

# CITY OF OAKLAND

## AGENDA REPORT

OFFICE OF THE CITY CLERK

2006/11/16 PM 4:24

**To:** Office of the City Administrator  
**Attn:** Deborah Edgerly  
**From:** Public Works Agency  
**Date:** November 28, 2006

**Re: Resolution Adopting Policy Recommendations for the City of Oakland to Manage Landscaping and Lighting Assessment District (LLAD) Funded Activities without a LLAD Increase**

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### SUMMARY

On July 18, 2006, the Oakland City Council requested a report be prepared for the Finance and Management Committee on opportunities to manage Lighting and Landscaping Assessment District (LLAD) funded maintenance activities without the additional funding from the proposed LLAD increase, which was not approved by Oakland property owners. The report and attached resolution cover policy recommendations in four areas: new developments, public agency agreements, City and other agency Capital Improvement Projects (CIP), and current LLAD exemptions. These recommendations will not affect the \$12.5 million LLAD budget shortfall projected for FY 2007-09.

One goal of this report and resolution is to have processes and mechanisms in place to fund the maintenance of new improvements on City property or property that is dedicated to the City before the improvements are made. Another goal is to ensure that new improvements on City property are as low-maintenance as possible.

The City Council also directed staff to develop a schedule with the Budget Advisory Committee (BAC) to discuss LLAD funded priorities at community meetings throughout the City. Due to its workload, the BAC has declined to hold the proposed community meetings, but will address the LLAD shortfall as part of its budget deliberations.

### FISCAL IMPACT

This report does not address the current LLAD budget shortfall.

The policies proposed in the attached resolution would leverage current limited resources through the following:

- Identify a mechanism for privately developed projects to provide extended maintenance funding for public improvements including parks, streetscapes, street lighting and tree maintenance.
- Enhance partnerships with those public agencies to whom the City now provides maintenance without compensation.
- Limit future maintenance costs for new and renovated parks and streetscapes through the selection of low-maintenance design elements and plant establishment periods.
- Increase the current LLAD revenue stream by eliminating or reducing some exemptions which would total approximately up to \$713,100 for FY 2006-07.

Each of the proposed policies, if implemented, will reduce maintenance costs. The amount of cost saved could only be determined on a project-by-project basis.

## **BACKGROUND**

The LLAD was established in 1989 and rates have been unchanged since 1993, when an increase was last authorized. Meanwhile, personnel, utility and other costs have steadily increased. For this reason, the City has been forced to steadily reduce both the number of staff and the level of park, tree and median maintenance. Additionally, there has been a steady increase in parkland, park facilities, trees, medians and streetscapes added to the City's inventory that continue to further dilute service levels.

During the last budget deliberations, the LLAD incurred shortfall totaling \$3 million for FY 2005-06 and \$4.3 million in FY 2006-07. One-time General Purpose Fund (GPF) revenues and a surplus from FY 2004-05 were used to bridge the gap during the first year. A combination of repayments to the GPF and unallocated interest earnings is being used to fill the FY 2006-07 gap. Landscape and lighting services are currently not entirely funded by the LLAD. An additional \$3.9 million is funded by a combination of the General Fund (apart from the \$7.3 million subsidy), State Gas Tax, the Multipurpose Reserve, and the Comprehensive Clean-up Fund.

An increase in LLAD assessments was proposed last spring to avoid a \$12.5 million deficit in FY 2007-09; unfortunately the LLAD increase was not supported in a vote of Oakland property owners.

This report recommends policy options that could potentially reduce future costs and generate additional LLAD-related revenue.

### **Key Contributors to the Problem**

A combination of increasing costs and expanding maintenance needs have led to a structural shortfall in the LLAD fund. As mentioned previously, the current LLAD assessments rates have not increased since 1993, while labor, utility and equipment costs have continued to rise. Furthermore, hundreds of acres of **new parks and new facilities** have been added to the City since 1993, through Measures K, I and DD, East Bay Regional Park District's Measure AA, and from State bonds. Some examples of these new facilities and park acquisitions include:

- Grizzly Peak Open Space
- Dunsmuir Ridge
- Redwood Creek
- King Estates
- Castle Canyon
- Union Point Park
- Dover Street Park
- Memorial Park

The City has had numerous **park capital improvement projects** since 1993, which have expanded existing parks and increased the amount of landscaped areas to be maintained. Because of the new landscaping and features of these improvement projects, they often raise the expectation of maintenance within the community above what can reasonably be attained through current staffing. Some examples include:

- Frog Park
- Splash Pad
- Peralta Hacienda Park
- Greenman Field

Approximately 8,000 new trees have been added since 1993, including 187 on 98<sup>th</sup> Avenue, 52 for the Skyline Boulevard Median Reforestation, 318 for the West Oakland tree planting initiative, and 109 at Courtland Creek.

