \_\_\_\_\_

\_\_\_\_\_  
Karen Kinser  
Senior Civil Engineer

Filed in the office of the City Clerk of the City of Brisbane, San Mateo County,  
California, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

---

Sheri Marie Spediacci  
City Clerk

Filed in the office of the County Controller-Auditor of the County of San Mateo,  
California, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

---

Tom Huening  
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	\$20,810
A 2	007—165—020	8.87	40,838
A 3	007—165—110	3.44	15,838
A 4	007—165—050	6.13	28,222
A 5	007—164—020	5.66	26,058
A 6	007—164—010	10.20	46,961
A 7	007—165—080	5.78	26,612
A 8	007—165—090	9.09	41,851
A 9	007—165—100	7.98	36,740
A 10	007—163—030	3.52	16,206
A 11	007—163—040	3.08	14,180
A 12	007—165—120	4.56	20,995
C 1	015—010—530	Note <sup>1</sup>	0
C 2	015—010—560	6.92	31,860
C 3	015—010—570	8.57	39,456
C 4	015—010—580	8.56	39,410
C 5	015—010—610	2.41	11,096
Subtotals		99.29	\$457,133

---

<sup>1</sup> 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	5,941
B	3	005—162—300	66.5	25,996
B	4	005—162—400 (Ptn)	Note <sup>2</sup>	-0-
B	5	005—162—410 (Ptn)	0.2 <sup>3</sup>	-0-
B	6	005—162—390	Note <sup>4</sup>	-0-
B	7	005—162—420 (Ptn)		-0-
		Subtotals	81.7	\$ 31,937
		Totals	180.99	\$489,070

---

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

<sup>3</sup> No assessment has been imposed for a value less than \$100.

<sup>4</sup> 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

<u>ASSESSMENT NUMBER</u>	<u>ASSESSEE</u>
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	Broadway 8000 Marina Fee LLC C/O Broadway Real Estate Partners 85 Broad St. New York, NY 10004
A 3 A12	Sri Seven Marina LLC 235 Montgomery St. 16 <sup>th</sup> Floor San Francisco, CA 94104
A 4	Tuntex Properties, Inc. 150 Executive Park Blvd. #4200 San Francisco, CA 94134
A 6	2000 Sierra Point Parkway LLC 101 Redwood Shores Pkwy. #100 Redwood City, CA 94065
A7 A8 A9	Slough Brisbane LLC 2235 Faraday Ave. Ste. 0 Carlsbad, CA 92008
A 10	Brisbane Lodging LP Attn: Leslye Diener 9100 E Panorama Dr. Ste. 300 Englewood, CO 80112
A 11	CPI Sage Hotels Brisbane Owner LLC Attn: Shanna Lehman 2235 Faraday Avenue Suite O Carlsbad, CA 92008

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
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 47 <sup>th</sup> St. 23 <sup>rd</sup> Floor
	New York, NY 10036
C 3	ARE San Francisco No. 17 LLC
	C/O Deloitte & Touche
	Attn: Shanna Lehman
	2235 Faraday Avenue Suite O
	Carlsbad, CA 92008
C 4	CPRE 1 SSF LLC
	C/O Archon Group
	2235 Faraday Avenue Suite O
	Carlsbad, CA 92008
C 5	Sierra Point Ten LP
	C/O Tim Fritz
	10350 Bren Rd. West
	Minnetonka, MN 55343-9014

**RESOLUTION NO. 2009-23**  
**A RESOLUTION OF PRELIMINARY APPROVAL OF ENGINEER'S REPORT**  
**FISCAL YEAR 2009 – 2010**

**SIERRA POINT**  
**LANDSCAPING AND LIGHTING DISTRICT**

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

**WHEREAS**, on the 18th day of May, 2009, said Council did adopt its Resolution No. 2009-19, Describing Improvements and Directing Preparation of Engineer's Report for Fiscal Year 2009 - 2010 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. 2009-19 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. 2009-19 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. 2009-19.

Approved:

---

A. Sepi Richardson  
Mayor

I, the undersigned, hereby certify that the foregoing Resolution No. 2009-23, was adopted by the City Council of the City of Brisbane, at a regular meeting thereof held on the 15<sup>th</sup> day of June, 2009, by the following roll call vote:

AYES:  
NOES:  
ABSENT:

---

Sheri Marie Spediacci  
City Clerk

**RESOLUTION NO. 2009-24**

**A RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION  
OF ASSESSMENTS  
PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972  
FISCAL YEAR 2009-2010**

**SIERRA POINT  
LANDSCAPING AND LIGHTING DISTRICT**

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

**WHEREAS**, pursuant to Resolution No. 2009-19 Describing Improvements and Directing Preparation of Engineer's Report for Fiscal Year 2009-2010 for Sierra Point Landscaping and Lighting District, adopted on May 18, 2009, 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. 2009-19 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 2009-2010 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 July 6, 2009, 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 July 6, 2009, 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 be, and 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 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 City Hall, 50 Park Lane, Brisbane, California 94005 or by calling (415) 508-2110.

Approved:

---

A. Sepi Richardson  
Mayor

I, the undersigned, hereby certify that the foregoing Resolution No. 2009-24, was adopted by the City Council of the City of Brisbane, at a regular meeting thereof held on the 15th day of June, 2009, by the following roll call vote:

AYES:  
NOES:  
ABSENT:

---

Sheri Marie Spediacci  
City Clerk



**EXHIBIT “A” to Resolution No. 2009-24**

**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.