



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
[www. CityofSacramento.org](http://www.CityofSacramento.org)

CONSENT
July 24, 2007

**Honorable Mayor and
 Members of the City Council**

Title: Land-Curtis Park Street Lighting Assessment District No. 2007-04 - Initiate Proceedings

Location/Council District: Council Districts 4 and 5 (Attachment 2, Page 5).

Recommendation: **Adopt** (1) a **Resolution** authorizing the City Attorney to execute the agreement for legal services; (2) a **Resolution** declaring the intention to order improvements, approving the proposed boundary map, and appointing the Engineer of Work; (3) adopt a **Resolution** authorizing the City Manager to sign and deliver an assessment ballot; (4) a **Resolution** declaring the intention to reimburse certain expenses from proceeds of bonds; and (5) a **Resolution** preliminarily approving the Engineer's Report and setting a hearing of protests for September 11, 2007.

Contact: Bob Cooper, Senior Engineer, (916) 808-5778; Mark Griffin, Fiscal Manager, (916) 808-8788

Presenters: Not Applicable

Department: Planning

Division: Public Improvement Financing

Organization No: 4915

Description/Analysis:

Issue: Property owners within the proposed district have requested that the City form an assessment district to finance the construction of historic street lights within their neighborhood. Prior to assessments being levied, property owners may pay their total assessment in cash. The cash payments from the property owners together with the bond proceeds will pay for the construction of these lights. Formation of the assessment district will authorize the City to issue associated bonds and to levy assessments to pay principal and interest on the bonds.

Policy Considerations: The procedures under that initiate this assessment district are being initiated are set forth in Streets and Highways Code, sections 10000 and following, entitled "Municipal Improvement Act of 1913," and sections 8500 and following, entitled "The Improvement Bond Act of 1915." Formation of this district is consistent with the City's Strategic Plan 3-Year Goal to "achieve sustainability and enhance livability".

Environmental Considerations: Construction of the street lights constitutes a "project" subject to California Environmental Quality Act (CEQA). City Staff will prepare appropriate documents and recommendations in accordance with CEQA and submit those documents and recommendations to the City Council before the City Council decides whether to give final approval to this project.

Committee/Commission Action: None

Rationale for Recommendation: The actions in the recommended resolutions are required by the Municipal Improvement Act of 1913 and The Improvement Bond Act of 1915 for formation of an assessment district.

Financial Considerations: This project will be financed by the property owners within the assessment district, which include the State of California and the City. The total estimated cost to the City for City owned parcels is \$113,200 (See Attachment 1). The total estimated cost of the project is \$10,342,000. The estimated total amount to be assessed to the property owners is \$11,405,000 and is itemized in Attachment 1 and detailed in the Engineer's Report on file with the City Clerk. Once the project is designed and bids are received, these amounts will be revised to reflect actual costs.

Emerging Small Business Development (ESBD): None. No goods or services are being purchased.

Respectfully Submitted by: 
for Mark Griffin
Fiscal Manager, Planning Department

Approved by: 
Carol Shearly
Director, Planning Department

Recommendation Approved:

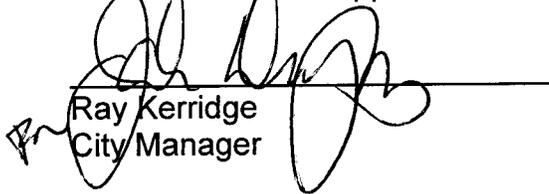

Ray Kerridge
City Manager

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BACKGROUND

Neighborhood representatives in the Land Park and Curtis Park areas have been working with the Department of Transportation and City Council members to bring this street-lighting assessment district to the City Council and the property owners for approval. The district will encompass 2,000 lots and, if approved, will install over 740 historic street lights within the proposed boundary. In October 2006, neighborhood residents were successful in gathering over 1,100 signatures to show their support.

The district is being formed under the Municipal Improvement Act of 1913. Using the estimated construction cost and identifying bond-issuance costs, staff has generated the Engineer's Report, thereby allocating all costs equitably to all 2,000 parcels benefiting from the lights. The description of street-lighting Improvements are shown in Attachment 5, Exhibit A of the Resolution of Intention.

