

AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, November 12, 2024

6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION -1600 S. DISNEYLAND DRIVE, ANAHEIM, CA 92802

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244. All Council meetings are recorded.

*To access the meeting remotely use this URL: <https://cityofberkeley-info.zoomgov.com/j/1612850642>. To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 161 285 0642**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

Government Code Section 84308 (Levine Act) - Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$250 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$250 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

Preliminary Matters

Roll Call:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

- 1. Cooperative Agreement with East Bay Regional Parks District**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into an agreement with East Bay Regional Parks District from October 15, 2024, to October 14, 2029, to collaborate to manage free-roaming cat populations in East Bay Parks, educate the public, and minimize the impact on sensitive wildlife areas.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 2. Amendment to Contract No. 108410-1: Paw Fund for Spay and Neuter Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the contract with Paw Fund (Contract #108410-1) to provide no-cost spay and neuter surgeries to eligible pet owners and shelter animals for FY 2025, increasing the contract amount by \$10,000 for a new total contract amount not to exceed \$144,466 and extending the term of the contract to October 31, 2026.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 12, 2024**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$10,200,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Council Consent Items

- 4. Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund's annual campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.
Financial Implications: Mayor's Discretionary Fund - \$500
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 5. Budget Referral Funding South Cove Seawall Design Project**
From: Councilmember Taplin (Author)
Recommendation: Refer to the November 2024 AAO#1 budget process \$250,000 for the funding of the South Cove Seawall Design Project.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 6. Budget Referral Funding F and G Dock Deck Replacement**
From: Councilmember Taplin (Author)
Recommendation: Refer to the November 2024 AAO#1 budget process \$500,000 for the funding of F and G dock deck replacement.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 7. Budget Referral Funding Afterschool Program Expansion**
From: Councilmember Taplin (Author)
Recommendation: Refer to the November 2024 AAO#1 budget process \$300,000 to fund afterschool program expansion.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 8. Budget Referral: One-Time \$50,000 Funding for a Traffic Study and Pedestrian Safety Operations at the Pedestrian Crossing on Shattuck Avenue and Delaware Street**
From: Councilmember Tregub (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer \$50,000 to the November 2024 AAO #1 budget process for one-time funding for a traffic study and pedestrian safety operations at the pedestrian crossing on Shattuck Avenue at Delaware Street with the aim to significantly improve safety for all residents. If any funds remain after the study is conducted, direct the remainder of the funds towards designing and implementing safety measures at this crosswalk.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Council Consent Items

- 9. Budget Referral: One-Time \$30,000 Funding to Install an Accessible Pedestrian Signal (APS) at the intersection of Sacramento Street and Allston Way**
From: Councilmember Tregub (Author)
Recommendation: Refer \$30,000 to the November 2024 AAO#1 budget process for one-time funding to install an Accessible Pedestrian Signal (APS) at Allston Way and Sacramento Street Intersection.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
- 10. Budget Referral and Technical Support for the Berkeley Art Center**
From: Councilmember Hahn (Author)
Recommendation: Direct the City Manager to support the Berkeley Art Center (BAC) during a time of financial crisis with technical assistance and other resources at the City's disposal, and to work with BAC to develop a long-term plan for viability. Refer to the November Budget Process a one-time emergency grant of \$100,000 for the Berkeley Art Center, pending review of the organization's current financial status and plans for long-term recovery by the City's Economic Development and Civic Arts team.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 11. Referral to the November 2024 AAO1 Budget Process for \$150,000 to Create a Five-Year Sustainable and Comprehensive Recovery Plan for the Arts and Culture Sector in Berkeley**
From: Councilmember Wengraf (Author)
Recommendation: Referral to the November 2024 AAO1 Budget Process for \$150,000 to engage a consultant to develop a multi-year comprehensive road map to support, maintain and sustain a resilient Arts and Culture sector in Berkeley. The results of this plan will be critical to guiding and informing discussion and consideration of a ballot measure in support of the Arts in 2026.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 12. Referral to the November 2024 AAO1 Budget Process for \$250,000 for the design and planning for replacement of play structures and ADA access improvements at Glendale La Loma Park**
From: Councilmember Wengraf (Author)
Recommendation: Referral to the November 2024 AAO1 Budget Process for \$250,000 for design and planning for replacement of play structures and design of ADA access in Glendale La Loma Park.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Council Consent Items

- 13. Budget Referral: Create a City park at Parkside Drive terminus median**
From: Councilmember Humbert (Author)
Recommendation: Refer \$150,000 to the November 2024 AAO#1 budget process for consultants, conceptual design, and public engagement for converting the median informally known as “Round Park” (and possibly other nearby medians) to an official City park. Longer-term improvements could include but are not limited to ADA access, fencing, improved landscaping, and signage and would be funded separately.
Financial Implications: See report
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180
- 14. Budget Referral: One-time \$70,000 bridge funding to the Bread Project**
From: Councilmember Humbert (Author), Councilmember Tregub (Author)
Recommendation: Refer \$70,000 to the November 2024 AAO#1 budget process for one-time bridge funding for the Bread Project, a Berkeley non-profit that provides job training (with an emphasis on culinary work) and soft skills development for economically disadvantaged and systems-impacted individuals.
Financial Implications: See report
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

A member of the public may only speak at one of the two public comment periods for any single Action item.

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Scheduled Public Comment Period

During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

15. **Contract: Ava Community Energy for Energy Resilient Critical Municipal Facilities “Solar + Storage”**

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion adopt a Resolution authorizing the City Manager to negotiate and execute a Power Purchase Agreement (PPA) contract and any amendments, extensions, or change orders with Ava Community Energy, to install solar and battery back-up storage systems at critical municipal facilities.

Financial Implications: See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – Old Business

16. **Amending BMC Section 9.04.165 -Tax Exemption for Research & Development Grants** *(Continued from October 15, 2024)*

From: Mayor Arreguin (Author)

Recommendation: Adopt a first reading of an Ordinance amending Berkeley Municipal Code Section 9.04.165 to exempt the taxation of business gross receipts relating to government and philanthropic research and development grants in the public interest.

Financial Implications: See report.

Contact: Jesse Arreguin, Mayor, (510) 981-7100

Action Calendar – New Business

17. Pursuant to Chapter 2.99 of the Berkeley Municipal Code Annual Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automatic License Plate Readers, the Street Level Imagery Project, and Unmanned Aerial Systems (UAS)

From: City Manager

Recommendation: Pursuant to Chapter 2.99 of the Berkeley Municipal Code, adopt a Resolution accepting the Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automatic License Plate Readers, the Street Level Imagery Project, and Unmanned Aerial Systems (UAS).

Financial Implications: None.

Contact: Jennifer Louis, Police, (510) 981-5900, Terrance Davis, Public Works, (510) 981-6300

18a. Resolution Opposing the Criminalization of Poverty and Homelessness

From: Peace and Justice Commission

Recommendation: Adopt a resolution that the City of Berkeley Council opposing the criminalization of poverty and homelessness including:

City of Berkeley will continue to operate under the framework of *Martin v. Boise*, as permitted under the recent Supreme Court decision in *Grants Pass v. Johnson*, and refrain from any criminalization or effective prohibition of sleeping while unhoused, including citation or arrest simply for sleeping outside if no adequate shelter is available, without precluding enforcement of laws banning actions that threaten the health and safety of the whole community.

The City of Berkeley shall strengthen its commitment to connecting unhoused people with vital services including adequate short-term shelter and regional permanent supportive housing solutions.

Financial Implications: None

Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100

18b. Companion Report: Resolution Opposing the Criminalization of Poverty and Homelessness

From: City Manager

Recommendation: The City Council has already adopted an encampment policy that is consistent with the Commission's resolution by adopting the amended September 10, 2024 item, "Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods and Related First Reading of Ordinance Amending Chapter 14.48 of the Berkeley Municipal Code." Therefore there is no need to take any action on the Peace and Justice Commission's resolution and the City Manager recommends taking no action.

Financial Implications: None

Contact: Peter Radu, City Manager's Office, (510) 981-7000

Information Reports

19. **Civic Arts Commission Final FY25 Work Plan**
From: Civic Arts Commission
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
20. **Fiscal Year 2025 Public Art Budget**
From: Civic Arts Commission
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the 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 to the City Clerk Department at 2180 Milvia Street. 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 Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>

and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or

services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



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.

Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900 or by email at clerk@berkeleyca.gov.

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on October 31, 2024.*



Mark Numainville, City Clerk

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

### **Item #8: Budget Referral: One-Time \$50,000 Funding for a Traffic Study and Pedestrian Safety Operations at the Pedestrian Crossing on Shattuck Avenue and Delaware Street**

1. Annetta Lipman
2. Wahid Amiri

### **Item #16: Amending BMC Section 9.04.165 -Tax Exemption for Research & Development Grants (Continued from October 15, 2024)**

3. Lynn Sherrell

### **Item #18a: Resolution Opposing the Criminalization of Poverty and Homelessness**

4. Erika Shore (2)
5. Cassandra Turgman (2)

### **Council Emails**

6. Ace Stratton

### **Safety Concerns**

7. Jacques Watteyne

8. Ellen Archilla

9. Penny Barron

### **Middle East Conflict**

10. Summer Brenner

11. Gail Shay

12. Kelly Hammargren

13. Sarah Rahimi

14. Ilana Pearlman

### **Missing Middle/Upzoning**

15. Cordula Didier (2)

16. Steven M. Lipson

17. Victoria Kahn (2)

18. Claire Kahane

19. Mari Kalishock and Eric Bishop

20. David Rice

21. Mel Law (2)

22. Dr. A. Boersma

23. Rachel Bradley

24. Carol and Bruce Feldman

25. Susan Rook-Thomas

26. James Loza

27. Lincoln Smith

28. Stephen Born (2)

29. Marjorie Winter

30. Fred Krieger

31. Theo Posselt

32. Sarah Deeds

33. Paula Morgan

34. Vicki Sommer

35. Andrea Yankowski

36. Barbara Rydlander

37. Peter Samis

38. Melanie Lawrence and John Smail

39. Summer Brenner

40. Beryl Slevin

41. Jason Warriner

42. Chris Gilbert

43. Carol Hirth

44. Jenny Johnston

- 45. Dorothea Dorenz
- 46. Heike Helmer
- 47. Jack Kurzweil
- 48. Willie Phillips
- 49. Rena Rickles
- 50. Judy Bertelsen (4)
- 51. Kate H Consulting (2)
- 52. Michael K.

**Parkside Drive**

- 53. Carl Martineau

**Parking Stickers**

- 54. Elizabeth Arenas

**Housing Situation Concern**

- 55. Jonny Ruel

**Ballot Concerns**

- 56. Anonymous concerned voter
- 57. Dorothea Dorenz

**Berkeley Public Eye**

- 58. Bernard

**First Year Free**

- 59. June and Robert Safran
- 60. Betsy Bigelow-Teller
- 61. Marni Welch

**California Energy Commission**

- 62. Elsa M. Beljean

**La Pena Cultural Center**

- 63. Luis Medina

**Injury Concern**

- 64. Max Ventura

**Encampment Concerns**

- 65. Susan Schwartz (2)
- 66. Diana Bohn

**Construction Permit Concern**

- 67. Unknown

## **BrasArte**

68. BrasArte Board Members

## **Tax Concern**

69. Barbara Gilbert

## **Musical**

70. Jamie Greenblatt

## **Newsletters**

71. Vivian Warkentin (2)

## **URL's**

72. Russbumper (2)

73. Josh Atwood (4)

74. Keith Bayne

## **Forwards of Current Events**

75. Josh Atwood (3)

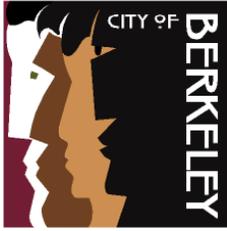
76. Eid (6)

## **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.





Office of the City Manager

CONSENT CALENDAR  
November 12, 2024

To: Honorable Mayor and Members of the City Council  
From: Paul Buddenhagen, City Manager  
Submitted by: Peter Radu, Assistant to the City Manager, Neighborhood Services  
Subject: Cooperative Agreement with East Bay Regional Parks District

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to enter into an agreement with East Bay Regional Parks District from October 15, 2024, to October 14, 2029, to collaborate to manage free-roaming cat populations in East Bay Parks, educate the public, and minimize the impact on sensitive wildlife areas.

FISCAL IMPACTS OF RECOMMENDATION

There will be minimal to no fiscal impact, as the agreement is what Berkeley Animal Care Services has been doing.

BACKGROUND

East Bay Regional Parks District has been working with local municipal animal shelters for years to Trap Neuter Release (TNR) free-roaming cats in the parks, to reduce the population, limit the impact on the environment, and prevent the unnecessary euthanasia of healthy cats in the East Bay. The City of Berkeley has collaborated with EBRPD in the management of animal welfare within McLaughlin Eastshore State Park. Since wildlife moves across municipal boundaries, this collaboration has also applied to adjacent properties, including Tilden Park and the areas where McLaughlin Eastshore State Park adjoins the Albany Bulb. This agreement defines and outlines both party's responsibilities and creates a more cohesive partnership.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This agreement will benefit the East Bay Parks, and the delicate and sensitive ecological and wildlife areas. The project is exempt from the California Environmental Quality Act (CEQA), as per the attached Notice of Exemption.

RATIONALE FOR RECOMMENDATION

Entering into this agreement will ensure cooperation between animal services and East Bay Regional Park District, help preserve and protect sensitive land, and humanely reduce the number of free-roaming cats.

Cooperative Agreement with East Bay Regional Parks District

CONSENT CALENDAR  
November 12, 2024

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Mike St. Pierre, Manager, Animal Services, 510.981.6603

Attachments:

1. Resolution
2. Notice of CEQA Exemption

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

COOPERATIVE AGREEMENT WITH EAST BAY REGIONAL PARKS DISTRICT

WHEREAS, EBRPD and the City of Berkeley have successfully cooperated on animal-related issues in East Bay Parks for many years; and

WHEREAS, free-roaming cat populations in East Bay Parks are at risk of exponentially increasing without intervention; and

WHEREAS, Trap, Neuter, Release (TNR) is widely considered the best practice for managing free-roaming and feral cat populations and is recommended by leading animal welfare agencies; and

WHEREAS, EBRPD and the City of Berkeley have been successful in managing the free-roaming cat populations previously addressed; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley to enter into a contract and any necessary amendments with East Bay Regional Parks District (EBRPD) for a term of five years to cooperatively trap, neuter, release, and, where necessary, remove free-roaming cats in the East Bay Regional Parks to manage and protect wildlife and public spaces effectively.



State of California - Department of Fish and Wildlife  
**2021 ENVIRONMENTAL FILING FEE CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/21) Previously DFG 753.5a

Print StartOver Save

AC RECEIPT # 3004212

RECEIPT NUMBER:  
 01 -06/21/2021-247  
 STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

|                                                       |                                    |                           |
|-------------------------------------------------------|------------------------------------|---------------------------|
| LEAD AGENCY<br><b>EAST BAY REGIONAL PARK DISTRICT</b> | LEAD AGENCY EMAIL                  | DATE<br><b>06/21/2021</b> |
| COUNTY/STATE AGENCY OF FILING<br><b>ALAMEDA</b>       | DOCUMENT NUMBER<br><b>21 - 247</b> |                           |

PROJECT TITLE  
**UPDATES TO CURRENT FREE-ROAMING CAT MANAGEMENT POLICY (ATTACHMENT A)**

|                                                                         |                         |                                       |
|-------------------------------------------------------------------------|-------------------------|---------------------------------------|
| PROJECT APPLICANT NAME<br><b>KRISTINA KELCHNER</b>                      | PROJECT APPLICANT EMAIL | PHONE NUMBER<br><b>(888) 327-2757</b> |
| PROJECT APPLICANT ADDRESS<br><b>2950 PERALTA OAKS CT. P.O. BOX 5381</b> | CITY<br><b>OAKLAND</b>  | STATE<br><b>CA</b>                    |
|                                                                         |                         | ZIP CODE<br><b>94605-0381</b>         |

PROJECT APPLICANT (Check appropriate box)

Local Public Agency    
  School District    
  Other Special District    
  State Agency    
  Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report (EIR) \$3,445.25 \$ \_\_\_\_\_ 0.00
- Mitigated/Negative Declaration (MND)(ND) \$2,480.25 \$ \_\_\_\_\_ 0.00
- Certified Regulatory Program (CRP) document - payment due directly to CDFW \$1,171.25 \$ \_\_\_\_\_ 0.00
- Exempt from fee
  - Notice of Exemption (attach)
  - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)
- Water Right Application or Petition Fee (State Water Resources Control Board only) \$850.00 \$ \_\_\_\_\_ 0.00
- County documentary handling fee \$ \_\_\_\_\_ 50.00
- Other \$ \_\_\_\_\_

PAYMENT METHOD:

- Cash    
  Credit    
  Check    
  Other

TOTAL RECEIVED \$ \_\_\_\_\_ 50.00

|                             |                                                                       |
|-----------------------------|-----------------------------------------------------------------------|
| SIGNATURE<br><b>X CBACA</b> | AGENCY OF FILING PRINTED NAME AND TITLE<br><b>CBACA, DEPUTY CLERK</b> |
|-----------------------------|-----------------------------------------------------------------------|

ALAMEDA COUNTY CLERK-RECORDER  
 1106 MADISON STREET  
 OAKLAND, CA 94607  
 (510) 272-6362

ISSUED 10:5  
 EAST BAY REGIONAL PARK DISTRICT

RECEIPT # 3004212  
 DATE 06/21/2021 09:45:14 AM  
 SERVICE PGS Q1Y FEI  
 CASHIERING  
 HANDLING FEE 1 1 50.00

Total Amount Due \$50.00  
 CHECK 160 50.00  
 Total Amount Paid \$50.00

MELISSA WILK  
 County Clerk-Recorder  
 Deputy: Cindy B

# \*ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

**LEAD AGENCY NAME AND ADDRESS**

East Bay Regional Park District  
2950 Peralta Oaks Ct.  
P.O. Box 5381  
Oakland, CA 94605-0381

**FOR COUNTY CLERK USE ONLY**

**ENDORSED  
FILED  
ALAMEDA COUNTY**

**JUN 21 2021**

MELISSA WILK, County Clerk  
By CA Deputy

FILE NO: 21-247

## CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

(PLEASE MARK ONLY ONE CLASSIFICATION)

### 1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

A - STATUTORILY OR CATEGORICALLY EXEMPT

\$ 50.00 - COUNTY CLERK HANDLING FEE

### 2. NOTICE OF DETERMINATION (NOD)

A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

\$ 2,354.75 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

B - ENVIRONMENTAL IMPACT REPORT (EIR)

\$ 3,271.00 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

### 3. OTHER: \_\_\_\_\_

**\*\*\*A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.\*\*\***

**BY MAIL FILINGS:**

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES.

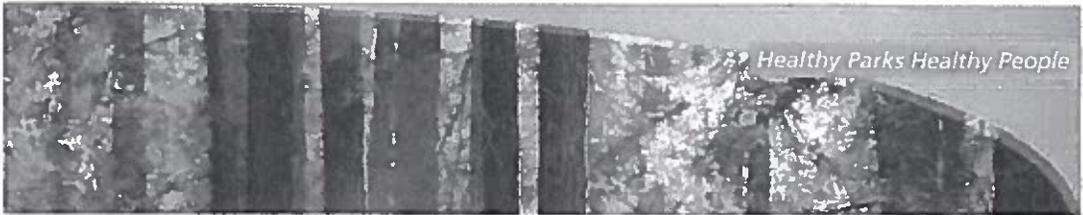
**IN PERSON FILINGS:**

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPES.

**ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.**

FEES ARE EFFECTIVE JANUARY 1, 2019

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK



2950 PERALTA OAKS COURT • OAKLAND • CALIFORNIA • 94605-0381 • T. 1-888-EBPARKS • F. 510-569-4319 • TRS RELAY: 711 • EBPARKS.ORG

June 16, 2021

Alameda County Clerk  
1106 Madison Street  
Oakland, CA 94607

**ENDORSED  
FILED  
ALAMEDA COUNTY**

**JUN 21 2021**

MELISSA WILK, County Clerk  
By  Deputy

**SUBJECT:** NOTICE OF EXEMPTION

**PROJECT TITLE:** Updates to Current Free-Roaming Cat Management Policy (Attachment A)

**LEAD AGENCY/  
APPLICANT:** East Bay Regional Park District  
Attn: Kristina Kelchner  
2950 Peralta Oaks Ct.  
P.O. Box 5381  
Oakland, CA 94605-0381  
Telephone: 888-327-2757

**PROJECT LOCATION:** The updates to the existing Free-Roaming Cat Management Policy would go into effect over all East Bay Regional Park District (the Park District) owned property. The Park District manages 73 parks and many miles of regional trails across both Alameda and Contra Costa Counties. This NOE was also filed in Contra Costa County.

