



*Passed* (1.7)

DEPARTMENT OF  
PUBLIC WORKS  
OFFICE OF THE DIRECTOR

CITY OF SACRAMENTO  
CALIFORNIA

927 10TH STREET.  
ROOM 100  
SACRAMENTO, CA.  
95814-2700

April 1, 1994

SPECIAL DISTRICTS  
916-264-7113

FAX 916-264-8105

City Council  
Sacramento, California

Honorable Members in Session

**SUBJECT: TIMBERLAKE WAY ASSESSMENT DISTRICT 94-01, INITIATION ACTIONS**

**LOCATION AND COUNCIL DISTRICT**

The Timberlake Way Assessment District is located in Council District No. 8. The district includes ten parcels of land located east of Bruceville Road, west of State Route 99 and north of Cosumnes River College Boulevard (please see attached map).

**STAFF RECOMMENDATION:**

This report recommends that the City Council:

1. Adopt Resolution Accepting Petition.
2. Adopt Resolution Approving Boundary Map.
3. Adopt Resolution Approving Agreement for Legal Services
4. Adopt Resolution of Intention.
5. Adopt Resolution Accepting Report and Setting Hearings.
6. Adopt Resolution Calling for Construction Bids.
7. Adopt Resolution approving a Negative Declaration for this project.

**CONTACT PERSON** Edward Williams, Assistant Engineer, 264-5440

**FOR COUNCIL MEETING OF: April 19, 1994**



## SUMMARY

This report initiates formation of the assessment district to be known as the "*Timberlake Way Assessment District No. 94-01*" for the City of Sacramento. Adoption of the attached resolutions will set the date, time and place for the public hearings. The public hearings are scheduled for the afternoon Council sessions of June 8 and June 14, 1994. Approval of the Negative Declaration ratifies the findings that there is no substantial evidence that the work will have any significant impact on the environment.

## COMMITTEE/COMMISSION ACTION

None

## BACKGROUND INFORMATION

The formation of this district has been requested by the Methodist Hospital of Sacramento. The district is being formed to provide funding for the re-alignment and construction of a portion of Timberlake Way.

The district will include ten parcels, eight are owned by Methodist Hospital of Sacramento, one by Timberlake Partnership which is controlled by Methodist Hospital of Sacramento and one by Community Psychiatric Centers. Petitions in support of the district have been signed by a representatives for the nine parcels (87.6% of the 48.6 total district acreage) owned or controlled by the Methodist Hospital of Sacramento. Representatives for all ten parcels have signed petitions waiving the 60 day cash collection period.

Plans, specifications and estimates have been completed, together with the necessary Engineer's Report. Staff is ready to proceed with formation of the district. The engineer's estimated construction cost is \$905,600.

## FINANCIAL CONSIDERATIONS

The project will be funded by property owners within the district. In addition to construction of roadway improvements there are existing bonds, for the Bruceville Road Assessment District on six of the ten parcels. The cost of buying back these bonds (in the amount of \$101,100) will be included in the district and attached to the land on which they were originally placed.

Estimated Construction Cost	\$	905,600
Contingency		135,800
Engineering & Project Management		126,300
Purchase of Bruceville Bonds		101,100
Bond Incidentals		70,300
Reserve Account		104,100
Bond Discount		<u>44,600</u>
Amount Assessed to Property Owners	\$	1,487,800

The above expenditures are detailed in the Engineer's Report on file with the City Clerk. Final budgeting recommendations will be made at the time of contract award and sale of bonds. There is no impact to the General Fund as a result of this district. A non-refundable fee of \$25.00 will be charged for each set of plans and specifications to cover the cost of reproduction.

### **POLICY CONSIDERATIONS**

The procedures under which this district is being formed are set forth in the California Streets and Highways Code, specifically Division 12 entitled "*Municipal Improvement Act of 1913*" and Division 10 entitled, "*Improvement Bond Act of 1915.*"

Project approval and authorization for bid advertisement are consistent with Chapter 58, Article III, Section 58.301, of the City Code.

