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DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

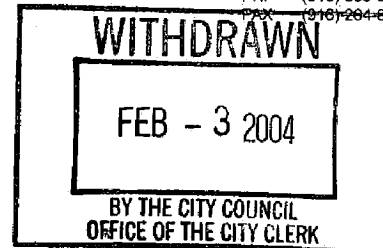
927 10th STREET, STE. 100
SACRAMENTO, CA
95814-2700

PROJECT DELIVERY DIVISION

PH. (916) 808-8300
FAX (916) 264-6281

January 16, 2004

City Council
Sacramento, California



Honorable Members in Session:

**SUBJECT: TAHOE PARK 5 STREET LIGHTING ASSESSMENT DISTRICT NO. 2003-07 –
PUBLIC HEARING**

LOCATION AND COUNCIL DISTRICT: Tahoe Park 5 - Council District 6 (See location map, Attachment "A").

RECOMMENDATION:

This report recommends that City Council open the public hearing, after which staff will count the ballots and the City Clerk will present the results either before the end of today's meeting or at the beginning of the evening session. After the results are declared and the district is approved, staff recommends Council adopt the attached resolution:

- Confirming the Engineer's Report for the Tahoe Park 5 Street Lighting Assessment District No. 2003-07 and levying an assessment and ordering the improvements to be acquired and constructed.

CONTACT PERSONS:

Eric S. Yap, Senior Engineer, 808-5641
Rita Goolkasian, Program Specialist, 808-5236

FOR COUNCIL MEETING OF: February 3, 2004

SUMMARY:

The purpose of today's meeting is to open the public hearing and to receive protests on the proposed formation of the Tahoe Park 5 Street Lighting Assessment District No. 2003-07. Following the public hearing, staff will count the ballots and report back with the results before the end of the afternoon session, if possible. If not, the results will be reported at the evening session.

The district formation schedule is shown on Attachment "B".

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

On September 25, 2001, the City Council approved the scored and ranked project list for the Street Lighting Match Program, with four of the project areas each receiving City funds of \$125,000 to offset the cost of forming an assessment district. One of the projects was Tahoe Park 5 (PN: SM70).

On November 4, 2003, the City Council approved an additional \$181,400 for the project to compensate for increased construction cost. This action reduced the property owners' costs to a more acceptable level. The cost for a typical residential lot was determined to be \$1,727.

Engineer's Report

This district is being formed under the Municipal Improvement Act of 1913. Using the bid cost and identifying all bond issuance costs, staff generated the Engineer's Report allocating all costs equitably to all 227 parcels benefiting from the lights. The lots in this district are nearly all the same size, and therefore will share the total cost equally. However, there are a few lots that are significantly larger and will be assessed accordingly. A complete description of the methodology is described in the Engineers Report on file in the City Clerk's office.

Following the public hearing, staff will count the ballots and report back with the results before the end of the afternoon session, time allowing, or return in the evening to declare the results. If the district formation is successful, staff will begin the 30-day collection period that allows property owners to prepay their assessments in lieu of placing a lien on their property for annual collection through their property taxes. Staff will report back in approximately 45-60 days to declare the unpaid amount and authorize the issuance of sale of bonds.

FINANCIAL CONSIDERATIONS:

The cost of the project for Tahoe Park 5 Street Lighting Assessment District No. 2003-07 is estimated to be \$710,367. The General Fund will contribute \$125,000 toward the cost of this project. An additional contribution of \$181,400 will be funded through the State Jobs-Housing Balance Incentive Grant (M03-185) as approved by the City Council on November 4, 2003 and the balance will be borne by property owners. The cost summary is provided in Table 1.

Based on a not-to-exceed interest rate of 6.5%, the assessment for each residential parcel is \$1,727 or approximately \$193/year for 15 years. The full cost of project and assessment to property owners is described in the Engineer's Report (on file with the City Clerk).

Table 1

Total Cost	Streetlight Match – General Fund	Additional Contribution - State Job-Housing Balance Incentive Grant	Property Owners
\$710,367	\$125,000	\$181,400	\$403,967

ENVIRONMENTAL CONSIDERATIONS:

Under the California Environmental Quality Act (CEQA) Guidelines, formation of an Assessment District does not constitute a project, and is therefore, exempt from review.

POLICY CONSIDERATIONS:

The proceedings for this district are pursuant to the provisions of the Municipal Improvement Act of 1913 and Improvement Bond Act of 1915. This process is consistent with the City's Strategic Plan goal to preserve and enhance the City's neighborhoods and quality of life.

ESBD CONSIDERATIONS:

City Council approval of these proceedings is not affected by City policy related to the ESBD Program.