**PROJECT DESCRIPTION:** The Park District proposes to update the current Free-Roaming Cat (*Felis catus*) Management Policy. As part of the Park District’s mission to preserve “a rich heritage of natural and cultural resources” the Park District manages parklands for the protection of biodiversity, including protecting and encouraging the recovery of threatened or endangered species. The original feral cat management program was enacted in 1999 following an extensive study of the impacts of free-roaming cats on endangered species. Free-roaming cats are non-native predators that pose a significant threat to endangered species on Park District properties, particularly within protected shoreline habitats.

The Park District’s parks protect fragments of natural habitat that used to occur throughout the East Bay. These parks serve as habitat for federally and state listed endangered species. For example, shoreline parks protect what used to be an extensive complex of tidal wetlands that occurred throughout the San Francisco Bay Area. Today, only 5% of those wetlands remain (USGS 2021). Two federally- and state-endangered species, California Ridgway’s rails (*Rallus obsoletus obsoletus*) and salt marsh harvest mice (*Reithrodontomys raviventris*) live exclusively within salt or brackish marshes. These species have declined along with the loss of their habitat, and currently only persist in isolated fragments. In order to protect these endangered species, the Park District conducts predator removal required by federal and state laws protecting endangered species and under the requirements of regulatory permits.

Board of Directors

|                                    |                                          |                                     |                                      |                            |                         |                        |                                        |
|------------------------------------|------------------------------------------|-------------------------------------|--------------------------------------|----------------------------|-------------------------|------------------------|----------------------------------------|
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|------------------------------------|------------------------------------------|-------------------------------------|--------------------------------------|----------------------------|-------------------------|------------------------|----------------------------------------|

Free-roaming cats are unfortunately one of the predators that threaten endangered species. The term “free-roaming” is used for cats that live exclusively outdoors. Free-roaming cats can be either feral and wild with a low tolerance for humans, or abandoned pets that are tolerant and friendly towards humans but are unowned. An average of 2.4 billion birds per year are killed by domestic and free-roaming cats in the United States (Loss et al. 2013). Worldwide, domestic cats have been linked to the extinction of 63 different species of reptiles, birds, and mammals (Doherty et al. 2016). Cats are the single largest direct cause of bird mortalities, followed by window strikes and automobiles (Loss et al. 2013). Due to these impacts, the Park District is obligated to manage and control free-roaming cat populations that occur in or near endangered species habitat.

The 1999 policy included a series of escalating steps to control free-roaming cat populations. The 2021 update to the Free-Roaming Cat Management Policy will provide improved practices to ensure the protection of threatened and endangered species and ensure the best possible outcome for free-roaming cats. These updates include:

- Increased efforts in education, especially in prevention of cat abandonment;
- Regular coordination meetings and collaboration with the directors of local animal shelters, rather than solely with volunteers as in the 1999 program;
- Consideration of current science and best practices regarding effective management including other methods of capture for trap-shy cats;
- Increased restrictions and protocols on lethal control. These include requirements for advanced coordination with animal services agencies, enhanced education, and trapping and rehoming efforts. It also restricts the use of lethal control to parks where federally or state endangered species are known to occur;
- Increased record-keeping and transparency, including issuing an annual report of Park District activities in implementing the revised Policy.

The goal of the updated policy is to protect endangered species, provide a transparent accounting of Park District efforts to control free-roaming cats. The Park District hopes that with increased education, communication, best practice trapping methods, and open communication with the public, lethal control will greatly reduced or eliminated.

**DETERMINATION:** The Park District has reviewed the project and determined it to be exempt from the California Environmental Quality Act (CEQA). The Free-Roaming Cat Management Policy is merely an update to the Park District’s existing adopted policy and is not subject to CEQA. CEQA applies only where the public agency’s approval causes a “physical change in the environment” (Pub. Resources Code § 21065). Here, the Policy reaffirms the District’s commitment to humane removal of free-roaming cats and clarifies the District’s procedure for such removal. To the extent that there are new policies, these are administrative measures—such as improved practices to emphasize education and prevention, partnership with local animal service agencies, and increased collaboration and transparency with the community—that will not cause a physical change in the environment.

However, if the update to the Free-Roaming Cat Management Policy is considered a project under CEQA, the Park District has determined it would be categorically exempt from the CEQA under the following sections of the California Administrative Code:

- **Public Resources Code 15307. Class 7 Actions By Regulatory Agencies For Protection of Natural Resources:** The Class 7 exception allows public agencies to take actions that would protect natural resources. Free-roaming cats prey on local endangered species, which are considered biological

resources under CEQA. As was the purpose of the original program, the primary purpose of the revised Policy is to protect endangered wildlife through improved management of free-roaming cats. Therefore, the updated policy is exempt under Class 7.

- **Section 15308 (i) – Class 8 Actions by Regulatory Agencies for the Protection of the Environment:** The Class 8 exception allows public agencies to take actions that would benefit the environment. Free-roaming cats prey on local endangered species. As was the purpose of the original Policy, the primary purpose of the revised Policy is to protect endangered wildlife through improved management of free-roaming cats. The management and removal of these free-roaming cats would protect the environment, and therefore the updated policy is exempt under Class 8.

*Kristina Kelchner*

Signed by: Kristina Kelchner, Assistant General Manager  
Acquisition, Stewardship, and Development  
[kkelchner@ebparks.org](mailto:kkelchner@ebparks.org)

## REFERENCES

Doherty, T. S., Glen, A. S., Nimmo, D. G., Ritchie, E. G., & Dickman, C. R. (2016). Invasive predators and global biodiversity loss. *Proceedings of the National Academy of Sciences*, 113(40), 11261-11265.

Loss, S. R., Will, T., & Marra, P. P. (2013). The impact of free-ranging domestic cats on wildlife of the United States. *Nature communications*, 4(1), 1-8.

US Geological Survey (USGS). (2021). Coastal Wetlands and Sediments of the San Francisco Bay System. <https://pubs.usgs.gov/fs/coastal-wetlands/>



Office of the City Manager

CONSENT CALENDAR  
November 12, 2024

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Peter Radu, Assistant to the City Manager

Subject: Amendment to Contract No. 108410-1: Paw Fund for Spay and Neuter Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend the contract with Paw Fund (Contract #108410-1) to provide no-cost spay and neuter surgeries to eligible pet owners and shelter animals for FY 2025, increasing the contract amount by \$10,000 for a new total contract amount not to exceed \$144,466 and extending the term of the contract to October 31, 2026.

FISCAL IMPACTS OF RECOMMENDATION

The “Spay Neuter Your Pet” (SNYP) grant comes from the General Fund and is a community agency allocation given by Animal Services annually. The SNYP program provided \$23,812 to Paw Fund for FY 2016, \$23,812 to Paw Fund for FY 2017, \$23,812 to Paw Fund for FY 2019, \$23,812 to Paw Fund for FY 2020, \$11,906 for FY 2021, \$9,812 for FY 2022, and \$17,500 for FY 2023 for a total of \$134,466. Staff proposes to award the amount of \$10,000 to Paw Fund for FY 2025, for a new total amount not to exceed \$144,466. Funding for this contract amendment is currently in the FY25 Adopted Budget.

CURRENT SITUATION AND ITS EFFECTS

Paw Fund has contracted with the City of Berkeley to provide no-cost spay and neuter surgeries to eligible pet owners since FY 2016. By providing no-cost spay and neuter surgeries, Paw Fund helps decrease the number of unwanted pet offspring, reduces the number of homeless animals entering the Dona Spring Animal Shelter, and helps prevent the unnecessary euthanasia of healthy animals.

BACKGROUND

Many low-income pet owners would like to access spay and neuter services for their pets but are unable to afford the cost of surgery through local veterinary clinics. Paw Fund consistently works with low-income and unhoused pet owners and is able to

arrange the needed spay and neuter surgeries. The SNYP program provides free spay or neuter surgeries, decreasing unwanted pet litters.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No identifiable environmental effects or climate impacts are associated with this report's subject.

#### RATIONALE FOR RECOMMENDATION

Paw Fund is well equipped and capable of providing the services listed in the Scope of Service. If this funding is not authorized, it would prevent dozens of animals belonging to low-income or unhoused pet owners from being spayed or neutered at no cost to the owner.

#### ALTERNATIVE ACTIONS CONSIDERED

The alternative to providing free spay and neuter surgeries to low-income and unhoused residents is to refer them to low-cost spay and neuter clinics in the surrounding area. Prices in these clinics range from \$150 to more than \$700, and waiting lists for appointments are months long, which is prohibitive to many pet owners and significantly increases the likelihood of an unwanted litter.

#### CONTACT PERSON

Michael St. Pierre, Animal Care Services Manager, (510) 981-6603

Attachments:

1: Resolution

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

CONTRACT NO. 108410-1 AMENDMENT: PAW FUND TO PROVIDE NO-COST SPAY AND NEUTER SURGERIES TO ELIGIBLE PET OWNERS FOR FY 2025, WITH A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$144,466

WHEREAS, The City of Berkeley SNYP program funds no-cost spay and neuter surgeries to eligible low-income pet owners and shelter animals; and

WHEREAS, Paw Fund is able to reach eligible low-income pet owners, and to provide no-cost spay and neuter services; and

WHEREAS, The 'Spay Neuter Your Pet' (SNYP) grant comes from the General Fund and is a community agency allocation that is given by Animal Services each year.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 108410-1, and any necessary further amendments, with Paw Fund for spay and neuter services for FY 2025, increasing the amount of the contract by \$10,000 for a new Not-to-exceed total of \$144,466 and extending the term of the contract to October 31, 2026.





Office of the City Manager

CONSENT CALENDAR  
November 12, 2024

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 12, 2024

**RECOMMENDATION**

Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

**FISCAL IMPACTS OF RECOMMENDATION**

Total estimated cost of items included in this report is **\$10,200,000**

| <b><u>PROJECT</u></b>                                                  | <b><u>Fund</u></b> | <b><u>Source</u></b>                  | <b><u>Amount</u></b> |
|------------------------------------------------------------------------|--------------------|---------------------------------------|----------------------|
| South Cove West Parking Lot Repaving                                   | 606                | State Coastal Conservancy (SCC) Grant | \$1,200,000          |
| Sanitary Sewer Rehabilitation Project: FY 2025 Adeline, Shattuck Rehab | 611                | CAP - INFR - SANITARY SEWER           | \$9,000,000          |
| <b>Total:</b>                                                          |                    |                                       | <b>\$10,200,000</b>  |

**CURRENT SITUATION AND ITS EFFECTS**

On May, 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager's purchasing authority for services to \$50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of \$100,000 for goods; and \$200,000 for playgrounds and construction; and \$50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

Internal

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on November 12, 2024

CONSENT CALENDAR  
November 12, 2024

**BACKGROUND**

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S., amending the City Manager's purchasing authority for services

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

The Finance Department reviews all formal bid and proposal solicitations to ensure that they include provisions for compliance with the City's environmental policies. For each contract that is subject to City Council authorization, staff will address environmental sustainability considerations in the associated staff report to City Council.

**RATIONALE FOR RECOMMENDATION**

Need for the goods and/or services.

**ALTERNATIVE ACTIONS CONSIDERED**

None.

**CONTACT PERSON**

Clayton Stilwell, General Services Manager, Finance, 510-981-7329

**Attachments:**

1. South Cove West Parking Lot Repaving
2. Sanitary Sewer Rehabilitation Project: FY 2025 Adeline, Shattuck Rehab

Note: Original of this attachment with live signature of authorizing personnel is on file in General Services.

| SPECIFICATION NO.  | DESCRIPTION OF GOODS / SERVICES BEING PURCHASED                        | APPROX. RELEASE DATE | APPROX. BID OPENING DATE | INTENDED USE                                                                                                                                                                                                                                                                | ESTIMATED COST       | BUDGET CODE TO BE CHARGED                                                                  | DEPT. / DIVISION           | CONTACT NAME & PHONE                                     |
|--------------------|------------------------------------------------------------------------|----------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------------------------------------------------------------------------|----------------------------|----------------------------------------------------------|
| 25-11687-C         | South Cove West Parking Lot Repaving                                   | 12/5/24              | 1/9/2025                 | Project consists of renovating the existing gravel parking lot with new asphalt surfacing, new stormwater treatment, and new safety features for improved vehicle and pedestrian circulation. Project will also incorporate EV charging stalls and required power upgrades. | \$ 1,200,000.00      | State Coastal Conservancy (SCC) Grant<br><br>606-52-545-000-0000-000-461-663110-PRWWF20011 | PRW/Waterfront             | Nelson Lam<br>981-6395                                   |
| <b>DEPT. TOTAL</b> |                                                                        |                      |                          |                                                                                                                                                                                                                                                                             | <b>\$ 1,200,000</b>  |                                                                                            |                            |                                                          |
| 25-11688-C         | Sanitary Sewer Rehabilitation Project: FY 2025 Adeline, Shattuck Rehab | 12/9/24              | 1/6/2025                 | Fulfill Sewer Consent Decree requirement. Sewer rehabilitation and replacement project to repair and replace old and deteriorated sewer lines.                                                                                                                              | \$ 9,000,000         | 611-54-623-676-0000-000-473-665130-PWENSR2501                                              | Public Works - Engineering | Felix Meneau<br>981-6399<br><br>Daniel Akagi<br>981-6394 |
| <b>DEPT. TOTAL</b> |                                                                        |                      |                          |                                                                                                                                                                                                                                                                             | <b>\$ 9,000,000</b>  |                                                                                            |                            |                                                          |
| <b>TOTAL</b>       |                                                                        |                      |                          |                                                                                                                                                                                                                                                                             | <b>\$ 10,200,000</b> |                                                                                            |                            |                                                          |





Office of the Mayor

CONSENT CALENDAR  
November 12, 2024

To: Honorable Members of the City Council  
From: Mayor Jesse Arreguín  
Subject: Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund’s annual campaign with funds relinquished to the City’s general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

BACKGROUND

The Berkeley Holiday Fund has helped make the holiday season happier for hundreds of Berkeley's neediest residents for 111 years. An all-volunteer organization, the Berkeley Holiday Fund has been partnering with 27 social service agencies to identify Berkeley citizens in need of help during the holidays. By keeping operating costs to a minimum, the Berkeley Holiday Fund ensures that all contributions go directly to help those who need it the most. Last year, they were able to bring a little cheer into the lives of more than 1,130 Berkeley families distributing almost \$145,000.

The Mayor’s office has actively participated in this program for over 25 years, along with generous support from the City Council. This year the Berkeley Holiday Fund anticipates distributing approximately 1,200 checks to individuals and families. This item requests the City Council approve an expenditure, not to exceed \$500 of funds from the from the Mayor’s office budget to help cover these costs.

FINANCIAL IMPLICATIONS

No General Fund impact. \$500 is available from the Mayor’s office budget discretionary account.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with adopting this recommendation.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Berkeley Holiday Fund 2024

CONSENT CALENDAR  
November 12, 2024

Attachments:

1: Resolution

2: Letter from Berkeley Holiday Fund

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

BERKELEY HOLIDAY FUND 2024

WHEREAS, the Berkeley Holiday Fund has been making small grants to Berkeley's neediest citizens for 111 years; and

WHEREAS, last year, the Berkeley Holiday Fund distributed almost \$145,000 to more than 1,130 Berkeley families; and

WHEREAS, Berkeley Holiday Fund partners with 27 social service agencies to identify Berkeley citizens in need of help during the holidays; and

WHEREAS, the Berkeley Mayor's Office has supported the Berkeley Holiday Fund's efforts for over 25 years, along with generous support from the City Council; and

WHEREAS, Mayor Arreguin has surplus funds in his office expenditure account; and

WHEREAS, the Berkeley Holiday Fund seeks funds in the amount of \$500 to help cover the costs of providing checks to Berkeley Holiday Fund recipients; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose of providing services to low income residents of the City of Berkeley.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$500 per office shall be granted to the Berkeley Holiday Fund for helping cover the costs of providing checks to Berkeley Holiday Fund recipients.



# BERKELEY HOLIDAY FUND

Post Office Box 9779 ♦ Berkeley, California 94709

www.BerkeleyHolidayFund.org

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Jesse Arreguin, Mayor of Berkeley

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Rigel Robinson  
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Margaret and Contee Seely  
Robert Smith and Janet Huseby  
Timothy Stokes and Andrea Lewis  
Terry Talpin  
Bibi Tiphane  
Susan Wengraf  
William and Mary Alice Yund

September 16, 2024

The Honorable Jesse Arreguin  
Mayor of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704

Dear Mayor Arreguin:

On behalf of the Board of the Berkeley Holiday Fund, I want to thank the Mayor's office for its continuing, generous support for the Fund's annual disbursement of holiday gifts to Berkeley's neediest citizens. And to you personally for serving as the Honorary Chairperson of the Fund. For 111 years the Fund has solicited donations from the citizens of Berkeley and now partners with twenty-seven local social service agencies to identify Berkeley citizens in need of help during the holidays.

Last year, with your help, we were able to offer much needed cheer during the holiday season by sending checks totaling almost \$145,000 and to more than 1,136 individuals and families in Berkeley. Our check are modest, but hear from our partner agencies that they bring a bit of hope and cheer into the lives of our fellow citizens.

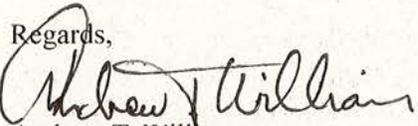
We are requesting that you continue your longstanding support for our efforts. For more than thirty years the Mayor's Office has aided the Holiday Fund. We are grateful for your support of the Berkeley Holiday Fund as our Honorary Chairman and the support of the City Council members as Sponsors.

This year we anticipate distributing approximately 1,200 checks to individuals and families. While we fund every request we receive, the number of requests from agencies varies from year-to-year, and we only send one check to individuals families recommended by multiple agencies.

Since this expenditure requires Council approval, we are formally requesting \$500 in support and are asking for your help in obtaining that approval.

In past years some council members have added funds from their office accounts. We deeply appreciate their support.

Thank you again for all the support and encouragement you have provided in the past to this truly unique Berkeley institution.

Regards,  
  
Andrew T. Williams  
Co-Chairperson



To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral Funding South Cove Seawall Design Project

RECOMMENDATION

Refer to the November 2024 AAO#1 budget process \$250,000 for the funding of the South Cove Seawall Design Project.

FINANCIAL IMPLICATIONS

\$250,000 and staff time.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley has conducted two infrastructure condition assessments of the sheet pile seawall at the South Cove Sailing Basin in 1999 and 2021. The 1999 assessment recommended that the seawall be replaced due to flaking rust and rotting deteriorations. The 2021 assessment further urged the need to replace it as a high priority. In the event that the seawall fails, the city and community will lose access to part or all of the recreation activities that happen in the South Cove Sailing Basin.

The Parks, Recreation, and Waterfront Department received \$250,000 from the FY25 Capital Improvement Program General Fund to support this project. Of that \$250,000, \$239,849 is encumbered in a task order with a specialized waterfront design consultant team to begin the investigation on replacement methods, review draft permitting applications, and strategize environmental review based on replacement methods.

The replacement method will inform the level of environmental clearance, which will determine the permit requirements necessary for final design. To get the project shovel-ready, complete final design, and obtain all necessary building and environmental permits and CEQA approval, an additional \$250,000 is necessary. Once complete, the work produced by this \$500,000 of funding will provide the information needed to seek construction grant opportunities.

BACKGROUND

The seawall was built in the 1960s to create a launchable space and to protect the essential infrastructure serving the recreational boating and open water swimming communities, including sailing, windsurfing, kayaking, and programs run by two non-profit organizations, Cal Adventures and the Cal Sailing Club. The essential infrastructure includes the drive aisle, two boat hoists, and three gangway abutments serving the middle and west floating docks and the Bay Trail.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Preventing the loss of access to the recreation activities in the South Cove Sailing Basin impacts our environmental sustainability goals and our ability to ensure equitable resource access.

