

City Attorney

 4.1.1.00
 OFFICE OF THE CITY CLERK
 OAKLAND

OAKLAND CITY COUNCIL

08 MAR 20 AM 10:07

 Resolution No. 81167 C. M. S.

Introduced by Councilmember _____

1) Initiation of and Intention to Levy the Landscaping and Lighting and Lighting Assessment District Pursuant to Articles XIII C and D of the California Constitution; 2) Accepting the Fiscal Year 2008-09 Preliminary Engineer's Report for the City of Oakland Landscaping and Lighting Assessment District; 3) Setting the Date for a Public Hearing; 4) Authorizing the Preparation and Mailing of Notices and Ballots Seeking Property-Owner Approval of a Proposed Rate Increase and Assessment of Public Agencies; 5) Executing a Contract with Francisco and Associates for an amount not to exceed \$85,000 for Prop 218 Election Services; 6) Authorizing the Expenditure up to \$100,000 for postage; and (7) Establishing Performance Standards

WHEREAS, pursuant to the California Streets and Highways Code Section 22500, et seq., known as the Landscaping and Lighting Act of 1972 (Act of 1972), the City has taken a series of actions preliminary to ordering the establishment of the City of Oakland Landscaping and Lighting Assessment District ("District") and did establish such District on June 23, 1989; and

WHEREAS, pursuant to the California Streets and Highway Code Sections 22500, et seq., the City has renewed the District each subsequent year; and

WHEREAS, the voters of the City of Oakland previously approved the continuation of the District in 1993; and

WHEREAS, the California Streets and Highways Code Section 22622 requires that the City Council adopt a resolution initiating the FY 2008-09 LLAD renewal process and describing the improvements or any substantial changes in existing improvements and order the District Engineer to prepare and file a report with the City Clerk for submission to the City Council; and

WHEREAS, the City Administrator filed with the City Clerk and presented before the Finance and Management Committee of the City Council, on February 26, 2008, reports for the continuation of the Landscaping and Lighting Assessment District in order to raise revenues for the installation, maintenance, and servicing of public landscaping and lighting; and

WHEREAS, the District Engineer has submitted a Preliminary Engineer's Report for the District containing details of proposed Landscaping and Lighting Assessment District's proposed assessments, and proposed increased assessment rates, description of the improvements, and boundaries for FY 2008-09, which is on file with the City Clerk; and

WHEREAS, Facilities and improvements that have been constructed and those that may be subsequently constructed within the Landscaping and Lighting Assessment District, which will be maintained and serviced consist of: street lighting; landscaping; public park and recreation facilities; and appurtenant facilities including, but not limited to, personnel, electrical energy, utilities such as water, materials, contractual services, and other items necessary for the facilities; and

WHEREAS, the City of Oakland's existing LLAD faces a structural shortfall due to the 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 new medians, streetscapes and parks, the City requires additional LLAD funding; and

WHEREAS, the City has determined that the best option to expand the LLAD revenue base is to seek property owner approval of increased LLAD assessment rates, pursuant to Article XIII C and D of the California Constitution now, therefore be it

RESOLVED: That the City Council hereby initiates the annual assessment process for the City of Oakland Landscaping and Lighting Assessment District for FY 2008-09; and be it

FURTHER RESOLVED: That the City Council orders and approves the Preliminary Engineer's Report for the Landscaping and Lighting Assessment District for discussion purposes; and be it

FURTHER RESOLVED: That the City Council intends to levy and collect assessments within the City of Oakland Landscaping and Lighting Assessment District for FY 2008-09, along with an increase in assessments from prior years and assessment of public agencies; and be it

FURTHER RESOLVED: That the City Council authorizes the preparation and mailing of Notices and Ballots seeking Property-Owner Approval of an increase in assessments; and be it

