




Office of the City Manager

CONSENT CALENDAR  
March 11, 2014

To: Honorable Mayor and Members of the City Council  
From:  Christine Daniel, City Manager  
Submitted by: Andrew Clough, Director, Public Works  
Subject: Declaration of Intent: FY 2015 Street Light Assessment

RECOMMENDATION

Adopt a Resolution:

1. Approving the Engineer's report, Street Lighting Assessment District 1982-1, dated January 2014;
2. Setting a public hearing to be held before Council at its May 6, 2014 meeting; and
3. Authorizing the City Clerk to publish the notice of the public hearing for FY 2015 Levy of Assessments of Street Lighting Assessment District No. 1982-1.

FISCAL IMPACTS OF RECOMMENDATION

The rates proposed are incorporated in the Engineer's Report and reflect no change in the Berkeley Street Lighting Assessment District No. 1982-1 for FY 2015.

Accordingly, this action is exempt from the notice, protest, and hearing requirements of State Proposition 218 (Government Code Section 53753) as set forth in Government Code Section 53753.5 (Article XIII D, Sec. 5). Any increase or change in formula of the assessments would make the annual assessment for Berkeley Street Lighting Assessment District No. 1982-1 subject to procedures and approval process of Proposition 218 (Government Code Section 53750-53754).

Costs for the City's Street Lighting Program are projected to be \$2.05 million in FY 2015 with revenue from street light assessments estimated at \$1.35 million. This results in a shortfall of approximately \$700,000 for FY 2015. Street light rates that generate the revenue to support the program cannot be increased without voter approval. Until the rates can be increased to fully cover costs, the Street Light Fund will require an ongoing annual subsidy from the General Fund to offset the program deficit.

The proposed annual assessment rates for Berkeley Street Lighting Assessment District No. 1982-1 are:

Residential and Institutional .....	\$0.0108/Building Square Footage (BSF)
Industrial .....	\$0.0216/BSF
Commercial.....	\$0.0432/BSF

The street light assessment rates are set according to the median intensity of light received by property. An average residential property with a 1,900 square foot building would pay \$20.52 a year (1,900 BSF x \$0.0108/BSF) for street lighting. Commercial areas have a median light intensity four times brighter than residential areas; therefore the rate for commercial properties is four times higher than for residential properties. An average business with 5,000 square feet would pay \$216.00 a year (5,000 BSF X \$0.0432/BSF). Industrial areas have twice the median light intensity of a residential area and the rate is two times higher than the residential rate. An industrial property with 10,500 square foot business would pay \$226.80 a year (10,500 GSF x \$0.0216/BSF). Again there are no changes proposed for FY 2015.

### CURRENT SITUATION AND ITS EFFECTS

The Street Light Assessment District No. 1982-1 has not had a rate increase since FY 1993 and the current level of revenues is not adequate to cover ongoing maintenance and operation costs. The planned FY 2015 budget, subject to Council authorization in June includes a General Fund subsidy in the amount of \$671,529.

The rates proposed are incorporated in the Engineer's Report and reflect that no changes are recommended for assessments in the Street Light Assessment District No. 1982-1. The table below indicates the proposed and prior year's assessment rates.

### **Proposed and Prior Years Assessment Rates District 1982-1**

<u>YEAR</u>	<u>RESIDENTIAL</u>	<u>COMMERCIAL</u>	<u>INDUSTRIAL</u>
1982-83	\$0.0137	\$0.0548	\$0.0274
1983-84	\$0.0115	\$0.0460	\$0.0230
1984-85	\$0.0069	\$0.0276	\$0.0138
1985-86	\$0.0096	\$0.0384	\$0.0192
1986-87	\$0.0147	\$0.0588	\$0.0294
1987-88	\$0.0116	\$0.0464	\$0.0232
1988-89	\$0.0120	\$0.0480	\$0.0240
1989-90	\$0.0120	\$0.0480	\$0.0240
1990-91	\$0.0120	\$0.0480	\$0.0240
1991-92	\$0.0120	\$0.0480	\$0.0240
1992-93	\$0.0108	\$0.0432	\$0.0216
1993-14	\$0.0108	\$0.0432	\$0.0216
2014-15	\$0.0108	\$0.0432	\$0.0216

### BACKGROUND

On July 27, 1982, under the Landscaping and Lighting Act of 1972 (Streets and Highway Code Section 22620-22631) Council established the Berkeley Street Lighting Assessment District No. 1982-1 with the approval of Resolution No. 51,499-N.S. The Landscaping and Lighting Act of 1972 requires the City Council to hold a public hearing each year to consider the adoption of an annual budget and changes to the Engineer's Report, even if the assessments are not being increased.

The City's Engineering Division has filed with the City Clerk the Engineer's Report for the levies of the annual assessment for FY 2013. Copies of the Engineer's Report with FY 2013 assessments are on file as of February 21, 2014 in the Main Library and the City Clerk's Office.

In accordance with the Landscaping and Lighting Act of 1972, Council sets a date for a public hearing and authorizes the publication of a notice at least 10 days prior to the date of the public hearing to allow any owner of assessed property to make a protest against the annual levy either orally or in writing. During the course or upon the conclusion of the public hearing, the Council may order changes in any of the matters provided in the report, including changes in the improvements, any zones within the assessment district, and the proposed diagram or the proposed assessment as long as any proposed changes are less than the proposed annual levy.

The district is exempt from the requirements of State Proposition 218, the Right to Vote on Taxes Act, since it was implemented before November 6, 1996 and the rates have not been increased since FY 1993. No increase is recommended for FY 2015 in the Street Lighting Assessment District No. 1982-1. If the City proposes a fee increase in the future, the district will then be subject to the procedures and approval process as set forth in the act.

The improvements to be made in this assessment district are generally described as the maintenance or servicing, or both, of existing and future public lighting facilities, including: traffic signals, and the installation and construction of curbs, gutters, walls, sidewalks or paving, or water, or irrigation, drainage related to operation of the public lighting facilities.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with approving the Engineer's report and holding a public hearing. However, there are environmental benefits associated with the improvement project the City has undertaken to convert existing street lights to Light Emitting Diode (LED) equivalents. The project's objectives are to optimize environmental benefits of the Street Light program, including: reduce greenhouse gases emitted by reducing the energy used by street lighting; recycle old fixtures rather than disposing as toxic materials; maximize energy and energy cost savings; and achieve the City's illumination standards.

#### RATIONALE FOR RECOMMENDATION

The Landscaping and Lighting Act of 1972, under which this Assessment District was formed, requires a public hearing to be held each year at the City Council Meeting to consider the adoption of an annual budget and changes to the Engineer's Report.

#### CONTACT PERSON

Phil Harrington, Deputy Director, Public Works, 981-6661  
Lorin Jensen, Supervising Civil Engineer, Public Works, 981-6411

Attachments:

- 1: Resolution
- 2: Engineer's Report, Dated January 2014
- 3: Notice of Public Hearing

RESOLUTION NO. ##,###-N.S.

DECLARATION OF INTENT: FY 2015 STREET LIGHTING ASSESSMENTS

WHEREAS, on July 27, 1982, Council Adopted Resolution No. 51,449–N.S. that completed proceedings to form Berkeley Street Lighting Assessment District No. 1982-1; and

WHEREAS, pursuant to Chapter 3 of the Landscaping and Lighting Act of 1972 Street and Highway Code Section 22620-22631, the Department of Public Works, Engineering Division, Engineer of Work for Berkeley Street Lighting Assessment District No. 1982-1, prepared and filed an annual report and Diagram for levy of annual assessments for Fiscal Year 2015 with the City Clerk.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley approves the Engineer's Report, dated January 2014, on levy of assessments for FY 2015 for Berkeley Street Lighting Assessment District 1982-1. The area of land to be assessed is located in the City of Berkeley, Alameda County.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley declares its intention to levy and collect assessments within the Berkeley Street Lighting Assessment District 1982-1 for the Fiscal Year 2015.

BE IT FURTHER RESOLVED that the City Clerk shall publish a notice at least 10 days prior to the date of the public hearing with the date, hour, and place of the public hearing for annual levy and collection of assessments in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Section 6061 of the Government Code.

BE IT FURTHER RESOLVED that improvements to be made in this assessment district are generally described as the maintenance or servicing, or both, of existing and future public lighting facilities, including, but not limited to, traffic signals and the installation and construction of public lighting or the maintenance or servicing thereof, including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk or paving, or water or irrigation, drainage related to operation of the public lighting facilities.

BE IT FURTHER RESOLVED that the annual report for Fiscal Year 2015 for which assessments are to be levied and collected to pay the costs of the improvements described in the report prepared by the Department of Public Works, Engineering Division, in accordance with the Landscaping and Lighting Act of 1972 is filed with the Office of City Clerk. All interested persons are referred to that report for a full and detailed description of improvements, boundaries of the assessment district, and proposed assessments upon assessable lots and parcels of land within the assessment district.

BE IT FURTHER RESOLVED that on Tuesday, May 6, 2014 the City Council will conduct a public hearing in the Berkeley Council Chambers located at 2134 Martin Luther King, Jr. Way, Berkeley, California.

