

ACTION CALENDAR

March 19, 2013

To: Honorable Mayor and Members of the City Council

From: Public Works Commission

Submitted by: Ray Yep, Chair, Public Works Commission

Subject: Measure M Expenditure Plan

RECOMMENDATION

Approve the use of a programmatic approach to develop a clear program for the implementation of Measure M. The program should be based on scenario planning that would provide the outcome of an open public process to balance the needs of street surfacing and storm watershed management. The program would be based on Council Resolutions, including the Paving Policy, Watershed Management Plan, and Measure M, as well as adopted area plans such as the SOSIP.

FISCAL IMPACTS OF RECOMMENDATION

The recommended approach has no direct fiscal impacts. Implementation of the final construction program, such as contracting for the resulting actual street and watershed improvements, will result in significant expenditures toward forthcoming Measure M bond sales and other existing street improvement funds. These will be presented for Council approval as the Measure M implementation progresses in FY 2014 and beyond.

CURRENT SITUATION AND ITS EFFECTS

Program development

Program development should be performed by Public Works staff and would include the results of the scenario planning process in the form of public input and the participation of the Public Works Commission (PWC), as well as the Community Environmental Advisory, Transportation, and Parks & Recreation Commissions, and other interested commissions. The process of developing a program should result in a written plan that should include baseline conditions, scenarios identifying an array of allocation options, available revenue streams that can be used in conjunction with M funds, and projects that can be enhanced by the expenditure of M monies.

Program Implementation

The program implementation plan should identify the delivery mechanism to ensure that projects can be delivered as identified, to establish performance targets including the metrics to judge success, and to provide program oversight including regular reporting to the PWC, in coordination with the review of the annual Paving Plan, and to the Council.

Goals to be developed should address desired improvements in the street surface and in runoff quality and quantity. Metrics could include percentage improvement in the Pavement Condition Index (PCI), improvements in measured contaminants flowing into the watershed from the streets, as well as reduction in flooding events for stated storm impacts within individual watersheds. The program could also provide tremendous public education and awareness opportunities with the City's ability to gain public support to fund future projects as one possible measurement of success.

The PWC understands that funds from M will not become available until the beginning of FY 2014. In order to be in a position to start Measure M project expenditures immediately upon availability, the scenario planning would take place over the next 6 months. Meanwhile staff would initiate the technical evaluation of prioritizing the accelerated street paving program while coordinating with Watershed Management Plan (WMP) concepts. The technical evaluation will merge with the scenario process to produce a new enhanced 5-Year Street Paving Plan in the fall. The Plan would be ready for Council adoption by October 2013, in time for inclusion in the Appropriation Ordinance Amendment in December 2013 to add the Measure M funds to the FY 2014 budget.

BACKGROUND

Scenario Planning

Using a scenario development process with input from the community will provide for review of an array of potential scenarios with a recommendation for a preferred scenario as the outcome of the process as the basis of the Plan. The following is a description of scenario planning by Peter Gleick in a process he used for climate change adaptation:

Scenario-based planning is premised on the idea that while we cannot predict the future, we can gain insight by comparing different potential future scenarios: "Analysts and decision makers often construct scenarios to better understand the consequences of choices or policies on a wide range of plausible future conditions. This is particularly useful when there are great uncertainties about how the future may evolve, or when the stakes are especially high. Sometimes scenarios explore outcomes that are unlikely or incongruent with current decisions and policies. Sometimes these scenarios are purely descriptive and are designed to study outcomes that had not previously been considered. Sometimes the scenarios are quantitative and represent discrete outcomes drawn from a range of possible futures" (Gleick et al. 2003).

It is finally noted that the concerns of the Council and community with the condition of the street and watershed infrastructure are demonstrated by the strong support of the voters for Measure M; inclusion of biennial status reports for both streets and watershed as 2 of the 4 reports Council has requested from the City Manager; the connection between the streets and watershed as noted in the Street Repair Policy, and Watershed Management Plan; and as detailed in the most recent area plan, the SOSIP.

The recommendation was approved by the PWC at its meeting on February 7, 2013. (M/S/C: Schueler/Henry; Ayes: Haramati, Henry, Kelley, Schueler, Yep; Noes: None; Abstain: None; Absent: Neal)

RATIONALE FOR RECOMMENDATION

Given that there are today more than \$270 million in identified street surface and storm water project needs, the PWC recognizes that allocation of the \$30 million projected bond money that will become available from Measure M in the coming years will only begin to address street surface and watershed restoration needs. The recommended approach is considered to be the most effective use of such limited funds.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

See the companion report from City Manager.