FURTHER RESOLVED: That, beginning in Fiscal Year 2008-09 and each year thereafter, the City Council may increase the entire assessment hereby only upon a finding that the cost of living in the immediate San Francisco Bay Area, as shown on the Consumer Price Index (CPI) for all items in the San Francisco Bay Area as published by the U.S. Department of Labor Statistics, has increased; and be it

FURTHER RESOLVED: That the LLAD increase shall sunset after being in effect for fifteen (15) years; and be it

FURTHER RESOLVED: That all the area of land to be assessed is located in the City of Oakland, Alameda County; and be it

FURTHER RESOLVED: That a public hearing is set for May 20, 2008 at 7:00 p.m., or as soon thereafter as the item may be heard, in the City Council Chambers, Oakland City Hall, One Frank H. Ogawa Plaza, Oakland, California regarding the FY 2008-09 Landscaping and Lighting Assessment District and the levy of assessments; and be it

FURTHER RESOLVED: That the Office of the City Administrator is directed to publish notice of the public hearing no later than May 10, 2008; and be it

FURTHER RESOLVED: That if there is a majority protest against the increase of the annual assessment, the original assessment shall be adopted; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code section 2.04.051.B and findings set forth in the City Administrator's report accompanying this item, the City Council finds and determines that it is in the best interests of the City to waive the competitive request for proposal/qualifications process for the Francisco & Associates, Inc. contract and so waives the requirement; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute a contract with Francisco & Associates, Inc. in an amount not to exceed \$85,000.00 to assist with the 2008-09 Prop 218 election for the proposed rate increase for the Landscaping and Lighting Assessment District, and be it

FURTHER RESOLVED: That the Office of the City Attorney will approve the contract as to form and legality and a copy will be placed on file in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Council authorizes the expenditure up to \$100,000 in postage costs for the LLAD ballots; and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to find and transfer \$185,000 of unspent General Purpose Fund appropriations to the General Purpose Fund (1010), non-departmental Citywide Activities Organization (90121), LLAD 08 Project (P287210) to pay for the Prop 218 election; and be it

FURTHER RESOLVED: That the City Council hereby approves the attached performance standards (D-1) and performance measures (D-2) to be used in annual reviews of maintenance and servicing of public landscaping and lighting and to be implemented upon approval of the increase in the proposed assessment.

IN COUNCIL, OAKLAND, CALIFORNIA MAR 18 2008, 20

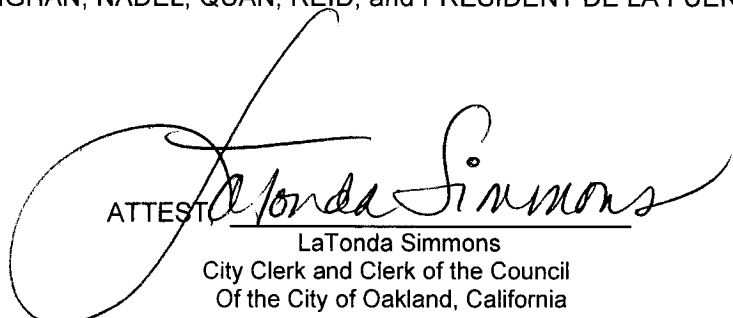
PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE — 8

NOES – 0

ABSENT – 0

ABSTENTION – 0

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

Attachment D-1 Revised
Performance Standards for Maintenance and Servicing of Public Landscaping and Lighting

Feature	Elements of Each Feature	Proposed Standards
Lawns	Cleanliness	Turf is free of litter. Turf is free of organic debris that impedes mowing.
	Color	80% of turf area is fairly green.
	Density and spots	80% of turf areas is free of bare spots.
	Drainage/flooded area	80% of turf area is free of standing water two days after rain or two hours after irrigation.
	Edged	80% of edges are clearly defined and have less than four (4) inches of growth over adjoining landscape.
	Height/mowed	Lawns are mowed and kept at a uniform height of less than ankle height.
	Holes	Noticeable from a ten (10) feet distance, lawns are free of visible holes greater than six (6) inches in diameter and/or depth.
Ornamental gardens, shrubs and ground covers	Cleanliness	Ornamental gardens, shrubs, ground covers are free of litter. Ornamental gardens, shrubs, and ground covers are free of debris.
	Plant health	90% or more of each ornamental gardens, shrubs, and ground covers shows no signs of death or damage (e.g., broken or uprooted shrubs and flowers).
	Pruned	100% of ornamental gardens, shrubs, and ground covers have appropriate size and shape for their location.
	Weediness	90% or more of each ornamental gardens, shrubs, and ground covers is free of weeds and 100% free of vines overtaking ornamental plantings.