Methodology for Spreading the Assessment

Approximately 97% of the lots in the district are nearly the same size and therefore will share the cost equally. However, there are a few lots that are significantly larger and will be assessed accordingly. In addition, a lot that would otherwise be in the district (the Catholic cemetery on 21st Street) has been excluded because of a constitutional exemption. In accordance with Proposition 218, that lot's fair share of the cost will have to be paid from non-district funds. A complete description of the methodology is described in the Engineer's Report on file in the Clerk's Office.

The total cost for a property owner with a typical single-family parcel will be approximately \$5,500. This estimated annual assessment will be \$415. The total assessment will be financed for 30 years and will appear on the property-tax bill payable in semi-annual installments. This amount covers all costs including the construction cost and the bond-issuance costs shown in the cost estimate. Property owners who choose to pay the full amount during the "cash-collection period" receive a 6% discount.

The City owns two lots within the boundaries of the district (see Attachment 2) and will be required to pay its fair share during the cash-collection period scheduled for November 2008. The two lots and their fair shares are listed below:

The Sierra 2 Center located on 24 th Street.....	\$98,435
City parking lot leased to Regional Transit.....	<u>14,765</u>
Total City Share	\$113,200

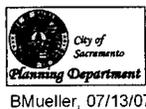
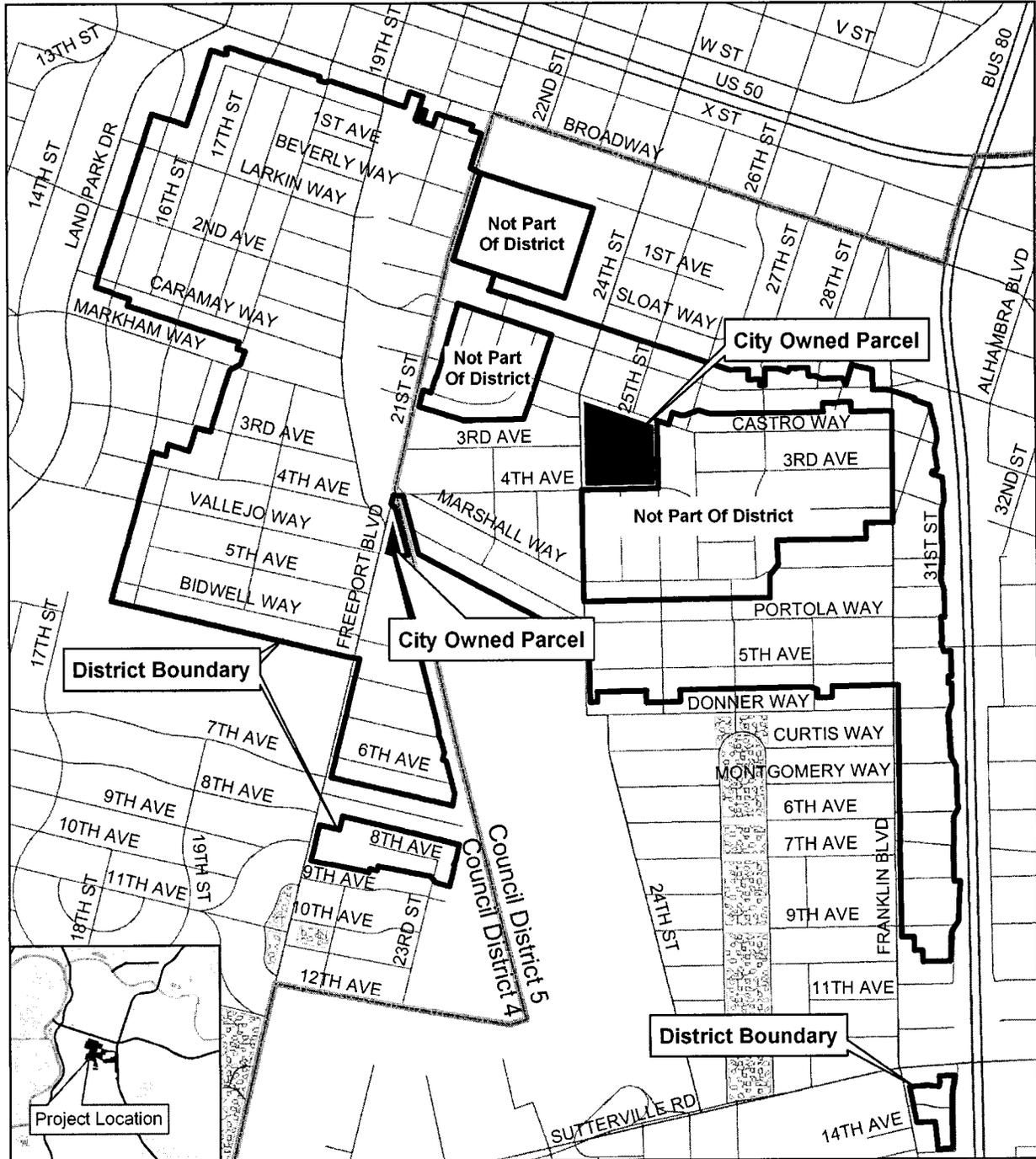
LAND-CURTIS PARK STREET LIGHTING A.D. COST ESTIMATE	
Construction Cost	
Construction	\$7,350,000
Engineering	\$1,000,000
Right-of-Way	\$350,000
Contingencies	\$1,400,000
Subtotal Construction Cost	\$10,100,000
Incidentals	
City Admin Expenses & Fees*	\$70,500
Official Statement Printing*	\$10,000
Bond Counsel**	\$94,525
Special District Information Reporting Service (SDIRS)	\$49,405
Contingency	\$17,570
Subtotal Incidentals	\$242,000
Total Project Costs	\$10,342,000
Debt Service Reserve Fund **	\$834,900
Subtotal Expenditures	\$11,176,900
Underwriter's Discount	\$228,100
Total Bond Cost	\$11,405,000