In addition to parkland, **many acres of new landscaped streetscapes** have been developed since 1993, including:

- 8<sup>th</sup> Avenue, Bancroft Avenue
- Hegenberger Road

- Keller Avenue
- San Pablo Avenue
- Broadway
- East 12<sup>th</sup> Street
- 7<sup>th</sup> Street
- Stanford Avenue
- Mountain Boulevard
- Park Boulevard
- Mandela Parkway

These new medians include hundreds of new trees, miles of underground irrigation pipes, hundreds of irrigation heads and valves, and require additional weeding and litter removal in order to maintain a neat appearance.

**Utility costs** for electricity and water have also grown dramatically in the last ten years due to the addition of more than 11,000 streetlights and increased utility rates. For example, total annual PG&E costs for street lighting in 1990 were roughly \$1.7 million. The City expects to pay \$3.5 million to PG&E for street lighting this year. Similarly, water costs have gone up substantially since 1993.

Finally, the City's **aging park and recreation facilities** have also contributed to increased costs to the LLAD. With a limited LLAD budget and increased needs, the City has been forced to reduce preventive maintenance of parks, trees and recreation facilities, leading to increased maintenance costs over the long-term.

## **KEY ISSUES AND IMPACTS**

### **New private development**

The City currently has thousands of new housing units in the pipeline as well as numerous new commercial developments. Many of these new projects result in new public improvements including parks, streetscapes, street trees, street lights, required bioswales and other publicly dedicated areas. These new, privately developed areas will incur new maintenance expenditures not previously funded.

Without new staff, current service levels will continue to decrease in order for staff to provide coverage for the new areas. Additionally, the fixed cost for energy and water utilities requires an allocation of new funds. Therefore it is imperative that any new public improvements that come with new development in Oakland "pay their own way". The goal of the following options is to provide a variety of choices for the City in order to ensure that newly developed public

improvements, such as, but not limited to, parks and open space, trees and lighting are maintained.

Examples of funding alternatives include:

Mitigation measures: As new private development projects are reviewed for their impacts on the surrounding community there are opportunities to upgrade existing parks and park facilities, street trees, medians, streetscapes and lights. In place of, or in addition to, creating new improvements within the new private development, the private development could fund improvements adjacent to the proposed private development, on land already owned by the City. For instance, an existing aged park irrigation system could be replaced if there is a clear nexus between the new private development and the future use of the park by residents or commercial users of the new private development. If facilities are upgraded for energy efficiency and maintenance efficiencies there will be cost savings to the City. Many of the City's current and proposed Capital Improvement Projects are the result of deferred maintenance. If these projects can be funded by new developments because there is a nexus between the project and the development, the result would be lower maintenance and upgraded facilities.

*Pros: Existing parks, streets, streetscapes and lighting in need of capital maintenance could be funded as a mitigation measure for a new development. Lower maintenance costs would be achieved where projects correct high maintenance problems.*

*Cons: Developers could be required to provide additional mitigation measures.*

Maintenance Districts such as: Community Facilities Districts (CFD's), Project-Specific LLAD's and Business Improvement Districts (BIDs): Maintenance funding in the form of a Community Facilities District (CFD) or Mello-Roos or project specific LLAD, in addition to the current city-wide LLAD, could be required as a condition of approval of the private development project. A CFD is similar to the LLAD in that an annual fee is assessed per unit of development (after an initial election) to maintain infrastructure including, but not limited to, new parks, lighting and trees included in the development. The City would assess the fee annually and the funds would be used for maintenance.

Oakland has a number of BIDs that raise funds to maintain commercial districts. For districts that abut or include parks and streetscapes, BID funds could also fund more park and facility maintenance. New and existing commercial districts may use BID funds to enhance current maintenance funding.

