



Office of the City Manager

December 22, 2016

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Subject: Recommendations for allocating and managing  
Measure T1 General Obligation Bond funds

### SUMMARY

This report provides a proposed outline for implementation of Measure T1, which staff have been working to prepare for since August.

As you know, the measure provides up to \$100 million to fix unfunded infrastructure: storm drains, sewers, sidewalks, streets and public facilities. The measure addresses retrofitting of key structures, such as senior and recreation centers. These projects are not the most high profile, but, by helping create safe and durable infrastructure, they provide a foundation for the community.

The City has more than \$500 million in unfunded infrastructure needs, the deferment of which adds long-term costs. The first phase of the bond is expected to be about \$32 million. Staff prioritized potential T1 projects using the City's Resilience Strategy<sup>1</sup> criteria, which focus on addressing many infrastructure challenges at once to provide multiple benefits for our community. In this case, safety, financial, social, and environmental criteria were used. An interactive map of these projects and their location in Berkeley is available at the following website: <http://arcq.is/2hc5Qfp>.

The Phase 1 projects proposed here are in addition to projects that are currently funded or will be proposed for funding in the City's FY18/19 capital improvement budget.

These projects should be addressed quickly. Staff have spent the past four months developing a commission process that would incorporate a robust public process while delivering projects in an efficient manner.

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<sup>1</sup> The Resilience Strategy is available at [www.CityofBerkeley.info/resilience](http://www.CityofBerkeley.info/resilience)

In addition, staff has sought to be mindful of:

- The requirements embedded in Measure T1
- The Fair Representation Ordinance
- Obtaining input from all commissions
- Creating a coordinated, central way for information to flow to Council.

A summary of staff's recommendation for the public process is explained in greater detail further below.

### BACKGROUND

On Tuesday, November 8, 2016 Berkeley voters passed Measure T1 with an 86.5% approval. The measure needed a 2/3 vote to pass. This measure authorizes the City to sell \$100,000,000 of General Obligation Bonds (GO Bonds) to repair, renovate, replace, or reconstruct the City's aging infrastructure and facilities, including sidewalks, storm drains, parks, streets, senior and recreation centers, and other important City facilities and buildings.<sup>2</sup>

At the [October 18, 2016 worksession](#)<sup>3</sup>, the Public Works and Parks, Recreation and Waterfront Departments presented a report that detailed funded and unfunded facility and infrastructure needs. This report cited over \$500,000,000 in unfunded need. Other reports to Council in the last several years have detailed the vast needs in the City's aging infrastructure, whose repair or replacement has been too long deferred and whose failure would have substantial impacts on our community (see Attachment 2).

On September 13, 2016, Council adopted [Resolution No. 67,666-N.S.](#)<sup>4</sup>, which established guidelines for prioritizing these needs for the \$100,000,000 infrastructure and facilities bond. The report noted that staff would provide a T1 Program Plan that prioritizes improvements, and present the plan to commissions and the public. This report, compiled by staff from Public Works, Parks Recreation & Waterfront, Health, Housing & Community Services, and the Office of Energy & Sustainable Development, provides that T1 Program Plan.

### PROPOSED T1 PROGRAM PLAN

#### **Phasing**

Staff recommends that the \$100 million bond be allocated over 3 phases spanning a total of 12 years, which enables the City to evenly distribute workload over time, and to minimize disruption to the public as City services and facilities are renovated.

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<sup>2</sup> See Attachment 1 or <http://www.cityofberkeley.info/recordsonline/export/16955084.pdf>.

<sup>3</sup> [http://www.cityofberkeley.info/Clerk/City\\_Council/2016/10\\_Oct/Documents/2016-10-18\\_WS\\_Item\\_01\\_Update\\_on\\_Capital\\_Improvements.aspx](http://www.cityofberkeley.info/Clerk/City_Council/2016/10_Oct/Documents/2016-10-18_WS_Item_01_Update_on_Capital_Improvements.aspx)

<sup>4</sup> See [http://www.cityofberkeley.info/Clerk/City\\_Council/2016/09\\_Sep/Documents/2016-09-13\\_Item\\_24\\_Process\\_Guidelines\\_for\\_Prioritizing\\_\\$100\\_Million\\_-\\_Rev.aspx](http://www.cityofberkeley.info/Clerk/City_Council/2016/09_Sep/Documents/2016-09-13_Item_24_Process_Guidelines_for_Prioritizing_$100_Million_-_Rev.aspx)

- Phase 1: \$32 million allocation for fiscal years 2018 – 2021
- Phase 2: \$40 million allocation for fiscal years 2022 – 2025
- Phase 3: \$28 million allocation for fiscal years 2026 – 2029

This phasing also helps the City comply with bond requirements that 85% must be spent within 3 years of each issuance.