*City Administration and OS printing are often fixed costs.

**Bond Counsel, Underwriter's Discount and Debt Service Reserve Fund are based on Par Amount

Following Council approval of the attached resolutions, in accordance with the assessment district proceedings, staff will mail the assessment ballots with the description and cost of the district to all affected property owners. Following the mandated 45-day notice period, a public hearing to receive protests and assessment ballots will be scheduled for the City Council meeting on September 11, 2007. At the close of the public hearing, the votes will be tallied. Prior to the end of either the afternoon session or the evening session on the same date staff will return to the Council Chambers to announce the results of the majority protest.

Land-Curtis Park Street Lighting AD No. 2007-04



SCHEDULE OF PROCEEDINGS

LAND-CURTIS PARK STREET LIGHTING ASSESSMENT DISTRICT NO. 2007-04

SCHEDULE

July 24, 2007	City Council - Resolution of Intention
July 25, 2007	Mail Notice of Hearing & Ballots
September 11, 2007	City Council – Public Hearing
September 12, 2007	Begin Design of Construction Plans
September 9, 2008	City Council Advertise for Bids
October 14, 2008	Receive Bids
November 18, 2008	City Council – Amend Engineers Report
November 19, 2008	Mail Notice of Assessment-Cash payment period begins
January 20, 2009	City Council – Final Approvals
January 2009	Begin Construction

RESOLUTION NO.

Adopted by the Sacramento City Council

**AUTHORIZING CITY ATTORNEY, AFTER CONSULTATION WITH
CITY TREASURER, TO APPROVE AGREEMENT FOR LEGAL
SERVICES IN RESPECT OF LAND-CURTIS PARK STREET LIGHTING
ASSESSMENT DISTRICT
NO. 2007-04, CITY OF SACRAMENTO
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA**

BACKGROUND

- A.** The City Council of the City of Sacramento (the "City") is undertaking proceedings pursuant to the Municipal Improvement Act of 1913 (sections 10000 and following, Streets and Highways Code) and under the Improvement Bond Act of 1915 (sections 8500 and following, Streets and Highways Code) to consider the formation of the proposed Land-Curtis Park Street Lighting Assessment District No. 2007-04, City of Sacramento, County of Sacramento, State of California (the "Proposed Assessment District") and the levy of assessments therein and the issuance of bonds secured by those assessments to finance certain public street lighting and related facilities.
- B.** The City Council is fully advised in this matter.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Council finds that the statements in the Background are true.