Attachment D-1 Revised
Performance Standards for Maintenance and Servicing of Public Landscaping and Lighting

Trees	Limbs (urban park trees only)	No broken or hanging limbs greater than four (4) inches in diameter are visible or impede passage to pedestrians.
	Plant health (urban park trees only)	All trees are alive and 90% of trees are free of damage (e.g., dead limbs, brown foliage, damaged bark).
	Watering	Maintaining proper tree health through supplemental watering in 300 locations per year in street medians and commercial areas.
	Pruning	Prune 5,500 trees per year on streets and in parks.
	Planting	Plant 2,000 street and park trees per year based on number of requests received.
Hardscapes and Trails	Cleanliness	Hardscapes are free of litter and debris. The surface of circulation areas adjacent to play areas is free of playground sand. Trails are free of litter and debris.
	Drainage/flooded area	At least 95% of observed hardscape area is free of standing water two days after rain or two hours after irrigation.
	Graffiti	Hardscape area is free of graffiti.
	Surface quality	Paved surface is free of irregularities in grade greater than half an inch (0.5") and is free of cracks and holes greater than two (2") inches in diameter and depth.
	Weediness	At least 95% of paved surfaces are free of weeds.

Attachment D-1 Revised
Performance Standards for Maintenance and Servicing of Public Landscaping and Lighting

Open Space	Cleanliness	From a 10 feet distance (i.e., from nearest path), open space is free of litter and debris.
Turf Athletic Fields	Cleanliness	Turf athletic fields are free of litter and debris.
	Color	Turf athletic area is uniformly green.
	Drainage/flooded areas	Turf athletic field is free of standing water two days after rain or two hours after irrigation.
	*Fencing	Fencing is functional, free of protrusions, and free of holes/passages along the base.
	*Functionality of structures	90% of available sport-related and support structures are operational for playing or observing sports.
	*Graffiti	Turf athletic fields and their sport-related and support structures are free of graffiti.
	Height/mowed	Turf is mowed and kept at a uniform height of less than ankle height.
	Holes	Noticeable from a 10 feet distance, turf field is free of holes.

Attachment D-1 Revised
Performance Standards for Maintenance and Servicing of Public Landscaping and Lighting

Outdoor Athletic Courts	Cleanliness	Court surface is free of litter and debris.
	Drainage/flooded areas	At least 95% of observed court surfaces are free of standing water two days after rain or two hours after irrigation.
	*Fencing	Fencing is functional, free of protrusions, and free of holes/passages along the base.
	*Functionality of structures	90% of available sport-related and support structures are operational for playing or observing sports.
	*Graffiti	Outdoor athletic courts and their sport-related and support structures are free of graffiti.
	*Painting/stripping	Play lines are clearly visible and worn painted surfaces do not exceed 20% of total court surface.
	*Surface quality	Noticeable for a 10 feet distance, play court surface is smooth, and free of irregularities in grade greater than half an inch (0.5") and is free of cracks and holes greater the one inch (1") in diameter and depth.