### **MBE/WBE**

The project will include MBE/WBE participation goals of 10.57% MBE and 9.5% WBEs required by Resolution No. 93-619, relating to MBE/WBE participation goals and policies, adopted by the City Council on November 2, 1993. Award of contract will be contingent upon the responsive low bidder either meeting this project MBE/WBE participation goals on making adequate Good Faith Efforts towards meeting the project goals. Bids submitted which meet or exceed the MBE/WBE goals may be eligible for bid price preferences up to a maximum of 7% or \$25,000.

City Council  
Timberlake Way A.D.  
April 19, 1994  
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Plans and specifications will be sent to seven plan rooms and construction services organizations for publication and use by the construction industry of Northern California. There are four organizations on the distribution list that are directly involved with the MBE/WBE contractors.

Other outreach efforts to MBE/WBEs for this project will include:

- Advertisement of the project on the City of Sacramento Construction Project Bid Line (916) 392-4758.
- Free access to review the project plans and specifications at the City of Sacramento planroom at Engineering Division offices at 927 10th Street.
- Provide notice of this project to three minority chambers of commerce and three minority and women community organizations directly involved with outreach to MBE/WBEs.

Respectfully Submitted,



GARY ALM  
Supervising Engineer

Recommendation Approved:



WILLIAM H. EDGAR  
City Manager

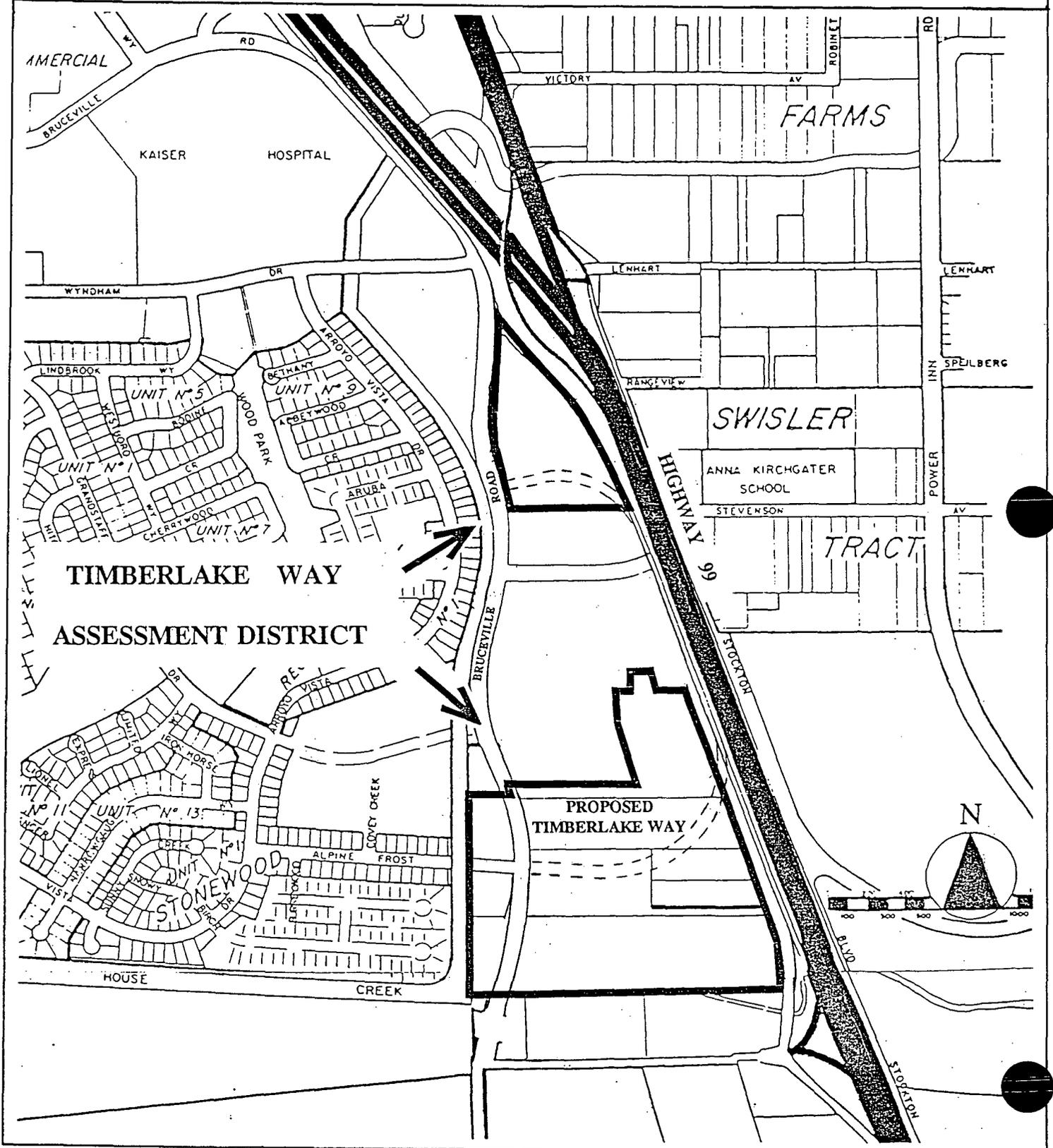
Approved:



MICHAEL KASHIWAGI  
Deputy Director of Public Works

# TIMBERLAKE WAY ASSESSMENT DISTRICT NO. 94-01

## LOCATION MAP



## TIMBERLAKE WAY ASSESSMENT DISTRICT 94-01

April 19, 1993	COUNCIL ADOPTS RESOLUTION OF INTENTION AND SETS HEARING DATES
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April 1994	Record Boundary Map with County Recorder
April 1994	Mail, Publish Notice of Hearing
May 18, 1994	Receive Bids
June 8, 1994	Council Holds Public Hearing No. 1
June 14, 1994	Council Holds Public Hearing No. 2
	COUNCIL CONSIDERS RESOLUTIONS TO OVERRULE PROTESTS AND LEVY THE ASSESSMENTS
June 1994	Record Assessment Diagram and Notice of Assessment with County
July 26, 1994	COUNCIL CONSIDERS RESOLUTION AUTHORIZING SALE OF BONDS, APPROPRIATION OF FUNDS - AWARD OF CONTRACT
August 8, 1994	Bond Closing
August 1994	City Receives Proceeds from Bonds
August 1994	Contractor Notice to Proceed
August 1994	Estimated Completion Date for Improvements

# RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

RESOLUTION ACCEPTING PETITION

TIMBERLAKE WAY ASSESSMENT DISTRICT NO. 94-01

The City Council of the City of Sacramento resolves:

Certain owners of real property have filed with the Clerk of this body a petition, signed by them, requesting the public improvements described in the petition, the cost to be specially assessed against land benefiting from the improvements. The petition contains an express waiver of statutory proceedings under the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, as provided in Section 2804 of the Streets and Highways Code.

The City Council finds that all of the owners of more than sixty percent (60%) in area of the land subject to assessment for the proposed improvements have signed the petition. Accordingly, the City Council accepts the petition and directs that special assessment proceedings shall be undertaken by the terms of the petition, and without further compliance with the Special Assessment Investigation, Limitation and Majority Protest Act of 1931. This action is final within the meaning of Section 3012 of the Streets and Highways Code.

\* \* \*

This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 19th day of April, 1994.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

# RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

RESOLUTION APPROVING BOUNDARY MAP

TIMBERLAKE WAY ASSESSMENT DISTRICT NO. 94-01

The City Council of the City of Sacramento resolves:

A map entitled "Proposed Boundaries of Timberlake Way Assessment District No. 94-01, City of Sacramento, Sacramento County, State of California" has been filed with the City Clerk.

This City Council approves the map and adopts the boundaries shown on the map as describing the extent of the territory included in a proposed assessment district to be known as Timberlake Way Assessment District No. 94-01, City of Sacramento, Sacramento County, California.

This City Council finds that the map is in the form and contains the matters prescribed by Section 3110 of the California Streets and Highways Code.

This City Council directs the City Clerk to certify the adoption of this resolution on the face of the map, and to file a copy of the map with the County Recorder for placement in the Book of Maps of Assessment and Community Facilities Districts.