Section 2. The City Council authorizes the City Attorney, after consultation with the City Treasurer, to negotiate, on behalf of the City, an appropriate agreement for legal services between the City and Orrick, Herrington & Sutcliffe LLP for the services of that firm as Special Bond Counsel to the City in connection with the Proposed Assessment District; and the City Attorney of the City is authorized to sign and deliver the agreement and the City Clerk is authorized to attest its execution.

Section 3. This resolution takes effect when adopted.

RESOLUTION NO.

Adopted by the Sacramento City Council

DECLARING THE INTENTION TO ORDER IMPROVEMENTS IN LAND-CURTIS PARK STREET LIGHTING ASSESSMENT DISTRICT NO. 2007-04; APPROVING THE PROPOSED BOUNDARY MAP; AND APPOINTING THE ENGINEER OF WORK

BACKGROUND

- A.** Under the authority of the Municipal Improvement Act of 1913 (sections 10000 and following, Streets and Highways Code), the City Council intends to order the acquisition and/or construction of the improvements described in Exhibit A, attached hereto and by this reference incorporated herein, all of which are situated within the proposed Land-Curtis Park Street Lighting Assessment District No. 2007-04, City of Sacramento, County of Sacramento, State of California (the "Proposed Assessment District").
- B.** The City Council finds that the land specially benefited by the improvements is shown within the boundaries of the map entitled "Proposed Boundaries, Land-Curtis Park Street Lighting Assessment District No. 2007-04, City of Sacramento, County of Sacramento, State of California," a copy of which is on file with the City Clerk (the "Boundary Map"). The land within the exterior boundaries shown on the Boundary Map shall be designated "Land-Curtis Park Street Lighting Assessment District No. 2007-04, City of Sacramento, County of Sacramento, State of California."
- C.** The City Council desires to appoint an Engineer of Work.
- D.** The City Council is fully advised in this matter.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Council finds that the statements in the Background are true.

Section 2. The City Council approves the Boundary Map and adopts the boundaries shown on the Boundary Map as describing the extent of the territory included in the Proposed Assessment District.

Section 3. The City Council hereby finds and determines that the Boundary Map contains the matters and is in the form prescribed by section 3110 of the Streets and Highways Code.

Section 4. The City Council directs the City Clerk to certify the adoption of this resolution on the face of the Boundary Map and to file a copy thereof with the Sacramento County Recorder for placement in the Book of Maps of Assessment and Community Facilities Districts. The filing with the Sacramento County Recorder shall be accomplished within 15 days of the date hereof, as specified by section 3111 of the Streets and Highways Code.

Section 5. The City Council intends to levy special assessments upon the land within the Proposed Assessment District in accordance with the special benefit to be received by each parcel of land from the improvements.

Section 6. Where any disparity occurs in level or size between the improvements and private property, the City Council determines that it is in the public interest and more economical to eliminate the disparity by doing work on the private property instead of adjusting the work on public property. Accordingly, work may be done on private property for this purpose with the written consent of the landowner.

Section 7. The City Council intends to enter into an agreement with any appropriate public agency or utility company, under the provisions of section 10109 and following of the Streets and Highways Code, to the extent that the work and improvements to be undertaken will include facilities which are to be under the ownership, management and control of such public agency or utility company.

Section 8. This City Council intends, pursuant to subdivision (f) of section 10204 of the Streets and Highways Code, to provide for an annual assessment upon each of the parcels of land in the Proposed Assessment District to pay various costs and expenses incurred from time to time by the City and not otherwise reimbursed to the City which result from the administration and collection of assessment installments or from the administration or registration of the improvement bonds and the various funds and accounts pertaining thereto.