CONTACT PERSON

Jeffrey Egeberg, Secretary, Public Works Commission, 981-6400

Attachments:

- 1: Measure M
- 2: 2009 City of Berkeley Street Rehabilitation and Repair Policy
- 3: Resolution No. 64,733-N.S., Street Repair Policy Update and Permeable Paver Trial Project

Measure M

Shall the City of Berkeley issue general obligation bonds not exceeding \$30,000,000 for street improvements and integrated Green Infrastructure such as rain gardens, swales, bioretention cells and permeable paving, to improve roads, reduce flooding and improve water quality in the creeks and Bay?

WHEREAS, the City has developed a 5 year street repaving plan, which it updates annually; and

WHEREAS, the City has developed a Watershed Management Plan to manage and improve overall watershed health within the City's boundaries by identifying and prioritizing infrastructure needs associated with aging facilities and capacity needs, and in particular utilizing Green Infrastructure elements (such as rain gardens, swales, bioretention cells, permeable paving) within the public right-of-way and streets; and

WHEREAS, because the City's streets, with their curbs and gutters, are an integral part of the City's storm water management system, storm water management improvements consistent with the Watershed Management Plan should be integrated into street improvements where they will enhance water quality and flood control; and

WHEREAS, existing annual funds and funding sources are insufficient to adequately improve the City's streets, aged storm drains and storm water management systems and improve water quality in the City's creeks and the Bay; and

WHEREAS, the City needs to repair its failing streets by significantly accelerating implementation of its 5 year street repaving plan, but existing funds and funding sources are inadequate to do so; and

WHEREAS, the City Council has therefore determined that the public interest requires additional funding for acceleration of the 5 year street repaving plan, as it is updated annually.

NOW THEREFORE, BE IT RESOLVED by the People of the City of Berkeley that the public interest requires the issuance of a general obligation bond in the amount of \$30,000,000 to fund construction of the Improvements described below.

BE IT FURTHER RESOLVED the People of the City of Berkeley that:

A. Proceeds of bonded indebtedness shall be used to construct the following facilities ("Improvements"):

1. Street repaving and rehabilitation consistent with the 5 year street repaving plan as it is updated annually, and sufficient to significantly accelerate the implementation of that plan.

2. Installation of Green Infrastructure (GI), as it is defined in the Watershed Management Plan as part of the street work described in the preceding paragraph, when appropriate. GI includes, but is not limited to:

(a) surface level bio-retention measures (rain gardens, swales, bio-retention cells, permeable paving, etc.) within the parking strip, planter area of sidewalks, red zone curb-extensions, and in street medians as feasible; and

(b) large underground storage pipes, which would fill during storm events and then discharge metered flows into the existing storm drain pipelines.

CITY OF BERKELEY STREET REHABILITATION AND REPAIR POLICY

Updated March 2009

STREET REHABILITATION POLICY

Section 1. General Policy

It is the policy of the City of Berkeley that there shall be a 5-year Street Rehabilitation Plan for the entire City to be adopted by the City Council.

The primary purpose of the street rehabilitation program is to maintain a safe surface conveyance system in the public right-of-way for vehicles, bicycles, transit and pedestrians. The right-of-way also provides ancillary functions of a water conveyance system and location of public utilities.

The City shall strive to identify and implement integrated solutions that address the multiple demands on the street infrastructure that are designed for safety, environmentally sustainable and economically efficient over the long run.

The Plan shall make use of all available funding and set priorities for rehabilitation of streets in accordance with their use, as follows:

- Arterials
- Collectors
- Residentials

(Within the collectors and residential street categories, bus and bicycle routes shall be given first consideration.)

To the extent practicable, these priorities shall be consistent with:

- 1) the City's General Plan policy of encouraging use of forms of transportation other than automobiles,
- 2) the Regional Water Quality Control Board (RWQCB) goals regarding water quality, flooding potential and runoff control, and
- 3) the City's Measure G goal of an 80% reduction of greenhouse gas emissions by 2050.

Section 2. Assumptions

- 1) Emergency and interim work for trench and pothole repair will be done and funded outside this program.
- 2) Available funds for street rehabilitation include Gas Tax, Measure B Sales Tax, and other federal, state, and local funds appropriated by the City Council for this purpose during the annual budget process.
- 3) Additional sources of funding other than those above will be needed to ensure acceptable levels of effort in street rehabilitation.

Section 3. Funding

Federal and State transportation and other similar funds shall be used for repair of arterials. When all eligible work on arterials has been completed in a certain year, these fund sources may be applied to collectors.

All Berkeley's Measure B Sales Tax funds allocated for local streets and roads, all new gas tax subventions, as much of the current gas tax subventions as available and other similar funds shall be used for street rehabilitation as follows:

- 10% for Arterials
- 50% for Collectors
- 25% for Residentials
- 15% for Discretionary and Demonstration Projects

The fees assessed to mitigate for excessive deterioration on and wear and tear of streets resulting from construction activities, public or private, shall be used for street rehabilitation.

To provide for maximizing the use of the limited funds available, the Program may provide for paving publicly owned unimproved streets in areas other than those zoned S1 (industrial and manufacturing) if at least 75% of the cost is borne by the adjacent property owners.

Section 4. Specific Policy

The Street Rehabilitation Program shall be based on the following criteria, listed in order of priority:

- 1) Street rehabilitation shall be coordinated with utility, sewer, water contamination runoff issues, and other underground activities to minimize the cost and maximize the effectiveness of rehabilitation and improve the environment.
- 2) Long term cost effectiveness, long term street pavement durability and aesthetics are important for priority setting and repair methodology selection.
- 3) In order to benefit the greatest number of residents, heavy street use (as indicated by traffic counts and bus routes designated in AC Transit's Comprehensive Service Plan) shall be given great consideration.
- 4) Demonstration and test projects for new technologies should be located in high visibility and heavily used areas. See attached document on background and recommendations for the trial permeable paver sites.
- 5) Rehabilitation of an entire street, rather than one block at a time, shall be scheduled as much as possible.
- 6) First hand assessment of streets, as well as computer based analysis, shall be a basis for street rehabilitation program development.

Section 5. Program and Policy Development and Update

The 5-year Street Rehabilitation Program shall be adopted by the City Council and the 5-year planning process shall be adopted as a City policy as follows:

- 1) Each year, the 5-year program shall be reviewed and updated formally by the City Council, with the advice of the Public Works Commission.
- 2) On an annual basis coinciding with budget preparation, the Street Rehabilitation Policy shall be reviewed and updated formally by the City Council, with advice of the Public Works Commission.
- 3) Both the 5-Year Program and the Street Rehabilitation Policy shall be reviewed and updated annually to ensure that the revolving 5-Year Street Plan is consistent with the policy stated herein and for consistency with General Plan and Area Plan policies.

Attachment 3: Resolution No. 64,733-N.S.,
Street Repair Policy Update and Permeable Paver Trial Project

RESOLUTION NO. 64,733-N.S.

STREET REPAIR POLICY UPDATE AND PERMEABLE PAVER TRIAL PROJECT

WHEREAS, Resolution No. 55,384-N.S. authorized the Public Works Commission to work with staff to submit an annual update to the Street Repair Policy and the annual Street Paving Plan; and

WHEREAS, the Street Paving Plan has been updated every year but the Street Repair Policy has not been updated for many years; and

WHEREAS, although the current Five-Year paving plan has not been updated because last year's program was deferred due to economic uncertainties, it is time to update the Street Repair Policy to reflect the principles of the Climate Action Plan and new technologies and concepts that are environmentally sustainable, economically efficient, and effective in the long term for Fiscal Years 2010-2014; and

WHEREAS, in the era of extreme climate change, it is essential to change many approaches to environmental protection, of which one important technique to improving water quality and reducing pollutants and environmental risks is the promise of the many benefits of pervious and permeable pavement; and

WHEREAS, a trial installation of permeable paving materials would help attain the goals of the "Climate Action Plan" by addressing multiple demands on City's street and sidewalk infrastructure that are environmentally sustainable, economically efficient, and effective in the long term; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Street Repair Policy update dated March 2009 is hereby adopted, together with its attached 5-Year Street Paving Plan for 2010 - 2014.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley endorses the concept of a trial installation project of permeable paving materials, and allocates up to 15% discretionary funding of the FY 2010 adopted street paving budget, if needed after opportunities for grants and other outside fund sources are explored, for a trial installation of permeable paving materials on City street projects.

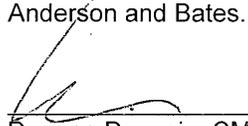
The foregoing Resolution was adopted by the Berkeley City Council on December 15, 2009 by the following vote:

Ayes: Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, and Wozniak.

Noes: None.

Absent: Anderson and Bates.

Attest:


Deanna Despain, CMC, City Clerk


Linda Maio, Mayor Pro Tempore