CITY OF BERKELEY

# **STREET LIGHTING ASSESSMENT DISTRICT 1982-1**

## **ENGINEER'S REPORT**

on the  
Levy of an Assessment  
for the  
Fiscal Year 2015

January 2014

Prepared by

LORIN JENSEN, PE  
CITY OF BERKELEY  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION

**BACKGROUND**

By its Resolution 51,230 N.S., adopted April 6, 1982, the Berkeley City Council initiated proceedings under the provisions of Division 15, Part 2, of the California Streets and Highways Code, entitled "Landscaping and Lighting Act of 1972". The required public hearing was held on July 20, 1982, at which time the Council ordered the improvements and the formation of the assessment district, and confirmed the diagram and assessment. The district so formed was designated the "City of Berkeley Street Lighting Assessment District 1982-1". Assessments were levied for the 1983 through 2014 fiscal years.

This report was prepared and filed pursuant to Division 15, Part 2, of the California Streets and Highway Code Section 2250, and is exempt from Government Code Section 53753 since the proposed assessment for FY 2015 will not be increased.

**PLANS AND SPECIFICATIONS**

The plans and specifications for this assessment district were prepared and filed with the Engineer's Report for the 1983 fiscal year, which plans and specifications are incorporated herein by this reference thereto.

**METHODOLOGY**

The benefit to individual parcels within the Assessment District was established in 1982 based on the median light intensity a parcel receives. Parcel's Land Use Code (LUC) is used to categorize the parcels. The assessment is calculated by multiplying the building square footage on the parcel times the rate of its category. The rate structure has three categories: 1) Residential and Institutional, 2) Industrial, 3) Commercial. An industrial area has twice the median light intensity of a residential area and a commercial area has four times the median light intensity; therefore, the rates are two and four times higher, respectively, than the residential rate. The rates are:

Residential and Institutional .....	\$0.0108/Building Square footage
Industrial .....	\$0.0216/Building Square Footage
Commercial .....	\$0.0432/Building Square Footage

**ESTIMATE OF COSTS**

The improvements to be made in this assessment district are generally described as the maintenance or servicing, or both, of existing and future public lighting facilities, including, but not limited to, traffic signals and the installation and construction of public lighting or the maintenance or servicing thereof, including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk or paving, or water or irrigation, drainage or electrical facilities.

The costs of this assessment district for Fiscal Year 2015 are estimated to be as follows:

<b>Personnel Costs</b>		<b>\$975,511</b>
<b>Non-Personnel Costs</b>		
Supplies, Etc.	\$140,841	
PGE Electric Costs	\$597,151	
Indirect Costs	\$119,553	
Internal Services	<u>\$212,470</u>	
<b>Subtotal, Non-Personnel Costs</b>		<b>\$1,070,015</b>
<b>Total Costs</b>		<b>\$2,045,526</b>
<b>Gross Assessment</b>		<b>\$1,375,774</b>
<b>County Collection Fee (1.7%)</b>		<b>(\$23,342)</b>
<b>Net Assessment</b>		<b>\$</b>
<b>Transfer from General Fund</b>		<b>(\$693,094)</b>

## DIAGRAM

The diagram for this assessment district was prepared and filed with the Engineer's Report for the 1983 fiscal year, which diagram is incorporated herein by this reference thereto.

## ASSESSMENT

Except as described below, the assessments to be made against the assessable lots and parcels of land within this assessment district are contained in the "2015 Assessment Roll" for this district, which roll is filed herewith and incorporated herein by this reference thereto.

Said assessment roll filed herewith is based on data contained in the City's 2014 Library Tax tape and the County Assessor's 2014 maps. In the event that data contained in the 2014 Library Tax tape and 2014 maps, when issued, conflict therewith, assessments to be made against the affected parcels for this 2015 fiscal year shall be based upon the revised data contained in said 2015 tape and 2015 maps.



Dated: \_\_\_\_\_, 2014

\_\_\_\_\_  
Lorin Jensen, RCE 53342  
Engineer of Work

Filed in the office of the City Clerk of the City of Berkeley, Alameda County, California,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Mark Numainville  
City Clerk

Filed in the office of the County Auditor-Controller of Alameda County, California, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Patrick O'Connell  
County Auditor-Controller

## DETAIL OF STREET LIGHTING COSTS 2015

	Personnel	Non-Personnel			Internal Services	TOTALS
	Personnel	Supplies, etc	PGE Electric	Indirect Costs		
Customer Service - 311	\$26,812			\$3,547		\$30,359
Revenue Collection	\$18,729			\$1,773		\$20,502
Financial Admin Services				\$364		\$364
Corp Yard Administration				\$1,091		\$1,091
General Engineering Facilities Maintenance				\$121		\$121
Communication System Mtce.		\$1,000				\$1,000
Street Lighting Maintenance	\$929,970	\$127,101	\$595,866	\$112,536	\$191,238	\$1,956,711
Corp Yard Maintenance		\$12,740	\$1,285		\$21,232	\$35,257
Graffiti Abatement				\$121		\$121
<b>TOTALS</b>	<b>\$975,511</b>	<b>\$140,841</b>	<b>\$597,151</b>	<b>\$119,553</b>	<b>\$212,470</b>	<b>\$2,045,526</b>