Section 9. Bonds representing unpaid assessments, and bearing interest at a rate not to exceed 12% per annum, will be issued in the manner provided by the Improvement Bond Act of 1915 (division 10, Streets and Highways Code), and the last installment of the bonds shall mature not to exceed 29 years from the second day of September next succeeding 12 months from their date.

Section 10. The procedure for the collection of assessments and advance retirement of bonds under the Improvement Bond Act of 1915 shall be as provided in part 11.1, division 10, of the Streets and Highways Code.

Section 11. The City will not obligate itself to advance available funds from the City treasury to cure any deficiency which may occur in the bond redemption fund. A determination not to obligate itself shall not prevent the City from, in its sole discretion, so advancing funds.

Section 12. The City Council intends to comply with the requirements of the Special

Assessment Investigation, Limitation and Majority Protest Act of 1931 by proceeding under part 7.5 of division 4 of the Streets and Highways Code. The Engineer of Work is directed to include in the written engineer's report all of the information required by section 2961 of the Streets and Highways Code.

Section 13. This City Council appoints the Development Engineering Manager of the City's Development Services Department as Engineer of Work for this project, and directs the preparation of the report containing the matters required by section 10204 of the Streets and Highways Code, as supplemented by section 4 of article XIID of the California Constitution.

Section 14. The amount of any surplus remaining in the improvement fund after completion of the improvements and payment of all claims shall be distributed in accordance with the provisions of section 10427.1 of the Streets and Highways Code.

Section 15. This resolution takes effect when adopted.

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Exhibit A: Description of Improvements

EXHIBIT A**LAND-CURTIS PARK STREET LIGHTING
ASSESSMENT DISTRICT NO. 2007-04
CITY OF SACRAMENTO, SACRAMENTO COUNTY, CALIFORNIA
DESCRIPTION OF IMPROVEMENTS**

The construction and installation of a complete high pressure sodium ornamental street lighting system together with all necessary appurtenances thereto on:

Burnett Way from 16th Street to 21st Street, 1st Avenue from 18th Street to Street to 21st Street. Beverly Way 18th Street to Freeport Boulevard, Larkin Way from 120 feet west of Marty Way to 21st Street, Commercial Way from 18th Street to Freeport Boulevard, Sloat Way from Western Pacific RR to 21st Street, 2nd Avenue from 120 feet west of Marty Way to Franklin Boulevard, Castro Way from 18th Street to 21st Street and from 280 feet west of 24th Street to 200 feet east of 25th Street, Caramay Way from 120 feet west of Marty Way to Freeport Boulevard, Markham Way from 120 feet west of 18th Street to 21st Street, 3rd Avenue from 180 feet west of 18th Street to 24th Street and Franklin Boulevard to State Route 99, 4th Avenue from 120 feet west of 17th Street to 24th Street and Franklin Boulevard to 31st Street, Vallejo Way from 120 feet west of 21st Street to Freeport Boulevard, 5th Avenue from 17th Street to Freeport Boulevard and 24th Street to State Route 99, Bidwell Way from 120 feet west of 17th Street to 300 feet east of Freeport Boulevard, Weller Way and Perkins Way from Freeport Boulevard to Western Pacific RR, 6th Avenue from Freeport Boulevard to Western Pacific RR and Franklin Boulevard to 31st Street, 8th Avenue from 500 feet west of 23rd Street to 23rd Street and Franklin Boulevard to 31st Street, Marshall Way from 21st Street to 24th Street and 300 feet east of 26th Street to 31st Street, Portola Way from 21st Street Franklin Boulevard, Donner Way from Franklin Boulevard to 31st Street, Montgomery Way from Franklin Boulevard to 31st Street, 9th Avenue from Franklin Boulevard to 31st Street, 13th Avenue from Franklin Boulevard to 30th Street, Marty Way from 200 feet north of Larkin Way to Caramay Way, 16th Street and Harkness Street from Burnett Way to Caramay Way, 17th Street from 100 feet north of Burnett Way to 100 feet south of Caramay Way and 4th Avenue to 100 feet south of Bidwell Way, 18th Street from 100 feet north of Burnett Way to 100 feet south of Caramay way and Markham way to 4th Avenue, 19th Street from Markham Way to Bidwell Way, Freeport Boulevard from 100 feet north of Burnett Way to 120 feet south of 6th Avenue, 20th Street 100 feet north of Burnett Way to Larkin Way, 21st Street from Burnett Way to 120 feet south of Portola Way, 22nd Street from Sloat Way to 2nd Avenue and 3rd Avenue to Portola Way, 23rd Street from 4th Avenue to Marshal way and 8th Avenue to 120 feet south of 8th Avenue, 24th Street from 100 feet north of 2nd Avenue to 80 feet north of Donner Way, 25th