*Pros: There would be an increase in sources of maintenance funding to support new and private developments. Maintenance funding would be project or location specific. The City would have some control of the formation of these districts through Maintenance Agreements with the*

*developers, through the LLAD or CFD process, and through the City Council for BIDs. It is becoming more common for maintenance districts and LLADs to include annual cost-of-living increases, six-month carry-over funding and set-asides for capital improvements. This allows these districts, if set up properly, to be self-funding indefinitely.*

*Cons: Accounting and operational practices would need to be created to ensure that the project costs stay with the project location. Districts could, over time, become under-funded and their constituencies would have to vote for increases. Some districts could have a higher degree of maintenance than others creating a perception of uneven service levels.*

Homeowners' Association (HOA): Some new parks and open spaces within approved developments have been dedicated to and are maintained by the City. Another option is to have parks maintained by the development's property owners through private HOAs, such as the proposed Arcadia project. These are traditionally not on property dedicated to the City.

*Pros: Parks and open spaces would be maintained without the City bearing the burden of the cost of maintenance.*

*Cons: These private parks are not normally available to the public at large because of liability concerns. If an HOA fails or under-budgets maintenance costs, the HOA may come to the City to ask that the City take over the maintenance of these parks and open spaces. There is no guarantee that a HOA will be a permanent institution, and the leadership and therefore the priorities of the HOA may change.*

Development Impact Fees (DIF): While DIFs may not provide maintenance funding, they may cover new capital costs such as street sweepers and in-ground trash containers that would provide a cost-saving by making current maintenance practices more efficient. A development fee would be assessed for each new housing unit, for instance, and kept in a designated fund. CEDA is currently investigating the possibility of the City establishing DIFs.

*Pros: The City would receive capital items such as equipment.*

*Cons: The City would have to fund the ongoing operations and maintenance on the capital items. DIFs do not fund maintenance. For DIFs to be used to fund equipment, a study would need to be conducted to determine which equipment could be funded and how the funding would work. Any new equipment would need to be maintained and there are no additional funding sources for equipment maintenance. CEDA is currently investigating the possibility of implementing DIFs.*

Endowments: An endowment is funding that is set aside by a developer for the perpetual maintenance of, for example, a park, streetscape, street trees or medians either within or adjacent

to a development. The endowment principal would not be touched but the accrued interest would fund maintenance. The newer Geographic Information System (GIS) technology would greatly simplify the recordkeeping and financial monitoring of this type of mitigation. Endowments are traditionally set up for the maintenance of open space easements.

*Pros: If set up properly, endowment funding could run indefinitely.*

*Cons: It would be challenging to track the staffing and resource commitment over time to ensure it's allocated to the defined project.*

***Policy recommendations:***

- ***New improvements 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.***
- ***Mechanisms including, but not limited to, developer mitigation, CFD's, project specific LLADs, BIDs, HOAs, DIFs, and endowments be used, through formal conditions of approval, to offset the on-going cost of maintenance of new improvements 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.***

**Public Agency Agreements**

There are a number of agreements where the City has long-standing commitments to maintain the property owned by other public agencies including the Oakland Unified School District, BART, the Peralta Community College District, and the East Bay Regional Park District. Because many of these agreements date back over 30 years and are pre-Proposition 13, they were entered into during a time when the City had a different level or ability to handle the workload and cost implications. Many were also entered into at a time when the City used herbicides which made maintenance less labor intensive than it is now.

The existing agreements should be reviewed to determine the City's current allocation of resources attributed to each agency's property. This review should include opportunities to work collaboratively with other agencies. Some locations may be more easily served by another agency such as the Port of Oakland or the East Bay Regional Park District using the existing staffing. In these cases "maintenance trades", or public/public partnerships, could be made between agencies to achieve budget savings and economies of scale.