### **Community Process**

The bond measure requires subcommittees of the Public Works Commission and the Parks & Waterfront Commission to engage in a robust public process to receive input, and jointly report to the City Council on an annual basis.

To facilitate public input, staff recommends that the two lead commissions gather and synthesize input from the community and from other participating commissions, as follows:

The Parks & Waterfront Commission solicits input from:

- Children, Youth, and Recreation Commission; Civic Arts Commission; Community Environmental Advisory Commission; Disaster & Fire Safety Commission; and Energy Commission.

The Public Works Commission solicits input from:

- Commission on Aging; Commission on Disability; Housing Advisory Commission; Transportation Commission; and Zero Waste Commission.

Other interested commissions are welcome to provide input through the two lead commissions.

In addition to the public engaging through individual commission meetings, staff recommends holding two well-publicized joint lead commission meetings in March.

### **Timeline**

Starting in January 2017, staff will brief each participating commission on Measure T1 and on staff recommendations for Phase 1 projects. Lead commissions will review staff's recommended criteria and projects, hold meetings to gather commission and community input, and then deliver synthesized input to City Council by April 2017. City Council will provide direction to City staff on Phase 1 project prioritization between May and June 2017. This timeline is summarized below.

**Table 1 - Timeline for T1 Program Plan**

<b>Date</b>	<b>Action</b>
Jan-Mar 2017	Staff holds detailed discussions with lead Commissions: Parks & Waterfront Commission and Public Works Commission
Jan 2017	Staff provides T1 Program Plan to 10 additional participating Commissions
Feb 2017	Additional participating Commissions provide feedback to their lead Commission
Mar 2017	Lead Commissions hold two well-publicized joint Commission meetings
Apr 2017	Staff and lead Commissions prepare a joint recommendation for T1 Program Plan
May-Jun 2017	Council considers and approves T1 Program Plan

**Reporting and Oversight**

Staff recommends that the Parks & Waterfront Commission and Public Works Commission will continue to serve as the lead commissions for facilitating public input on a plan for later phases of Measure T1 implementation, in addition to facilitating public and commission input on recommendations for early phase investment.

Over the course of the multi-phase Measure T1 implementation process, staff will provide bi-annual reports (typically in March and September) to the Lead Commissions and a yearly report to City Council (typically in April) of each year. Staff will also utilize the City website and social media to provide ongoing updates to the community and to gather community input.

During Phase 1 discussions, staff will engage the Public Works and Parks and Waterfront Commissions in a discussion about additional oversight and evaluation for all bond measure projects and phases.

**Criteria**

Staff applied the following criteria to determine proposed T1 projects:

- **Prioritizes safety improvements:** for example, upgrades to building alarms, sprinklers, mechanical and electrical systems that pose safety concerns.
- **Addresses critical infrastructure needs:** for example, prioritizing improvements to infrastructure whose life cycle is long-expired.
- **Meets community needs:** impacts the greatest number of Berkeley residents, and considers Berkeley’s changing demographics.

- **Advances equity:** creates benefits for all communities, including communities of color; considers geographic and economic equity.
- **Advances environmental sustainability:** for example, through increasing energy and water efficiency and renewable energy use.
- **Improves preparedness:** contributes to community preparedness for disasters.
- **Leverages funding:** uses T1 dollars to compete for or compete grant-funded projects or projects using other financing.

The above list of criteria are not listed in a prioritized order. Each project meets at least one or more of the criteria.

In Phase 1, an additional consideration is *project readiness and sequencing*. Projects proposed in Phase 1 must be completed within three years of bond issuance; and should include planning or design projects to prepare construction projects for Phases 2 and 3.

Finally, to be eligible for bond funding, projects must be on property either owned or under a long-term lease by the City, (see “Limitations on Use of Bond Proceeds” later in this report).

### **Projects**

A \$32 million package of projects is proposed for completion in Phase 1. An interactive map of these projects and their location in Berkeley is available at the following website: <http://arcg.is/2hc5Qfp>. Proposed funding allocations are summarized in Table 2, and described in more detail below.

Together, these Phase 1 projects encompass all of the criteria listed above, and some will provide short-term, visible improvements in the community. Proposed projects include a mix of construction projects that can be entirely designed and built within Phase 1, and design/planning for more complex projects that can be constructed in Phases II and III.