CONTACT PERSON

Councilmember Terry Taplin, District 2, 510-981-7120.



To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral Funding F and G Dock Deck Replacement

RECOMMENDATION

Refer to the November 2024 AAO#1 budget process \$500,000 for the funding of F and G dock deck replacement.

FINANCIAL IMPLICATIONS

\$500,000 and staff time.

CURRENT SITUATION AND ITS EFFECTS

The wooden decking on the F and G docks at the Berkeley Marina is heavily worn and weathered from over 27 years of use and constant exposure to the marine environment. The average life expectancy of such wood decking is roughly 15-20 years in a non-marine environment. In the last few years, staff have received many complaints of trip hazards, splinters, and overall concern for the safety of the docks.

City maintenance staff strongly recommends that the entirety of the dock decking, consisting of 2x6 foot wooden planks, be replaced with composite decking immediately. Completing this task would also require the removal and replacement of roughly 500 cleats, 118 dock boxes, and 40 electrical pedestals.

BACKGROUND

The F and G docks were installed in 1997 in the eastern side of the basin. They are wooden docks floating on encapsulated foam tubs, held in place with concrete piles. The docks have 118 slips ranging from 22' to 84' which are used by fishermen, sailors and liveaboards. The docks are popular and have an occupancy rate of 91%.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

N/A

CONTACT PERSON

Councilmember Terry Taplin, District 2, 510-981-7120.





To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral Funding Afterschool Program Expansion

RECOMMENDATION

Refer to the November 2024 AAO#1 budget process \$300,000 to fund afterschool program expansion.

FINANCIAL IMPLICATIONS

\$300,000 and staff time.

CURRENT SITUATION AND ITS EFFECTS

Community members have reached out to the Berkeley Unified School District (BUSD) and the 2x2 Committee about insufficient aftercare. In August, our office was informed by school board directors that there were 25 staff vacancies and hundreds of students on waitlists.

BACKGROUND

The City of Berkeley provides quality elementary afterschool programs at multiple locations that currently serve 245 BUSD youth. The programs are subsidized by the General Fund and offer 50% and 100% scholarships to those who need them. The programs are staffed by full- and part-time employees in the Parks, Recreation, and Waterfront Department's Recreation Division.

The city's current afterschool program is at the following sites:

- Live Oak Community Center (60)
- James Kenney Community Center (75, includes Therapeutic Recreation Program)
- Frances Albrier Community Center (65)
- Willard Clubhouse (45)

The current cost per pupil is just under \$3,000 per school year. With the new Willard Clubhouse, the planned MLK Jr. Youth Services Center expansion, and an additional \$300,000, the city can serve an additional 100 elementary age youth.

- Live Oak Community Center (80)
- James Kenney Community Center (85, includes Therapeutic Recreation Program)
- Frances Albrier Community Center (75)
- Willard Clubhouse (65)

MLK Jr. Youth Services Center (40)

Additionally, the city would need to come up with a plan to expand its transportation program in order to ensure students can get from their school to the program site. Attached is a press release from Zum, a student transportation provider, who announced in August that they deployed an all-electric fleet of school buses in Oakland Unified School District (OUSD), making it the first major school district in the U.S. to transition to a 100% electrified school bus system.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

N/A.

CONTACT PERSON

Councilmember Terry Taplin, District 2, 510-981-7120.

Attachments:

1 - Press Release: Zum Deploys Nation's First 100% Electric School Bus Fleet in Oakland, California for the 2024-2025 School Year



Councilmembers  
District 4  
District 5  
City Hall, 5th Floor  
Berkeley, CA 94704  
[itregub@berkeleyca.gov](mailto:itregub@berkeleyca.gov)

CONSENT CALENDAR

November 12, 2024

To: Members of the Berkeley City Council

From: Councilmember Igor Tregub (author)  
Councilmember Sophie Hahn (co-sponsor)

Subject: Budget Referral: One-Time \$50,000 Funding for a Traffic Study and Pedestrian Safety Operations at the Pedestrian Crossing on Shattuck Avenue and Delaware Street

RECOMMENDATION: Refer \$50,000 to the November 2024 AAO #1 budget process for one-time funding for a traffic study and pedestrian safety operations at the pedestrian crossing on Shattuck Avenue at Delaware Street with the aim to significantly improve safety for all residents. If any funds remain after the study is conducted, direct the remainder of the funds towards designing and implementing safety measures at this crosswalk.

FISCAL IMPACT: \$50,000 from the General Fund.

BACKGROUND: Councilmember Tregub and the Deputy Director of Public Works Engineering & Transportation received a letter of concern about the crosswalk on Shattuck at Delaware Street signed by 15 residents of Amistad House, a residence for seniors and persons with disabilities, at 2050 Delaware Street. The signatures also include healthcare and case worker Mr. Virgil Holt. In their letter and other correspondence residents indicate extremely dangerous crosswalk conditions and are requesting traffic and safety study and consideration for additional safety measures at this crosswalk, such as reduced speed limits and flashing yield lights. The full letter with constituents' signatures is attached in Attachment #1.

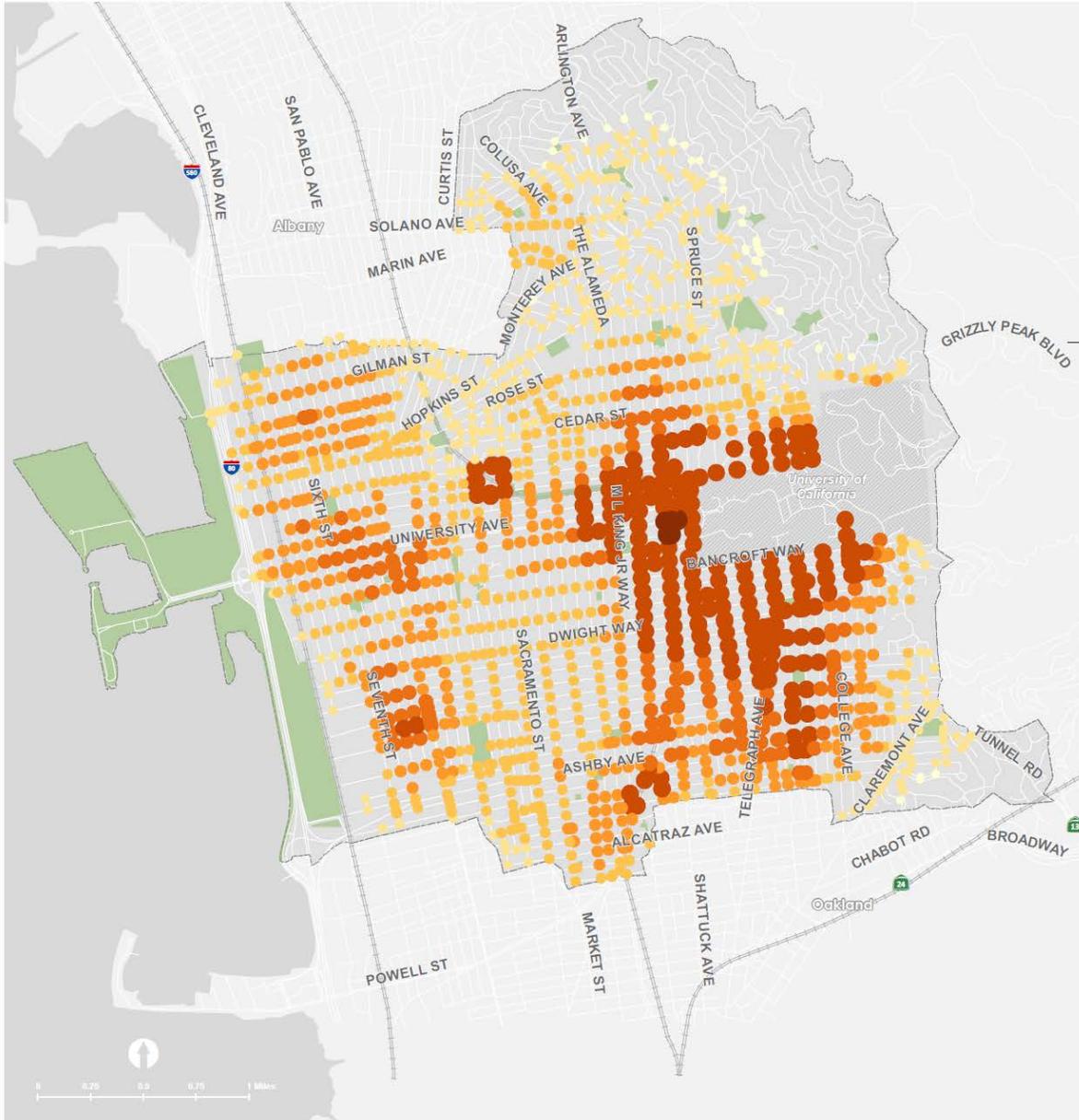
CURRENT SITUATION AND ITS EFFECTS: According to the City of Berkeley Pedestrian Plan,<sup>1</sup> the intersection of Shattuck Avenue and Delaware Street is in one of the highest Pedestrian Volumes zones in Berkeley (20,001 - 100,000). It is also the closest intersection to the large housing facility for seniors and people with disabilities and only two short blocks away from the UC Berkeley campus boundary. Amistad House, a residence for seniors and people with

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<sup>1</sup> City of Berkeley Pedestrian Plan <https://berkeleyca.gov/sites/default/files/2022-01/2020-Pedestrian-Plan.pdf>

disabilities, is located at 2050 Delaware Street, directly at the intersection with Shattuck Avenue.

FIGURE 7: ESTIMATED PEDESTRIAN VOLUMES AT INTERSECTIONS



**Estimated Weekly Pedestrian Volumes**

- 0 - 250
- 251 - 5,000
- 5,001 - 10,000
- 10,001 - 15,000
- 15,001 - 20,000
- 20,001 - 100,000
- > 100,000

- +— Railroad
- Parks/Recreation
- Berkeley City Boundary

The referenced crosswalk is extremely dangerous for elders and anyone with vision or mobility impairment, as well as for the students and other pedestrians at this high-volume intersection.

RATIONALE FOR RECOMMENDATION: The study will help identify appropriate safety measures at this intersection. Additional safety measures at this crosswalk, such as reduced speed limits and flashing yield lights could improve safety and save lives. This measure is in line with Berkeley Vision Zero Action Plan<sup>2</sup> and the Pedestrian Plan vision<sup>3</sup> and goals.

Appendix B of the Pedestrian Plan adopted WHEN?<sup>4</sup> also states : “To improve safety for vulnerable road users, such as pedestrians and bicyclists, intersections should have short crossing distances, slow motor vehicle turning speeds, and good visibility. Crossings, whether midblock or at an intersection, should provide safe and comfortable locations for people to cross the street. A crossing location should be designed to encourage motorist yielding or stopping to allow pedestrians to cross.” According to many of the everyday users we consulted with, the intersection does not correspond to these requirements. The study is needed to identify compliance measures.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS: According to the community-wide greenhouse gas emissions inventory in the Climate Action Plan and Resilience Update<sup>5</sup> released on November 29, 2020, Transportation sector accounts for 46% of the City of Berkeley greenhouse gas emissions. Every effort to make communities safe for walking and biking contributes to the reduction of Vehicle Miles Traveled and therefore aids in decarbonization and overtime amounts to substantive environmental, sustainability, and climate impacts.

POSSIBLE FUTURE ACTION: The Council could take possible future action to provide additional and/or gap funding for the completion of traffic safety measures identified in the study, but not covered by current allocation.

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<sup>2</sup> Vision Zero Action Plan <https://berkeleyca.gov/your-government/our-work/adopted-plans/vision-zero-action-plan>

<sup>3</sup> Pedestrian Plan vision “Berkeley is a model walkable city where traveling on foot or with an assistive device is safe, comfortable, and convenient for people of all races, ethnicities, incomes, ages and abilities”

<sup>4</sup> Pedestrian Plan Appendix B (adopted)

<https://berkeleyca.gov/sites/default/files/documents/2020%20Pedestrian%20Plan%20Appendix%20B%20%28adopted%29.pdf>

<sup>5</sup> Climate Action Plan and Resilience Update

<https://berkeleyca.gov/sites/default/files/documents/2022-11-29%20Item%2016%20Climate%20Action%20Plan.pdf>

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION: Cost estimates for future actions will not be known until the traffic safety study and preliminary engineering is conducted.

CONTACT PERSON

Councilmember Igor Tregub

[itregub@berkeleyca.gov](mailto:itregub@berkeleyca.gov)

Olga Bolotina

[obolotina@berkeleyca.gov](mailto:obolotina@berkeleyca.gov)

Attachments:

1. Letter of concern about the crosswalk on Shattuck at Delaware Street signed by fifteen residents of Amistad House (residence for seniors and persons with disabilities) at 2050 Delaware Street.

Annetta and Ken Lipman  
Residents of Amistad House  
2050 Delaware Street  
Berkeley, CA 94709

October 22, 2024

Transportation & Infrastructure Commission  
Wahid Amiri  
Public Works  
City of Berkeley  
1947 Center Street, 4<sup>th</sup> Floor  
Berkeley, CA 94704

Dear Mr. Amiri,

As residents of Amistad House on the corner of Delaware Street and Shattuck Avenue, we would like to request that a traffic study or pedestrian safety operation be conducted regarding the pedestrian crossing on Shattuck Avenue at the corner of our building.

Our residents at Amistad House are either elders or persons with disabilities/mobility issues, and we have found that crossing Shattuck Avenue at Delaware Street is difficult and dangerous for pedestrians for the following reasons:

1. Increased traffic on Shattuck Avenue, especially in the mornings and afternoons on weekdays
2. Increased speeds of drivers on Shattuck Avenue; drivers not seeing or yielding to pedestrians
3. Very uneven road surface – falling hazard for mobility impaired individuals

Additionally, for residents who drive, turning from Delaware Street onto Shattuck Avenue, especially turning left onto Shattuck, is hazardous. There is obstructed visibility because of Corso Restaurant's outdoor dining booth on Shattuck Avenue. Turning right is easier but still has limited visibility.

We would appreciate a safety evaluation or pedestrian safety operation of this intersection for pedestrians and drivers.

Furthermore, we would like to request additional safety measures for this crossing such as a flashing crosswalk light like the one recently installed at the corner of Shattuck and Berkeley Way, a better Senior Housing sign, and/or a reduced speed limit sign for drivers approaching this intersection from the north or south.

We appreciate your consideration for this request for an evaluation of this unsafe crossing intersection.

Sincerely,



Ken and Annetta Lipman, Apt. 204

Additional Resident signatures attached:

Ethel Murphy – Apt. 106

Pam Fadem – Apt. 401

Betty Chui – Apt. 414

Josephine Ratnam – Apt. 315

Barbara Davis – Apt. 216

Mary K. Day – Apt. 404

Zenobin Barton – Apt. 105

Virgil Holt – Building Case Manager

Kevin Brand- Apt. 104

Ron Kay – Apt. 316

Randy Boyer – Apt. 101

Roderick Chamberlain - Apt. 110

Barbara Grieb – Apt. 206

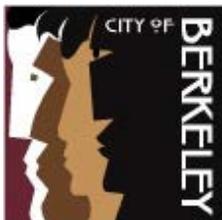
Ramona Avellano – Apt. 201

Cc: Igor Tregub, Berkeley City Council, District 4; ADA – Thomas Gregory; Policy Committee, Councilmember Terry Taplin and Wendy Sorensen; Darlene Bronson - Health, Housing, and Community Services, Commission on Aging

**CONTACT INFORMATION**  
 Address: 1947 Center Street, 4th Floor, Berkeley, CA 94704  
 Phone: (510) 981-7010 TDD: (510) 981-6903 FAX: (510) 981-7060  
 Office Hours: Monday-Friday, 8:30 am-4:30 pm (Last appointment sign-in at 4:00 pm)  
 Email: [transportation@berkeleyca.gov](mailto:transportation@berkeleyca.gov)

| Name                       | Apt. Number | Comment                                                                                                                                                                                                                    |
|----------------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Annetta and Ken Lipman     | 204         | Crossing at Delaware and Shattuck is difficult because cars sometimes do not stop, the road is very bad for people using a cane (Annetta Lipman), and cars are often exceeding the speed limit. Flashing light would help. |
| Ethel & Murphy             | 106         | Net go to University + Shattuck - very hard to cross University in time allowed. Good crossing Heast at Shattuck <del>use that time frame as a model</del>                                                                 |
| Paul Fadem -<br>Paul Salem | 401         | I concur with the latter points. As a person with wheelchair it is a scary pe <del>walk</del> crossing from Delaware across Shattuck any day.                                                                              |
| BETTY CHUI<br>R. Chen      | 414         | It's very important to have a traffic control at the corner especially for seniors to cross the street.                                                                                                                    |
| Josephine Rothman          | 315         | esp. WESTERN ROAD SURFACE                                                                                                                                                                                                  |
| Richard Davis              | 216         |                                                                                                                                                                                                                            |
| Mary T. Day                | 404         | Support this solution!                                                                                                                                                                                                     |

| Name                              | Apt. Number      | Comment                                                                                                                                                  |
|-----------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Geneva Bostin                     | 105              | crosswalk is very dangerous and very unacceptable for seniors - or any one crossing street.                                                              |
| Vijl Holt                         | case #<br>Kwager | I have identified that this crossing presents a V.I. /<br>frustration safety hazard for all elderly crossers.                                            |
| Ken Bond                          | Apt<br>107       |                                                                                                                                                          |
| Mark Gyles                        | 316              | Dangerous crosswalk, especially considering the number of<br>elderly living nearby. We can't always move fast, and cars<br>sometimes don't want to stop. |
| Andy Bortz<br>ROBERTA CHAMBERLAIN | 181              |                                                                                                                                                          |
| BARBARA SEIB                      | 110              |                                                                                                                                                          |
| RM Sullivan                       | 206              | MARB SAFETY PLEASE!                                                                                                                                      |
| RM Sullivan                       | 201              |                                                                                                                                                          |



**Berkeley City Councilmember**  
**Igor Tregub, District 4**  
 2180 Milvia Street, 5th Floor  
 Berkeley, CA 94704  
 itregub@berkeleyca.gov

CONSENT CALENDAR

November 12, 2024

To: Members of the Berkeley City Council

From: Councilmember Igor Tregub

Subject: Budget Referral: One-Time \$30,000 Funding to Install an Accessible Pedestrian Signal (APS) at the intersection of Sacramento Street and Allston Way

RECOMMENDATION: Refer \$30,000 to the November 2024 AAO#1 budget process for one-time funding to install an Accessible Pedestrian Signal (APS) at Allston Way and Sacramento Street Intersection.

FISCAL IMPACT: \$30,000 from the General Fund.

BACKGROUND: Councilmember Tregub recently met with a District 4 resident and member of the Berkeley Commission on Disability. Among other challenges that people with disabilities in Berkeley face every day, she shared the challenges that blind people and people with impaired vision are enduring as it relates to heightened risk of being victims of traffic collisions. For example, this resident's son is blind and walks to Longfellow Middle School daily. He uses the Sacramento Street-Allston Way intersection regularly, and there are at least three other blind residents in the area who cross this intersection on a regular basis as well. These residents would benefit from the installation of an Accessible Pedestrian Signal (APS) at the intersection of Sacramento Street and Allston Way.

CURRENT SITUATION AND ITS EFFECTS: The absence of an APS makes it especially challenging for blind and low-vision pedestrians to navigate this intersection safely.

The typical way for a blind pedestrian to cross a street without an APS is by listening to near-parallel traffic noise signals to indicate that it is safe to cross. However, at this particular intersection, there is heavy traffic on Sacramento Street, while traffic on Allston Way is much lighter. This results in long waits, sometimes as many as five cycles of green-red lights, before any near-parallel traffic noise occurs on Allston, making it difficult for blind pedestrians to determine when it is safe to cross, often forcing them to cross when it may not be safe.

Additionally, the intersection poses an increased danger due to the significant amount of left-turn traffic, which adds to risk for both blind and sighted pedestrians. Alongside vision-impaired pedestrians, other pedestrians also experience difficulties at this intersection. Pedestrians are

often unsure of how much time they have to cross the street before oncoming traffic commences, requiring them to wait in unsafe conditions on the median until it is safe to finish crossing. The APS will indicate to all pedestrians when they may safely start crossing.