Respectfully submitted:

Francesca Lee Halbakken
 Francesca Lee Halbakken
 Project Delivery Manager

RECOMMENDATION APPROVED:

Robert P. Thomas
 ROBERT P. THOMAS
 City Manager

Approved:
Thomas V. Lee
 Thomas V. Lee
 Deputy City Manager

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- 2) Attachment B, Schedule of Proceedings for Tahoe Park 5 Street Lighting Assessment District, pg. 5
- 3) Resolution Confirming the Engineer's Report, Levying an Assessment, and Ordering Improvements to be Acquired and Constructed for the Tahoe Park 5 Street Lighting Assessment District #2003-07, pg. 6
- 4) Exhibit A, Description of Street Lighting Improvements, pg. 15

ATTACHMENT B

SCHEDULE FOR TAHOE PARK #5 STREET LIGHTING ASSESSMENT DISTRICT #2003-07

November 4, 2003 City Council Approves Additional Funding for the Street Light Match Program

December 16, 2003 City Council Action – Resolution of Intention

- ROI to undertake proceedings for the formation and sale of bonds with mail ballot election
- Preliminarily Approving the Engineer's Report and Set Public Hearing Date
- Approving Agreement for Legal Services

December 17, 2003 Begin the 45 day public noticing period
Mail Ballot to Property Owners

February 3, 2004	City Council Meeting <ul style="list-style-type: none">• Conduct the Public Hearing – afternoon session• Declare Results of Election – evening session• Approve Formation of District• Confirm Assessments• Approve Engineers Report
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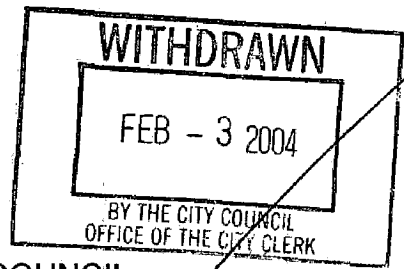
February 4, 2004 Initiate 30-day Cash Collection Period

- Mail Letter to Property Owners

March 4, 2004 End of the 30 day Cash Collection Period

March 23, 2004 City Council Meeting

- Declare Unpaid Amount
- Authorize Issuance of Sale of Bonds
- Establish the Budget
- Approve Legal Documents & POS
- Award Bid



RESOLUTION NO. 2004-_____

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF FEBRUARY 3, 2004

A RESOLUTION OF THE COUNCIL OF THE CITY OF SACRAMENTO CONFIRMING THE ENGINEER'S REPORT FOR THE TAHOE PARK 5 STREET LIGHTING ASSESSMENT DISTRICT NO. 2003-07 AND LEVYING AN ASSESSMENT THEREIN AND ORDERING CERTAIN STREET LIGHTING IMPROVEMENTS TO BE ACQUIRED AND CONSTRUCTED THEREFOR; PROVIDING FOR NOTICE OF RECORDING SUCH ASSESSMENT; AND DESIGNATING THE CITY TREASURER OF THE CITY TO COLLECT AND RECEIVE MONEY PAID PURSUANT TO SUCH ASSESSMENT

WHEREAS, the City Council (the "City Council") of the City of Sacramento (the "City") has determined that it is necessary, convenient and desirable to undertake proceedings pursuant to the provisions of the Municipal Improvement Act of 1913 and to issue bonds in such proceedings under the provisions of the Improvement Bond Act of 1915 for the acquisition and construction of those certain street lighting improvements more particularly described in Exhibit A, attached hereto and incorporated herein and made a part hereof, in and for a street lighting assessment district in the City designated the "Tahoe Park 5 Street Lighting Assessment District No. 2003-07;" and

WHEREAS, the City Council, by Resolution of Intention No. 2003-894 (the "Resolution of Intention") adopted on December 16, 2003, declared its intention to order

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such street lighting improvements to be acquired and constructed by the City in and for such assessment district pursuant to the provisions of the Municipal Improvement Act of 1913 and to issue bonds in such proceedings under the provisions of the Improvement Bond Act of 1915, and the City Council further stated that it intended to comply with the requirements of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 applicable to such assessment district by proceeding under Part 7.5 thereof; and

WHEREAS, the City Council appointed the City Interim Director of Public Works as the Engineer of Work (the "Engineer of Work") for such proceedings, and such Engineer of Work was authorized and directed to do and perform all engineering work necessary in and for such proceedings, and to prepare a report in compliance with Section 10204 of the Streets and Highways Code containing plans and specifications for such street lighting improvements, together with a general description of the works to be acquired as part of such street lighting improvements and an estimate of the costs and expenses thereof (including authorized funded interest on such bonds) and together with an assessment diagram and a proposed assessment of the portion of the costs and expenses of such street lighting improvements to be levied in such assessment district upon the several parcels of land in such assessment district in proportion to the estimated benefits to be received by each such parcel, respectively, from such street lighting improvements, which assessment was directed to take cognizance of a contribution of \$306,400.00 from the City from other available funds of

