

# City of Brisbane

## Agenda Report

**TO:** Honorable Mayor and City Council

**FROM:** Karen Kinser, Deputy Director of Public Works

**VIA:** Randy Breault, Director of Public Works/City Engineer and City Manager

**DATE:** Meeting of May 18, 2017

**SUBJECT:** Sierra Point Landscape and Lighting District Annual Appointments, 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 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. 2017-28, "Appointing Attorney for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2017-2018."
2. Resolution No. 2017-29, "Appointing Engineer for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2017-2018."
3. Resolution No. 2017-30, "A Resolution of Preliminary Approval of Engineer's Report - Fiscal Year 2017-2018 - Sierra Point Landscaping and Lighting District"

4. Resolution No. 2017-31, “A Resolution of Intention to order the levy and collection of assessments pursuant to the Landscaping and Lighting Act of 1972 - Fiscal Year 2017-2018 - Sierra Point Landscaping and Lighting District”

**Background:**

These four resolutions are part of the required annual process for the Sierra Point Landscaping and Lighting District. In order, they appoint an Attorney and an Engineer of Record for the landscaping and lighting district, preliminarily approve 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), and indicate intention to order the levy and collection of assessments for said district.

**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 a later meeting, 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 operation and maintenance of the landscaping, irrigation and lighting at Sierra Point.

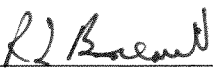
**Fiscal Impact:**

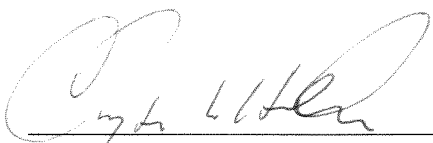
There is no direct fiscal impact as a result of approving the recommended resolutions; all work to be completed in this phase of the process will be completed by existing staff.

**Attachments:**

Resolution Nos. 2017-28, 2017-29, 2017-30, 2017-31  
Engineer’s Report

  
\_\_\_\_\_  
Deputy Director of Public Works

  
\_\_\_\_\_  
Director of Public Works/City Engineer

  
\_\_\_\_\_  
City Manager

**RESOLUTION NO. 2017-28**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE  
APPOINTING ATTORNEY FOR THE SIERRA POINT  
LANDSCAPING AND LIGHTING DISTRICT  
FISCAL YEAR 2017-2018**

**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 2017-2018; 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:

Michael Roush, Attorney at Law, or his successor, is hereby appointed and employed to do and perform all legal services required for said proceedings.

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Lori S. Liu  
Mayor

I, Ingrid Padilla, duly appointed and City Clerk of the City of Brisbane, do hereby certify that the foregoing Resolution No. 2017-28 was duly and regularly adopted at a regular meeting of the City Council of the City of Brisbane on the 18th day of May, 2017 by the following vote:

AYES:  
NOES:  
ABSENT:

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Ingrid Padilla  
City Clerk

**RESOLUTION NO. 2017-29**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE  
APPOINTING ENGINEER FOR THE SIERRA POINT  
LANDSCAPING AND LIGHTING DISTRICT  
FISCAL YEAR 2017-2018**

**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 2016-2017;

**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., Deputy Director of Public Works, is hereby appointed and employed as Engineer of Work, employed in order to perform all engineering work necessary in and for said proceedings.

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Lori S. Liu  
Mayor

I, Ingrid Padilla, duly appointed and City Clerk of the City of Brisbane, do hereby certify that the foregoing Resolution No. 2017-29 was duly and regularly adopted at a regular meeting of the City Council of the City of Brisbane on the 18th day of May, 2017 by the following vote:

AYES:  
NOES:  
ABSENT:

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Ingrid Padilla  
City Clerk

**RESOLUTION NO. 2017-30**

**A RESOLUTION OF PRELIMINARY APPROVAL OF ENGINEER'S REPORT  
FISCAL YEAR 2017 – 2018**

**SIERRA POINT  
LANDSCAPING AND LIGHTING DISTRICT**

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

**WHEREAS**, the Engineer of Work has prepared and filed 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**, under and pursuant to said Act, the 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 Engineer's Report 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.

Approved:

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Lori S. Liu

Mayor

I, the undersigned, hereby certify that the foregoing Resolution No. 2017-30, was adopted by the City Council of the City of Brisbane, at a regular meeting thereof held on the 18th day of May, 2017, by the following roll call vote:

AYES:

NOES:

ABSENT:

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Ingrid Padilla

City Clerk

**RESOLUTION NO. 2017-31**

**A RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION  
OF ASSESSMENTS  
PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972  
FISCAL YEAR 2017-2018**

**SIERRA POINT  
LANDSCAPING AND LIGHTING DISTRICT**

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

**WHEREAS**, 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, which said submitted report has been 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 2017-2018 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 20, 2017, 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 20, 2017, 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:

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Lori S. Liu  
Mayor

I, the undersigned, hereby certify that the foregoing Resolution No. 2017-31, was adopted by the City Council of the City of Brisbane, at a regular meeting thereof held on the 18th day of May, 2017, by the following roll call vote:

AYES:  
NOES:  
ABSENT:

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Ingrid Padilla  
City Clerk



**EXHIBIT “A” to Resolution No. 2017-31**

**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 irrigation, 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**

**DRAFT**

**ENGINEER'S REPORT**

on the  
Levy of an Assessment  
for the  
2017 - 2018 Fiscal Year

Prepared by

Karen Kinser, P.E.  
Deputy Director of Public Works

May 9, 2017

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 as part of an annually occurring process to detail the assessment charges and district expenses covering the 2017 - 2018 fiscal year.