CITY OF BERKELEY

**STREET LIGHTING  
ASSESSMENT DISTRICT 1982-1**

**2015 Assessment Roll  
Listed by  
Assessor's Parcel Number**

January 2014

Engineer's Report with Full Listing of Assessments by Assessor's Parcel Number is available at the following locations on or after February 21, 2014:

- City Clerk's Office, 2180 Milvia Street, Berkeley, CA 94704
- Main Berkeley Library, Reference Desk, 2090 Kittredge Avenue, Berkeley, CA 94704
- Public Works Engineering Division, 1947 Center Street, 4<sup>th</sup> Floor, Berkeley, CA 94704

Prepared by

LORIN JENSEN, PE  
CITY OF BERKELEY  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION

CITY OF BERKELEY

**STREET LIGHTING  
ASSESSMENT DISTRICT 1982-1**

**2015 Assessment Roll  
Listed by  
Street Address**

January 2014

Engineer's Report with Full Assessments Roll by Street Address is available at the following locations on or after February 28, 2014:

- City Clerk's Office, 2180 Milvia Street, Berkeley, CA 94704
- Main Berkeley Library, Reference Desk, 2090 Kittredge Avenue, Berkeley, CA 94704
- Public Works Engineering Division, 1947 Center Street, 4<sup>th</sup> Floor, Berkeley, CA 94704

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**CITY OF BERKELEY**  
**STREET LIGHTING ASSESSMENT DISTRICT 1982-1**  
**UTILITY PARCELS ASSESSMENT ROLL**

<b>UTILITY</b>	<b>PARCEL NO.</b>	<b>SQ. FT.</b>	<b>ASSESSMENT</b>
<b>PG&amp;E</b>			
135-1-6-5	060-2479-040	3,080	\$66.53
135-1-6C-1	057-2069-022	5,670	\$122.47
135-1-12-2	055-1838-021	2,374	\$51.28
135-1-41-2	053-1681-003	2,200	\$47.52
135-1-66-1	057-2022-018	5,457	\$117.87
135-1-22-3	053-1618-005	432	\$9.33
<b>PT&amp;T</b>			
279-1-12-6	055-1893-019	96,000	\$2,073.60
<b>EBMUD</b>			
	058-2180-001-01	4,500	\$97.20
	059-2323-003-02	2,000	\$43.20
<b>SOUTHERN PACIFIC</b>			
872-1-9-9	052-1514-008	4,445	\$96.01
<b>TOTALS</b>		<b>126,158</b>	<b>\$2,725.01</b>

**CITY OF BERKELEY**  
**ASSESSMENT DISTRICT NO. 1982-1**

**ASSESSMENT SUMMARY**

TYPE	NUMBER	SQ. FT.	RATE	ASSESSMENT
Residential	24,394	60,819,589	0.0108	\$666,059.34
Commercial	1,500	12,957,369	0.0432	\$522,210.26
Industrial	426	7,396.662	0.0216	\$159,732.46
Institutional	185	2,318,976	0.0108	\$25,046.88
Subtotals	26,505	83,492,596		\$1,373,048.94
Utility	10	126,158	0.0216	\$2,725.01
<b>TOTALS</b>	<b>26,515</b>	<b>83,618,754</b>		<b>\$1,375,773.95</b>

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**ANNUAL STREET LIGHTING ASSESSMENT**

The Department of Public Works is proposing no increase in FY 2015 assessment rates. The existing rates are:

- Residential and Institutional: ..... \$0.0108/Bldg Sf.
- Industrial:..... \$0.0216/Bldg Sf
- Commercial: ..... \$0.0432/Bldg Sf

Assessments are determined by building square footage and rates. FY 2015 Assessment Rolls for the Berkeley, Street Lighting Assessment District No. 1982-1 will be available at the City Clerk’s Office 2180 Milvia Street, 1<sup>st</sup> Floor, and at the Main Public Library, 2090 Kittredge Street.

The hearing will be held on, **MAY 6, 2014 at 7:00 p.m.** in the City Council Chambers, 2134 Martin Luther King, Jr. Way.

A copy of the agenda material for this hearing will be available on the City’s website at [www.cityofberkeley.info](http://www.cityofberkeley.info) as of **April 24, 2014.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

For further information, please contact Lorin Jensen at (510) 981-6411 or Phil Harrington, Deputy Director of Public Works at (510) 981-6661

**Published:** April 25, 2014 – The Berkeley Voice

City Clerk shall publish a notice at least 10 days prior to the date of the public hearing with the date, hour, and place of the public hearing for annual levy and collection of assessments in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Section 6061 of the Government Code.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on April 24, 2014.

Mark Numainville, City Clerk