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the City for the payment of the costs and expenses of such street lighting improvements, and further directed the Engineer of Work to include in such report the information required by Part 7.5 of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, and thereafter to file such report with the City Clerk of the City, who was directed to present such report to the City Council; and

WHEREAS, the Engineer of Work prepared and filed with the City Clerk a report (the "Engineer's Report") containing the matters required by the Resolution of Intention, which Engineer's Report was duly presented by the City Clerk of the City to the City Council for consideration; and

WHEREAS, the Engineer of Work has determined the assessed valuation of all parcels of land within the assessment district for the 2003-2004 Fiscal Year is not less than \$20,135,111, and that there are no existing unpaid assessments against any of such parcels of land proposed to be assessed; and accordingly that the limitations set forth in Section 2961(d) of the Streets and Highways Code (the "Code") have been satisfied in that the principal sum of all unpaid special assessments levied against the parcels proposed to be assessed, as computed by the Code, plus the proposed amount of the special assessments proposed to be levied in the assessment proceedings do not exceed one-half of the total value of the parcels proposed to be assessed in the assessment proceeding; as computed by the Code; and

WHEREAS, the Engineer's Report was carefully and fully considered by the City Council, and was preliminarily approved by the City Council, and the City Council fixed Tuesday, February 3, 2004, at 2:00 o'clock P.M., at the Council Chambers at the Interim

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City Hall, 730 I Street, 1st Floor, Sacramento, California 95814, as the date, time and place for a public hearing of protests to the levy of such proposed assessment and to proceeding under Part 7.5 of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 with respect to such assessment district; and

WHEREAS, the City Council provided for the giving of notice of such public hearing of protests to the levy of such proposed assessment in such assessment district and to proceeding under Part 7.5 of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 with respect to such assessment district by causing notices thereof to be mailed, postage prepaid, together with assessment ballots on such proposed assessment, to the owners of all parcels proposed to be assessed in such proceedings whose name and address appear on the last equalized secured property assessment roll of the County of Sacramento, or, in the case of any public entity, to the representative of such public entity at the address known to the City, in the time, form and manner required by law, and the City Council hereby finds that notice of the adoption of the Resolution of Intention and of the filing of the Engineer's Report and of the time and place of such public hearing of protests to the levy of such proposed assessment and to proceeding under Part 7.5 of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, together with assessment ballots on such proposed assessment, has been mailed in the time, form and manner required by law; and

WHEREAS, such public hearing was duly convened by the City Council at such time and place set for such public hearing, and at such public hearing all interested

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persons were permitted to present written or oral testimony to the levy of such proposed assessment or to proceeding under Part 7.5 of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, and the City Clerk of the City presented to the City Council all written protests received by her, and members of the staff and other representatives of the City made oral presentations to the City Council answering the comments and questions raised and the protests presented at various times throughout the assessment proceedings, and at the conclusion of the taking of testimony at such public hearing, the City Council directed the Engineer of Work to open and tabulate the assessment ballots and make a report thereon to the City Council, and the Engineer of Work reported that the assessment ballots submitted (and not withdrawn) in opposition to such proposed assessment did not exceed the assessment ballots submitted (and not withdrawn) in favor of such proposed assessment (weighting each assessment ballot by the amount of the assessment proposed to be levied upon the parcel for which such assessment ballot was submitted), and on the basis of such tabulation the City Council determined that a majority protest did not exist; and

WHEREAS, the City Council has carefully and fully considered all the written and oral testimony presented at such public hearing and all objections or protests to the levy of such proposed assessment or to proceeding under Part 7.5 of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 with respect to such assessment district, and has carefully considered the Engineer's Report; and

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WHEREAS, the City Council has carefully considered all parts of the Engineer's Report; and

WHEREAS, the City Council is fully advised in the premises, and is now duly authorized to levy, collect and enforce such assessment and issue such bonds;

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

Section 1. The foregoing recitals are true and correct, and the City Council so finds and determines.

Section 2. The Engineer's Report as presented to this City Council is hereby approved.

Section 3. The City Council hereby finds and determines that the acquisition and construction of such public street lighting improvements complies with the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 because the total amount of the principal sum of all unpaid special assessments levied against the parcels proposed to be assessed, as set forth in the Engineer's Report, plus the principal amount of the special assessment levied by this resolution, does not exceed one-half (1/2) of the total value of the parcels being assessed (computed pursuant to Section 2961 of the Streets and Highways Code), as set forth in the Engineer's Report.