\* \* \*

This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 19th day of April, 1994.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

FOR CITY CLERK USE ONLY

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DATE ADOPTED: \_\_\_\_\_

# RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

## RESOLUTION APPROVING AGREEMENT FOR LEGAL SERVICES

TIMBERLAKE WAY ASSESSMENT DISTRICT NO. 94-01  
CITY OF SACRAMENTO

The City Council of the City of Sacramento resolves:

This City Council approves that certain agreement between the CITY OF SACRAMENTO, and STURGIS, NESS, BRUNSELL & ASSAF a professional corporation, for services of that firm as Special Bond Counsel for Timberlake Way Assessment District No. 94-01, City of Sacramento, Sacramento County, California, dated April 19, 1994, and attached to this resolution.

The Mayor is authorized to sign the agreement and the City Clerk is authorized to attest its execution.

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This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 19th day of April, 1994.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

FOR CITY CLERK USE ONLY

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DATE ADOPTED: \_\_\_\_\_

# RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

RESOLUTION OF INTENTION TO ORDER IMPROVEMENT IN  
TIMBERLAKE WAY ASSESSMENT DISTRICT NO. 94-01  
CITY OF SACRAMENTO

The City Council of the City of Sacramento resolves:

This City Council intends to order the following improvement under the authority of the Municipal Improvement Act of 1913:

- a) The construction of street improvements including clearing, grubbing, grading, construction of pavement, curbs, gutters, sidewalks, driveways, what required, and the installation of a street lighting system on Timberlake Way, a new street, from a point on Bruceville Road 900 feet, more or less, north of the intersection of Consumnes River Drive; thence, 1,600 feet, more or less, along an easterly and northeasterly bearing to connect to the existing Timberlake Way adjacent to Highway 99 and the northerly portion of Timberlake Way, a new street from a point on Bruceville Road, 2,100 feet, more or less, north of Consumnes River Drive; thence, along an easterly bearing 950 feet, more or less, to connect to the existing Timberlake Way; and the construction of water mains and related appurtenances, services and hydrants, where required; the construction of a storm drainage collection system including drop inlets, manholes and services, where required, along the streets described above and along Bruceville Road from the southerly intersection of Timberlake Way, approximately 900 feet north of Consumnes River Drive, southerly to a point approximately 420 feet north of Consumnes River Drive; the construction of a driveway and closure of the existing street on Bruceville Road, approximately 2,500 feet north of Consumnes River Drive, and the closure of the existing Timberlake Way and the construction of a driveway on the existing Timberlake Way adjacent to Highway 99, 800 feet, more or less, east of Bruceville Road.
- b) The payment in full of all amounts necessary to eliminate any fixed special assessment liens previously imposed upon property included within the assessment district.

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

- c) The acquisition of all easements and rights-of-way and the performing of all work auxiliary to any of the above and necessary to complete the same.

This City Council finds that the land specially benefited by the improvement is shown within the boundaries of the map entitled, "Proposed Boundaries of Timberlake Way Assessment District No. 94-01, City of Sacramento, Sacramento County, California." This map has been approved by the City Council and is now on file with the City Clerk. The land within the exterior boundaries shown on the map shall be designated Timberlake Way Assessment District No. 94-01, City of Sacramento, Sacramento County, California.

This City Council intends to levy a special assessment upon the land within the described district in accordance with the special benefit to be received by each parcel of land, respectively, from the improvement. There shall be omitted from special assessment all public streets, alleys and places and all land belonging to the United States, the State of California, the County of Sacramento and this City now in use in the performance of a public function.

Where any disparity occurs in level or size between the improvement and private property, this 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.

In the event that the amount provided for in these proceedings is insufficient 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, this Council intends, pursuant to Section 8682.1 and subparagraph (f) of Section 10204 of the California Streets and Highways Code, to provide for an annual assessment upon each of the parcels of land in the proposed assessment district to provide therefor.

Bonds representing unpaid assessments, and bearing interest at a rate not to exceed twelve percent (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 fourteen (14) years from the second day of September next succeeding twelve (12) months from their date.

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

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 of the State of California.

The City Council 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.

This City Council appoints the Acting Director of Public Works as Engineer of Work for this project, and directs the preparation of the report required by Section 10204 of the Streets and Highways Code.