*Pros: There may be opportunities to have the property owners take on maintenance responsibilities now handled by City staff.*

*Cons: It could impact the relationship the City has with the other agency or affect other partnerships.*

***Policy recommendation: 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.***

### **City and Other Agency Capital Improvements Projects (CIP)**

The City, Redevelopment Agency, and other agencies such as the Oakland Unified School District, BART, non-profit groups and developers, build projects on City property under the auspices of the City. (When other agencies or developers do work on City property the projects are called “P-Jobs”. When the City and Redevelopment Agency build projects, such as Measure DD projects, on City property they are called Capital Improvement Projects (CIP). For this report P-Jobs are considered CIP.) While capital improvement funds may not be used to fund park maintenance, there are opportunities for using CIP funds to decrease the cost of maintenance for existing and new projects. Some of these opportunities include:

All Deferred Capital Maintenance in CIP: To the extent possible, every effort should be made to include any deferred capital maintenance in the planning and design of all park improvement projects. For example, outside lighting may be in need of replacement but not included in the project. By including some and perhaps all of the deferred capital maintenance projects in the CIP contract there could be substantial savings in on-going maintenance costs.

*Pros: There would be maintenance cost savings. Project appearance would be enhanced when surrounding improvements are made.*

*Cons: The community’s wishes may have to be scaled back in order to include all capital deferred maintenance costs in the scope of work.*

Three Year Plant Establishment Periods: Plant establishment periods are a method to ensure that plant materials are thriving when a landscaping project, such as a park, streetscape or median, is turned over to the City. The Mandela Parkway Project is a good example of a project with an adequate plant establishment period. The three year period was designed to insure that the plants would survive and that the trees would receive the careful and selective pruning that is critical during this initial period. The establishment costs are allowed as part of the CIP expenditure. When the City receives the project for maintenance, the plant materials have been maintained by the contractor for three years and are mature and grown-in to the point where there are fewer



weeds. Staff is currently requesting three year plant establishment periods on a case-by-case basis but recommends that a consistent policy for three year plant establishment periods be adopted.

*Pros: Plantings would come to the City in an established and healthy state. This reduces the start-up cost of an area with newly landscaped improvements and high weed growth.*

*Cons: The cost of the initial CIP could be higher because it would be absorbing the three years of plant establishment costs. This could mean a reduced scope of work. There are contracting issues related to the release of bonds for the contractor performing the initial work that would need to be addressed.*

Low Maintenance Landscape Design Criteria: Historically the City's landscape designs for new and upgraded parks, medians, and streetscapes have been maintenance intensive with intricate designs, decorative water features, numerous shrubs, plantings, and trees. With limited maintenance funding it is imperative that landscape designs reflect a manageable level of maintenance. To ensure that native plants and trees and simpler designs are the rule, rather than the exception, it is recommended that design criteria for landscapes include low maintenance elements.

*Pros: There would be lower costs for maintenance and water and lower overall life-cycle costs.*

*Cons: There would be more structure to the design process which would limit the options for the designer and community and provide a less "lush" appearance.*

Low Maintenance Facility Design Criteria: In addition to landscapes, CIPs for facilities could be designed using higher-end products that require less maintenance, such as graffiti-free wall and fixture coatings, high efficiency lighting, stainless steel restroom fixtures, and concrete instead of asphalt. Initial costs may be slightly higher but long term maintenance costs would be reduced.

*Pros: There would be lower costs for maintenance.*

*Cons: There would be higher initial CIP construction costs.*

Hardscape Medians and Streetscapes: Many current medians and streetscapes were designed as parks throughout the City and they are not being maintained as often as necessary because of resource limitations. Trash accumulates in shrubs and weeds which increases the unsightliness. Additionally, irrigation systems within streetscapes and medians are more prone to failure due to vehicular accidents and their location in the middle of the street. One alternative would be to hardscape larger portions of medians and streetscapes. Materials such as river rock and colored, stamped concrete around established trees provide design elements without irrigation and trash

accumulation issues. Concrete is more expensive than turf in the short term but there is less maintenance in the long term. Long and narrow landscaping found in medians and streetscapes is more expensive to maintain than larger areas. Medians and streetscapes need to have traffic diverting cones put in place and removed during maintenance, which is an additional expense.

*Pros: There would be lower costs for maintenance, and possibly lower CIP costs, depending on design.*

*Cons: Designs could be simpler with possibly higher CIP cost, depending on design.*

No Landscaping Without Irrigation Systems: Some medians, such as the Lakeshore median at Grosvenor, were designed and constructed as landscaped medians without irrigation systems, with an understanding that neighborhood volunteers would hand water the site. When the volunteer leaves, as was the case with Grosvenor, the plants in the median die because they are no longer watered. Rather than relying on volunteer labor, it would be more prudent to include an irrigation system in the design of the project or, as discussed earlier, have more hardscape in the design.

