

CITY OF OAKLAND

AGENDA REPORT

2007 FEB 13 11:59

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: February 13, 2007

RE: **Supplemental Report and Resolution Adopting Policy Recommendations for the City of Oakland to Manage Landscaping and Lighting Assessment District (LLAD) Funded Activities and New Improvements by Private Developers without a LLAD Increase**

SUMMARY

On November 28, 2006, staff presented an agenda report to the Finance and Management Committee with a proposed resolution to adopt six policy recommendations for the City of Oakland to manage Landscaping and Lighting Assessment District (LLAD) funded activities without a LLAD increase. This supplemental report responds to the Committee's questions and requests for clarification in five of the six proposed policies. The following policy was supported by the committee:

That changes to agreements with other public agencies, including "maintenance trades" between the City and other public agencies, be explored and the results and recommendations be presented to the City Council as reviews are complete.

The Committee asked that the following two policies be corrected to show that they pertained to private projects:

That new improvements by private developers on City property, or property that will be dedicated to the City, will have a mechanism in place to fund maintenance needs before the improvements are constructed.

That mechanisms including, but not limited to, developer mitigation, Community Facilities Districts, project specific Landscape and Lighting Assessment Districts, Business Improvement Districts, Homeowners' Associations, Development Impact Fees, and endowments be used, through formal conditions of approval, to offset the on-going cost of maintenance of new improvements by private developers on City property, or property that will be dedicated to the City, such as, but not limited to, parks, ball fields, open spaces, street trees and streetlights.

The Committee asked Community and Economic Development (CEDA) staff to return with "boiler plate" guidelines for private development projects and restrictions including identification of who will perform the work and who is obligated to pay for the work. CEDA

expects to return to the Committee in April 2007 with a separate report containing this information.

The Committee requested further information on the remaining three policies. The questions, answers and modified policies are presented below. The original resolution has been revised to reflect these changes.

Questions and Answers

What exactly is a three-year plant establishment period?

Many capital projects that are awarded in Oakland include some amount of landscaping. One component of such capital projects is the plant establishment period (PEP). The PEP is part of the project to construct and install landscaped areas (trees, plants, shrubs, turf and irrigation systems) and is defined as the time after the plant is in the ground but routine maintenance cannot begin because all the necessary steps required to complete the installation have not occurred. The installation is not complete until the plant has taken root and is considered a permanent part of the landscape. The PEP is the amount of time necessary to ensure the establishment and viability of the landscaping after the plant is in the ground. The PEP cost is included in the bid amount of the landscaping project. While all capital projects with landscaping include a short (six months to a year) warranty period on plant materials, irrigation systems, etc., a PEP would be in addition to this provision.

What is the average cost for three-year establishment periods?

A plant establishment period (PEP) can increase the cost of a landscape project on average by 10% or more per PEP year, depending on the complexity of landscaping.

Can the cost for three-year plant establishment periods be legally included in the capital project cost?

The City Attorney's Office (OCA) has been asked to address this question and will respond separately. There are legal constraints to the use of certain funding sources for PEPs, and these limitations will be discussed in more detail in the OCA report. The possibility of funding a three-year PEP as part of the capital project cost depends on the funding source, as well as the availability of sufficient funds within the funding source to add additional PEP years.

As a result of the various restrictions that might apply to funding PEPs as part of the capital project cost, staff's previous recommendation to "require three year plant establishment periods for all capital projects" has been modified. Staff will continue to work with PWA Project Delivery and the City Attorney's Office on a project-by-project basis, balancing the need for PEPs, funding source limitations, and the availability of funds.

The proposed policy has been revised to read:

That on a project-by-project basis, balancing the need for plant establishment periods, funding source limitations and availability of funds, City, Redevelopment Agency and outside agency Capital Improvement Projects subject to City approval include three-year the longest possible plant establishment periods up to a three years maximum for all landscaped areas.

How does the City achieve equity with park, median and streetscape projects between redevelopment and non-redevelopment areas?

The Open Space Conservation and Recreation Element of the General Plan (OSCAR) was adopted in 1996 and is administered by the CEDA. The OSCAR, a major policy document, established citywide policies for parks and open space. It included 12 Planning Area Strategies with recommendations to be considered as future decisions and resource allocations are made for the City's parks and open spaces. Since the OSCAR's adoption many of the recommendations have been implemented and there have been many changes such as the parks, streetscapes and medians that have been added or renovated. The OSCAR is still used as a source document for Environmental Impact Reports and is referred to as the policy document guiding park development in Oakland.

How does the City assure that hardscape in medians and streetscapes are designed in an aesthetically pleasing way?