**Table 2 - Proposed Allocation: Phase 1 \$32M**

<b><i>Project Categories</i></b>	<b>Total Amount</b>
Facilities	\$14,150,000
Complete Streets	\$5,500,000
Green Infrastructure	\$1,000,000
Parks	\$5,950,000
<i>Staffing/project management</i>	\$4,600,000
<i>Approx. transaction costs from bond sale</i>	\$800,000
<b>Total</b>	<b>\$32,000,000</b>

The Phase 1 projects proposed here are in addition to capital projects that are already funded or will be funded by the City’s existing capital improvement budget.

The estimated funding for each proposed project identified below includes all project costs, except project management staff. A more detailed description of staffing is included below.

**Facilities Projects (\$14,150,000)**

***Senior Centers and Community Centers (\$12,600,000)***

Staff recommends that one senior center and one community center be improved in each of the three phases. Staff proposes staggering these projects so that residents do not have to endure multiple disruptions to similar services at the same time. These centers provide essential services on a daily basis to thousands of community members. They also serve as the City’s designated care and shelter sites in the event of a disaster. The conclusion of seismic evaluations conducted in 2015 is that each of the facilities requires significant upgrades. [A report to Council summarizing the needs in these facilities](#) was presented to City Council in January 2016.<sup>5</sup>

To determine how best to phase the senior and community center projects, staff considered several factors. The South Berkeley Senior Center is not proposed for Phase I because it is already undergoing extensive interior renovation this year with a \$500,000 Community Development Block Grant. The James Kenney Community Center is not proposed for Phase 1 because it is in the process of a \$4M renovation that

<sup>5</sup> See <http://www.ci.berkeley.ca.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=114427>

includes a seismic retrofit, new siding and ADA upgrades that are, in part, funded with a Federal Emergency Management Agency (FEMA) grant. The Martin Luther King Youth Services Center is not proposed for Phase I because it is Berkeley United School District (BUSD) property, and currently on a month-to-month lease (see “Limitations on Use of Bond Proceeds” later in this report). If this lease status changes, it can be considered for Phase 2 planning and design.

Improvements to each facility will include seismic upgrades, energy and water efficiency upgrades and operational upgrades. The proposed upgrades will address deferred maintenance in the facilities and the associated costs of repeated repairs and system inefficiencies.

*North Berkeley Senior Center (\$6,800,000): Planning, Design and Construction*

The City has the ability to leverage a time-sensitive \$2 million grant from FEMA to complete a seismic upgrade for the N. Berkeley Senior Center.

*Live Oak Community Center (\$4,900,000): Planning, Design and Construction*

Of the three community center sites, this facility has the greatest potential to complete planning, design, and construction within a 2-3 year period.

*Frances Albrier Community Center (\$750,000): Planning and Design*

This project is to develop the plans and design for multi-benefit upgrades in this facility. Construction would occur in Phase 2 or 3.

*West Berkeley Service Center (\$150,000): Conceptual Design*

This site has multiple potential future uses; T1 funds would be to conduct a visioning process to evaluate alternative uses and associated capital improvements.

***City-Wide Facility Improvements (\$1,000,000)***

The City commissioned condition assessments of several critical public facilities. Those assessments identified specific upgrades needed to make the buildings safe and available for continued public use, and to address long-deferred maintenance concerns. In Phase 1, staff recommends dedicating funds to address high-priority improvements at the following facilities:

*Berkeley Health Clinic:* Electrical upgrades

*Public Safety Building:* Mechanical/HVAC upgrades

*Willard Clubhouse:* Roof and restroom improvements

*Corporation Yard Equipment Maintenance:* Roof improvements

*Marina Corporation Yard:* Electrical upgrades

***Old City Hall and the Veterans Memorial Building (\$300,000): Conceptual Design***

Staff recommends allocating T1 funds to conduct a visioning process to determine the best future use of Old City Hall and the Veteran's Building. These are large civic buildings which have substantial capital upgrade needs. A conceptual design process would help the City determine a direction for future capital improvements to restore and secure the facilities, and maximize their community benefit.

***Transfer Station Modernization (\$250,000): Master Plan***

Staff recommends developing a master plan for the redevelopment of the City's Waste Transfer Station, including the recycling center, with the goal of creating a new facility that would promote recycling and promote elimination of solid waste. The Master Plan will be developed collaboratively with the Zero Waste Commission, Community Conservation Center, Ecology Center, City staff, and all interested groups and individuals.

**Street Improvement Projects \$5,500,000**

Staff recommends allocating funding in each of the three phases to improving City streets and adjacent infrastructure, such as sidewalks, street gutters, curb ramps, retaining walls, and drainage. Streets are selected for rehabilitation each year based on pavement condition and field assessments performed by Public Works staff.