RATIONALE FOR RECOMMENDATION: The installation of an APS at this intersection would greatly improve safety and accessibility for all blind and low-vision residents and potentially all residents, reducing the risk of motorist-pedestrian collisions.

This request aligned with several existing major strategic plans for the City of Berkeley, all of which recognize the need for better accessibility and traffic safety for all Berkeley residents. It also emphasizes the importance of accommodating children and adults with varying visual abilities.

- [Berkeley's Vision Zero Action Plan](#)<sup>1</sup>.
- [Navigable Cities Framework for Ensuring Access and Freedom of-Movement for People with Disabilities in Berkeley](#)<sup>2</sup>.
- [2020 Pedestrian Plan](#)<sup>3</sup>
- [Public Right of Way Accessibility Guidelines \(PROWAG\)](#)<sup>4</sup>
- The 2019-2022 updated [ADA/504 Self-Evaluation and Transition Plan](#)<sup>5</sup>

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS: According to the community-wide greenhouse gas emissions inventory in the Climate Action Plan and Resilience Update<sup>6</sup> released

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<sup>1</sup> Vision Zero Action Plan <https://berkeleyca.gov/your-government/our-work/adopted-plans/vision-zero-action-plan>

<sup>2</sup> Navigable Cities Framework for Ensuring Access and Freedom of-Movement for People with Disabilities in Berkeley <https://berkeleyca.gov/sites/default/files/documents/2020-10-20%20Special%20Item%2001%20Proposed%20Navigable%20Cities%20Framework.pdf>

<sup>3</sup> 2020 Pedestrian Plan <https://berkeleyca.gov/sites/default/files/2022-01/2020-Pedestrian-Plan.pdf>

<sup>4</sup> Public Right of Way Accessibility Guidelines (PROWAG) <https://www.access-board.gov/prowag/>

<sup>5</sup> The 2019-2022 updated ADA/504 Self-Evaluation and Transition Plan <https://berkeleyca.gov/sites/default/files/documents/City of Berkeley - ADA Self-Evaluation %26 Transition Plan %282019-2023%29 - WCAG-compliant.pdf>

<sup>6</sup> Climate Action Plan and Resilience Update <https://berkeleyca.gov/sites/default/files/documents/2022-11-29%20Item%2016%20Climate%20Action%20Plan.pdf>

on November 29, 2020, the transportation sector accounts for 46% of the City of Berkeley greenhouse gas emissions.

Walking is the most sustainable way of getting around. Every effort to make communities safe for walking and biking contributes to the reduction of Vehicle Miles Traveled and therefore aids in decarbonization and overtime amounts to substantive environmental, sustainability, and climate impacts.

POSSIBLE FUTURE ACTION: If the allocated amount is not enough to complete this project, the Council could take future action to provide gap funding to complete the project.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION: Cost estimates for future actions will not be known until the traffic safety study and preliminary engineering is conducted.

CONTACT PERSON

Councilmember Igor Tregub  
Olga Bolotina

[itregub@berkeleyca.gov](mailto:itregub@berkeleyca.gov)  
[obolotina@berkeleyca.gov](mailto:obolotina@berkeleyca.gov)





Sophie Hahn  
Councilmember, District 5  
City of Berkeley  
2180 Milvia Street  
Berkeley, CA, 94704  
(510) 981-7150 | [shahn@berkeleyca.gov](mailto:shahn@berkeleyca.gov)

To: Honorable Mayor and Members of the City Council  
From: Councilmember Sophie Hahn (Author)  
Subject: Budget Referral and Technical Support for the Berkeley Art Center

RECOMMENDATION

Direct the City Manager to support the Berkeley Art Center (BAC) during a time of financial crisis with technical assistance and other resources at the City’s disposal, and to work with BAC to develop a long-term plan for viability.

Refer to the November Budget Process a one-time emergency grant of \$100,000 for the Berkeley Art Center, pending review of the organization’s current financial status and plans for long-term recovery by the City’s Economic Development and Civic Arts team.

SUMMARY STATEMENT

The Berkeley Art Center is a beloved and longstanding Berkeley community arts organization experiencing significant financial hardship exacerbated by the COVID-19 pandemic. Arts organizations have faced new and unprecedented challenges due to the pandemic, the end of COVID-19 relief funds, a reduced donor base, and more.

This referral requests the City Manager’s Office to provide technical assistance to the Berkeley Art Center. BAC has previously accessed City resources that helped the organization continue supporting and showcasing local artists. An emergency grant of \$100,000 would further enable the Berkeley Art Center to close part of the gap necessary to survive, to ramp up private fundraising, and to establish strategic plans to continue contributing to the cultural life of Berkeley and the Bay Area.

BACKGROUND

Since its founding in 1967, the Berkeley Art Center has been a hub for artistic exploration and community building that champions Bay Area artists and curators. Located in Live Oak Park in North Berkeley, the BAC makes contemporary art approachable at an intimate scale while serving diverse communities through exhibitions and artist-conceived events, workshops, and programs.

Designed by architect Robert Ratcliff and built by the Rotary Club as a gift to the City, the Berkeley Art Center was run by the Parks and Recreation Department and funded by the City of Berkeley for many years until the passage of Proposition 13.<sup>1</sup> As a result, the organization became a private nonprofit in the late 1970s. BAC's first director, Carl Worth, quickly established BAC as a destination for experimental contemporary art by Bay Area artists. Worth would go on to produce 89 exhibitions over 12 years as the director through 1979. Since its opening, BAC has exhibited work by important local figures such as Robert Bechtle, Enrique Chagoya, Bill Fontana, Taraneh Hemami, Mildred Howard, Hung Liu, Jim Melchert, Chiura Obata, Sonya Rapoport, Katherine Sherwood, Peter Voulkos, Carrie Mae Weems, and many others.

The Berkeley Art Center is committed to building an equitable organizational culture that advances opportunities at all levels of the organization for Black, Indigenous, and People of Color (BIPOC), queer and trans people, and people living with disabilities. BAC is dedicated to offering a welcoming and inclusive environment for artists, members, and visitors, and believes in the power of the arts to build community and conversation, opening its visitors' minds and imagination to the experiences of others. Importantly, the organization believes in supporting its artists in their professional growth and development, and that participation in exhibitions and programs should be both sustainable and financially beneficial.

Throughout the years, BAC has been working to connect the Berkeley community with exhibitions of work from a broader community of artists in the Bay Area, focusing on creating a space for our community to connect with artists and curators who are Black, Indigenous, POC, queer and trans, formerly incarcerated, and people living with disabilities. Most recently, BAC put together "[Painting Ourselves Into Society](#)," an exhibit that showcased artwork from current and formerly incarcerated artists. Co-curated by Orlando Smith aka "O. Smith" from inside San Quentin Prison and Rahsaan "New York" Thomas, who has returned to society after 22 years inside, the exhibit features the works of eight currently and formerly incarcerated artists nationwide exploring what it means for incarcerated people to stay connected to the larger community and to challenge the idea of what healing looks like together. The show features artists Cedar Annenkovna, Corey Devon Arthur, Mark A Cádiz, De'jon Joy, Jessie Milo, Joanna Nixon, Jared Owens and Alvin Smith, and will run until January 12, 2025.

Aside from its programming, what makes the Berkeley Art Center so unique is that over the years it has worked to address pay disparities of artists and curators of underrepresented communities, particularly in the Bay Area. BAC pays competitive rates at 3-7 times what is recommended by Working Artists and the Greater Economy or W.A.G.E. to support artists in the Bay Area. According to a report by Artfinder from 2017, a full three quarters of artists made \$10,000 or less per year from their art and close to half made no more than \$5,000.<sup>2</sup>

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<sup>1</sup> White, D. (2016, October 24). *After years of deferred maintenance, Berkeley asks Nonprofits to pay for fixes*. Berkeleyside. <https://www.berkeleyside.org/2016/10/24/after-years-of-deferred-maintenance-berkeley-asks-nonprofits-to-pay-for-fixes>

<sup>2</sup> Kinsella, E. (2017, November 29). *A new study shows most artists make very little money, with women faring the worst*. Artnet News. <https://news.artnet.com/market/artists-make-less-10k-year-1162295>

Unfortunately, sustaining this mission, which aligns with the City of Berkeley's longstanding commitment to fair and livable wages for all who work in our City, is extremely difficult when relying substantially on private donors and earned income to close funding gaps.

In recent years, the Berkeley Art Center has faced an uncertain future. Recognizing the contributions the organization makes to Berkeley, the City has long supported BAC, including with a yearly grant of approximately \$60,000 that was increased to \$86,000 around 2017. In addition, the organization also regularly benefits from the City's Civic Arts Grants, receiving \$10,000 in FY 2025.

Three years ago, the organization implemented a co-director model for the organization and with that, a commitment to livable salaries and benefits for the staff. In alignment with its mission to champion Bay Area artists and curators, BAC was dedicated to paying curators and exhibiting artists for their labor. Shortly thereafter, with the COVID pandemic at hand, fundraising efforts stopped producing anticipated results and other factors such as inflation, rising costs of living, and a more competitive donor and funder arena have presented unanticipated challenges for the organization.

*Since June, the BAC Board has completed an audit of its finances, reduced personnel costs, bridged staffing gaps with dedicated volunteers, and brought its monthly operating expenses down to a third of what they were.* The organization is currently operating on a shoe-string budget, with just two part-time, short-term staffers. To make ends meet, the Board launched its fall fundraising campaign, with the goal of raising \$125,000. For 2025, the organization has received one grant from the Walter & Elise Haas Creative Work Fund for \$32,000 and another from the California Arts Council for Creative Youth Development for \$25,000. BAC plans to continue applying for general operating grants to support the organization.

Funds from the City would be immediately used to stabilize the organization and transition to new leadership, including a new Executive Director with extensive fundraising and development experience. BAC will also work to hire a development consultant to help secure future general operating and exhibition funding through government and foundation grants, and create a signature annual fundraising event in addition to its community dinners. The organization will also develop a 5-year strategic plan to build a sustainable operating model for the organization.

For over 50 years, the Berkeley Art Center has been a home to Bay Area artists and an intimate space for the Berkeley and Greater San Francisco Bay Area community to connect with art. Despite its financial challenges, BAC has a committed membership base, highly devoted Board of Directors, vital programming, a loyal donor base, foundation funding, and recognition by the greater arts community for how it engages with the public and the greater community.

#### RATIONALE FOR RECOMMENDATION

During a time when arts and cultural organizations across the country are in freefall, Berkeley has the opportunity to support an arts organization that is not only showcasing thought provoking and civically engaged art, but one that pays its artists a fair wage.

Internal

BAC began as a City of Berkeley program. It has been largely self-sustaining for almost 50 years, but with rising costs in Berkeley and the Bay Area, making ends meet for a cutting-edge arts organization committed to fair wages may no longer be feasible without a more robust public commitment. *Currently requested funding, and anticipated additional funding requests for FY2026 and 2027, will allow the organization to hire a development professional and launch a strategic planning process that will answer these key questions: how to maximize fundraising from individuals and foundations/organizations, and what long term commitment from the City of Berkeley may be required to sustain this important arts resource for Berkeley.*

BAC provides employment and funding opportunities for artists and cultural workers, sustaining creativity in the Bay Area and contributing to the cultural vitality of our City. BAC is a hub for community engagement, with exhibitions that provide spaces for dialogue, collaboration, and creative expression, and a keen focus on social justice and equity. Their programming has a legacy of commitment to amplifying marginalized voices, addressing systemic inequalities, and celebrating diverse narratives. In addition to focusing on equity both programmatically and organizationally, BAC magnifies the arts' role in supporting mental health, well-being, and belonging through our artist-driven projects, programs, and community partnerships.

#### ENVIRONMENTAL SUSTAINABILITY

N/A

#### FISCAL IMPACTS

A one-time emergency grant of \$100,000 from the General Fund. Additional grants may be requested in future years, to sustain the organization during this period of accelerated private fundraising and long-term strategic planning.

#### CONTACT

Sophie Hahn, (510) 981-7150



Susan Wengraf  
Vice Mayor and Councilmember District 6

CONSENT CALENDAR  
November 12, 2024

To: Honorable Mayor and Members of the City Council  
From: Vice Mayor Wengraf (Author)  
Subject: Referral to the November 2024 AAO1 Budget Process for \$150,000 to Create a Five-Year Sustainable and Comprehensive Recovery Plan for the Arts and Culture Sector in Berkeley

RECOMMENDATION

Referral to the November 2024 AAO1 Budget Process for \$150,000 to engage a consultant to develop a multi-year comprehensive road map to support, maintain and sustain a resilient Arts and Culture sector in Berkeley.

The results of this plan will be critical to guiding and informing discussion and consideration of a ballot measure in support of the Arts in 2026.

FINANCIAL IMPLICATIONS

\$150,000 from the FY 2025 November AAO1

CURRENT SITUATION AND ITS EFFECTS

Berkeley’s existing arts organizations are in financial crisis. The Covid-19 pandemic has had a significant impact on the arts ecosystem here in Berkeley and in cities across the nation. Arts organizations are facing a tough road to recovery and are struggling with ideas and approaches to address the financial hits of losing their audiences, as they try to adapt to the devastating realities of the post- pandemic world and try to avoid closure.

The value and contribution of a vibrant arts and culture sector to the economic health and vitality of our city is undisputed. It has been a vital local and regional asset that supports hundreds of jobs, benefits business and helps grow our economy. When you consider the spending by arts and cultural organizations and their audiences, the impact on our city is profound.

The [Survey of Public Participation in the Arts](#), which sampled 40,718 U.S. adults at a roughly 59 percent response rate, found nearly universal declines in fine arts attendance from 2017 to 2022. The adults who reported seeing musical theater production fell from about 17 percent to 10 percent; the number for nonmusical plays dropped from about 9 percent to 5 percent. Attendance for ballet, opera and classical music performances saw similarly dramatic decreases.

[The Washington Post](#) reported this past summer that 25 to 30 percent of theater audiences have not returned since the shutdown, according to experts in theater management.

Performing Arts companies are rarely able to support the costs of production solely with box office receipts. They must attract both audiences and contributions to stay afloat. As theatres face post-pandemic declines in audience attendance, increased labor and material costs, and a shift in major funders' priorities away from the arts, the crisis has become widespread with serious consequences. New strategies combined with new partnerships and collaborations are necessary, but it's not simple and not clear that there is only one path forward with a community of organizations as diverse as ours here in Berkeley.

### BACKGROUND

Berkeley's commitment to investments in the Arts Sector is clear. In 2018, the City published the [2018 Arts and Culture Plan Update](#) that establishes citywide goals, policy improvements and actions to support and further develop local arts, culture and entertainment. Several studies, including an economic impact assessment, provided a detailed portrait of Berkeley's creative sector. The Plan Update identifies strategies to ensure that the city's arts and culture sector will continue to flourish and enhance the quality of life for all residents and visitors.

However, the Arts and Culture Plan was completed prior to the pandemic and did not anticipate the extreme challenges that performing arts organizations now face.

To help the Arts and Culture sector, many initiatives and emergency requests for funding for both capital improvements and operational expenses have been put forward by the Berkeley City Council since 2018, including:

[Grant Referral for Capoeira Arts Foundation for \\$150,000 - 10/15/19](#)

[Referral to Civic Arts Commission to Develop a Grant Program to Support Retaining and Improving Creative Spaces for Artists \\$300,000 - 10/29/19](#)

[Grant to Luna Kids Dance \\$150,000- 4/26/22](#)

[Affordable Housing for Artists Referred: 5/21/2024](#)

[Budget Referral for Support for Aurora Theatre \\$150,000 - 5/14/24](#)

[Budget Referral for Support for La Pena Cultural Center \\$150,000 -10/1/24](#)

Many arts organizations have come to the City seeking emergency financial assistance. The one-time funding initiatives have been an effective way to rescue and stabilize a

few organizations temporarily, but they do not address the financial challenges in a long- term sustainable way or address future problems.

It is time to re-examine the City’s role in keeping our arts organizations healthy in a sustainable and predictable manner. New ways of thinking are required now and for the future, to be able to support the operation and maintenance of our exceptional Arts and Culture Sector. A comprehensive plan that will focus on innovative, equitable, transparent and sustainable strategies for recovery for our very varied and diverse arts and culture organizations is critical to the future of the economic and emotional health of Berkeley’s arts ecosystem. There may not be a single answer for all our organizations. But the best way the City can support our local arts organizations is by focusing and investing in creating a comprehensive five-year plan that will address both short term and longer-term challenges

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No significant environmental impact

CONTACT PERSON

Vice Mayor Susan Wengraf

Council District 6

510-981-7160





Susan Wengraf  
Vice Mayor and Councilmember District 6

CONSENT CALENDAR  
November 12, 2024

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Wengraf (Author)

Subject: Referral to the November 2024 AAO1 Budget Process for \$250,000 for the design and planning for replacement of play structures and ADA access improvements at Glendale La Loma Park

RECOMMENDATION

Referral to the November 2024 AAO1 Budget Process for \$250,000 for design and planning for replacement of play structures and design of ADA access in Glendale La Loma Park.

FINANCIAL IMPLICATIONS

\$250,000 of General Fund allocated from FY 2025 November AAO1.

CURRENT SITUATION AND ITS EFFECTS

Glendale La Loma Park is located on a steep terraced hillside, with many different activities on different levels. On the lowest level there is a softball field, restroom, picnic areas and basketball court. On the two upper levels there are two playgrounds: one for 2–5-year-olds and one for 5–12-year-olds.

The age 5-12 playground on the second level is in need of immediate attention as the dry rot in the play equipment is threatening the future use of the playground. If the equipment is not replaced, the area will soon need to be closed to the community due to safety concerns. In addition, this level is also not ADA accessible. The \$250,000 allocation would cover the cost of design and planning for new play equipment for both levels and the design and planning of ADA compliant pathways and access. This would include a topographical survey, geo technical investigation, a community engagement process and conceptual plans for the relocation of the 5-12 playground so that it will be ADA accessible.

BACKGROUND

The City of Berkeley purchased the first parcel of land to create a park on the site of a former quarry, in 1949. Part of the site was filled in and levelled in 1962. A baseball field and basketball courts were added in 1967, and the upper terraces were developed in 1969-1970. Glendale La Loma Park was dedicated at a public ceremony held on

November 1, 1969. In 1974, the park was awarded the National Merit Design Award by the Professional Awards Program of the American Society of Landscape Architects.

The amenities in the park include a softball field, a basketball court, picnic areas, a public restroom and two terraced playground areas for recreation for children of different ages.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

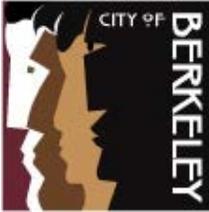
Maintaining our parks in safe condition and providing accessible amenities for all is compatible with the City's environmental goals and values.

CONTACT PERSON

Vice Mayor Susan Wengraf

Council District 6

510-981-7160



**Berkeley City Councilmember**  
**Mark Humbert, District 8**  
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 Berkeley, CA 94704  
 mhumbert@cityofberkeley.info  
 www.MarkHumbert.com

CONSENT CALENDAR  
 November 12, 2024

To: Members of the Berkeley City Council  
 From: Councilmember Mark Humbert (Author)  
 Subject: Budget Referral: Create a City park at Parkside Drive terminus median

RECOMMENDATION: Refer \$150,000 to the November 2024 AAO#1 budget process for consultants, conceptual design, and public engagement for converting the median informally known as “Round Park” (and possibly other nearby medians) to an official City park. Longer-term improvements could include but are not limited to ADA access, fencing, improved landscaping, and signage and would be funded separately.

FISCAL IMPACT: The Parks Department has provided a cost estimate of \$150,000 that would cover consulting fees, conceptual design development, and public engagement for potentially converting the median at the terminus of Parkside Drive into a City park.

BACKGROUND: Contrary to popular understanding, the southeast (SE) quadrant of Berkeley has the least amount of parkland and recreational facilities in the city. A [2015 study and report](#) (also attached) conducted by the Parks and Waterfront Commission and authored by Commissioners Caitlin Lempres Brostrom, Dru Howard, and Susan McKay found that that Berkeley’s SE quadrant has the least amount of parkland by acreage and the fewest recreational facilities—this despite the fact that the SE quadrant is also the highest population quadrant of Berkeley.