*Pros: Projects would have irrigated landscaping without relying on volunteer labor.*

*Cons: Projects would have higher initial CIP costs.*

Budgeting for CIP and Program Changes: Typically the Fiscal Impact section of staff reports for CIP projects includes estimated Operations and Maintenance (O&M) costs. Although this information may be in a staff report, current City policy does not require that an appropriation of funds be made for the identified costs. This report proposes that O&M costs for any new project, new program or program change, coming on-line during a Fiscal Year cycle be part of the operating department's budget. For example, all new programs (e.g., more public hours at recreation centers) or projects (new park) that come on-line in FY2007-09 must identify O&M funding in the department's operating budget. Without approved funding, O&M has to be reduced at other facilities in order to take on the new area of responsibility. Fixed costs such as utilities and mandated contracts (e.g., elevator maintenance) would still require new funding.

*Pros: There would be knowledge of the complete financial impact of projects, and an appropriation in the Fiscal Year it comes on-line. Client departments would have adequate notice of the need to budget for the O&M associated costs with certain new projects.*

*Cons: O&M funding may not be available in the client department's budget.*

**Policy recommendations:**

- *City, Redevelopment Agency and outside agency CIP's subject to City approval include three year plant establishment periods for all landscaped areas.*
- *Low maintenance, including hardscape, design criteria, be established and used with City and Redevelopment sponsored CIP's as well as other agency and outside developer contracts, and that irrigation systems be included in all landscaped areas.*

**LLAD Exemptions**

In 1991, the City Council passed Resolution No. 68191 C.M.S. (Exhibit A) which provided exemptions for certain properties totaling \$569,803. In the FY2006-07 LLAD there is approximately \$736,600 in exemptions for those same properties, which amounts to 4.1% of the current LLAD revenue.

<b>Properties</b>	<b>1991 Exemption Amount</b>	<b>Estimated FY 2006-07 Exemption Amount</b>
Private schools	\$131,730	\$317,000
Churches	238,181	324,000
Hospitals	37,238	72,000
Agricultural parcels	7,654	100
Low income	155,000	23,500
<b>Total</b>	<b>\$569,803</b>	<b>\$736,600</b>

As part of the LLAD increase proposal, staff had recommended, and the City Council agreed, that these exemptions (except the low-income exemption) be eliminated. Because the increase was not approved, the exemptions remained in place. Staff recommends that the exemptions (except the low-income exemption) be reviewed for elimination as part of FY 2007-08 LLAD adoption process.

*Pros: There would be additional LLAD revenue. The low-income exemption would remain in place.*

*Cons: Property owners who currently have the exemptions would now have to pay into the LLAD.*

***Policy recommendation: The FY 2007-08 LLAD adoption process review the current exemptions for private schools, churches, hospitals and agricultural parcels for elimination with the current low-income exemption remaining in place.***

### **Community Meetings with the Budget Advisory Committee**

The City Council also directed staff to develop a schedule with the Budget Advisory Committee (BAC) to discuss LLAD funded priorities at community meetings throughout the City. Due to its workload, the BAC has declined to hold the proposed community meetings but will address the LLAD shortfall as part of its budget deliberations.

### **SUSTAINABLE OPPORTUNITIES**

Economic: There could be additional local hiring if more funding is generated for LLAD type maintenance. If maintenance is not funded the City would not be as inviting for business and jobs.

Environmental: New design guidelines would improve both internal and external environmental quality by reducing water and energy consumption and improve air quality.

Social Equity: All Oakland citizens and businesses will benefit from increased maintenance funding for City owned properties. These properties would be cleaner and better maintained.

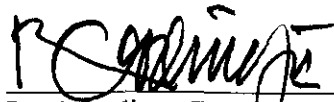
### **DISABILITY AND SENIOR CITIZEN ACCESS**

New private development and CIP projects support the installation, maintenance, and servicing of public parks and recreational facilities, and landscaping improvements, which are made accessible to persons with disabilities and seniors in accordance with the Americans with Disabilities Act.