***City-Wide Street Improvements (\$5,000,000): Design and Construction***

For Phase 1, staff recommends the following street segments shown in Table 3.

**Table 3 - Proposed Street Improvements in Phase 1**

	<b>Street</b>	<b>From</b>	<b>To</b>
1	Adeline St.	Derby St.	Ashby Ave.
2	Hearst Ave.	Milvia St.	Henry St.
3	Bancroft Way	Milvia St.	Shattuck Ave.
4	Hopkins St.	San Pablo Ave.	The Alameda
5	Monterey Ave.	The Alameda	Hopkins St.
6	2 <sup>nd</sup> St.	Delaware St.	Addison St.
7	Ward St.	San Pablo Ave.	Acton St.

Street segments 1-6 above were part of a Council adopted paving plan, which was developed as part of the Measure M outreach process led by the Public Works Commission. Street selection was prioritized utilizing a scorecard, and other criteria in accordance with the City's Street Rehabilitation and Repair Policy and 5-Year Street Paving Plan. Street segments 1-6 above were initially planned to be completed with Measure M. However, during the design of the Measure M funded paving projects, Public Works staff transitioned from strictly paving



projects to taking a more comprehensive street improvement program approach. This approach included repairs to adjacent failing infrastructure, such as sidewalks, curbs, gutters, curb ramps, retaining walls, and drainage. Therefore, while fewer streets segments were paved because of additional costs, the projects that were completed are of better quality. Staff is recommending the same comprehensive street improvement approach for the proposed T1 projects. Staff also recommends adding the Ward Street segment from San Pablo Avenue to Acton Street in order to balance out the street improvements geographically throughout the City. This segment of Ward Street will provide a much needed upgrade to the connection to San Pablo Park from San Pablo Avenue.

*University Avenue Street Reconstruction (\$500,000): Planning and Design*

The segment of University Avenue leading to the Berkeley Waterfront (West Frontage Road to Marina Boulevard) has a Pavement Condition Index (PCI) of 9 out of a possible 100, rendering it one of the worst in the City. The two east-bound lanes run directly above portions of the old Berkeley pier. Over time, the pavement has settled around the pier beams, creating large bumps in the road. The proposed reconstruction of this road would shift the lanes to the north, off of the old pier. The project is currently in conceptual design, and alternatives for lane shifting are being developed. This planning and design project would consist of public process, design, obtaining permits, and preparation of construction documents for the pavement reconstruction. This project is expected to mitigate the poor pavement condition, improve intersection operation safety and efficiency, and provide roadway beautification improvements.

**Green Infrastructure Projects - \$1,000,000**

Green Infrastructure (GI) describes a strategy that uses small-scale stormwater controls to mimic natural hydrologic patterns in residential, commercial and industrial settings. GI measures entail managing runoff as close to its source as possible using landscape-based practices to promote the natural processing (removal of pollutants) of runoff by filtration, infiltration, adsorption, and/or evapotranspiration.

Staff recommends allocating funding to green infrastructure projects in all phases of the bond measure. Proposed Phase 1 projects include those GI projects identified in the Mid-Program Review Report for Measure M Integrated Streets Investment Plan and that are consistent with the City's Watershed Management Plan. Proposed projects are located in high-use areas to achieve the multiple benefits of cleaning and slowing stormwater runoff, preventing trash from entering storm drains, and educating the community about environmental stewardship. Two GI projects will be fully constructed; and four bioswale projects will be planned, designed and permitted for construction in future phases.

*Dwight and Sacramento Bus Stop Permeable Pavers (\$100,000): Design and Construction*

Permeable pavers will be installed at this bus stop to infiltrate water and capture trash associated with this heavily used intersection.

*Civic Center Park Bioswale (\$200,000): Design and Construction*

This bioswale will serve a high-use park in a densely populated area of downtown. Educational signage will foster stewardship with nearby high schoolers, residents, business employees, and downtown visitors.

*San Pablo Park Bioswale (\$200,000): Planning and Design*

This project is proposed because of its potential to relieve downstream flooding in the Potter Watershed, and offer educational opportunities to park users and residents. The site is also a potential candidate for a cistern, which would help decrease peak stormwater flows.

*Willard Park Bioswale (\$150,000): Planning and Design*

This project is proposed because of its proximity to the Potter Creek Watershed, and its potential to offer educational opportunities for Willard Middle School students, UC Berkeley students, park users and residents.

*North Branch Berkeley Library Bioswale (\$150,000): Planning and Design*

This project is proposed because of its potential to protect the steelhead habitat of Codornices Creek, as well as offer educational opportunities for library visitors and residents.