Section 4. The City Council hereby finds and determines (i) that all parcels within such assessment district have been assessed in accordance with the special benefits to be derived respectively from such public street lighting improvements according to

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the assessment formula, each of which assessments represents the proportionate special benefits to be received by each of such parcels from such public street lighting improvements and represents a fair and equitable allocation of such costs and expenses to the benefited parcels of land in proportion to the special benefits to be received by each of such parcels of land from such public street lighting improvements, (ii) that all parcels within such assessment district will be benefited by such public street lighting improvements and no parcels that will be benefited by such public street lighting improvements are located outside such assessment district, and (iii) that the portion of the costs and expenses of such public street lighting improvements (and the related incidental expenses of the legal proceedings and bond financing) which has been assessed represents the local, special benefit to the parcels of land within such assessment district for their proportional shares of such costs and expenses; and the City Council hereby further finds and determines that the public necessity, convenience and desirability requires the acquisition and construction of such public street lighting improvements and hereby orders such public street lighting improvements to be acquired and constructed by the City for such assessment district, which is hereby formed pursuant to the Municipal Improvement Act of 1913, and the City Council hereby overrules all objections and protests to the assessment contained in the Engineer's Report.

Section 5. The City Council hereby confirms the assessment and the diagram as contained in the Engineer's Report now on file with it; and the City Council hereby declares that the Engineer's Report and such assessment and such diagram as

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contained in the Engineer's Report are hereby adopted and confirmed by the City Council, and the assessment contained in the Engineer's Report is hereby levied by the City Council.

Section 6. The City Clerk of the City is hereby directed to transmit the diagram of such assessment district and such assessment to the Interim Director of Public Works of the City (the "Interim Director of Public Works"), and the Interim Director of Public Works shall record the same in substantial books to be kept by him in his office, and such assessment shall become due and payable; and the City Clerk of the City is hereby further directed to file in the office of the Sacramento County Recorder a copy of such assessment diagram as so recorded and to execute and record a notice of assessment in the office of the Sacramento County Recorder as required by law, and such assessment shall become a lien upon the land on which it is levied; all pursuant to the Municipal Improvement Act of 1913.

Section 7. The City Treasurer of the City (the "City Treasurer") is hereby designated to collect and receive the money paid pursuant to such assessment, and the City Treasurer is hereby ordered and directed to give notice of recording such assessment by causing the City Clerk of the City to mail and publish notices thereof in the time, form and manner required by law (which shall reflect a credit of 14.65 % of the principal amount thereof, representing the cash payment discount), and upon the completion of the mailing and publication of such notices the City Treasurer is hereby

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directed to file with the City Council affidavits setting forth the time and manner of compliance with the requirements of law for mailing and publishing such notices.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

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EXHIBIT A

DESCRIPTION OF PUBLIC STREET LIGHTING IMPROVEMENTS

The improvements which are subject of this report are briefly described as follows:

The construction and installation of a complete high pressure sodium ornamental street lighting system together with all necessary appurtenances thereto on Broadway Boulevard and 8th Avenue from 60th Street to 65th Street; on 60th Street, Perkyman Way, 61st Street, 62nd Street, 63rd Street, 64th Street, Kroy Way, and 65th Street, from 8th Avenue to Broadway Boulevard.

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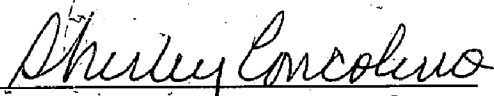
CITY CLERK'S CERTIFICATE OF BALLOT PROCEEDURE
RESULTS FOR THE MAILED-BALLOT PROPERTY OWNER VOTE
HELD IN TAHOE PARK 5 STREET LIGHTING ASSESSMENT DISTRICT NO.
2003-07, CITY OF SACRAMENTO,
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA
ON February 3, 2004

I, Shirley Concolino, City Clerk of the City of Sacramento, certify that:

I personally counted the ballots cast at the mailed-ballot, property owner vote called by the City Council in its Resolution No. 2003-875, adopted on December 16, 2003, and I hereby certify the Result of that count to be as follows:

TOTAL VOTES CAST "YES":	96,707.52
TOTAL VOTES CAST "NO":	112,249.82
TOTAL VOTES CAST:	208,957.34
THE VOTES CAST "YES" EQUAL CAST.	46.28 % OF THE TOTAL VOTES

I make this Certification on February 4, 2004


SHIRLEY CONCOLINO, City Clerk
Of the City of Sacramento