Street from 100 feet north of 2nd Avenue to Castro Way and 100 feet north of Portola Way to 80 feet north of Donner Way, 26th Street from 100 feet north of 2nd Avenue to 80 feet north of Castro Way and 100 feet north of Portola Way to 100 feet south of 5th Avenue, 27th Street from 2nd Avenue to 100 feet south of 2nd Avenue and Portola Way to 120 feet south of 5th Avenue, Franklin Boulevard from 2nd Avenue to 9th Avenue, 30th Street from 120 feet north of 3rd Avenue to 4th Avenue and 50 feet south of 14th Avenue to 260 feet south of 13th Avenue and 31st Street from 4th Avenue to Marshall way and Donner Way to Montgomery Way and 6th Avenue to 8th Avenue and 9th Avenue to 120 feet north of 10th Avenue.

RESOLUTION NO.

Adopted by the Sacramento City Council

AUTHORIZING THE CITY MANAGER TO SIGN AND DELIVER AN ASSESSMENT BALLOT REGARDING CITY PROPERTY WITHIN LAND-CURTIS PARK STREET LIGHTING ASSESSMENT DISTRICT NO. 2007-04

BACKGROUND

- A. The property owners within the proposed Land-Curtis Park Street Lighting Assessment District No. 2007-04 (the "District") have asked the City Council to form the District in accordance the Municipal Improvement Act of 1913. The District would then issue bonds under the Improvement Bond Act of 1915 to finance the installation of street lights.
- B. The City owns the following properties within the District:
 - 013-0041-001-0000 – Sierra 2 Center (2791 24th Street)
 - 013-0063-001-0000 – Leased to Light Rail for Parking (2491 Freeport Boulevard)
- C. The City Council has determined that the public interest will be served by having this City owned properties participate in the District.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

The City Manager is authorized and directed to do the following on behalf of the City of Sacramento:

1. Sign an assessment ballot indicating the City's support for the initial assessment levied by the District, but only if the total amount to be levied on the City's property within the District does not exceed \$125,000.
2. Deliver the signed assessment ballot to the address designated on the ballot. The City Manager shall do this within the time specified for delivering ballots, so that the City's ballot is tabulated with the other ballots submitted.

RESOLUTION NO.

Adopted by the Sacramento City Council

DECLARING THE CITY OF SACRAMENTO'S OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF INDEBTEDNESS OF ITS LAND-CURTIS PARK STREET LIGHTING ASSESSMENT DISTRICT NO. 2007-04, LIMITED OBLIGATION IMPROVEMENT BONDS (2008)