In the opinion of this City Council, the public interest will not be served by allowing owners of assessable lands to enter into a contract for the work of improvement as otherwise permitted in Section 20485 of the Public Contract Code.

If any excess shall be realized from the assessment it shall be used, in such amounts as the City Council may determine, in accordance with the provisions of law for one or more of the following purposes:

- (a) Transfer to the general fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund;
- (b) As a credit upon the assessment and any supplemental assessment, provided that such surplus may, if the City Council so determines, also be applied as a credit to the City or any local, state or national agency or authority which shall have made a contribution towards the cost and expenses of the acquisitions and improvements in the proportion which such contribution bears to the total amount of the assessment or supplemental assessment prior to the deduction of all such contributions; or
- (c) For the maintenance of the improvements.
- (d) To call bonds, thereby reducing outstanding assessments and subsequent assessment installments.

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 19th day of April, 1994.

\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

City Clerk

FOR CITY CLERK USE ONLY

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DATE ADOPTED: \_\_\_\_\_

# RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

RESOLUTION ACCEPTING REPORT AND  
SETTING HEARING OF PROTESTS

TIMBERLAKE WAY ASSESSMENT DISTRICT NO. 94-01

The City Council of the City of Sacramento resolves:

1. At the direction of this City Council, the Acting Director of Public Works, as Engineer of Work for improvement proceedings in the Timberlake Way Assessment District No. 94-01, City of Sacramento, Sacramento County, California, has filed with the City Clerk the report described in Section 10204 of the Streets and Highways Code (Municipal Improvement Act of 1913). This City Council accepts the report without modification, for the purpose of conducting public hearings to the improvements described in the report.

2. This Council sets 2:00 P.M. on June 8, 1994, and 2:00 P.M. on June 14, 1994, at the Chambers of the City Council, 915 "I" Street, Sacramento, California, as the time and place for public hearings on the proposed improvements.

3. The City Clerk is directed to mail the notices of improvement required by the Municipal Improvement Act of 1913, and to file an affidavit of compliance.

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This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 19th day of April, 1994.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

FOR CITY CLERK USE ONLY

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DATE ADOPTED: \_\_\_\_\_

# RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

## RESOLUTION CALLING FOR CONSTRUCTION BIDS

TIMBERLAKE WAY ASSESSMENT DISTRICT NO. 94-01

The City Council of the City of Sacramento resolves:

1. This City Council has given preliminary approval to the report of the Engineer of Work for improvements in Timberlake Way Assessment District No. 94-01, City of Sacramento, Sacramento County, California. The report includes plans and specifications for the construction of improvements described in the report.

2. The City Council of the City of Sacramento will receive sealed proposals for this construction not later than 2:00 P.M. on May 18, 1994, in the office of the City Clerk located at 915 "I" Street, Sacramento, California. At that time and place the sealed proposals will be publicly opened, examined and declared.

3. The City Council reserves the power in its discretion to reject all proposals. The award of construction contract, if made, shall be made to the lowest responsible bidder within the time fixed in the specifications (or any extension of time agreed to by the City and the lowest responsible bidder).

4. The City Clerk is directed to publish a notice inviting sealed proposals in the DAILY RECORDER in accordance with the Local Agency Public Construction Act. The Engineer of Work is authorized to give additional notice and to distribute additional information as necessary in the judgment of the Engineer of Work, to secure competitive bidding.

5. The City Council hereby determines that in the event the contractor does not complete the work within the time specified in the proposed contract or within such further time as this City Council shall have authorized, the contractor shall pay to the City liquidated damages in the amount of \$200 per day for each and every calendar day's delay in finishing the work beyond the completion date specified in said contract. Additional provisions with regard to said time of completion and liquidated damages are set forth in the specifications, which provisions are hereby referred to and incorporated herein by reference.

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 19th day of April, 1994.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

# RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

## RESOLUTION APPROVING A NEGATIVE DECLARATION FOR THE TIMBERLAKE WAY ASSESSMENT DISTRICT NO. 94-01 PROJECT

Be it resolved by the Council of the City of Sacramento, that

1. The City Council hereby ratifies and approves the environmental Negative Declaration, finding on the basis of the initial study and comments received that there is no substantial evidence that the work will have any significant impact on the environment.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK