

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Public Works

BOARD AGENDA # \*C-4

Urgent

Routine

AGENDA DATE May 24, 2011

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval to Adopt a Resolution Initiating Proceedings to Consider the Formation of the Kenwood Park Lighting District and for the Use of Community Development Funds for Initial Costs Associated with the Formation

STAFF RECOMMENDATIONS:

1. Adopt a resolution initiating proceedings for the formation of the Kenwood Park Lighting District.
2. Direct the Public Works Department to prepare and file the required Engineer's Report.
3. Approve the use of up to \$6,000 of Community Development Funds for initial start up costs associated with the formation of the Kenwood Park Lighting District.
4. Direct the Auditor-Controller to make the necessary budget adjustments as detailed in the Budget Journal Form.

FISCAL IMPACT:

Ongoing operation and maintenance costs associated with the Kenwood Park Lighting District will be borne by the district once it is established. The streetlights will be installed, owned, and maintained by the Turlock Irrigation District. There is no charge for installation of the streetlights.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2011-320

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No. DL-45-1

Approval to Adopt a Resolution Initiating Proceedings to Consider the Formation of the Kenwood Park Lighting District and for the Use of Community Development Funds for Initial Costs Associated with the Formation

**FISCAL IMPACT (Continued):**

One time start up costs associated with this project are estimated at \$7,500 and include staff project time for the ballot procedure, Engineer's Report, public meetings, and coordination with the Turlock Irrigation District. It also includes State Board of Equalization fees of \$800. A portion of the start up costs is recommended to be covered through a \$6,000 allocation from the Community Development Fund. One time costs of \$1,500, which are over and above the \$6,000 allotment from Community Development Funds, will be borne by the Kenwood Park Lighting District as part of their annual assessment. The \$1,500 will be recovered with a payback period extending over the first 5 years after formation of the district. The \$6,000 allotment from the Community Development Fund is consistent with the County's goal of providing funding for "one-time projects or programs benefiting the unincorporated area that demonstrates strong local support and commitment and a general public benefit."

The Community Development Fund was established by the Board of Supervisors at \$1.5 million as part of the Final Budget during Fiscal Year 2007-2008. To date, twelve projects have been awarded funding from this source; the North Martin Luther King Jr. Drive Sidewalk Project (\$12,431), the Countywide Growth Management Strategy (\$100,000), the Keyes Sidewalk Incentive Program (\$60,000), the Marshall Avenue Lighting District (\$3,200), the Empire County Service Area No. 27 Formation (\$5,000), the Airport Neighborhood Cleanup Event (\$5,000), the Keyes Community Services District Street Light Program (\$42,000), the Grayson County Service Area No. 28 Formation (\$10,000), Crows Landing Community Services District Water Meter Project (\$3,000), the Parklawn Neighborhood Sewer Advisory Measure (\$16,500), the Airport Alley Lighting District Project (\$5,600), and the CSA No. 29 Bangs Summit (\$6,000). The current uncommitted balance in the Community Development Fund is \$1,231,269. If the use of Community Development Funds for the Kenwood Park Lighting District is approved, the uncommitted balance would be \$1,225,269, not including interest earnings.

**DISCUSSION:**

The proposed Kenwood Park Lighting District is located in a "County Island" in Northeast Turlock in the vicinity of the intersections of Kenwood Avenue and Mitchell Avenue with Starr Avenue. The 12.39-acre residential neighborhood contains 51 parcels. Attachment "A" shows the proposed boundary and includes its legal description.

The proposed formation of this lighting district is based upon a request from Supervisor Vito Chiesa and the residents and landowners within the proposed boundary of the district. The proposed lighting district will generate funds to pay for the operation and maintenance of its streetlights. Supervisor Chiesa and his staff contacted residents and owners of property within the boundary of the proposed Kenwood Park Lighting District to gauge opinion and willingness to form the district. Those supporting the proposal indicated their approval by signing a petition requesting the Board of Supervisors initiate proceedings to consider

## Approval to Adopt a Resolution Initiating Proceedings to Consider the Formation of the Kenwood Park Lighting District and for the Use of Community Development Funds for Initial Costs Associated with the Formation

formation of the District. Attachment "B" of this report includes a copy of the petition. The petition is in accordance with Streets and Highways Code section 19030-19037. Those signing the petition believe that street lighting will improve the community as a whole by increasing safety, and aiding law enforcement efforts while deterring unwanted activities.

The purpose of this proposed Lighting District will be to provide street lighting services that improve the area by deterring crime, promoting personal, property, and traffic safety, and aiding law enforcement efforts. This proposal is to install, operate, and maintain a maximum of 14, 100-watt, streetlights upon existing Turlock Irrigation District (TID) utility poles. The exact number of lights may be less and depends upon field placement issues such as clearances on existing utility poles, tree cover, and nearby lighting. Stanislaus County Public Works Department and TID will work with the existing utility pole locations and determine optimum placement along each street within the proposed district. The improvements will be installed, owned, and maintained by the Turlock Irrigation District. There will be no charge for the installation of the streetlights. Maintenance and operating costs will be funded entirely through the district's proposed assessments. The improvements and services are generally described as:

- Operate and maintain a total of 14 lights, 100-watt sodium vapor streetlights. Owned, installed, operated, and maintained by Turlock Irrigation District.
- Periodic inspection, maintenance, and bulb, lens, sensor, and fixture replacement as needed by Turlock Irrigation District.

This project will use operating and maintenance costs for 14 new 100-watt Sodium Vapor Luminary streetlights as the basis for calculating Budget Year 2011-2012 assessments.

A signed resolution from the Board of Supervisors is required in order to initiate proceedings in the establishment of a Highway Lighting District pursuant to section 19030 of the California Streets and Highway Code.

The formation of a lighting district is a multiple step process as outlined below:

- Initiate Proceeding: The Board of Supervisors initiates proceedings for formation of the new Lighting District via a Formal Resolution by Board of Supervisors;
- Engineer's Report: An Engineer's Report is prepared by the Public Works Department to describe the District's proposed improvements and services, provide a legal description and map of the service area, and to propose a methodology for allocating the costs over benefiting parcels;
- Set Public Hearing Date: The Board of Supervisors accepts the Engineer's Report, sets a public hearing date to consider the proposed formation and levying of an annual assessment, and approves an assessment ballot procedure in compliance with Proposition 218;

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- Assessment Ballot & Notice of Public Hearing: An Assessment Ballot and Notice of Public Hearing are mailed by the Public works Department to affected landowners 45 days prior to public hearing;
- Public Notice: The Public Works Department and the Clerk of the Board publish, in a local newspaper, a public announcement of the date and time of the public hearing;
- Public Hearing: A public hearing is conducted by the Board of Supervisors whereby the public is given opportunity to comment on the proposal; and
- Votes Counted: After the conclusion of the public hearing, the Clerk of the Board opens, counts, and tallies the results and then reports them to the Board of Supervisors; and,
- Adopt Results: Via a Formal Resolution, the Board of Supervisors accepts the count of the ballots and orders the formation of the Lighting District if a simple majority protest is not filed.

If the ballot procedure to form the lighting district fails, the matter will be closed. If approved, the initial assessment will take effect in Budget Year 2011-2012. It is anticipated that the streetlights will be installed and energized prior to the end of August 2011. The Turlock Irrigation District would conduct the installation, at no cost.

**POLICY ISSUES:**

State of California Streets and Highways Code, section 19030, authorizes the Board of Supervisors to establish Lighting Districts in unincorporated areas and section 19130 authorizes the Board to be the governing body for Lighting Districts within their county.

This action is consistent with the Board's policy of providing A Safe Community and A Well Planned Infrastructure System by commencing the formal process to bring a proposal before property owners of the proposed Lighting District to enhance the level of service provided.

**STAFFING IMPACT:**

Staffing impact is limited to the time required to prepare Board reports and their supporting materials, conduct the ballot procedure, and coordinate the project with the Turlock Irrigation District.

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**CONTACT PERSON:**

Mike Wilson, Senior Engineering Technician, Stanislaus County Public Works. Telephone: (209) 525-4190.

MW: lc

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THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

Date: May 24, 2011

No. 2011-320

On motion of Supervisor Chiesa Seconded by Supervisor Withrow  
and approved by the following vote,  
Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith  
Noes: Supervisors: None  
Excused or Absent: Supervisors: None  
Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # \*C-4

**A RESOLUTION INITIATING PROCEEDINGS  
FOR CONSIDERING THE FORMATION OF THE KENWOOD PARK LIGHTING DISTRICT**

WHEREAS, the Board of Supervisors of Stanislaus County herein declares their intent to initiate proceedings for considering the formation of the Kenwood Park Lighting District. and

WHEREAS, residents and property owners of the proposed Kenwood Park Lighting District have petitioned the Board of Supervisors, of Stanislaus County for the formation of a Lighting District, and

WHEREAS, the area proposed for the Kenwood Park Lighting District is within unincorporated territory; surrounded on all four sides by the City of Turlock, and located at the intersection of Kenwood Avenue and Starr Avenue as depicted on the attached map, Exhibit 1; and

WHEREAS, this proposal is in harmony with the County's policy to provide a safe community with a well planned infrastructure.

BE IT RESOLVED, that the Board of Supervisors, of the County of Stanislaus, State of California, hereby finds and determines as follows:

1. The above Recitals are true and correct.
2. There is a need to install street lighting within the Kenwood Park neighborhood to promote the safety and welfare of the area, and, to fulfill that need, the Board of Supervisors proposes to form the lighting district and levy an annual assessment against benefiting real property within the District to support, maintain, and finance the proposed street lighting services and their associated costs.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk  
Stanislaus County Board of Supervisors,  
State of California