The hardscape used in medians and streetscapes can be constructed using many materials, including permeable concrete, rocks, stamped concrete, resin treated decomposed granite, brick pavers, etc. Hardscape used in a combination with landscaping can be done in an aesthetically pleasing design such as 98th Avenue in Oakland. Guidelines for many cities such as Sunnyvale, Walnut Creek and San Jose use hardscape to pave narrow sections of medians (less than five feet across) where it would be impractical to install irrigation and landscaping. Second, it is used in 18" strips on either side of medians to provide a "working space" for staff to safely care for the "softscape", as those portions landscaped with plants are called. It is also used at the tips of medians to provide pedestrians a stopping place when they cross the street and allow cars and trucks to turn onto them when they cut corners too closely. Oakland has used similar guidelines in the past. City staff will work closely with landscape designers to design streetscapes and medians to balance maintenance demands and landscape design.

Requiring irrigation systems could be prohibitively expensive. How can the issue be addressed to achieve the goals of providing water and avoiding high costs?

Though the initial capital cost is higher, standard irrigation systems are the preferred method for irrigation for large areas because they are automatic, can be modified for the climate and time of year, promote efficient water use and are not labor intensive to operate. Alternate methods of watering plants and trees such as hand-watering, watering trucks, gel-packs and plant reservoirs

require staff allocations for routine maintenance. Where irrigation systems seem too expensive or impractical the other sources mentioned above could be used as has been done in the past. The proposed policy has been revised to read:

That low maintenance, including hardscape, design criteria be established and used with landscape designers be directed to design for low maintenance as well as aesthetics when designing City and Redevelopment sponsored Capital Improvement Projects as well as other agency and outside developer contracts, and that substantial and sustainable method of irrigation systems watering be included for all landscaped areas.

Provide options for various levels of reducing rather than eliminating the current LLAD exemptions while retaining the low-income subsidy.

The chart below demonstrates the options for a 25% to 100% subsidy for those properties currently receiving LLAD subsidies, except the low-income subsidy, which will be retained.

**Possible Subsidy Levels
(Using estimated FY 06-07 amounts)**

	25 percent	50 percent	75 percent	100 percent
Schools	\$ 79,250	\$158,500	\$237,750	\$317,000
Churches	81,000	162,000	243,000	324,000
Hospitals	18,000	36,000	54,000	72,000
Total	\$178,250	\$356,500	\$534,750	\$713,000

The proposed policy has been revised to read:

That the FY 2007-08 Landscaping and Lighting Assessment District adoption process include a review of the current exemptions for private schools, churches, hospitals and agricultural parcels for subsidy reduction or elimination, with the current low-income exemption remaining in place.

Report on ways of achieving accountability and efficiencies with the current LLAD funding, such as the new “Hub” park maintenance deployment system and other initiatives.

- **Hub Deployment System**

Since the reorganization of park maintenance into the Public Works Agency (PWA) two and a half years ago, there have been a number of changes put in place to improve accountability and efficiency. Park maintenance is now done under a Hub Deployment System whereby the

City parks, streetscapes and medians are divided into small geographic units called "Hubs". A small crew, usually one Gardener Crew Leader and one Gardener II, maintains each Hub, with the Gardener Crew Leader responsible for the condition of their Hub. Advantages to the Hub system are that every landscaped City facility is accounted for, and the workload is more evenly distributed.

The new Hub deployment system is a work in progress. The challenges include staff being pulled from their routine schedules for special projects and for minor capital projects, and ongoing workers' compensation or long-term medical absences.

- **Web Site Information**

The lists of Hubs are available on the City's Public Works Agency website. Go to www.oaklandpw.com, then type "park maintenance" in the search window. The site also includes the Citywide mowing schedule and the maintenance schedule for free-standing restrooms. The next step for the site is to include the weekly park maintenance schedules for each Hub by late February.

- **Communication**

In addition to the Hub system, the reorganization looked at other ways to support staff and improve communications. All field staff has been assigned and use Nextel two-way radios, daily log books, jackets, safety rain gear and safety boots. Decals have been installed on all vehicle doors indicating the name of the corresponding Public Works Division and all Public Works Agency vehicles have bumper stickers with the PWA Call Center number. Park maintenance requests from the public, and staff in the field, are now routed to the PWA Call Center (510-615-5566) and work requests are entered into the Magic Service Desk @ deployment system. Additionally, "Report A Problem" has been added to www.oaklandpw.com. Staff is using a field checklist at each park to verify hazards and prioritize work that needs to be done.

- **Staffing**

The City Council approved a Park Supervisor II position in July 2004, which has since been filled. The Park Supervisor II has been coordinating, implementing and fine tuning the Hub system. Additionally 26 long-vacant field staff positions, 13 Gardener Crewleaders and 13 Gardener II's, have been filled.

