



Office of the City Manager

CONSENT CALENDAR

June 12, 2007

To: Honorable Mayor and
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Submitted by: Claudette R. Ford, Director, Public Works

Subject: Declaration of Intent – FY 2008 Street Lighting Assessments

RECOMMENDATION

Adopt a Resolution to: 1) approve the Engineer's Report, Street Lighting Assessment District 1982-1, dated April 2007; and 2) set a public hearing for June 26, 2007 Council Meeting

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 Fiscal Year 2008. 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).

The City's Street Lighting Program for FY 2008 is budgeted at \$2,068,117. The street light rates cannot be increased without voter approval. The net revenue generated by these assessments is \$1,330,807. Until the rates can be increased to cover costs, the street light fund will continue to be supplemented by a General Fund annual subsidy of \$737,310.

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

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

The street lighting assessment rates are set according to the median intensity of light received by a property. An average residential property with a 1,900 square foot building would pay \$20.52 a year (1900 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 (5000 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 BSF x \$0.0216/BSF). Again there is no change proposed for FY 2008.

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. In FY 2008, the General Fund will be subsidizing Fund 470 in the amount of \$737,310.

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 Year 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
2005-06	\$0.0108	\$0.0432	\$0.0216
2006-07	\$0.0108	\$0.0432	\$0.0216

The net revenue generated from these assessments is \$1,330,807. The County retains 1.7 percent of the revenue (\$23,015) to cover their collection costs.

BACKGROUND

On July 27, 1982, Council formed the Berkeley Street Lighting Assessment District No. 1982-1 by approving Resolution No. 51,449–N.S.

The Landscaping and Lighting act of 1972, under which this Assessment District was formed, 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 assessment is not being increased.

The City's Engineering Division filed with the City Clerk the Engineer's Report for the levies of the annual assessment for the Berkeley Street Lighting Assessment District No. 1982-1. Copies of the Engineer's Report with FY 2008 assessments are on file as of May 17, 2007 in the Berkeley Central Library on Kittredge Street.

Any owner of assessed property may make protest to the annual levy either orally or in writing. At the conclusion of the hearing, Council may order changes in any matters provided in the Engineer's Report including in the improvements, any zones within the assessment district, and the proposed diagram of the proposed assessment.

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 2008 in the Street Lighting Assessment District No. 1982-1. If the City imposes 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 but not limited to, traffic signals, and the installation and construction of public lighting or the maintenance or servicing thereof. Working activities can include, but are not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks or paving, or water, or irrigation, drainage or electrical facilities.

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 by Council to consider the adoption of an annual budget and changes to the Engineer's Report.

CONTACT PERSON

Jeffrey Egeberg, Manager of Engineering, 981-6400

Lorin Jensen, Supervising Civil Engineer, 981-6411

Attachments:

- 1: Resolution
- 2: Engineer's Report, Dated April 2007
3. Notice of Public Hearing

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

APPROVING THE APRIL 2007 ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR JUNE 26, 2006

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 2008 with the City Clerk.

NOWTHEREFORE, BE IT RESOLVED that the Council of the City of Berkeley approves the Engineer's Report, dated April 2007, on levy of assessments for FY 2008 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 2008.

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 or electrical facilities.

BE IT FURTHER RESOLVED that the annual report for Fiscal Year 2008 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, June 26, 2007 the City Council will conduct a public hearing in the Berkeley Council Chambers located at 2134 Martin Luther King Jr. Way, Berkeley, California.

BE IT FURTHER RESOLVED that the proposed assessment will not be increased in Fiscal Year 2008 over the assessments levied and collected for Fiscal Year 2007.

CITY OF BERKELEY

STREET LIGHTING ASSESSMENT DISTRICT 1982-1

ENGINEER'S REPORT

on the
Levy of an Assessment
for the
2008 Fiscal Year

April 2007

Prepared by

LORIN JENSEN, PE
CITY OF BERKELEY

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

BACKGROUND

By its Resolution 51230 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 2007 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 2008 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 and a commercial area has four times the median light intensity of a residential area; 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 the 2008 fiscal year are estimated to be as follows:

Salaries	\$549,837	
Fringes	<u>\$445,941</u>	
Subtotal, Personnel Costs		\$995,778
Supplies, Etc.	\$167,248	
PGE Electric Costs	\$539,000	
Indirect Costs	\$13,264	
Internal Services	<u>\$352,827</u>	
Subtotal, Non Personnel Costs		\$1,072,339
Total Costs		\$2,068,117
Gross Assessment		\$1,353,822
County Collection Fee (1.7%)		(\$23,015)
Net Assessment		\$1,330,807
Transfer from General Fund		(\$737,310)

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 “2008 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 2008 Library Tax tape and the County Assessor’s 2008 maps. In the event that data contained in the 2008 Library Tax tape and 2008 maps, when issued, conflict therewith, assessments to be made against the affected parcels for this 2008 fiscal year shall be based upon the revised data contained in said 2008 tape and 2008 maps.

Dated: _____, 2007

Lorin W. 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 _____, 2007

Pamyla Means
City Clerk

Filed in the office of the County Auditor-Controller of Alameda County, California, this
_____ day of _____, 2007.