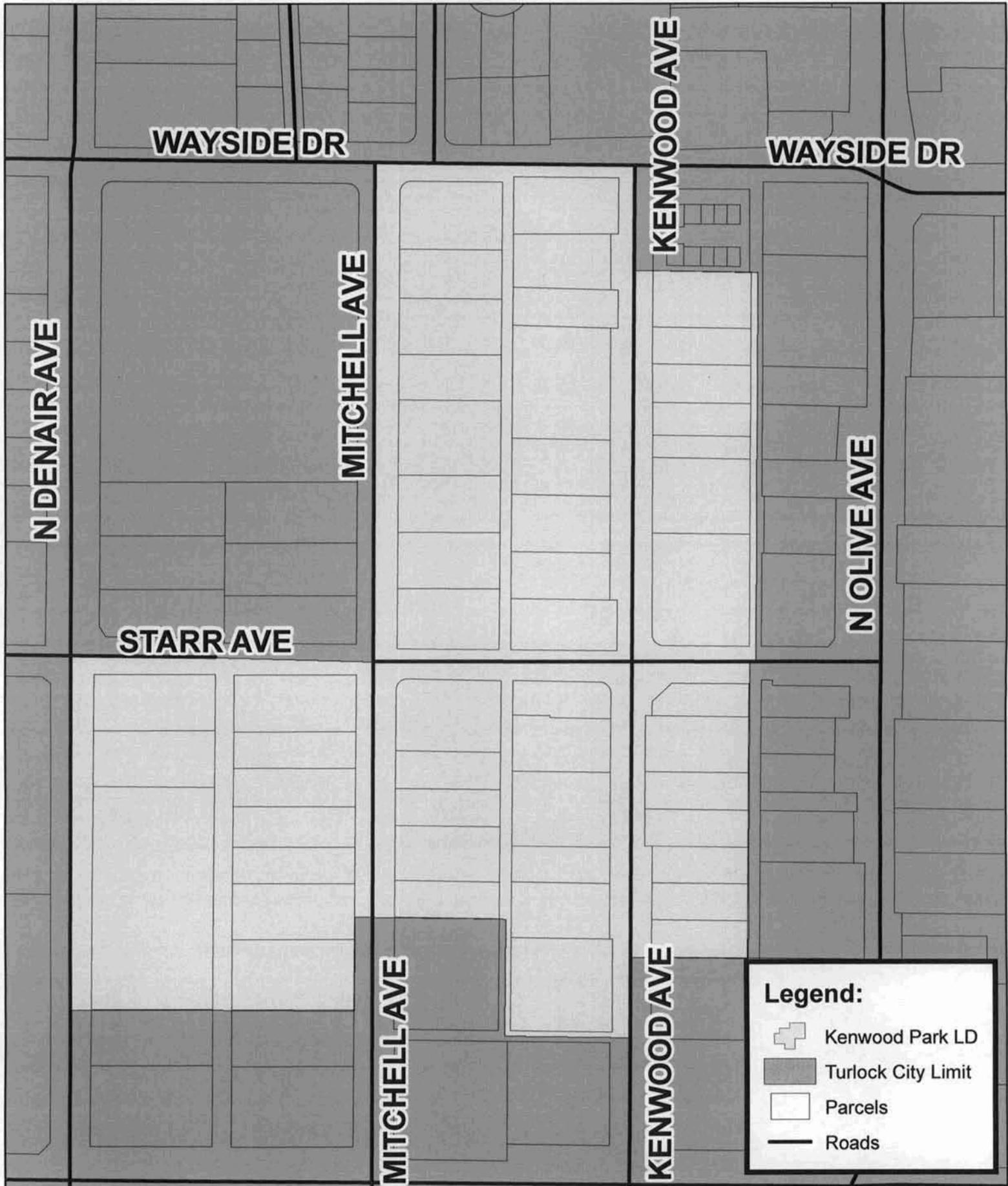


3. The new Lighting District shall be named Kenwood Park Lighting District of Stanislaus County.
4. California Constitution Article XIII "D" – "Proposition 218" requires an Engineer's Report be prepared and an Assessment Ballot Procedure and Public Hearing prior to any proposed new assessment or change in assessment methodology.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that in accordance with California Constitution Article XIII "D" – "Proposition 218":

- a. The County Engineer is ordered to prepare and file an Engineer's Report for this proposal.
- b. The Public Works department is ordered to initiate proceeding to prepare for an assessment ballot procedure and public hearing for this proposal.

# Proposed Kenwood Park Lighting District



**Legend:**

-  Kenwood Park LD
-  Turlock City Limit
-  Parcels
-  Roads

0 250 500 Feet

**PETITION REQUESTING THE FORMATION OF A STREET LIGHTING DISTRICT**

TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA: The following residents and landowners believe that neighborhood streetlights deter crime, promote public safety and improve property values. Therefore, we request the Board of Supervisors to adopt a resolution to initiate formation of a benefit assessment district to pay for the installation, operation and maintenance of streetlights in the unincorporated area of Kenwood Park, as shown on the attached map. It is our understanding that this petition does not obligate us in any way; and that a landowner ballot procedure must receive a simple majority approval of votes cast before the Lighting District can be approved by the Board of Supervisors and the lights installed and assessments begin.

No.	Signature	Printed Name	Address	Landowner? Circle Yes or No
1		Mireya Miller	901 Kenwood AV	<input checked="" type="radio"/> Yes <input type="radio"/> No
2		Linda Taylor	960 Kenwood Ave	<del>Yes</del> <input type="radio"/> No
3		Sarah Foster	1000 Kenwood Ave	yes (daughter)
4	* Mike Maunakea	MIKE MAUNAKEA	1058 / 1072 Kenwood Ave	<del>Yes</del> <input type="radio"/> No
5	Phillip Strait	PHILLIP STRAIT	1000 Kenwood Av.	No
6		JAIME GUTIERREZ	1086 KENWOOD AV.	No
7	* Jessica Bricker	JESSICA BRICKER	1150 Kenwood Ave Apt A Turlock	NO
8		Parideh mesackhan	1150 C	No
9	Najiba Bella	N-B.	1150 B	No
10		Justin Rivera	1183 Kenwood	(Son of owner) <input type="radio"/> No

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No.	Signature	Printed Name	Address	Landowner? Circle Yes or No
1	<i>Ceda Lucido</i>	CEDA LUCIDO	1121 KENWOOD AVE, TORLOCK	Yes <input checked="" type="radio"/> No
2	<i>Carol Gilbert</i>	CAROL Gilbert	1111 Kenwood ave	NO
3	<i>Jose a Rodriguez</i>	JOSE ABEL Rodriguez	1039 Kenwood Ave	NO
4	<i>Liliana Rodriguez</i>	Liliana Rodriguez	1025 Kenwood Ave	NO
5	<i>Francis L Reynolds</i>	JANIE Reynolds	983 Kenwood Ave	NO
6	<i>Victor Ruiz</i>	Victor Ruiz	1060 MITCHELL	no
7	<i>* Bridget Fletcher</i>	BRIDGET FLETCHER	954, NORTH MITCHELL AVE	YES
8	<i>Sherri Rozar</i>	Sherri Rozar	921 N. Mitchell Ave.	No
9				
10				