**Table 1** roughly illustrates major city parks/recreation facilities in Berkeley’s quadrants:

|                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Northwest</b><br/>                 Ohlone Park<br/>                 Cedar Rose Park<br/>                 King Pool<br/>                 Berkeley Marina/Cesar Chavez Park<br/>                 Tom Bates Regional Sports Complex<br/>                 James Kenney Community Center</p> | <p><b>Northeast</b><br/>                 Live Oak Park and Community Center<br/>                 Berkeley Rose Garden and Tennis Courts<br/>                 Cordonices Park<br/>                 John Hinkel Park<br/>                 Indian Rock Park</p> |
| <p><b>Southwest</b><br/>                 Strawberry Creek Park<br/>                 San Pablo Park and Community Center<br/>                 Grove Park<br/>                 Aquatic Park<br/>                 Brickyard Cove/Adventure Playground/Cal Sailing</p>                            | <p><b>Southeast</b><br/>                 Willard Park, Tennis Courts and Community Center<br/>                 Tim Moellering Field and Basketball Courts<br/>                 Martin Luther King, Jr. Civic Center Park</p>                                 |

**CURRENT SITUATION AND ITS EFFECTS:** The eastern terminus of Parkside Drive in the Claremont/Uplands neighborhood features a large, round median area surrounded by a loop in the roadway. The existing median is teardrop shaped with a roughly 128-foot maximum radius and an approximate area of 0.4 acres (18,000 square feet).



The median features patchy grass, shrubs, and trees, including palm, pine, coast live oak, and white bottlebrush. The area also includes utility poles, a garbage can, and a number of large stones. There is currently informal use of the median, mostly by nearby residents for dog walking and small gatherings. The City does not sanction such use of the median and use of City medians for recreation is, in many cases, prohibited.

**RATIONALE FOR RECOMMENDATION:** Berkeley's SE quadrant currently has the least amount of parkland in both absolute and per capita terms and is the most rapidly growing quadrant of the city. Creating additional parks in this area of the city therefore serves both to provide adequate parkland for a growing population and help meet geographic equity goals. Because this is land already owned by the City, all acquisition costs would be avoided. Additionally, the roughly anticipated program at this potential park would be relatively simple, likely requiring only very modest investment from the City. Additionally, neighbors have expressed a strong interest in private fundraising for this effort, potentially further reducing the anticipated fiscal burden of this new park.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS:** Since this proposal covers only the planning, design, and public engagement phases, no substantial environmental impacts are anticipated. Eventual implementation of a park design would have greater potential for material environmental impacts, but these are expected to be minimal since the median already experiences informal, unsanctioned recreational use and physical changes to the site would be the minimum necessary to meet applicable standards, perhaps with the addition of play equipment, crossing and safety enhancements, or other minor infrastructure.

**POSSIBLE FUTURE ACTION:** The Council would need to approve the expenditure of these funds as part of a future budget adoption/action. Upon completion of consultant work, conceptual design, and public outreach, additional Council actions and City funding would be necessary to create final designs and begin physical improvements.

**FISCAL IMPACTS OF POSSIBLE FUTURE ACTION:** Cost estimates for planned improvements will not be available until completion of consulting and conceptual plans.

### **CONTACT PERSON**

Councilmember Mark Humbert — mhumbert@berkeleyca.gov, 510-981-7180

### **Attachments**

1. Parks and Waterfront Commission: Subcommittee on Planning, Berkeley Parks Planning for an Equitable Future, Commissioners Caitlin Lempres Brostrom, Dru Howard, and Susan McKay, Presented 2016  
<https://berkeleyca.gov/sites/default/files/documents/Equitable%20Future%20-%20P%26W%20Comm%20-%20Brostrom%20-%20McKay%20-%202016-07-19.pdf>

# BERKELEY PARKS PLANNING FOR AN EQUITABLE FUTURE



presented  
July 2016

# UPDATE

This report, Berkeley Parks - Planning for an Equitable Future, was produced during the first half of 2015 and completed in July 2015 by the Parks and Waterfront Subcommittee for Planning. Since then it has been formatted and graphically improved to make it more accessible to a wider audience of Berkeley citizens. This report is a snapshot in time that takes a look at the park's facilities and the issues that affect them up through July 2015. It has not been updated with more current information. Since the time that this report was written, the Berkeley Pier was found to be structurally unsound and closed for use by the public and the James Kenney Community Center Seismic Repair Project was funded and moved forward. The Subcommittee authors hope that the report's information which is intended as an overview, is helpful in moving forward with a discussion of the issues presented.



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THE CITY OF BERKELEY PARKS AND WATERFRONT COMMISSION SUBCOMMITTEE ON PLANNING is a working group made up of Commissioners Caitlin Lempres Brostrom, Dru Howard, and Susan McKay.



## PART 1: DATA COLLECTION

### INTRODUCTION/BACKGROUND

In November 2014, the citizens of Berkeley passed a ballot initiative (Measure F), to increase the parcel tax that supports maintenance of the City's parks and recreation facilities, by an overwhelming majority. The happy result is that increased funds will become available in July 2015 and will begin to be applied to major maintenance projects that will address deferred maintenance that has accrued since the passage of Proposition 13 in 1978.

This year, the Director of the Parks, Recreation and Waterfront Department, Scott Ferris, asked the Parks and Waterfront Commission to weigh in about priorities and schedules for facilities repair. During the PWC's discussions it became apparent that more information was needed for the Commission to feel comfortable about making recommendations.

Two issues arose that the Commission felt deserved further investigation:

1. Application of funds throughout the City and distribution of amenities.
2. Concern about the ability of the parks to meet increased needs brought about by current and projected growth in the City.

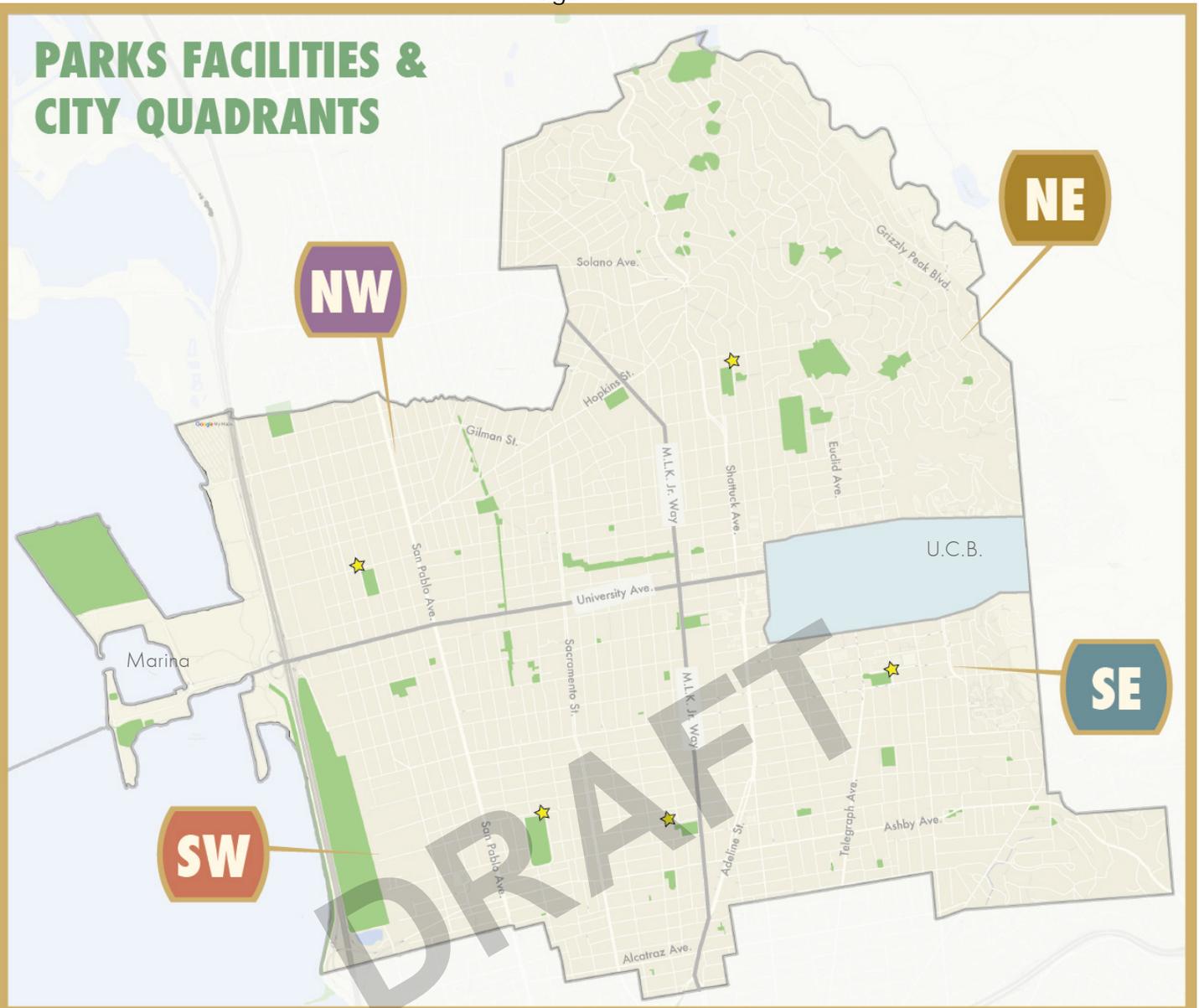
The Subcommittee took up the assignment to look into these issues.

### GOALS & SCOPE

The Subcommittee's work focused on the issues of equity and growth. We researched and prepared an overview of past, present, and projected conditions to provide a comparative base for recommendations. For our review, we divided the City into quadrants (NEQ, SEQ, NWQ, SWQ). We have reviewed general demographics, distribution of park facilities and recreation programs, maintenance funding (past and planned), as well as the implications of the projected population growth. We also reviewed the City's Community Centers' role in supporting surrounding neighborhoods. Another area of review was the BUSD schoolyards which are under the shared Measure Y Use Agreement.

We looked at facilities that are located within the City limits only and did not include camps located outside of the City. The information in this report is intended as an overview and is based on sources that are easily accessible. Further and more in-depth investigation will increase the accuracy of the material.

# PARKS FACILITIES & CITY QUADRANTS



-  BOUNDARY
-  CITY PARK
-  Community & Rec Centers

| NW Quadrant                                     | NE Quadrant                                           | SE Quadrant                                           | SW Quadrant                                     |
|-------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------|
| Boundary: City Limits, MLK Way, University Ave. | Boundary: City Limits, UCB, University Ave., MLK Way. | Boundary: City Limits, UCB, University Ave., MLK Way. | Boundary: City Limits, MLK Way, University Ave. |



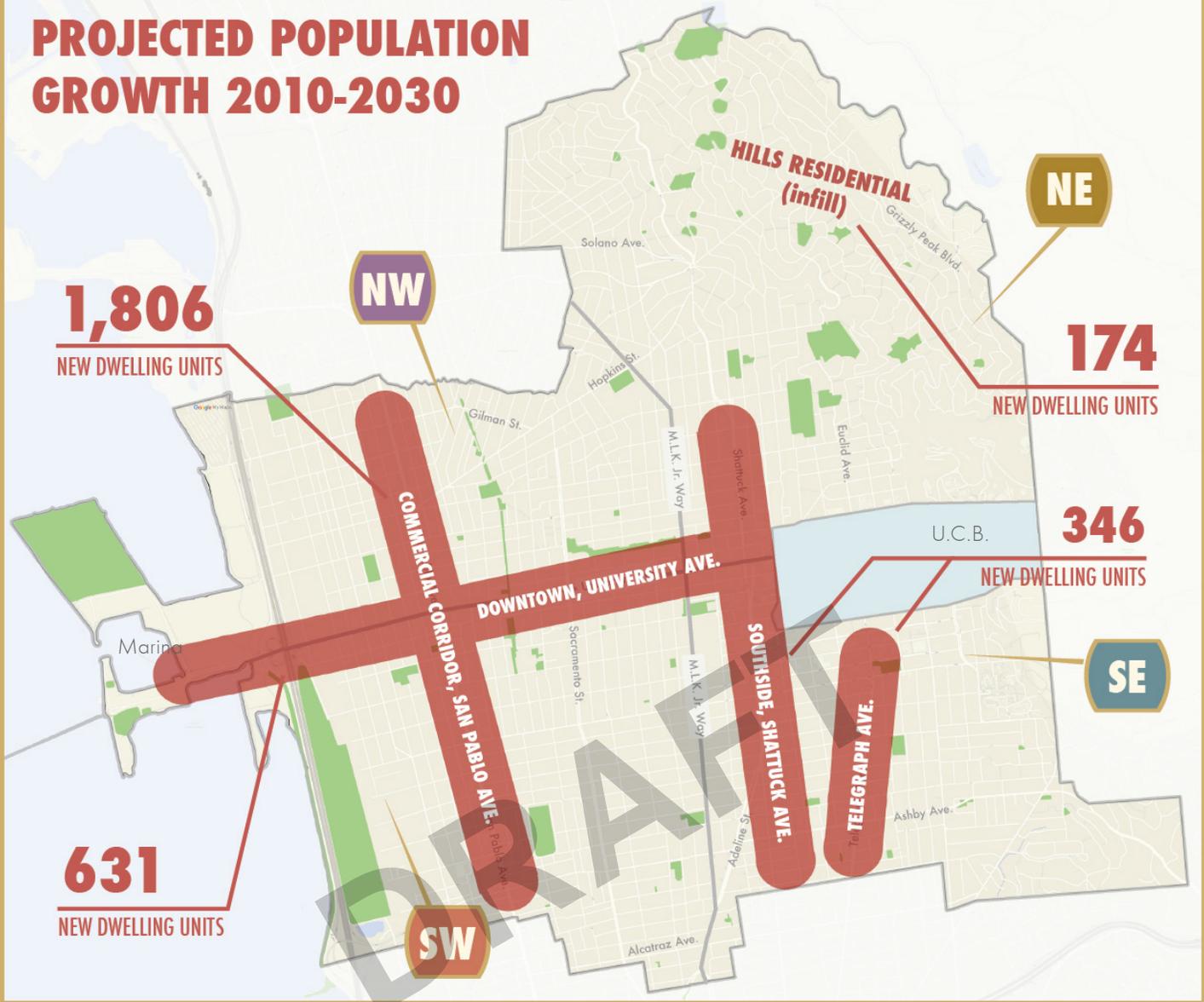
## CITY QUADRANTS

The Subcommittee chose to divide the City into quadrants with University Avenue as the N/S division and Martin Luther King Jr. Way as the E/W division. This divides the City into fairly equal land and population areas. Although U.C. Berkeley is in the Southeast Quadrant, it is viewed as a distinct, "self-contained" entity in relation to housing, open space, and recreation for this report. The Marina is considered separately as it has separate funding and little housing.

## DISTRIBUTION OF PARKS & FACILITIES

Parks are distributed throughout the City. The five largest, are located in the NE, NW and SW Quadrants. These quadrants also have one each of the City's three community/recreation centers. The SE Quadrant has the fewest facilities both by number and acreage. Most of the City's parks and facilities (sports courts, fields, children's play areas, picnic areas) are in the NE, NW and SW Quadrants, within these quadrants, facilities are fairly evenly distributed, the SE quadrant has significantly

# PROJECTED POPULATION GROWTH 2010-2030



**1,806**  
NEW DWELLING UNITS

**174**  
NEW DWELLING UNITS

**346**  
NEW DWELLING UNITS

**631**  
NEW DWELLING UNITS

-  BOUNDARY
-  CITY PARK
-  POP GROWTH

| NW Growth                    | NE Growth                    | SE Growth                    | SW Growth                    |
|------------------------------|------------------------------|------------------------------|------------------------------|
| <b>9%</b>                    | <b>1%</b>                    | <b>11%</b>                   | <b>5%</b>                    |
| 2010: 17,500<br>2022: 19,000 | 2010: 24,500<br>2022: 24,850 | 2010: 28,000<br>2022: 32,000 | 2010: 28,000<br>2022: 29,400 |



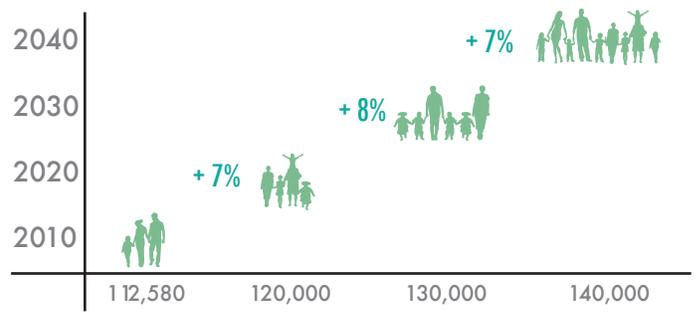
fewer facilities.

## DEMOGRAPHICS

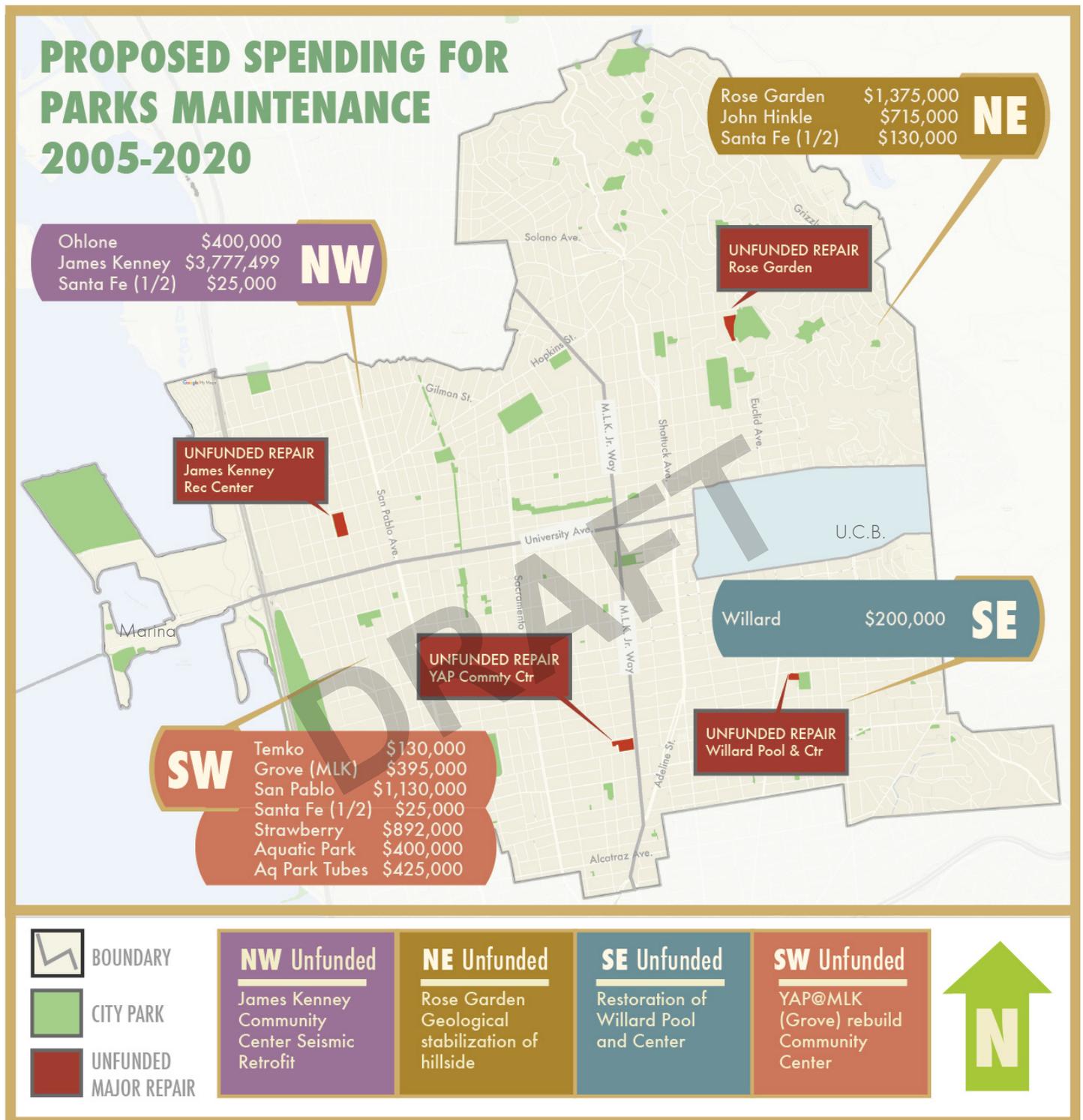
The Subcommittee has gathered demographic information for population and housing units. We have assembled a Fact Sheet that shows current and projected numbers city-wide and by quadrant. The current population is expected to increase 15% over the next 20 years - from 112,000 (2010) to 140,000 (2030).