*King School Park Bioswale (\$200,000): Planning and Design*

This project would similarly protect Codornices Creek and its steelhead habitat, as well as offer educational opportunities for King Middle School students, park users and residents. This site is also a potential candidate for a cistern.

**Parks Projects \$5,950,000**

The following list contains geographically-disbursed, diverse improvements that are priorities for completion in Phase I. T1 park projects include upgrades to aging infrastructure at the City's highest-use parks, safety improvements at Aquatic Park which provide flood protection to West Berkeley, and an irrigation overhaul to help the City manage long-term drought conditions.

*Grove Park Phase 2 - Restroom/Sports Field - \$1,000,000*

The Grove Park ball field, adjacent to the MLK, Jr. Youth Services Center, is a high-use sports field in a low-income area that also has low park density. This project would include improvements to the existing ball field, dugouts, site lighting

and accessibility for safety and energy savings, including improvements to site drainage. The project would also include renovation of the existing bathroom building.

*San Pablo Park Tennis Courts - \$800,000*

This is a high-use sports facility serving residents from nearby low-income areas of the City. This project would reconstruct or renovate the existing six (6) lighted tennis courts at San Pablo Park.

*Rose Garden Drainage, Pathways and Tennis Courts - \$2,000,000*

Berkeley's historic Rose Garden was originally constructed in 1922. A number of the pathways have fallen into disrepair, drainage problems have emerged, and the tennis courts have cracked surfacing and require repair. This project would include: renovation of existing site pathways and construction of new pathways to provide a safe and accessible path of travel throughout the Rose Garden; improvements to site drainage and irrigation for preservation of the site and Codornices Creek; and reconstruction of the tennis courts for safety due to natural earth movement.

*Berkeley Municipal Pier Structural Renovation - Planning and Design \$900,000*

In 2015, the Berkeley Pier was permanently closed after being evaluated as structurally unsound. The City is currently undertaking a study to develop repair alternatives and cost estimates for restoring the Pier. This project would provide final design and construction documents for the structural repairs to restore the pier for recreational use. The project would also acquire regulatory permits and environmental documents for construction work in San Francisco Bay.

*Gilman North Restroom and Storage - Planning and Design \$250,000*

The Gilman Sports Fields annually accommodate 18,000 community members, including 4,000 children and youth. There are no permanent restrooms at this sports field. This project consists of architectural programming, supporting infrastructure study, and final design. The architectural programming will determine the building space criteria necessary to serve the needs for restroom and storage from the understanding of functional and operational requirements. Supporting infrastructure will analyze the most practical and economical approach for the utilities required to support the use of the building. With these limitations identified, the design phase will provide final design and prepare construction documents for the construction of the building, and its associated site work to meet accessibility requirements.

*Aquatic Park Tide Tubes Replacement-Planning and Design \$250,000*

Three of the existing five tide tubes have failed. The tide tubes perform a critical function for West Berkeley, by providing an outlet for storm water during

significant rain or flood events. This project consists of providing final design, acquiring regulatory permits and environmental documents for construction work in San Francisco Bay, and for the preparation of construction documents for replacement of collapsed tide tubes connecting the main lagoon in Aquatic Park to Bay water, and dredging operation to remove sediment collected near the tubes.

*Irrigation System Modernization - \$750,000*

This project would provide the software and equipment to replace the City's 230 irrigation controllers and timeclocks, which are almost entirely individually controlled, with a centrally-controlled, cloud-based irrigation system. This system would have the ability to adapt to weather station technology and would enable the City to better respond to drought conditions, and optimize watering and water conservation.

**Staffing for Measure T1 Project Management**

Project management staffing costs for bond projects are estimated to be between 14% and 15%. Over the next 12 years, and with the phasing proposed above, staff estimates that the equivalent of 5 full-time employees (FTEs) will be required to manage the work. In Phase I, staffing costs, including office space rental, equipment, and supplies, are estimated to be \$4.6 million.

BOND DETAILS

**Limitations on Use of Bond Proceeds**

- Expenditure timing requirement: Bond funds must be spent (not merely encumbered) promptly: 85% must be spent within 3 years of each issuance. If 85% is not spent the balance must be income-restricted, i.e., invested in a manner that does not generate income. When the bond is issued, the City will need to provide a draw down schedule, which reflects our reasonable expectation of expenditures as of the closing date of the issuance.
- Staffing: Bond proceeds can be used for hiring staff to work on projects and for soft costs, but not for purely "community process" efforts. For instance, a bond-funded project manager is not prohibited from talking to residents or attending meetings, but proceeds should not be used to, for instance, hire consultants to run public outreach or participation. Bond funds may be used to pay administrative costs (including staff time) directly related to bond-funded projects.
- Leased property: Bond proceeds may only be spent for the improvement of real property with "municipal improvements" as defined in BMC Section 7.64.020. Expenditures are limited to property owned or leased by the City. Thus, bond funds may not be spent to improve real property that is not owned or under a long term lease by the City. Accordingly, properties owned by the school district that are not under a long term lease to the City are not eligible. Nor are Berkeley

Tuolumne Camp or Echo Lake Camp, since the real property where they are located is owned by the federal government and the City operates the camps under a special permit, not a lease.