II. PLANS AND SPECIFICATIONS

The original plans and specifications for this 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 2017 - 2018 fiscal year are estimated to be as follows:

**ZONE 1 & 2 CONSTRUCTION & MAINTENANCE**

		<b>FY 17/18</b>
	Employee salaries & fringes	60,449
54025	Indirect costs	111,174
	Maintenance & Servicing Costs (see detail)	392,090
	Misc. Services & Supplies (see detail)	9,003
	Offset previous years deficits	19,060
	<b>TOTAL ZONE 1 &amp; 2</b>	<b>\$591,776</b>

**MAINTENANCE & SERVICING COSTS (Detail)**

		<b>FY 17/18</b>
52001	Safety Clothing	1,000
52010	Gas & oil for vehicles	2,500
	Auto & truck repair & maintenance	3,000
	Tire & tire repair	500
52015	Tree trimming/replacement	20,000
	Plants, shrubs and other vegetation	5,500
	Street light repair & maintenance	12,000
	Fertilizer, stakes, seed, compost	3,000
	Irrigation supplies	4,000
52030	Landscape beds contract maintenance	45,000
	Gopher Control	12,000
	Contract turf maintenance	36,540
	Non-routine maintenance (planting, etc.)	16,850
52050	Small tools and supplies	200
52060	Electricity and water	230,000
	<b>Total Maintenance &amp; Servicing Costs</b>	<b>\$392,090</b>

MISC. SERVICES & SUPPLIES (Detail)

		<b>FY 17/18</b>
52020	Memberships	125
52005	Communications	600
52010	Office equipment repair & maintenance	600
52025	Printing, legal notices	200
52030	Assessment Engineering	1,000
	Legal Counsel	1,800
52055	Travel and training	100
51800	Liability Insurance	1,710
51810	Worker's Compensation	2,868
	Total misc. services & supplies	<b>\$9,003</b>

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 5/9/17

  
\_\_\_\_\_  
Karen Kinser, P.E.  
Deputy Director of Public Works

Filed in the office of the City Clerk of the City of Brisbane, San Mateo County,  
California, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Ingrid Padilla  
City Clerk

Filed in the office of the County Controller-Auditor of the County of San Mateo,  
California, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Juan Raigoza  
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 <sup>1</sup>	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

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<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	7,189
B 3	005—162—300	66.5	31,456
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)	Note <sup>4</sup>	-0-
	Subtotals	81.7	\$ 38,645
	Totals	180.99	\$591,776

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<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, and 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**

<b>ASSESSMENT NUMBER</b>	<b>APN NUMBER</b>	<b>ASSESSEE</b>
A-1	007-165-010	MPVCA Brisbane LLC 2420 Camino Ramon #215 San Ramon, CA 94583
A-2	007-165-020	Sierra Point LLC C/O Opus 10350 Bren Rd. West Minnetonka, MN 55343-9014
A-3 A-12	007-165-110 007-165-120	Marina Boulevard Property LLC 2121 Rosekrans Ave. Ste. 4325 El Segundo, CA 90245
A-4	007-165-050	Tuntex Properties, Inc. 150 Executive Park Blvd. #4200 San Francisco, CA 94134
A-5	007-164-020	Diamond Marina LLC 2000 Sierra Point Parkway, Ste. 100 Brisbane, CA 94005
A-6	007-164-010	2000 Sierra Point Parkway LLC Attn: Diamond Investment Properties, Inc. 2000 Sierra Point Parkway, Ste. 100 Brisbane, CA 94005
A-7 A-8 A-9	007-165-080 007-165-090 007-165-100	Slough Brisbane LLC PO Box 847 Carlsbad, CA 92018
A-10	007-163-030	Summit Hospitality 114 LLC 12600 Hill Country Blvd., #R-100 Austin, TX 78738
A-11	007-163-040	Bre Sh Brisbane Owner LLC 1575 Welton St. Denver, CO 80202
B-2 B-3 B-4 B-5	005-162-430 005-162-300 005-162-400 005-162-410	Oyster Point Properties, Inc. 150 Executive Park Blvd. #4200 San Francisco, CA 94134-3332

B-6 B-7	005-162-390 005-162-420	City of Brisbane 50 Park Place Brisbane, CA 94005
C-1	015-010-530	State of California C/O State Lands Commission Attn: Title Unit 100 Howe Ave., Ste. 100 Sacramento, CA 95825
C-2	015-010-560	CRP 6000 Shoreline LLC 3675 Mt Diablo Blvd. Ste. 310 Lafayette, CA 94549
C-3	015-010-570	ARE San Francisco No. 17 LLC C/O Deloitte & Touche Attn: Shanna Lehman PO Box 847 Carlsbad, CA 92018
C-4	015-010-580	Areus Inc. 4085 Campbell Ave. Ste. 150 Menlo Park, CA 94025
C-5	015-010-610	AP3 - SF1 4000 Shoreline LLC PO Box 927729 San Diego, CA 92192