New housing will increase especially along commercial

## PROJECTED POPULATION GROWTH CITY WIDE



corridors in the SW NW and SE Quadrants of the City. Some near term examples of growth include BUSD's projection of 3% growth of its student population in the next two years and new housing at the foot of University Avenue where 480 units of new housing have been constructed and/or approved over the last three years with an additional 135 units currently under review.



### PROPOSED SPENDING

As of July 2015 proposed spending through 2020, on major maintenance projects is distributed as follows: NE - \$2.22 M, NW - \$4.2 M, SW - \$3.4 M and SW \$2. M. Additionally the Marina projects including Cesar Chavez Park (funded by the Marina Fund) will receive \$2.4 M.

The majority of the projects address serious deficiencies that, left unattended, will have costly consequences. These projects

were determined to be the most necessary and have the highest priority. They are a portion of the total need and the scope reflects the funds available. Unfortunately many major maintenance projects remain unscheduled and unfunded. Some of these projects are shown on the map "Proposed Spending For Parks Maintenance"

### RECREATION PROGRAMS: CATEGORIES & DISTRIBUTION

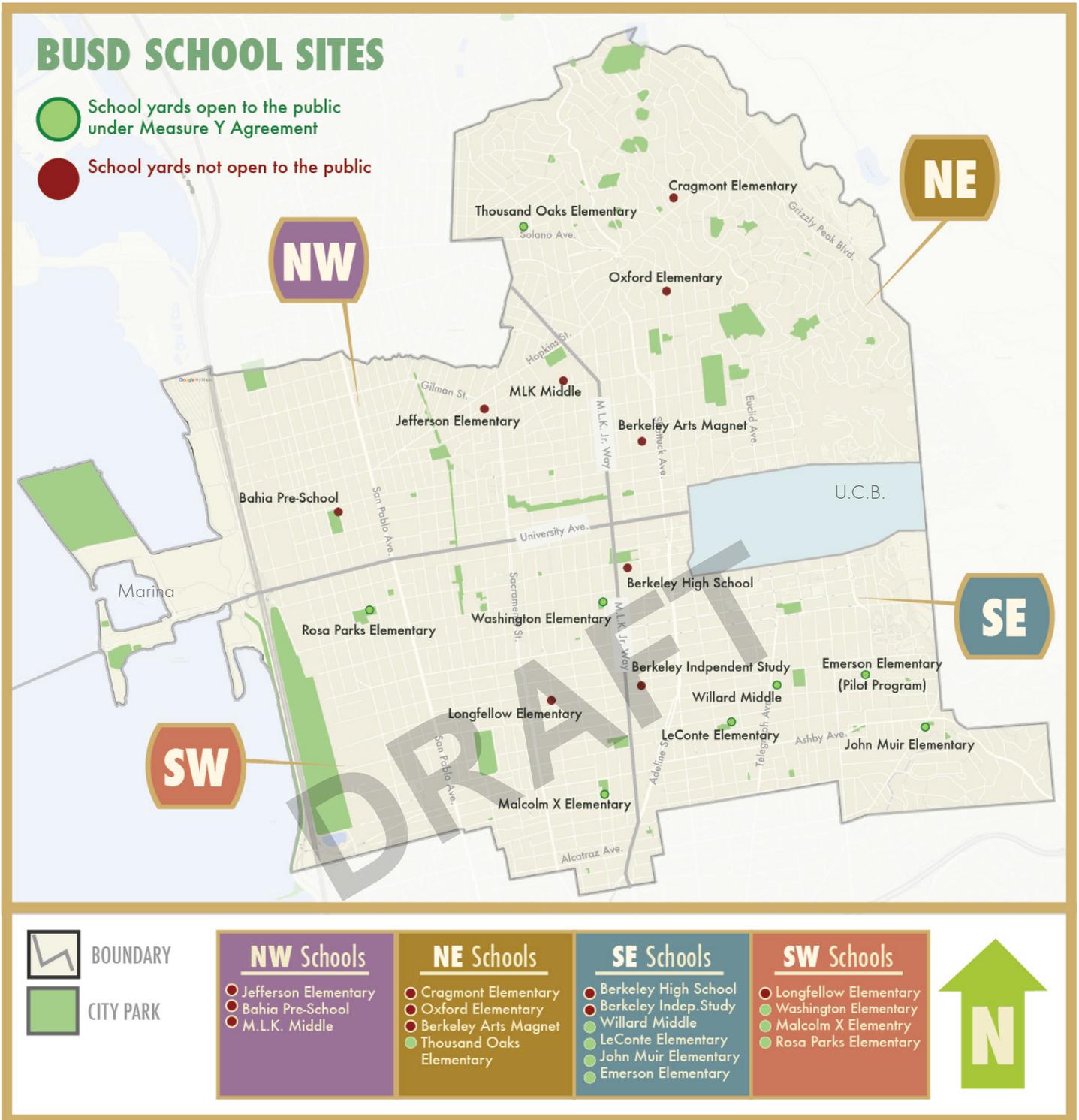
Recreation programs are concentrated in the four large community/recreational centers – Frances Albrier at San Pablo Park, Live Oak, James Kenney and Grove. There are also a few programs run out of the Willard Park Clubhouse and the Harrison Park Field House. Program distribution throughout the City is based on the community/recreation centers being located in the NE, SW and NW quadrants.

The recreation programs offered by the City are extensive, varied and growing in popularity. A complete list of programs and activities is listed on the City's website. Programs seeing major growth (often having waiting lists) are in the early childhood – tots and pre-K (First Five) – and after-school programs. According to the Recreation Division, after-school programs have expanded, could expand further and may need additional facility space. A full analysis of how the parks can better serve the community's recreation needs should be conducted.

### COMMUNITY/RECREATIONAL CENTERS' SUPPORT OF NEIGHBORHOODS

Two of Berkeley's three large community/recreational centers are located in northwest (NW) and southwest (SW) Berkeley. These centers and parks have in the past provided essential opportunities for outdoor play, sports and recreational programs to the surrounding lower income neighborhoods. The buildings' gymnasias and sports courts, and activity and meeting rooms host neighborhood functions and meetings as well as city-wide programs. These programs traditionally have supported the neighborhoods by bringing immediate, close access to affordable activities. A further look at specific needs of neighborhoods for recreation program access should be conducted.





### BUSD SCHOOLYARDS

An initial glance at the general distribution of the parks throughout the City Quadrants shows that geographically, there is uneven distribution. This fact prompted a look at the location of BUSD schoolyards. Some school sites are open to the community now and in the future others could possibly supplement areas that have fewer parks and facilities.

### MEASURE Y USE AGREEMENT

Measure Y is an active agreement established 25 years ago between the City of Berkeley and BUSD that allows use of six of the District's elementary and one middle schools' schoolyards by the community after school hours and activities and on weekends. The sites include Thousand Oaks, Rosa Parks, Washington, Le Conte, Malcolm X, John Muir and King MS. Per the agreement, the principals of each school can determine use and schedule for their school site. The Subcommittee surveyed the

BUSD Schoolyards principals to see how program is going. All of the responding principals (6 of 7) were supportive of the community's use of the outdoor facilities. A few problems involving litter and minor vandalism were noted.

## BUSD SCHOOL SITES

There are BUSD school sites distributed throughout the City as well as the high school's downtown campus. All the schools have outdoor open space that is variously developed. In general, BUSD school sites tend to fill in where there are gaps in geographically even distribution of the parks throughout the City.

Currently there is a pilot program for community access to the schoolyard at Emerson School. This program should be monitored to determine it's potential as a positive model for other sites.

## IMPROVEMENTS AND NEW PARKS

In addition to major maintenance projects in the parks, exciting ideas for major improvements to existing parks and new park development are always topics for discussion. Strategies should be developed for funding improvements.

## CONCLUSION

The data in this report is intended to initiate and provide a basis for a conversation that pertains to equitably and evenly distributing public funds to maintain, renovate and improve Berkeley's parks facilities as the City enters a growth period that is projected to increase population by at least 15% over the next 20 years.

The hope is that Berkeley can plan for a sustainable park system that will be based on identified community standards, have a solid financial base and fulfill today's undeveloped potential to serve our growing population.

## DATA SOURCES

- City of Berkeley Website - Community Profile Data
- City of Berkeley General Plan - Housing Element 2015
- City of Berkeley General Plan - Open Space and Recreation Element 2000(?)
- Department of Parks Recreation and Waterfront - [www.cityofberkeley.info/recreation](http://www.cityofberkeley.info/recreation)
- Winter and Spring Recreation
- Activity Guide 2015, Summer Recreation Activity Guide 2015
- Conversation with Denise Brown, Recreation and Youth Services Manager, Recreation Division, Parks Recreation and Waterfront Department
- Department of Parks Recreation and Waterfront 5-Year Major Maintenance/Capital Plan, 3/11/15

## ACADEMIC STUDIES

- "Parks + Parks Funding in Los Angeles - An Equity Mapping Analysis", J. Wolch, J. Wilson, J. Fehrenbach
- "Got Green? Addressing Environmental Justice in Park Provision", C. Sister, J. Wolch, J. Wilson
- "Urban Green Space, Public Health, and Environmental Justice: The challenge of making cities 'just green enough'", J. Wolch, J. Byrne, J. Newell
- "The Active City? Disparities in Provision of Urban Public Recreation Resources", N. Dahmann, J. Wolch, Joassart-Maricelli, K. Reynolds, M. Jarrett



## PART II: CONCLUSIONS/RECOMMENDATIONS/ACTIONS

### GOAL/SUMMARY

Based on the data and findings presented in Part I the Parks and Waterfront Commission held discussions regarding conclusions, recommendations, and actions to support the goals of equitable application of funds throughout the City and to insure that the parks continue to have the ability to meet increased needs brought about by population growth.

#### 1 CONCLUSION, New residents should invest and contribute financially to Berkeley parks.

##### RECOMMENDATION

- Investigate additional funding mechanisms for parks based on new residents.
- Consider access to Transfer Tax, New Unit Surcharge, Building Permit Fee, etc.

##### ACTION

- As background, review history of parks funding and development in Berkeley.
- Research Strategies (Planning Dept. has asked SF to review other cities' in lieu type fee programs).
- Establish new residents definition, i.e. new housing units, etc. and alternatives for contributions.

#### 2 CONCLUSION, Parks use will increase due to increase in population.

##### RECOMMENDATION

- Investigate strategies for expanding parks' capacity.

##### ACTIONS

- Determine which parks can absorb more intense development and increased use and/or review potential for expansion of programs and activities in existing parks.
- Investigate potential new or expanded park development on City-owned sites, including mini-parks, Cesar Chavez, Adeline Corridor, Santa Fe ROW, etc.

#### 3 CONCLUSION There is an increase in the population of families with children, so expansion of facilities and programs for children may be needed.

##### RECOMMENDATION

- Establish a program to identify and meet the needs for facilities and recreation programs expansion.

##### ACTIONS

- Confirm demographic assumptions through data collection or other method.
- Outline and initiate an analysis (planning) process for identifying and meeting needs Collaborate with Recreation Division for program data (current and future)
- Initiate conversation with BUSD regarding sharing facilities.

#### 4 CONCLUSION Parks use may change over time.

##### RECOMMENDATION

- Initiate an analysis process to study how parks and parks use may change.

##### ACTIONS

- Review how parks are used now; look at how they may be used in the future. Collaborate with the Recreation Division to assess recreation programs needs now and in the future.

#### 5 CONCLUSION With the demographic shift in Berkeley neighborhoods, the City is no longer able to compete for state, fed money, and other grants for disadvantaged areas.

##### RECOMMENDATION

- Look for alternative funding sources.

##### ACTION

- Review funding options including a development foundation, access of City taxes (see above), bonds, etc.

**6 CONCLUSION Berkeley's approach to public facilities (multiple, smaller) is neighborhood focused – libraries, pools, parks, elementary/middle schools.**

**RECOMMENDATION**

- Support this condition and preference.

**ACTIONS**

- Review existing conditions and the role rec programs and facilities play in the support neighborhoods (especially in South Berkeley).
- Establish standards or guidelines for equitable distribution of facilities & programs supporting neighborhood access.

**7 CONCLUSION There is often neighborhood support for supplemental funding of neighborhood focused projects (mini-grant program, Thousand Oaks urn project, Halcyon sculpture, etc.) by resident's direct contributions.**

**RECOMMENDATION**

- Develop strategies to encourage and support supplemental funding for public projects.

**ACTIONS**

- Review history of programs in Berkeley, Develop guidelines to encourage and support neighborhood efforts.

**8 CONCLUSION There are gaps in facilities and programs in some quadrants and neighborhoods.**

**RECOMMENDATION**

- Propose equitable strategy for filling gaps.

**ACTION**

- Increase accuracy of current data
- Develop standards for access to facilities and programs
- Develop scenarios to implement equitable distribution of facilities and programs

**9 CONCLUSION There is a potential for parks facilities to generate revenue.**

**RECOMMENDATION**

- Investigate the potential for revenue generation.

**ACTIONS**

- Conduct study to identify potential revenue generators (including analysis of similar programs in other places)
- Develop goals and guidelines for revenue generation.
- Develop strategies to implement programs to generate revenue.

**10 CONCLUSION There is an opportunity to increase access to open space and recreation through a collaboration between Parks and Recreation and the BUSD.**

**RECOMMENDATION**

- Explore potential collaborations.

**ACTION**

- Initiate meetings of Parks and Waterfront Commission, BUSD Board, Children, Youth, and Recreation Commissions.





**Berkeley City Councilmembers**  
**Mark Humbert, District 8**  
**Igor Tregub, District 4**  
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CONSENT CALENDAR

November 12, 2024

To: Members of the Berkeley City Council  
From: Councilmember Mark Humbert (Author)  
Councilmember Igor Tregub (Co-Author)  
Subject: Budget Referral: One-time \$70,000 bridge funding to the Bread Project

RECOMMENDATION: Refer \$70,000 to the November 2024 AAO#1 budget process for one-time bridge funding for the Bread Project, a Berkeley non-profit that provides job training (with an emphasis on culinary work) and soft skills development for economically disadvantaged and systems-impacted individuals.

FISCAL IMPACT: \$70,000 from the General Fund.

BACKGROUND: Founded in 2000, The Bread Project is a Berkeley non-profit that provides training in culinary arts and bakery production, and includes systems-impacted individuals and refugees among their target population. They operate a social enterprise (wholesale bakery) that creates opportunities for trainees to obtain crucial on-the-job experience. The Bread Project also provides soft-skills training and provides assistance with resume writing, interview prep, and job placement.

The Bread Project’s *Bakery Bootcamp®* is a four-week, 115+ hour intensive Bakery Bootcamp offered monthly, combining the fundamentals of commercial baking and safe food handling along with the soft skills of goal setting, time management, financial management, resume writing, interviewing, and getting a job. Graduates receive a Certificate of Completion, their California Food Handlers Card, job coaching and placement assistance, and 12 months of follow-up support.

CURRENT SITUATION AND ITS EFFECTS: The Bread Project currently rents a commercial kitchen facility with attached offices and classroom space at 1615 University Avenue. The rent for this space plus the cost of operating the project currently exceeds the organization’s revenue and charitable receipts. Despite various cost-saving measures implemented by the organization, this had contributed to an operational deficit of \$50,000–100,000 per year. The Bread Project’s current annual budget allocation from the City is \$57,850.

**RATIONALE FOR RECOMMENDATION:** Within two months of graduation, a three-year average of 84 percent of Bread Project graduates are employed. For fiscal year 2024 95 percent of graduates who had secured a job within two months remained at that job six months later. And graduates of the Bread Project also typically earn higher-than-minimum wages, with many achieving a living or near living wage in their first job placement. The skills gained at the Bread project also translate into positions in non-culinary industries and offer room for growth.

Typically receiving less than \$70,000 per year in City funding, but usually placing >70 graduates into long-term jobs each year, the Bread Project has one of the best jobs-placement to public cost ratios of any non-profit supported by the City. This despite the fact that the Bread Project serves many marginalized communities with challenges to employment, including among others: systems-impacted individuals, communities of color, immigrants, non-native English speakers, and housing-insecure individuals.

Providing one-time bridge funding to keep this organization active and present in Berkeley thus offers the City significant bang-for-the buck, helping to prevent unemployment and the attendant need for other forms of support.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS:** Since this proposal covers only a funding allocation to allow the Bread Project to continue its existing program in its present space, no new substantive environmental, sustainability, or climate impacts are anticipated.

**POSSIBLE FUTURE ACTION:** The Council could take possible future action to provide additional funding and/or to support the Bread Project's efforts to relocate to a larger, better-equipped, and possibly publicly-owned kitchen facility which it could potentially share with other organizations, such as the Berkeley Food Network.

**FISCAL IMPACTS OF POSSIBLE FUTURE ACTION:** Cost estimates for future actions will not be known until they are proposed.