BACKGROUND

- A.** The City Council of the City of Sacramento (the "City") has determined to construct and acquire certain street-lighting improvements, with necessary and appropriate appurtenances (collectively, the "Project"), under its Land-Curtis Park Street Lighting Assessment District No. 2007-04.
- B.** The City expects to pay certain expenditures (the "Reimbursement Expenditures") in connection with the Project prior to the issuance of its Land-Curtis Park Street Lighting Assessment District No. 2007-04 Limited Obligation Improvement Bonds to finance costs associated with the Project on a long-term basis.
- C.** The City reasonably expects that debt obligations in an amount not expected to exceed \$12,000,000 will be issued and that certain of the proceeds of the debt obligations will be used to reimburse the Reimbursement Expenditures.
- D.** If the City does reimburse the Reimbursement Expenditures from the proceeds of debt obligations, interest on which is to be exempt from income taxation under the United States Internal Revenue Code, then section 1.150-2 of the United States Treasury Regulations (the "Treasury Regulations") requires the City to declare its reasonable official intent to reimburse prior expenditures for the Project with proceeds of a subsequent borrowing.
- E.** The Council is fully advised in this matter.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Council finds that the statements in the Background are true.

Section 2. This resolution is adopted solely for purposes of establishing compliance with the requirements of section 1.150-2 of the Treasury Regulations. This resolution does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Project.

Section 3. The City hereby declares its official intent to use proceeds of indebtedness to reimburse itself for Reimbursement Expenditures.

Section 4. This resolution takes effect when adopted.

RESOLUTION NO.

Adopted by the Sacramento City Council

PRELIMINARILY APPROVING ENGINEER'S REPORT, SETTING DATE FOR PUBLIC HEARING OF PROTESTS, AND PROVIDING FOR PROPERTY OWNER ASSESSMENT BALLOTS FOR LAND-CURTIS PARK STREET LIGHTING ASSESSMENT DISTRICT NO. 2007-04

BACKGROUND

- A.** At the direction of the City Council, the Development Engineering Manager of the City's Development Services Department as Engineer of Work for improvement proceedings in respect of the proposed Land-Curtis Park Street Lighting Assessment District No. 2007-04, City of Sacramento, County of Sacramento, State of California (the "Proposed Assessment District"), has filed with the City Clerk a report (the "Engineer's Report") as required by the Municipal Improvement Act of 1913 of the Streets and Highways Code (the "Act"), and as required by article XIID of the California Constitution ("Article XIID"), and it is appropriate for the City Council to preliminarily approve the Engineer's Report and to schedule the public hearing of protests respecting the Engineer's Report. A brief description of the public improvements as described in the Engineer's Report is attached hereto as Exhibit A.
- B.** The City Council is fully advised in this matter.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Council finds that the statements in the Background are true.

Section 2. The Engineer's Report shall stand as the report described in section 10204 of the Act, and as the report described in section 4(b) of Article XIID for the purpose of all subsequent proceedings under the Act and under section 53753 of the Government Code, except that the Engineer's Report may be confirmed, modified, or corrected as provided in the Act.

Section 3. The City Council preliminarily approves the Engineer's Report without modification, for the purpose of conducting a public hearing of protests as provided in the Act, Article XIID, and section 53753 of the Government Code.

Section 4. The City Council hereby sets 2:00 P.M. or as soon thereafter as the matter may be heard, on September 11, 2007, in the Council Chambers at the Sacramento City Hall at 915 I Street, Sacramento, California, as the time and place for

a public hearing of protests to the proposed public improvements, the proposed levy of assessments, the amounts of individual assessments, and related matters as set forth in the Engineer's Report. Any interested person may appear and object to the public improvements, the extent of the assessment district, or the proposed assessment.

Section 5. The City Clerk is hereby directed to cause a notice of the public hearing to be given by mailing notices thereof, together with assessment ballots, in the time, form and manner provided by section 53753 of the Government Code. The City Clerk is also hereby directed, upon completion of the mailing of the notices and assessment ballots, to file with the City Council an affidavit setting forth the time and manner of the compliance with the requirements of law for mailing the notices and assessment ballots.

Section 6. The Development Engineering Manager or his designee is hereby designated to answer inquiries regarding the protest proceedings.

Section 7. This resolution takes effect when adopted.

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Exhibit A: Description of Improvements

EXHIBIT A**LAND-CURTIS PARK STREET LIGHTING ASSESSMENT DISTRICT NO. 2007-04
CITY OF SACRAMENTO, SACRAMENTO COUNTY, CALIFORNIA****DESCRIPTION OF IMPROVEMENTS**

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