Attachment D-1 Revised
Performance Standards for Maintenance and Servicing of Public Landscaping and Lighting

Children's Play Areas	Cleanliness	Children's play area is free of litter, debris and weeds. Play area is free of playground sand, where applicable.
	*Fencing	Where applicable, fencing is functional, free of protrusions, and free of holes/passages along the base.
	*Functionality of equipment	At least 80% of intended play equipment is present and functional.
	*Graffiti	Play area and its equipment are free of graffiti.
	*Integrity of equipment	80% of play equipment is free of deterioration, such as rust, rot, splinters, dents, and 100% is free of sharp edges and protrusions. 100% of attachments (e.g., bolts and screws) are secure.
	*Painting	Painted structures are free of peeling or chipped paint.
	*Signage	Signs are legible, free of graffiti, and properly installed in visible locations.
	*Surface quality	If applicable, sand is loose (not compacted) and the level is at least 12 inches in depth. If applicable, 100% of rubber surface around playground equipment is present and adjacent rubber surfaces do not exceed 1/4" (0.25") of vertical elevation difference.

Attachment D-1 Revised
Performance Standards for Maintenance and Servicing of Public Landscaping and Lighting

Dog Play Areas	Bag dispenser	Bag dispensers are not empty 80% of the time.
	*Cleanliness	Dog play area is free of litter and debris. Dog play area is free of feces.
	Drainage/flooded area	80% of dog play area is free of standing water two days after rain or two hours after irrigation.
	*Signage	Park signs for designated off-leash areas are legible, free of graffiti, and properly installed in noticeable locations.
	Surface quality	Surface is smooth and free of holes greater than six (6) inches in diameter and/or depth.
	Waste receptacles	Waste receptacles are available and not overflowing.
Restrooms	Cleanliness	Entryway and interior of restrooms are free of litter, debris and feces. Toilets, urinals, sinks, and diaper changing stations are clean.
	Graffiti	Restrooms are free of graffiti.
	*Functionality of structures	All toilets, urinals, partitions, stall walls and doors, diaper changing stations, water faucets, and sink drains are operational and free of leaks, where applicable.
	*Lighting	90% of lights are operational where applicable.
	Odor	Restroom is free of offensive odor.
	*Painting	Painting has uniform coat and is not peeling.
	*Signage	Restroom signs are legible, free of graffiti, and properly installed near entrances.
	Supply inventory	Restrooms are stocked with toilet paper, paper towels and soap.
	Waste receptacles	Waste receptacles are clean and not overflowing.

Attachment D-1 Revised
Performance Standards for Maintenance and Servicing of Public Landscaping and Lighting

Parking Lots and Roads (in parks)	*ADA parking spaces	ADA parking spaces are available.
	Cleanliness	Parking lots and roads are free of litter and debris.
	*Curbs	When present, 90% of curbs in parking lots and roads are intact.
	Drainage/flooded areas	Parking lots and roads are free of standing water two days after rain or two hours after irrigation.
	*Graffiti	Parking lots and roads are free of graffiti.
	*Painting/stripping	75% of parking and road lines are visible.
	*Signage	Signs are legible, free of graffiti, and properly installed in noticeable locations.
	*Surface quality	Parking lots and roads are free of potholes great then six (6) inches in diameter and/or depth. Parking lots and roads are evenly surfaced.
Waste and Recycling Receptacles	Cleanliness of receptacles	90% of all receptacles are clean and 100% are free of graffiti. Immediate areas surrounding 90% of all waste receptacles are free of litter and debris
	Fullness	90% of all receptacles are not overflowing.
	*Painting	Painting has uniform coat and is not peeling, where applicable, on 90% of all receptacles.
	*Structural integrity and functionality	90% of all receptacles are free of large cracks or damage that affect their use.