- Interest rate: The maximum rate of interest to be paid on the bonds shall not exceed six percent (6%).
- Debt service limit: The tax rate for debt service of these bonds should not increase beyond the average 10 year rates currently in effect with the outstanding general obligation bonds.

### **Bond Financing**

- Tax rate: The proposed plan for financing these bonds is to maintain the combined tax rate that citizens pay at the current 10-year average in effect for the outstanding City general obligation bonds throughout the life cycle of the bond issued. The actual tax rates and the years in which they will apply may vary from the current estimates, due to variations in the timing of bond sales, the amount of bond sold, market interest rates at the time of each sale and the actual assessed valuations over the term of repayment of the bonds. These variations and variables might impact the City's bond capacity at a specific time and might change the proposed staff recommendation of the Phases above, (Phase 1 – Phase 3).
- Cost of issuance: While there are multiple factors that affects cost of issuing bonds, a typical issuing cost is up to 3% of the bond value.

### **Reimbursement Resolution**

At the December 13, 2016 City Council meeting, Council adopted a [reimbursement resolution](#) authorizing charges to T1 Bond projects.<sup>6</sup> This item allows staff to start working on potential T1 bond projects after sixty days of its approval.

#### Attachments:

1. Resolution No. 67-522-N.S.
2. Recent reports to Council on City infrastructure and facilities needs

cc: Jovan Grogan, Deputy City Manager  
Phillip Harrington, Director, Public Works  
Scott Ferris, Director, Parks, Recreation and Waterfront  
Ann-Marie Hogan, City Auditor  
Mark Numainville, City Clerk  
Timothy Burroughs, Assistant to the City Manager  
Matthai Chakko, Assistant to the City Manager/Public Information Officer

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<sup>6</sup> See [http://www.cityofberkeley.info/Clerk/City\\_Council/2016/12\\_Dec/Documents/2016-12-13\\_Item\\_17\\_Reimbursement\\_Parks\\_Infrastructure.aspx](http://www.cityofberkeley.info/Clerk/City_Council/2016/12_Dec/Documents/2016-12-13_Item_17_Reimbursement_Parks_Infrastructure.aspx)

**RESOLUTION NO. 67,522-N.S.**

**DETERMINING PUBLIC INTEREST AND NECESSITY FOR ISSUING A GENERAL OBLIGATION BOND FOR IMPROVEMENTS TO EXISTING CITY INFRASTRUCTURE AND FACILITIES AND SUBMITTING TO THE BERKELEY ELECTORATE A MEASURE TO AUTHORIZE A GENERAL OBLIGATION BOND FOR CITY INFRASTRUCTURE IMPROVEMENTS**

WHEREAS, the City Council has proposed for voter approval a general obligation bond measure to pay for Improvements to existing city infrastructure and facilities; and

WHEREAS, the Council has requested that the Alameda County Board of Supervisors consolidate the General Municipal Election with the Presidential General Election; and

WHEREAS, the Council desires to submit all measures to be placed upon the ballot at said consolidated election; and

WHEREAS, this resolution is adopted pursuant to and in conformance with Chapter 7.64 of the Berkeley Municipal Code; and

WHEREAS, the City's existing infrastructure is critical to protecting the public safety and welfare and enabling the residents of Berkeley to have a high quality of life:

- Streets and sidewalks provide for transportation and accessibility for both the general public and public safety personnel.
- Storm drains and green infrastructure projects protect the public from flooding and improve the quality of runoff into San Francisco Bay.
- Senior Centers provide important services for the City's seniors, including educational courses, activities, social support, emergency shelters in disasters, and meals.
- Parks and recreation centers and facilities provide recreational, educational and social opportunities and support for children and families, and recreation centers can also function as emergency shelters in disasters.
  - The City's public buildings and other facilities are both important cultural resources in themselves and provide public services to the residents of Berkeley.