**RECOMMENDATION**

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

Respectfully submitted,

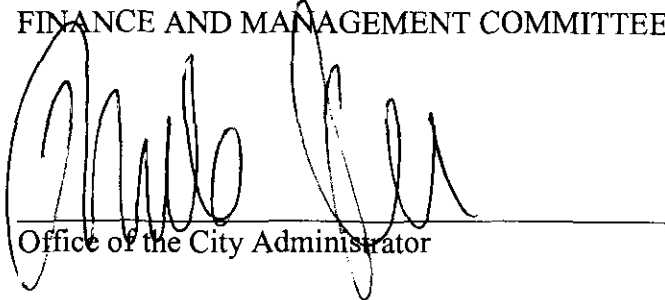


Raul Godinez II  
Director, Public Works Agency

Reviewed by:  
Brooke A Levin  
Assistant Director, Public Works Agency

Prepared by:  
Jocelyn Combs  
Special Assistant, Public Works Agency

APPROVED AND FORWARDED TO THE  
FINANCE AND MANAGEMENT COMMITTEE:

  
Office of the City Administrator

EXHIBITS:  
Exhibit A -- Resolution No. 68191 C.M.S.

# OAKLAND AND CITY COUNCIL

RESOLUTION NO. 68191 C. M. S.

**EXHIBIT A**

## RESOLUTION APPROVING EXEMPTIONS FROM THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT AND APPROPRIATIONS FROM THE GENERAL FUND TO REPAY THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT FUND FOR THE EXEMPTIONS

WHEREAS, the City Council passed a Resolution reconfirming the Engineer's Report, ordering improvement and levying the third annual assessment for the Landscaping and Lighting Assessment District on June 11, 1991 for the City of Oakland; and

WHEREAS, the Council approved exemptions for the first district for low-income and Section-8 properties, schools, hospitals and land used for agricultural purposes, thereby reducing the projected assessment revenues to the Landscaping and Lighting Assessment District Special Account ("District Fund"), Fund 201; the General Fund, Fund 101, will be used to repay the district fund for non-collection as a result of such exemptions; and

WHEREAS, the Council will be retaining the low-income exemptions for which the general fund will have to make the assessment payment for such properties to the district fund, fund 201, since the district itself cannot exempt these properties; and

WHEREAS, the Council will remove the exemption for Section-8 properties; and

WHEREAS, the Engineer's Report estimates the exemptions to total \$569,803 as follows: \$131,730 for schools; \$238,181 for churches; \$37,238 for hospitals; \$7,654 for agricultural use and \$155,000 for low-income owner occupied properties ; therefore, be it

RESOLVED, that the City Council hereby approve the removal of Section-8 properties as exemptions from the District; and therefore, be it

RESOLVED, that the City Council hereby approves the inclusion of low-income owner occupants, schools, hospitals, and land used for agricultural purposes, as exemptions for the district's third year; and further be it

RESOLVED, that the City Council hereby approves appropriations from the General Fund, Fund 101, to repay Fund 201, the District Fund, for exemptions for low-income owner occupied properties, schools, hospitals, and land used for agricultural purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 9 1991, 19

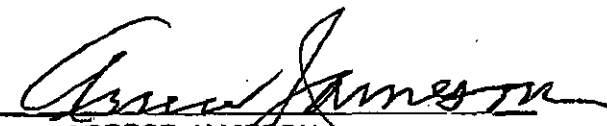
PASSED BY THE FOLLOWING VOTE:

AYES— BAZILE, ~~BAZILE~~, GIBSON HASKELL, ~~MIKEY~~, MOORE, OGAWA, ~~RIEY~~, SPEES, and PRESIDENT HARRIS -6

NOES— NONE

ABSENT— CANNON, MILEY, RILES, -3

ABSTENTION— NONE

ATTEST:   
ARRECE JAMESON  
City Clerk and Clerk of the Council

OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

2006 NOV 16 PM 4:25

# OAKLAND CITY COUNCIL

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 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 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 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 City, Redevelopment Agency and outside agency Capital Improvement Projects subject to City approval include three year plant establishment periods for all landscaped areas; and be it further

**RESOLVED:** That low maintenance, including hardscape, design criteria, be established and used with City and Redevelopment sponsored Capital Improvement Projects as well as other agency and outside developer contracts, and that irrigation systems be included for all 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 elimination, with the current low-income exemption remaining in place.

IN COUNCIL, OAKLAND, CALIFORNIA \_\_\_\_\_ 2006

**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