- **Training**

Training is the key to using the current resources most effectively. Since the start of the Hub Deployment System all park maintenance staff have attended many trainings including the Safety Academy, Time Sheet Coding by facility and location, Monthly Tailgate Meetings and Chain Saw Safety. Staff has also attended specialty classes in Pesticide Application, Native Grass Management, Pruning, and Landscaping in the Urban Environment.

• **Coordination**

The Keep Oakland Clean and Beautiful (KOCB) and Park and Building staff have created efficiencies by working together on a variety of initiatives. KOCB has been:

- Removing large illegal dumping in parks.
- Coordinating litter can pick at medians and streetscapes with Waste Management Inc.
- Assisting with removal of debris at homeless encampments in parks.

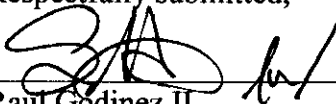
Parks and Building and Environmental Services Division staff have also been jointly implementing trash collection reduction strategies including:

- Consolidating trash pickups resulting in fewer truck trips to the Davis Street Transfer Station.
- Installing larger dumpsters at some larger parks.
- Installing some larger, in-ground trash collection systems.
- Increasing seasonal dumpster service.

ACTION REQUESTED OF THE CITY COUNCIL

It is recommended that the City Council adopt the attached Resolution.

Respectfully submitted,

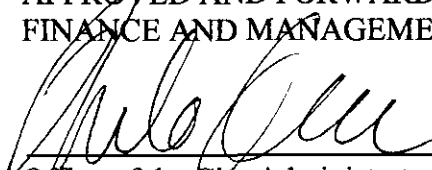


Raul Godinez II
Director, Public Works Agency

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Prepared by:
Jocelyn Combs
Special Assistant, Public Works Agency

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE:



Office of the City Administrator

OFFICE OF THE CITY CLERK

OAKLAND CITY COUNCIL


City Attorney

2007 FEB -1 AM 11:59

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION ADOPTING POLICY RECOMMENDATIONS FOR THE CITY OF OAKLAND TO MANAGE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT (LLAD) FUNDED ACTIVITIES AND NEW IMPROVEMENTS BY PRIVATE DEVELOPERS WITHOUT A LLAD INCREASE

WHEREAS, the current City of Oakland Landscaping and Lighting Assessment District (LLAD) was established on June 23, 1989 under the authority of the California Streets and Highways Code Section 22500, et seq. known as the Landscaping and Lighting act of 1972; and

WHEREAS, the current City of Oakland Landscaping and Lighting Assessment District (LLAD) was reaffirmed in 1993 under the authority of Articles XIII C and D of the California Constitution, known as Proposition 218; and

WHEREAS, the City of Oakland’s existing LLAD faces a structural shortfall due to its fixed revenue stream that does not keep up with the increasing costs to provide landscaping and lighting services; and

WHEREAS, in order to continue providing the existing landscaping and lighting services, as well as to expand these services to cover any new landscaping and lighting, the City requires new funding sources; now therefore be it

RESOLVED: That new improvements by private developers on City property, or property that will be dedicated to the City, will have a mechanism in place to fund maintenance needs before the improvements are constructed; and be it

FURTHER RESOLVED: That mechanisms including, but not limited to, developer mitigation, Community Facilities Districts, project specific Landscape and Lighting Assessment Districts, Business Improvement Districts, Homeowners’ Associations, Development Impact Fees, and endowments be used, through formal conditions of approval, to offset the on-going cost of maintenance of new improvements by private developers on City property, or property that will be dedicated to the City, such as, but not limited to, parks, ball fields, open spaces, street trees and streetlights; and be it

FURTHER RESOLVED: That changes to agreements with other public agencies, including “maintenance trades” between the City and other public agencies, be explored and the results and recommendations be presented to the City Council as reviews are complete; and be it

FURTHER RESOLVED: That on a project - by - project basis, balancing the need for plant establishment periods, funding source limitations and availability of funds, City, Redevelopment Agency and outside agency Capital Improvement Projects subject to City approval include the longest possible plant establishment periods up to a three year maximum for all landscaped areas; and be it

FURTHER RESOLVED: That landscape designers be directed to design for low maintenance as well as aesthetics when designing City and Redevelopment sponsored Capital Improvement Projects as well as other agency and outside developer contracts, and that a substantial and sustainable method of watering be included for landscaped areas; and be it

FURTHER RESOLVED: That the FY 2007-08 Landscaping and Lighting Assessment District adoption process include a review of the current exemptions for private schools, churches, hospitals and agricultural parcels for subsidy reduction or elimination, with the current low-income exemption remaining in place.

IN COUNCIL, OAKLAND, CALIFORNIA _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, REID, QUAN, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

OFFICE OF THE CITY CLERK

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OAKLAND CITY COUNCIL

City Attorney

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NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California