WHEREAS, the City's existing infrastructure and facilities, including the types of infrastructure and facilities listed above, are in need of significant repair, renovation, replacement, or reconstruction (the "Improvements") so that the public can continue to benefit from them; and

WHEREAS, existing funds and funding sources are inadequate to pay for the Improvements that are necessary in the short term; and

WHEREAS, documented existing infrastructure and facility needs substantially exceed \$100,000,000; and

WHEREAS, the City Council has therefore determined that the public interest requires additional funding for the Improvements.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the public interest requires the issuance of a general obligation bond to fund the Improvements.

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

A. Proceeds of bonded indebtedness shall be used to fund the Improvements. In addition, 1% of the bond proceeds shall be available for functional art integrated into Improvements that are paid for by bond proceeds, as and to the extent determined by the City Council.

B. Each year as part of the budget process the City Manager shall provide to the City Council a comprehensive report of funds received pursuant from any bonded indebtedness authorized by this resolution and how they have been expended in an equitable manner throughout the City, listing all specific projects on which they have been expended.

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

A. A general obligation bond to fund the Improvements shall be placed before the voters at the election on November 8, 2016.

B. The estimated cost of the Improvements to be funded by any bonds issued pursuant to this measure is \$100 million, although the total cost of all identified infrastructure and facility needs is substantially in excess of \$100 million.

C. The amount of the principal of the general obligation indebtedness (the "Bonds") to be incurred shall not exceed \$100 million.

D. The estimated cost may include legal and other fees and the cost of printing the Bonds and other costs and expenses incidental to or connected with the issuance and sale of the Bonds.

E. The proceeds of the Bonds authorized to be issued by this resolution shall be used to finance construction of the Improvements and functional art integrated into the Improvements, to pay any fees and costs in connection with the issuance of the Bonds, including but not limited to, legal fees and bond printing costs.

F. The maximum rate of interest to be paid on the Bonds shall not exceed six percent (6%).

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the Board of Supervisors of Alameda County is hereby requested to include on the ballots and sample ballots the measure enumerated above to be voted on by the voters of the qualified electors of the City of Berkeley.

BE IT FURTHER RESOLVED that the full text of the measure shall be printed in the Voter Information Pamphlet mailed to all voters in the City of Berkeley.

BE IT FURTHER RESOLVED that the above enumerated measure requires a two-thirds vote threshold for passage.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause the posting, publication and printing of notices, pursuant to the requirements of the Charter of the City of Berkeley, the Government Code and the Elections Code of the State of California.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to obtain printing, supplies and services as required.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to enter into any contracts necessary for election consulting services, temporary employment services, printing services, and any such other supplies and services as may be required by the statutes of the State of California and the Charter of the City of Berkeley for the conduct of the November General Municipal Election.

BE IT FURTHER RESOLVED that Pursuant to Elections Code Section 9285 (b), the City Council hereby adopts the provisions of Elections Code Section 9285 (a) providing for the filing of rebuttal arguments for city ballot measures.

BE IT FURTHER RESOLVED that said proposed bond measure shall appear and be printed upon the ballots to be used at said election as follows:

CITY OF <b>BERKELEY BOND MEASURE</b>	
<p>Shall the City of Berkeley issue general obligation bonds not exceeding \$100,000,000 to repair, renovate, replace, or reconstruct the City's aging infrastructure and facilities, including sidewalks, storm drains, parks, streets, senior and recreation centers, and other important City facilities and buildings?</p> <p><u>Financial Implications:</u> The average annual cost over the 40-year period the bonds are outstanding would be approximately \$21, \$90, and \$128, respectively, for homes with assessed valuations of \$100,000, \$425,000 and \$600,000.</p>	BOND S YES
	BONDS NO

BE IT FURTHER RESOLVED that the text of the bond measure be shown as Exhibit A, attached hereto and made a part hereof.

\* \* \* \* \*

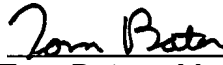


The foregoing Resolution was adopted by the Berkeley City Council on May 31, 2016 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: None.

  
Tom Bates, Mayor

Attest:   
Mark Numainville, City Clerk

**TEXT OF MEASURE**

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

AUTHORIZING THE CITY OF BERKELEY TO INCUR BONDED DEBT AND ISSUE A GENERAL OBLIGATION BOND FOR IMPROVEMENTS TO EXISTING CITY INFRASTRUCTURE AND FACILITIES

WHEREAS, this resolution is adopted pursuant to and in conformance with Chapter 7.64 of the Berkeley Municipal Code; and

WHEREAS, the City's existing infrastructure is critical to protecting the public safety and welfare and enabling the residents of Berkeley to have a high quality of life:

- Streets and sidewalks provide for transportation and accessibility for both the general public and public safety personnel.
- Storm drains and green infrastructure projects protect the public from flooding and improve the quality of runoff into San Francisco Bay.
- Senior Centers provide important services for the City's seniors, including educational courses, activities, social support, emergency shelters in disasters, and meals.
- Parks and recreation centers and facilities provide recreational, educational and social opportunities and support for children and families, and recreation centers can also function as emergency shelters in disasters.
- The City's public buildings and other facilities are both important cultural resources in themselves and provide public services to the residents of Berkeley.