Attachment D-1 Revised
Performance Standards for Maintenance and Servicing of Public Landscaping and Lighting

Benches, Tables and Grills	Cleanliness	90% of available benches and tables are free of litter, dirt, and rust and 90% of all grills are free of litter.
	*Graffiti	Immediate areas surrounding 90% of all benches, tables, and grills are free of litter, weeds, and debris.
	*Painting	At least 80% of surface of all benches and tables is free of peeling or chipped paint, if applicable.
	*Structural integrity and functionality	90% of benches and tables are structurally sound. Grills are operational.
Amenities and Structures	*Exterior of buildings	Exterior of buildings is free of vandalism and graffiti. 90% of painting of exterior of buildings is of uniform color and not peeling.
	*Drinking fountains	Drinking fountains are accessible, operational, and free of standing water and debris.
	*Fencing	Fencing is functional, free of protrusions, and free of holes/passages along the base.
	*Gates/locks	Existing gates, latches, and locks are operational.
	*Retaining walls	Retaining walls are structurally sound. Retaining walls are free of vandalism and graffiti.
	*Signage	Signs are legible, free of graffiti, and properly installed in noticeable locations.
	*Stairways	Stairways are free of litter and debris. Stairways are structurally sound. 95% of stairways are free of weeds.

Attachment D-1 Revised
Performance Standards for Maintenance and Servicing of Public Landscaping and Lighting

Street, Park and Court Lighting	*Structural integrity and functionality	100% of lighting is functional, 3-5 day response time to replace bulbs that have gone out.
Standards added at the 3-19-08 City Council Meeting	The City Council has approved several performance measures to monitor the effectiveness of efforts to keep street lights functional, parks clean and operational, and trees maintained. These include:	
	Litter picked up at least weekly	
	95% of fields and lawns mowed within 10 business days	
	Graffiti removed within 48 hours once reported	
	90% of waste receptacles emptied before they overflow	
	Street lights repaired within 3 to 5 business days following report to the PWA Call Center	
	All LLAD-funded Public Works vehicles will be GPS (Global Positioning System) enabled within the first year of this LLAD	
	The full list of standards and performance measures will be refined within the first year of this LLAd as the City implements City Works, the on-line PWA work management system, that will provide regular monitoring reports.	

* Partially or not currently LLAD funded

**PROGRAM-SPECIFIC ADOPTED PERFORMANCE MEASURES
FISCAL YEAR 2007-08**

PROGRAM	MEASURE	FIRST QUARTER FY 2007-08	SECOND QUARTER FY 2007-08	THIRD QUARTER FY 2007-08	FOURTH QUARTER FY 2007-08	FY 2007-08 TARGET	RESPONSIBLE MANAGER	DEPT CONTACT
IN07 Electrical and Energy Efficiency	*Street Lighting - Percentage of repair calls responded to and repaired within a working day					80%	Dan Clanton	Julie To
	Traffic Signals - Average number of hours to repair traffic signals					1.5		
SC16 Environmental Compliance and Remediation	Percentage of City-owned facilities posted with current asbestos notifications					100%	Mark Gomez	Jean Roberts/ Stefanie Dugan Lowe
	Percentage of required hazardous materials business plans up-to-date					100%		
	Percentage of scheduled and requested hazardous waste pickups performed					100%		
	Percentage of underground storage tanks tested and in compliance					100%		
	*Number of volunteer hours served annually in creek and watershed areas					5,000		
	*Average number of Lake Merritt volunteers collecting trash each month					100 per month		
IN02 Facilities Management and Maintenance	*Percent of non-emergency, minor bldg. maintenance requests responded to within 48 hours					90%	Cheryl Ramirez & Jim Ryugo	Jean Roberts/ Stefanie Dugan Lowe
	*Percent of non-emergency, custodial maintenance requests responded to within 48 hours					90%		
	Percent of facilities design projects delivered on time and within budget					90%		
IN01 Fleet Management and Maintenance	Percent of fleet available for use by operating personnel - Police Services					92%	Stephanie McCormick	Julie To
	Percent of fleet available for use by operating personnel - Fire Services					92%		
	Percent of fleet available for use by operating personnel - Public Works					92%		
	Percent of fleet available for use by operating personnel - All other					92%		
	Average maintenance cost per mile - police vehicles					\$0.63		
	Average maintenance cost per mile - fire vehicles					\$0.68		
	Average maintenance cost per mile - all other vehicles					\$0.56		
	Average fuel cost per mile					\$0.15		