### **CONTACT PERSON**

Councilmember Mark Humbert — mhumbert@berkeleyca.gov, 510-981-7180

Councilmember Igor Tregub — itregub@berkeleyca.gov, 510-981-7140

### **Attachments**

1. Bread Project Key Performance Metrics
2. Bread Project Outreach and Mission Information



## The Bread Project Program Metrics & Demographics

| Metric                                                                                                                 | FY24                 | FY23 | FY22    |
|------------------------------------------------------------------------------------------------------------------------|----------------------|------|---------|
| New Enrollment (arrived for first day of training)                                                                     | 98                   | 77   | 73      |
| Number of Cohorts                                                                                                      | 9                    | 9    | 9       |
| Graduation Rate (80-85%)                                                                                               | 83 (85%)             | 70%  | 61%     |
| Graduates Actively Seeking Employment                                                                                  | 59                   | 41   | 31      |
| Graduates Actively Pursuing Entrepreneurship                                                                           | 3                    | 4    | 6       |
| Graduates Pursuing Advanced Education/Training                                                                         | 15                   | 5    | 2       |
| Graduates on Leave (medical, family, childcare issues, transportation, etc.)                                           | 6                    | 4    | 7       |
| Employment Rate within 30-60 days for Graduates Actively Seeking Employment (80-85%)                                   | 76%                  | 89%  | 89%     |
| Hired in Food Industry Job out of 59 Graduates Actively Seeking Employment                                             | 32%                  | 38%  | 88%     |
| Hired in Assorted Food Industry Job out of 59                                                                          | 57%                  |      |         |
| Hired in Nonfood Industry Job out of 59                                                                                | 11%                  |      |         |
| Job Retention Rate After 90+ Days (80-85%)                                                                             | 74%                  | 86%  | 67%     |
| Job Retention Rate After 240+ Days (80-85%)                                                                            | 70%                  |      |         |
| Bottom Wage Reported                                                                                                   | \$19.95              | \$17 | \$15    |
| Average Wage                                                                                                           | \$24                 | \$20 | \$23    |
| Median Wage                                                                                                            | \$28                 | \$20 | \$17.75 |
| Top Wage Reported                                                                                                      | \$62.50<br>(130,000) | \$25 | \$35    |
| Living Wage Rate of \$19.95 [Tracks with Oakland Living Wage Rate of \$17.37 without Benefits]                         | 100%                 | 100% | 93%     |
| Top 10% of Wage Earners                                                                                                | \$25                 | \$22 | \$35    |
| Graduates Currently Receiving Job Services 12 Months Post Graduation                                                   | 82                   | 73   | 42      |
| For each FY (July-June), complete outcome data is not available for 12 months following the final cohort's graduation. |                      |      |         |



| Income, Gender & City of Residence                                                                                                          | FY24 % | FY24 # | FY23 % | FY23 # |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|--------|--------|
| Low-Income (of participants)                                                                                                                | 100%   | 98     | 96%    | 74     |
| Unemployed Upon Program Enrollment                                                                                                          | 94%    | 92     | 88%    | 68     |
| Received Public Benefits (CalWORKs, Food Stamps & General Assistance, etc.)                                                                 | 46%    | 45     | 35%    | 27     |
| No Income/Drew from Savings/Relied on Assistance from Family                                                                                | 53%    | 52     | 11%    | 9      |
| Males                                                                                                                                       | 52%    | 51     | 40%    | 31     |
| Females                                                                                                                                     | 48%    | 47     | 60%    | 46     |
| Non-Binary/Prefer Not to Say                                                                                                                |        |        |        |        |
| Reside in Alameda County: Oakland (48), Berkeley (18), San Leandro (1), Hayward (3), Alameda (2), Union City (1), Albany (1), Livermore (1) | 77%    | 75     | 82%    | 64     |
| Reside in Contra Costa County: San Pablo (1), Richmond (7), Oakley (1), Rodeo (1)                                                           | 10%    | 10     | 10%    | 8      |
| Reside in San Francisco County: San Francisco (3)                                                                                           | 3%     | 3      | 3%     | 2      |
| Reside in San Mateo County: Daly City (1), San Mateo (1)                                                                                    | 2%     | 2      | 0      | 0      |
| Reside in Santa Clara County: San Jose (1)                                                                                                  | 1%     | 1      | 0      | 0      |
| Reside in Solano County: Vallejo (2), Fairfield (1)                                                                                         | 3%     | 3      | 0      | 0      |
| Reside in Sonoma County: Santa Rosa (1)                                                                                                     | 1%     | 1      |        |        |
| Homeless                                                                                                                                    | 3%     | 3      |        |        |
| Between 18-24 Years of Age                                                                                                                  | 29%    | 28     | 20%    | 16     |
| Between 25-45 Years of Age                                                                                                                  | 51%    | 50     | 56%    | 43     |
| Over 45 Years of Age                                                                                                                        | 20%    | 20     | 23%    | 18     |



| <b>Special Populations/Employment Barriers</b>                                           | <b>FY24 %</b> | <b>FY24 #</b> | <b>FY23 %</b> | <b>FY23 #</b> |
|------------------------------------------------------------------------------------------|---------------|---------------|---------------|---------------|
| Lacked Permanent Housing<br>(Transitional Housing/Shelter or Living with Family/Friends) | 62%           | 61            | 49%           | 38            |
| Re-Entry (Probation, Parole or Record)                                                   | 10%           | 10            | 41%           | 32            |
| Immigrant/Asylee                                                                         | 30%           | 29            | 10%           | 8             |
| HS Diploma or GED Only                                                                   | 50%           | 49            | 58%           | 45            |
| English as Second Language                                                               | 30%           | 29            | 10%           | 8             |
| Reported a Disability                                                                    | 15%           | 15            | 14%           | 11            |
| Veterans                                                                                 | 3%            | 3             | 1%            | 1             |
| <b>Racial/Ethnic Group</b>                                                               | <b>%</b>      | <b>#</b>      | <b>%</b>      | <b>#</b>      |
| Black/African American                                                                   | 54%           | 53            | 55%           | 43            |
| American Indian/Native Alaskan                                                           | 3%            | 3             | 1%            | 1             |
| Asian/Pacific Islander                                                                   | 13%           | 13            | 2%            | 2             |
| Caucasian/White                                                                          | 6%            | 6             | 10%           | 8             |
| Hispanic/Latino(a)                                                                       | 14%           | 14            | 26%           | 20            |
| Middle Eastern                                                                           | 4%            | 4             | 0             | 0             |
| Multiracial                                                                              | 2%            | 2             | 0             | 0             |
| Other/Unknown                                                                            | 5%            | 5             | 4%            | 3             |



Current Class in Progress – July 2024

## **ORGANIZATION MISSION**

**Brief Mission:** To support low/no-income residents of the Bay Area on their paths to self-sufficiency through skills training and job placement for careers in food, baking, and related industries.

**Longer Mission:** The Bread Project works to break the cycle of poverty by empowering people to become economically self-sufficient through skills training for employment in the commercial food service, baking, and related industries. The residents we serve are all low/no-income and face multiple barriers to employment: youth and adults preparing for their first job, lack of education, disabilities, unstable housing, limited English Skills, justice-involved, and more. The populations most targeted in our recruitment outreach include: 1) refugees, displaced persons, and immigrants, and 2) re-entry (formerly incarcerated, probation, parole, or record), 3) transitional youth and adults from all backgrounds, as well as others with barriers to employment. We also support entrepreneurs who need guidance and a commercial kitchen to produce food and baking products for their wholesale and consumer customers.

## **WHAT WE PROVIDE**

We provide an intensive, 5-week, 150-hour 'Food Prep & Baking Job Training & Placement Program,' 9:00am to 3:30pm, Monday through Friday, plus 12 months of follow up job placement assistance after graduation. The Program is cohort-based and offered 8-9 times annually with 10-14 students per cohort. The curriculum is a balanced mix of a) core food prep and baking knowledge and skills (hard skills), b) customized process skills for job readiness and employment (soft skills), and c) support finding and keeping a job. Armed with new capabilities, confidence, and work - adults can secure permanent housing, support themselves and their families, and improve their health and wellbeing. The ultimate goal is economic self-sufficiency.

## **POPULATION SERVED**

The Bread Project serves the most vulnerable who are motivated to acquire new skills and get a job: immigrants, refugees, the formerly incarcerated, and others with barriers to employment. Typically we serve 80-100 participants annually with approximately 85% residing in Alameda County. While it varies from year-to-year, typically 96% of our participants are low/no-income, 88% are unemployed when entering the Program, and 42% are receiving some form of Public Benefits. They face many barriers to employment: lack of permanent housing (42%), minimal education (48% have HS/GED diploma only), English is second language (18%), prior incarceration (41%), various disabilities (7%), and immigrants or refugees (18%). Demographics: Female (48%), Male (51%). African/African American (67%), Asian/Pacific Islander (8%), Hispanic/Latino (9%), Multiracial (2%), American Indian/Native Alaskan (4%), Middle Eastern (3%), Caucasian/White (5%), Other/Unknown (2%). Age-wise, 27% are 18 to 24, 44% are 25 to 45, and 29% are over 45. Those we serve are primarily located in Alameda County (70-80%) and Contra Costa County (10-18%), with a few enrollments each year from San Francisco County, San Joaquin County, San Mateo County, Santa Clara County, Solano County, and Sonoma County.

## **ORGANIZATION HISTORY & OVERVIEW**

The Bread Project was founded in December 2000 by Lucie Buchbinder and Susan Phillips, specialists in subsidized housing, to help low-income housing tenants obtain job skills training and jobs and become self-sufficient. After a successful beginning at the San Francisco Baking Institute in South San Francisco, we transferred to the East Bay and partnered with Berkeley Adult School and Oakland Unified School District Adult and Career Education. With growth came the opportunity for The Bread Project to operate its own training facility and wholesale bakery. In 2010, we moved to Emeryville. In 2015, we moved again to our current facility in Berkeley, California. During our 24-year history, more than 2,400 low/no-income individuals have graduated, and historically we have averaged an 80-85% graduation rate, job placement rate, and job retention rate after 90 days. In June 2020 we expanded the job training program beyond baking to include food prep. In 2021 we launched a Community Meals Program, and our trainees now prepare 26,000 meals annually for the homeless and food insecure in our locale as part of their Program. We also annually support 4-6 food related entrepreneurs, mostly people of color, in our Entrepreneurs' Incubator Program, by providing production guidance, recipe scaling, and use of our kitchen space during non-training hours.





Office of the City Manager

PUBLIC HEARING  
November 12, 2024

To: Honorable Mayor and Members of the City Council  
 From: Paul Buddenhagen, City Manager  
 Submitted by: Jordan Klein, Director, Planning and Development Department  
 Subject: Contract: Ava Community Energy for Energy Resilient Critical Municipal Facilities "Solar + Storage"

### RECOMMENDATION

Conduct a public hearing, and upon conclusion adopt a Resolution authorizing the City Manager to negotiate and execute a Power Purchase Agreement (PPA) contract and any amendments, extensions, or change orders with Ava Community Energy, to install solar and battery back-up storage systems at critical municipal facilities.

### FISCAL IMPACTS OF RECOMMENDATION

If authorized, the City of Berkeley will sign a 25-year Power Purchase Agreement (PPA) with Ava Community Energy for the installation of solar + storage systems at two critical municipal facility sites -- Live Oak Recreation Center and Allston Corporation Yard (Corp Yard) – and agree to purchase the power generated from these sites.

Under this project, the City will not own the solar and battery storage. The installations would be financed through a Power Purchase Agreement (PPA) between the City and Ava. The PPA would allow a third-party developer to own, operate, and maintain the generating equipment, and the City would agree to host the systems and purchase the electric output for 25 years. The PPA will cover the cost of the equipment as well as operation, maintenance, and repair over the life of the contract. Any upgrades needed to accommodate the solar + storage equipment will also be wrapped into the cost of the PPA. The City will pay an agreed-upon price to Ava on a per kilowatt-hour (kWh) basis for power generated and used, as defined in the PPA contract.

Under California Government Code 4217.10 *et seq.*<sup>1</sup>, the cost of the procurement must provide cost savings. Specifically, California Government Code 4217.10 *et seq.* authorizes a public agency to enter into an energy service contract without competitive

<sup>1</sup> Government Code section 4217.10 – 4217.18 is a single-source procurement. It was established so that public agencies could quickly develop energy conservation, cogeneration, and alternate energy supply sources at their facilities based on terms that its governing body determines are in the best interests of the public agency.

[https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=GOV&division=5.&title=1.&part=&chapter=3.2.&article=](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=5.&title=1.&part=&chapter=3.2.&article=)

bidding, provided that there is a two-week public notice before the authorization of the procurement, and that the anticipated cost of the project over the 25-year contract term be less than the anticipated marginal cost of energy that would have been consumed in the absence of the project.

Combined, the Corp Yard and Live Oak Recreation Center are currently using approximately 284,000 kWh of electricity annually from the grid. PG&E electricity rates are predicted to increase 4.5% annually over the next 25 years, based on historic averages and future modeling, whereas this PPA will have a 2.5% escalation rate. This differential will result in cost savings to the City over the 25-year PPA contract period. If the City does not participate in this project, the forecasted 25-year cost of energy for the combined Corp Yard and Live Oak would be over \$5.5 million.

To further reduce the project costs, Ava and its selected counterparties on the PPA, Gridscape Solutions (solar developer) and Green Bridge Energy (asset owner), will leverage incentives, including a 40% Investment Tax Credit (ITC) for both solar and battery storage. In addition, as part of the City Manager's recommended budget, City Council allocated \$100,000 in FY 24 to further increase the cost-effectiveness of this project and buy down the cost of the PPA in the near-term (Project Budget Code PWENCB2310).

### CURRENT SITUATION AND ITS EFFECTS

The goal of Ava's Energy Resilient Municipal Critical Facilities program is to increase resilience and reduce barriers for installing solar + storage systems for cities within Ava's Joint Power Authority's territory. The initiative includes over 50 critical municipal facilities across seven participating cities: Berkeley, Fremont, Hayward, Livermore, Oakland, Pleasanton, and San Leandro.

Ava, on behalf of the participating cities, is utilizing a collaborative and aggregated procurement structure for deploying renewable energy systems and back-up batteries for selected critical municipal facilities. Ava is acting as the intermediary in the PPA between the cities and Ava's selected counterparties.

Under this structure, the City will sign a PPA contract directly with Ava, which will contract with its selected PPA vendor, Green Bridge, as the financing partner and asset owner. Green Bridge, in turn, will contract with Gridscape as the developer to install, own, operate and maintain these solar and battery installations. The City's PPA contract conditions with Ava will apply to Green Bridge/Gridscape, and any other subcontractors.

Through extensive analysis, including independent engineering reviews and site visits, Ava and City staff selected Live Oak Recreation Center and the Corp Yard as the proposed participating facilities. The project will install solar and battery back-up storage at these two facilities. This will include a solar canopy for the Corp Yard employee parking lot, and rooftop solar installation for Live Oak Recreation Center. Both locations will also have battery storage equipment housed in large storage containers. Staff is

working with Ava and Gridscape to determine the siting of the battery storage systems. The batteries will be sited as near as possible to the solar installations, less set-back requirements, to minimize energy transmission losses. For Live Oak Recreation Center, staff is also engaging with community members to discuss the resiliency benefits of the project and the siting of the battery within Live Oak Park, including efforts to minimize impacts and any loss of open space.

The primary objective of this project is to add resilience to municipal facilities, allowing them to operate emergency loads using solar + storage technologies during a potential grid outage. For facilities that also have generators, the solar + storage system will operate in parallel with the generators to either support full back-up power or partial back-up via the emergency panel(s) supporting critical loads. In instances where the facility load can be supported by solar + storage systems alone, a microgrid controller will be included to allow for the optimization of the solar + storage generation, reducing overall CO<sub>2</sub> emissions. In addition to the resilience benefits, this procurement will also help the City reduce energy bills by managing battery discharge to off-set Time-of-Use (TOU) energy and demand charges, particularly during peak pricing hours.

Table 1: Equipment Size

|                              | Corp Yard | Live Oak | Combined |
|------------------------------|-----------|----------|----------|
| PV Solar System Size (kW DC) | 165.1     | 36.8     | 201.9    |
| Battery Size (kWh)           | 309.6     | 77.4     | 387.0    |

For Live Oak Recreation Center, an estimated 70% of the building energy load will be offset by the solar and battery systems on a daily basis. During a power outage the battery system at Live Oak Recreation Center, if charged to full capacity, will provide around 2.5 hours of battery back-up for a 30kW building emergency energy load. At the Corp Yard, an estimated 80% of the building energy load will be offset by the solar and battery systems on a daily basis. During a power outage the battery system at the Corp Yard, if charged to full capacity, will provide about 1.5 hours of battery back-up for a 200kW emergency energy load in operation during the outage. The battery storage systems at both locations will be continuously recharged by the solar panels, whenever sun is available, thereby extending the duration that the buildings can operate during a power outage.

The PPA contract will include a production guarantee to ensure that the equipment delivers at least 85% of the expected annual power output from the system; failure to do so would result in cash payments by Ava to the City to offset the City’s costs in replacing lost power. This provision provides additional incentive to Ava, and in turn Green Bridge/Gridscape, to maintain the systems in good working order.

In addition to the above benefits, the proposed PPA would benefit the City in the following ways:

- Increase the City's on-site solar generation capabilities and advance Berkeley's goal of achieving Zero Net Energy (ZNE) across its portfolio of facilities.
- No required up-front or out-of-pocket costs to the City.
- Save money over the contract period, compared to current and forecasted utility bills.
- Electrical upgrades at the Corp Yard will be included.

The Energy Resilient Critical Municipal Facilities project is a Strategic Plan Priority Project, advancing our goals to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities; create a resilient, safe, connected, and prepared city; and be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

This dynamic and collaborative project includes staff from the Planning and Development Department's Office of Energy and Sustainable Development, the Public Works Department, and Park, Recreation and Waterfront Department. While the Office of Energy and Sustainable Development has coordinated to date, the next stage of implementation will be led by the staff of the Engineering Division of the Public Works Department.

### BACKGROUND

Ava (formerly known as East Bay Community Energy or EBCE) is a Joint Powers Authority whose goal is to procure cleaner, greener energy at lower rates to Alameda and San Joaquin County customers. The City helped found Ava in 2016 and has been using Ava's clean energy since 2018. Municipal accounts began using Ava's Renewable 100 (R100) service rather than the base Bright Choice product in 2019; residential and commercial accounts in Berkeley have been automatically enrolled in R100 since 2022. Ava's Board of Directors is comprised of elected officials from each of the participating jurisdictions. Councilmember Igor Tregub currently sits on the Ava Board of Directors with Councilmember Cecilia Lunaparra as the alternate.

Ava began working with the City in 2019 to assemble a list of its critical facilities, ranging from fire stations and emergency operation centers, to libraries and community centers for consideration in this solar + storage project. Ava conducted an initial assessment examining each site's natural hazard exposure, service to the community, condition and readiness to proceed with hosting solar + storage equipment for 25 years, and solar and battery potential.

On March 23, 2021 the Berkeley City Council authorized the City to participate in the Municipal Critical Facility Procurement for Solar and Battery Energy Storage with East Bay Community Energy (now Ava) and passed Resolution 69,757-N.S.<sup>2</sup> stating the intent to sign the PPA contract, as long as the City determined that the cost-effectiveness of the project portfolio would result in benefits to the City's budget and service to the community.

Upon passage of the City's resolution, Ava contracted with EcoMotion, an independent engineering firm, to work with Ava and City staff to compile all available documentation on City facilities, develop preliminary pricing estimates and complete site visits on all possible sites to determine which sites could be built. EcoMotion performed electrical, structural, and roofing condition assessments on eight City facilities: Live Oak Recreation Center, Allston Corp Yard, Public Safety Building, Emergency Storage Warehouse, Telegraph Channing Garage, and Fire Stations 1, 3, and 5. Based on these assessments, the shortlist of potential sites comprised Live Oak Recreation Center, Corp Yard, and Fire Stations 1,3 and 5. Concurrent with this analysis, the Fire Department also completed a Facilities Master Plan and found that several of their facilities, including Fire Stations 1, 3, and 5, need major renovation or replacement within the 25-year timeframe. As such, the list was narrowed to the Live Oak Recreation Center and the Corp Yard.

Ava issued a Request for Offers (RFO) on July 31, 2023 to solicit proposals for the Critical Municipal Facilities procurement. Ava received two bids in response to the 2023 RFO for solar and storage PPAs. After reviewing bids and interviewing respondents, Ava selected Green Bridge as the project owner and contractual counterparty in partnership with Gridscape, as the solar developer. Together Green Bridge/Gridscape will finance, install, own, operate and maintain the solar and battery systems.

Gridscape is a local developer, located in Fremont, that has extensive experience developing solar + storage microgrids for public agencies including for the City of Fremont. Green Bridge is a commercial-scale renewable energy investing and development firm. Its current portfolio includes 18 California municipal solar and/or storage microgrid projects.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project will increase Berkeley's transition to clean, local power by installing solar at key critical municipal facilities. The batteries will help these facilities during peak energy use times and alleviate pressure on the grid when dirtier power plants might otherwise need to be brought online to meet demand. This project will also enhance community resilience by ensuring that key critical municipal facilities can continue to operate on

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<sup>2</sup> Resolution 69,757-N.S. authorized the City Manager to continue pursuing widespread deployment of solar and battery energy storage systems and commit to installing the systems if the City determined they were beneficial. <https://berkeleyca.gov/sites/default/files/documents/2021-03-23%20Item%2002%20Partnership%20with%20East%20Bay.pdf>

clean power, rather than on just diesel generators, and serve the public even when there is a power outage. These project installations will use union labor, pay prevailing wages, and employ workers from Alameda County and San Joaquin Valley areas to ensure that the project also benefits the local workforce and advances a Just Transition from fossil fuels. In addition, the City will retain all Renewable Energy Certificates (RECs) associated with the facilities in its portfolio.

This project is statutorily exempt from further environmental review under the California Environmental Quality Act because it is consistent with California Public Resources Code section 21080.35, which provides that solar energy systems installed on the roof of an existing building or on an existing parking lot, meeting certain characteristics, are exempt from CEQA.

#### RATIONALE FOR RECOMMENDATION

This is a financially optimal time to go forward with this procurement, as it takes advantage of time-sensitive incentives including the increased solar and battery storage investment tax credits from the Federal Inflation Reduction Act (IRA). In addition, Ava and Gridscape submitted interconnection applications, prior to the April 15, 2023 Net Energy Metering (NEM) 2.0 deadline, for all of Berkeley's proposed participating facilities in order lock-in the more lucrative solar generation payback rates. In order to take advantage of these favorable NEM 2.0 rates, the project must be completed by April 2026.

#### ALTERNATIVE ACTIONS CONSIDERED

None. The City does not have the funding, expertise, and staffing to develop and negotiate a cost-effective PPA to install solar and battery back-up storage at these facilities at this time. It is also no longer possible to utilize NEM 2.0 rates outside of this program.