WHEREAS, the City's existing infrastructure and facilities, including the types of infrastructure and facilities listed above, are in need of significant repair, renovation, replacement, or reconstruction (the "Improvements") so that the public can continue to benefit from them; and

WHEREAS, existing funds and funding sources are inadequate to pay for the Improvements that are necessary in the short term; and

WHEREAS, the City's existing and future infrastructure is critical to protecting the public safety and welfare; and

WHEREAS, documented existing infrastructure and facility needs substantially exceed \$100,000,000; and

WHEREAS, the City Council has therefore determined that the public interest requires additional funding for the Improvements.

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 \$100,000,000 to fund the Improvements.

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

A. Proceeds of bonded indebtedness shall be used to fund the Improvements. In addition, 1% of the bond proceeds shall be available for functional art integrated into Improvements that are paid for by bond proceeds, as and to the extent determined by the City Council.

B. Each year as part of the budget process the City Manager shall provide to the City Council a comprehensive report of funds received pursuant from any bonded indebtedness authorized by this resolution and how they have been expended in an equitable manner throughout the City, listing all specific projects on which they have been expended.

C. Subcommittees of the Public Works Commission and the Parks and Waterfront Commission shall engage in a robust public process to obtain input, and will jointly report to the City Council on an annual basis regarding projects funded by the bond and bond expenditures.

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

A. The estimated cost of the Improvements to be funded by any bonds issued pursuant to this measure is \$100,000,000, although the total cost of all identified infrastructure and facility needs is substantially in excess of \$100,000,000.

B. The amount of the principal of the general obligation indebtedness (the "Bonds") to be incurred shall not exceed \$100,000,000.

C. The estimated cost may include legal and other fees and the cost of printing the Bonds and other costs and expenses incidental to or connected with the issuance and sale of the Bonds.

D. The proceeds of the Bonds authorized to be issued by this resolution shall be used to finance construction of the Improvements and functional art integrated into the Improvements, to pay any fees and costs in connection with the issuance of the Bonds, including but not limited to, legal fees and bond printing costs.

E. The maximum rate of interest to be paid on the Bonds shall not exceed six percent (6%).

## Recent reports to Council on City infrastructure and facilities needs

In an [April 5, 2016 off-agenda report](#),<sup>1</sup> Parks, Recreation & Waterfront detailed capital and major maintenance projects and unfunded needs.

A [January 19, 2016 report to Council on City care and shelter sites](#)<sup>2</sup> described \$16.8M in needs at senior centers and community centers for seismic upgrade & deferred maintenance repairs.

The Council-adopted [FY16-FY17 Capital Improvement Program](#)<sup>3</sup> provided an overview of planned projects and unfunded needs.

In two March 24, 2015 worksession reports, [Parks, Recreation & Waterfront](#)<sup>4</sup> and [Public Works](#)<sup>5</sup> presented capital improvement and major maintenance needs and 5-year plans.

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<sup>1</sup> [http://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_General/Parks%20CIP%20Plan%20FY16-FY19%20040516.pdf](http://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Parks%20CIP%20Plan%20FY16-FY19%20040516.pdf)

<sup>2</sup> <http://www.ci.berkeley.ca.us/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=114427>

<sup>3</sup> <http://www.ci.berkeley.ca.us/uploadedFiles/Manager/Budget/FY%202016%20and%20FY%202017%20Final%20Adopted%20CIP%20Book.pdf>

<sup>4</sup> [http://www.ci.berkeley.ca.us/Clerk/City\\_Council/2015/03\\_Mar/Documents/2015-03-24\\_WS\\_Item\\_01\\_Parks\\_Recreation.aspx](http://www.ci.berkeley.ca.us/Clerk/City_Council/2015/03_Mar/Documents/2015-03-24_WS_Item_01_Parks_Recreation.aspx)

<sup>5</sup> [http://www.cityofberkeley.info/Clerk/City\\_Council/2015/03\\_Mar/Documents/2015-03-24\\_WS\\_Item\\_02\\_Public\\_Works.aspx](http://www.cityofberkeley.info/Clerk/City_Council/2015/03_Mar/Documents/2015-03-24_WS_Item_02_Public_Works.aspx)