**PROGRAM-SPECIFIC ADOPTED PERFORMANCE MEASURES
FISCAL YEAR 2007-08**

PROGRAM	MEASURE	FIRST QUARTER FY 2007-08	SECOND QUARTER FY 2007-08	THIRD QUARTER FY 2007-08	FOURTH QUARTER FY 2007-08	FY 2007-08 TARGET	RESPONSIBLE MANAGER	DEPT CONTACT
NB35 Keep Oakland Clean & Beautiful	Percent of routes swept on schedule					95%	David Ferguson	Jean Roberts/ Stefanie Dugan Lowe
	*Number of volunteer hours served in community cleanup and beautification.					26,000		
	*Percent of illegal dumping incidents responded to and resolved within 72 hours.					100%		
	Number of community outreach presentations on illegal dumping and volunteer opportunities					25		
	Percent reduction in illegal dumping tonnage					2%		
	*Percent of reported graffiti removed within 48 hours.					100%		
NB07 Parks, Grounds, and Medians	*Percent of customer complaints responded to within 72 hours					90%	Jim Ryugo	Jean Roberts/ Stefanie Dugan Lowe
	*Percent of fields mowed within 10 days					95%		
	*Number of volunteer hours served in community cleanup and beautification.					10,000		
	*Percent of time trash containers at the City parks are emptied before they overflow.					90%		
	*Percent of Oaklanders that rate the City parks "clean and green" (based on citywide survey).					90%		
SC17 Recycling and Solid Waste	Number of pounds of residential recycled materials collected annually					85,000,000	Becky Dowdakin	Jean Roberts/ Stefanie Dugan Lowe
	Number of calls resolved annually via the recycling and solid waste hotline					2,000		
IP40 Safety & Liability	Percent of workers compensation paperwork forwarded to third party administrator within 3 business days					90%	Yolanda Lopez	Fiscal Services
	Percent of new supervisors and managers receiving worker's compensation training within one year					100%		
	Percent of full-time employees on workers' compensation status (monthly average)					3.4%		
	Percent of employees participating in Transitional Duty Program (monthly average)					2%		
	Number of Workers' Compensation days saved annually due to the Transitional Duty Program					2,500		
IN03 Sanitary and Storm Sewer Management and Maintenance	Respond to and resolve all reports of sewer backups within 2.5 hours					80%	Jamie Ramey (Acting)	Julie To
	Percent of 10,000 storm water inlets cleaned and inspected annually					70%		
	Respond to and resolve all reports of flooding within 1.5 hours					80%		
	Percent of 300 miles of sanitary sewer pipe cleaned and inspected annually (of 1,000 miles)					100%		

**PROGRAM-SPECIFIC ADOPTED PERFORMANCE MEASURES
FISCAL YEAR 2007-08**

PROGRAM	MEASURE	FIRST QUARTER FY 2007-08	SECOND QUARTER FY 2007-08	THIRD QUARTER FY 2007-08	FOURTH QUARTER FY 2007-08	FY 2007-08 TARGET	RESPONSIBLE MANAGER	DEPT CONTACT
IN04 Streets & Sidewalks Management & Maintenance	Streets - Average number of calendar days between pothole repair requests and potholes filled by staff					15	Dale Smith	Julie To
	Average number of working days between legal claim received related to sidewalks and completion of preliminary repair.					10		
NB33 Transportation & Pedestrian Safety	Percentage of damaged traffic signs replaced within two business days					90%	Waver Garrett	Julie To
NB09 Trees	*Number of sidewalk street trees planted					1,250	Dan Gallagher	Julie To
	*Number of sidewalk street trees pruned (of approximately 45,000 sidewalk street trees)					2,700		
	*Number of park trees pruned annually					150		
	*Number of right-of-way trees pruned annually					300		
	*Number of hazardous right-of-way trees removed					100		