Patrick O'Connell
County Auditor-Controller



Office of the City Manager

DETAIL OF STREET LIGHTING COSTS FY 2008

	Personnel Costs		Non-Personnel Costs				Totals
	Salaries	Fringe Benefits	Supplies Etc.	PGE Electric Costs	Indirect Costs	Internal Services	
Revenue Collection	\$6,113	\$3,662			\$1,508		\$11,283
Public Works Administration						\$3,434	\$3,434
Financial Admin Services	\$16,646	\$10,368				\$4,107	\$31,121
Corp Yard Administration			\$3,033		\$1,091	\$16,873	\$20,997
Gen. Engineering	\$6,146	\$2,615			\$121	\$1,516	\$10,398
Facilities Maintenance			\$1,000				\$1,000
Street Lighting Maintenance	\$520,932	\$429,296	\$132,815	\$539,000	\$10,423	\$300,260	\$1,932,726
Corp. Yard Maintenance			\$9,640			\$26,637	\$36,277
Graffiti Abatement			\$20,760		\$121		\$20,881
TOTALS	\$549,837	\$445,941	\$167,248	\$539,000	\$13,264	\$352,827	\$2,068,117

CITY OF BERKELEY

**STREET LIGHTING
ASSESSMENT DISTRICT 1982-1**

**2008 Assessment Roll
Listed by
Assessor's Parcel Number**

April 2007

Prepared by

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

**STREET LIGHTING
ASSESSMENT DISTRICT 1982-1**

**2008 Assessment Roll
Listed by
Street Address**

April 2007

Prepared by

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

CITY OF BERKELEY

STREET LIGHTING ASSESSMENT DISTRICT 1982-1

UTILITY PARCELS ASSESSMENT ROLL

<u>UTILITY</u>	<u>PARCEL NO.</u>	<u>SQ. FT.</u>	<u>ASSESSMENT</u>
P G & E			
135-1-6-5	060-2479-040	3080	\$ 65.54
135-1-6C-1	057-2069-022	5,670	122.48
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	117.88
135-1-22-3	053-1618-005	432	9.34
P. T. & T			
279-1-12-6	055-1893-019	96,000	2,073.60
EBMUD			
	058-2180-001-01	4,500	.97.20
	059-2323-003-02	2,000	42.98
Southern Pacific (S P CO)			
872-1-9-9	052-1514-008	4,445	96.02
		<hr/>	<hr/>
	Totals	126,158	\$ 2,723.84

CITY OF BERKELEY

STREET LIGHTING ASSESSMENT DISTRICT 1982-1

2008 ASSESSMENT SUMMARY

<u>Type</u>	<u>Number</u>	<u>Sq. Feet</u>	<u>Rate</u>	<u>Assessment</u>
Res. - Single	16,927	31,847,577	0.0108	\$ 343,956.56
Res. - Multiple	7,849	25,879,239	0.0108	\$ 312,170.94
Apartment	242	1,114,307	0.0108	\$ 12,034.64
Commercial	1,675	11,270,582	0.0432	\$ 486,889.10
Industrial	615	7,264,945	0.0216	\$ 156,922.40
Institutional	274	3,310,912	0.0108	\$ 39,124.06
Zero Code	10	-		\$ -
Utility	<u>10</u>	<u>126,158</u>	0.0216	<u>2,723.84</u>
Totals	27,602	80,813,720		\$ 1,353,821.54

**NOTICE OF PUBLIC HEARING - BERKELEY CITY COUNCIL
COUNCIL CHAMBERS, 2134 MARTIN LUTHER KING JR. WAY
ANNUAL STREET LIGHTING ASSESSMENT
TUESDAY, JUNE 26, 2007 AT 7:00 P.M.**

The Department of Public Works is proposing no increase in FY 2008 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 2008 Assessment Rolls for the Berkeley, Street Lighting Assessment District No. 1982-1 will be available at the City Clerk's Office 2180 Milvia Street, First Floor, and at the main Public Library, 2090 Kittredge Street.

For further information, please contact Lorin Jensen at (510) 981-6411, ljensen@ci.berkeley.ca.us, or Jeff Egeberg at (510) 981-6400, jegeberg@ci.berkeley.ca.us.

Anyone wishing to speak at the public hearing may receive a speaker card from the City Clerk at the start of the Council meeting up until the closure of the public hearing.

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. Comments received no later than Monday, June 18, 2007 will be included in Council agenda packets. Comments received thereafter will be submitted to Council as supplemental communications at the meeting. For further information, call Pamyla Means, City Clerk, 981-6900. FAX: (510) 981-6901. TDD: (510) 981-6903.

Pamyla Means, MMC, City Clerk

Published:

COMMUNICATION ACCESS INFORMATION:

To request a meeting agenda in large print, Braille, or on cassette, or to request a sign language interpreter for the meeting, call 981-6900 (Voice) or 981-6903 (TDD) at least 5 working days prior to the meeting to insure availability. Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

Please refrain from wearing scented products at public meetings.