#### CONTACT PERSON

Marna Schwartz, Sustainability Program Manager, Office of Energy and Sustainable Development, Planning and Development, 510-981-7473

Sarah Moore, Manager, Office of Energy and Sustainable Development, Planning and Development, 510-981-7494

Jordan Klein, Director, Department of Planning and Development, 510-774-1337

#### Attachments:

- 1: Resolution
- 2: Public Hearing Notice

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

CONTRACT: AVA COMMUNITY ENERGY FOR ENERGY RESILIENT CRITICAL MUNICIPAL FACILITIES “SOLAR + STORAGE”

WHEREAS, the Berkeley City Council has demonstrated its commitment to an environmentally sustainable and resilient future through its policy goals and actions, including energy reduction, clean energy programs, and the expansion of local renewable power supply; and

WHEREAS, on June 2, 2009, the Berkeley City Council adopted the Berkeley Climate Action Plan to reduce greenhouse gas emissions by 80% of Berkeley’s 2000 emissions level by 2050; and

WHEREAS, on April 1, 2016, the City of Berkeley released its Resilience Strategy with the goal of “Accelerating Access to Reliable and Clean Energy;” and

WHEREAS, on June 12, 2018, the Berkeley City Council declared a Climate Emergency and resolved to become a “Fossil Fuel-Free City;” and

WHEREAS, on November 30, 2021, Berkeley City Council adopted a resolution for the Cities Race to Zero Campaign to establish a 2030 emission reduction target that reflects Berkeley’s fair share of the 50% global reduction in CO<sub>2</sub>e, committing to reduce emissions 60.5% from 2018 levels by 2030; and

WHEREAS Berkeley’s Strategic Plan sets the goals of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities; creating a resilient, safe, connected, and prepared City; and being a global leader in addressing climate change, advancing environmental justice, and protecting the environment; and

WHEREAS, the City of Berkeley conducted a feasibility analysis for a clean energy microgrid community to provide back-up power to critical municipal facilities and determined that solar and battery energy storage was the most cost-effective solution; and

WHEREAS, Ava Community Energy (formerly East Bay Community Energy or EBCE) is a Community Choice Aggregator. Community Choice Aggregation is a mechanism by which local governments assume responsibility for providing electrical power for residential and commercial customers in their jurisdiction in partnership with local commercial energy purveyors and owners of transmission facilities; and

WHEREAS, on November 1, 2016, the Berkeley City Council adopted Resolution No. 67,730-N.S. authorizing Berkeley’s participation in Ava Community Energy (formerly East Bay Community Energy or EBCE) and authorized implementation of Ava in Berkeley; and

WHEREAS, on April 24, 2018, the Berkeley City Council adopted Resolution No. 68,404-N.S., selecting the Brilliant 100 (100% GHG-free) and later on October 27, 2020 adopted Resolution No. 69,601-N.S. to select Renewable 100 as the electric service plan for all municipal accounts; and

WHEREAS, on March 23, 2021, the Berkeley City Council passed Resolution 69,757-N.S. authorizing the City to participate in the Municipal Critical Facility Procurement for Solar and Battery Energy Storage with East Bay Community Energy (now Ava); and

WHEREAS, based on analyses, including independent engineering reviews and site visits, Live Oak Recreation Center and Allston Corp Yard have been identified as facilities that could potentially be served by the Municipal Critical Facility Procurement for Solar and Battery Energy Storage with Ava; and

WHEREAS, California Government Code Section 4217.10 *et seq.* authorizes public agencies, including the City of Berkeley, to enter into an energy service contract when the anticipated cost of the conservation services provided by an energy conservation facility will be less than the anticipated marginal cost of energy that would have been consumed in the absence of the project; and

WHEREAS, in accordance with Government Code section 4217.10 *et seq.*, the City of Berkeley published a notice of public hearing in the Berkeley Voice, a newspaper of general circulation, on October 28, 2024 with at least two weeks' notice of the public hearing, and on November 12, 2024 conducted a public hearing.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to negotiate and execute a Power Purchase Agreement (PPA) contract and any amendments, extensions, or change orders with Ava Community Energy to install solar and battery back-up storage systems at critical municipal facilities.

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL  
TO CONSIDER ENTERING INTO A POWER PURCHASE AGREEMENT  
WITH AVA COMMUNITY ENERGY FOR SOLAR AND BATTERY BACK-  
UP STORAGE AT CRITICAL MUNICIPAL FACILITIES PURSUANT TO  
CALIFORNIA GOVERNMENT CODE 4217.10 ET SEQ.**

**The public may participate in this hearing by remote video or in-person.**

The Planning and Development Department is proposing to consider entering into power purchase agreement (PPA) with Ava Community Energy to install solar and battery back-up storage systems at critical municipal facilities. Notice is given, pursuant to California Government Code section 4217.10 *et seq.*, that the City of Berkeley will hold a public hearing to consider authorizing the City Manager to negotiate and execute this contract. Further pursuant to the terms of Government Code section 4217.10 *et seq.*, in order to authorize the City Manager to negotiate the PPA contract, the Berkeley City Council is required to make findings that the cost to the City of Berkeley to implement the energy related improvements per the PPA will be less than the anticipated marginal cost to the City of Berkeley of the electrical or other energy that would have been consumed by the City of Berkeley in absence of those purchases under the PPA.

The hearing will be held on, November 12, 2024 at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of October 31, 2024. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Marna Schwartz, Sustainability Program Manager, Office of Energy and Sustainable Development, at 510-981-7473.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@berkeleyca.gov](mailto:council@berkeleyca.gov) 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

November 12, 2024

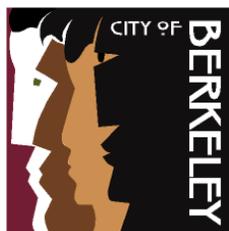
or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or [clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov) for further information.

**Published:** October 25, 2024 - The Berkeley Voice

**California Government Code - GOV § 4217.12** allows a public agency to enter into an energy service contract and any necessarily related facility ground lease on terms that its governing body determines are in the best interests of the public agency if the determination is made at a regularly scheduled public hearing in which, public notice is given at least two weeks in advance.

~~~~~  
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 the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on October 31, 2024.

Mark Numainville, City Clerk



Office of the Mayor

ACTION CALENDAR
November 12, 2024
(Continued from October 15, 2024)

To: Honorable Members of the City Council
From: Mayor Jesse Arreguín
Subject: Amending BMC Section 9.04.165 -Tax Exemption for Research & Development Grants

RECOMMENDATION

Adopt a first reading of an Ordinance amending Berkeley Municipal Code Section 9.04.165 to exempt the taxation of business gross receipts relating to government and philanthropic research and development grants in the public interest.

BACKGROUND

Home to the University of California, Berkeley, ranked number one worldwide for the number of venture-backed startups founded by undergraduate alumni¹ and the Lawrence Berkeley National Laboratory (one of 17 national Department of Energy research laboratories), the city of Berkeley is an attractive place for technology startups and research and development (R&D) companies.

As of late 2023, the city had approximately 400 innovation sector companies, with 325 of them (81%) considered “startups”. Of these, 35% are in Healthcare & Life Sciences, 14% in CleanTech (aka ClimateTech), 13% in Hardware, and 2% in FoodTech.²

All of these innovation industry subsectors leverage R&D grant funding to develop solutions that serve environmental and societal objectives, such as solutions for human health, environmental quality, climate change mitigation and adaptation, and national defense. These grants come from various federal agencies, such as the Environmental Protection Agency, National Science Foundation, and Departments of Energy, Defense, or Health and Human Services, as well as state agencies like the California Energy

¹ 2023 Pitchbook University Rankings. <https://pitchbook.com/news/articles/pitchbook-university-rankings>

² Companies defined as startups are for-profit businesses that sell innovative technology products or services OR substantively use innovative technologies to develop and manufacture their products or provide their services AND are developing repeatable and scalable business models that aren't yet profitable. See the 2023 *Citywide Economic Dashboard*, published by the City of Berkeley Office of Economic Development for more details.

<https://berkeleyca.gov/sites/default/files/documents/Economic%20Dashboard%202023.pdf>

Commission or Department of Food and Agriculture, and philanthropic non-profit organizations like the Bill & Melinda Gates Foundation and the Grantham Foundation³. Additionally, many of the early-stage companies in Berkeley's many accelerator and incubator programs, such as Berkeley SkyDeck, Activate-Berkeley, Cyclotron Road at the Berkeley Lab, Bakar Labs, Bonnevillie Labs and CITRIS Foundry, are recipients of government and philanthropic R&D grants, including environmental technology companies like All Power Labs, Twelve, and Widesense, foodtech companies like Akorn Technology and Novel Farms, hardware companies like Squishy Robotics and Sonera Magnetics, and biotech companies like Valitor, Xalud Therapeutics, Resvita Bio, and Glyphic Bio.

These companies are undertaking research and development in the public interest, to develop renewable energy technologies, sustainable aviation fuels and plastics, electric vehicle fleet management software, bio-based coatings to reduce food waste, plant-based meat products, safer assessment tools for first responders, treatments for a wide range of debilitating and life threatening diseases, and other solutions for society's pressing health and environmental problems, all while providing our community with jobs and opportunities for wealth creation.

For startups and R&D companies that are dependent on R&D grants as their primary source of financing, the City of Berkeley's gross receipts taxation of such grants poses a disincentive for them to locate or grow in Berkeley, as Berkeley's business license tax rate is already one of highest among Bay Area cities⁴. It also creates a perception that Berkeley is not startup-friendly, despite the city's status as a hub of intellectual creativity and technological innovation.

As such, in 2019, my office, with support from the Office of Economic Development and Finance Department, brought forth an item to provide tax waivers for Berkeley small businesses that have received governmental R&D grants, which was approved by Council on May 28, 2019. The Berkeley Municipal Code (Section 9.04.165) was amended to include the following local tax exemption:

Any person subject to a license under provisions of this section with less than \$100,000 in annual gross receipts, as defined in Section 9.04.025, net of governmental research grants, may exclude from gross receipts up to \$1,000,000 received from governmental research grants, providing that a list of those grants and the amounts of payments received are reported to the City as defined by the Director of Finance.

³ The Bill & Melinda Gates Foundation is a nonprofit fighting poverty, disease, and inequity with a mission to create a world where every person has the opportunity to live a healthy, productive life. The Grantham Foundation is a 501(c)(3) private foundation with a mission to protect and conserve the natural environment.

⁴ *Business Taxes in the Bay Area: A City Level Analysis*. Bay Area Council Economic Institute, February 2023. <https://www.bayareaeconomy.org/files/pdf/BACEI-SF-Business-Tax-Feb2023.pdf>

Since then, 21 companies have received a R&D grant tax waiver, of which four (almost one-fifth) have reached the \$1 million maximum and several companies have been denied the waiver because they either had other gross receipts exceeding \$100,000 (e.g. from interest income on equity investments made in the company, tax credits, or subcontract awards for R&D services) or received a R&D grant from a non-profit philanthropic organization, rather than government entity.

These companies, along with startups that are currently ineligible for the R&D grant tax waiver, have since brought to the City's attention that the size of the grant award does not correspond to the company's profitability or likelihood of success. Rather, companies have to propose to hit aggressive milestones to receive government grant funding and once they do, they need to use that funding to achieve those milestones (e.g. hire researchers, purchase equipment to run experiments, etc.). At the federal level, taxes are not allowable costs in SBIR and STTR grant awards, either as direct or facilities and administrative (F&A) costs, so the local tax burden impacts a company receiving a \$200,000 dollar R&D grant just as much as a company that receives a grant of \$2 million: funds paid towards local taxes diminish the company's ability to achieve grant milestones. In other words, a company's committed project scope scales commensurately with the dollar amount of the grant, and thus the \$1 million cap in the current BMC language fails to achieve the policy's intent to help early-stage companies conducting R&D in the public interest to achieve their goals and grow in Berkeley.

Further, the landscape of Berkeley startups has changed a lot in the past 5 years. It now includes more biotech and climate-tech companies where timelines for federal approval of drugs and medical devices are longer, and large capital investments are required to demonstrate proof of concept. As such, more companies are receiving larger grant awards from federal, state, and other impact-oriented nonprofits and it is these very same companies that the City wants to support, not only for economic development, but also to address the community (and world's) environmental and health challenges.

Similarly, companies that receive R&D grant funding from non-profit foundations and philanthropic organizations face the same issues with regard to the efficiency with which they develop high-impact solutions, but they do not currently have the opportunity to apply for this tax waiver. And, in these cases, Berkeley R&D companies are at a disadvantage to those from other cities when they apply for grant funding, as donors prefer to invest in places where grant money can be used most efficiently by the grantee to achieve its proposed outcomes.

Updating the ordinance tax language to recognize both government and *philanthropic* R&D grants, and provide the benefit to any business receiving such a grant, regardless of the size of the grant or other income, will enable more startups and R&D companies to grow in Berkeley, thereby leading to more potential overall business tax contributions to the City in the long run. Simultaneously, it will allow the full amount of R&D grant awards to be used to achieve the social, environmental and health challenges that these companies seek to address, and lessen local companies' incentives to move to another location with a less onerous tax structure.

RATIONALE FOR RECOMMENDATION

Providing a tax exemption on government and philanthropic R&D grants will greatly benefit innovation companies that rely on these grants to move forward on projects which are in the interest of society and the environment. Updates to the current ordinance could enable Berkeley's smaller companies to become tomorrow's engines of the economy. It will also provide an incentive for such business to remain in Berkeley and contribute to the city's tax base in the long run, thereby contributing to Berkeley's future economic vitality.

FINANCIAL IMPLICATIONS

Slight loss in tax revenue that will likely be recouped through more businesses remaining in Berkeley as they grow.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

CONTACT PERSON

Mayor Jesse Arreguín
Lars Skjerping

510-981-7100
LSkjerping@berkeleyca.gov

Attachments:

1. Ordinance

ORDINANCE NO. XXXX-N.S

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 9.04, BUSINESS LICENSES

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Section 9.04.165 of the Berkeley Municipal Code is amended to read as follows:

9.04.165 Professional--Semiprofessional--Connected business.

A. Finance, Insurance, Banking (including Savings and Loans) and Real Estate. Every person in any business, profession or occupation within the business field of finance, insurance and real estate, as described in the most practicable version of the U.S. Government Printing Office publication North American Industrial Classification System Manual, except for those persons whose business is primarily renting real property, as defined in Section 9.04.195, shall be classified as a professional-semiprofessional.

B. Health, Veterinary, Legal, Educational, Engineering-Architectural-Surveying, Accounting-Auditing-Bookkeeping, and Miscellaneous Services Not Classified Elsewhere. Every person in any business, profession, or occupation within the business fields of health, veterinary, legal, education, engineering-architectural surveying, accounting-auditing-bookkeeping, and miscellaneous services not classified elsewhere, as described in the current U.S. Government Printing Office publication entitled North American Industrial Classification System Manual shall be classified as professional-semi-professional.

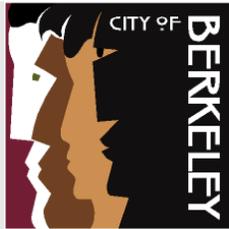
C. Nothing contained in this section shall be deemed or construed as applying to any person engaged in any of the professions or occupations enumerated in this section solely as an employee or partner of any other person or entity conducting, managing or carrying on any such business in the City.

D. Any person subject to a license under provisions of this section may exclude from gross receipts the portion of those receipts paid to subcontractors, providing that a list of such subcontractors and the amounts of payment are reported to the Director of Finance. The Finance Department shall pursue collection of the business license tax from all reported subcontractors.

E. Any person subject to a license under provisions of this section ~~with less than \$100,000 in annual gross receipts, as defined in Section 9.04.025, net of governmental research grants,~~ may exclude ~~governmental or philanthropic research and development ("R&D") grants~~ from gross receipts ~~(as defined in Section 9.04.025) up to \$1,000,000 received from governmental research grants,~~ providing that a list of those grants and the amounts of payments received

are reported to the City as defined by the Director of Finance. (Ord. 7655-NS § 1, 2019; Ord. 7338-NS § 5, 2014; Ord. 6714-NS § 2, 2002; Ord. 6598-NS § 2, 2000; Ord. 5984-NS § 1, 1990; Ord. 5017-NS § I (part), 1977)

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Office of the City Manager

17

ACTION CALENDAR
November 12, 2024

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jennifer Louis, Chief of Police
Terrance Davis, Director of Public Works

Subject: Pursuant to Chapter 2.99 of the Berkeley Municipal Code Annual Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automatic License Plate Readers, the Street Level Imagery Project, and Unmanned Aerial Systems (UAS)

RECOMMENDATION

Pursuant to Chapter 2.99 of the Berkeley Municipal Code, adopt a Resolution accepting the Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automatic License Plate Readers, the Street Level Imagery Project, and Unmanned Aerial Systems (UAS).

FISCAL IMPACTS OF RECOMMENDATION

These technologies have existing budget approval and there are no new fiscal impacts associated with adopting the attached resolution.

CURRENT SITUATION AND ITS EFFECTS

On March 27, 2018, the City Council adopted Ordinance 7,592-N.S., adding Chapter 2.99 to the Berkeley Municipal Code, which is also known as the Surveillance Technology Use and Community Safety Ordinance. Section 2.99.070 of the Ordinance requires that the City Manager must submit to the City Council a Surveillance Technology Report as defined by Section 2.99.020(2) of the Ordinance annually, at the first regular City Council meeting in November.

The purpose of the Ordinance is to provide transparency surrounding the use of surveillance technology, as defined by Section 2.99.020 in the Ordinance, and to ensure that decisions surrounding the acquisition and use of surveillance technology consider the impacts that such technology may have on civil rights and civil liberties. Further, the Ordinance requires that the City evaluate all costs associated with the acquisition of surveillance technology and regularly report on their use.

The Ordinance imposes various reporting requirements on the City Manager and staff. The purpose of this staff report and attached resolution is to satisfy the annual reporting requirement as outlined in Section 2.99.070.

One of the reporting categories of the surveillance technology use is whether complaints have been received by the community about the various technologies. To date Berkeley Police Department Internal Affairs Bureau (IAB) has not received any external personnel complaints surrounding these technologies. External complaints from community members can be made in writing, via email, in person or via telephone. Complaints can be received with direct communication to Internal Affairs from the complainant and/or be received by any member of the Department and then forwarded through the chain of command. If a community member initiates a complaint against a subject employee and during the investigation it is determined the subject employee violated policy regarding the misuse of technology, an additional complaint is initiated by the Chief of Police.

Community members also have the right to initiate complaints against employees of BPD by reporting directly to the Office of the Director of Police Accountability (ODPA). The Director of Police Accountability notifies the Chief of Police when an investigation into a complaint is initiated by the PAB, which would prompt a parallel IAB investigation.

Attached to this staff report are Surveillance Technology Reports for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automatic License Plate Readers, the Street Level Imagery Project, and Unmanned Aerial Systems (UAS).

During this reporting period, the Berkeley Police Department, in collaboration with the Public Works Department, has made significant progress in the implementation of fixed surveillance cameras. The contract with Edgeworth has been finalized, and funding has been allocated to cover the installation of approximately 12 of the 15 Council-approved cameras.

Based on this information, it is anticipated that the installation of the fixed cameras will begin in November of this year. These cameras are part of our ongoing efforts to enhance public safety and support criminal investigations. Currently, fixed surveillance cameras are operational at San Pablo Park, the Berkeley Marina, and at the intersection of University Avenue and Sixth Street. The upcoming installations will include seven cameras located on City of Berkeley right-of-way, expected to be installed by the end of the year. City staff are also submitting applications for permits for the cameras that will be installed on Caltrans right-of-way.

Also during this reporting period, the City Council approved the installation of 52 Automated License Plate Reader (ALPR) cameras at strategic locations throughout Berkeley to enhance public safety and aid in criminal investigations. Of these, 32 cameras located on City of Berkeley right-of-way have already been installed. Applications for permits are underway for the remaining 20 cameras situated on Caltrans right-of-way along Ashby and San Pablo Avenues. On October 1st, BPD initiated an introductory period involving key personnel—such as experienced officers, supervisors, and detectives—to test the ALPR system's deployment. This phase focuses on initial training, developing operational protocols, and preparing for full

departmental implementation. The introductory period is expected to conclude by mid-November, after which the ALPR technology will become fully operational. All personnel who will be using or supervising ALPR technology are required to complete mandatory training covering policy updates and operational procedures to ensure the technology is used effectively and responsibly, in alignment with our community's values and legal standards.

For each of the six existing technologies, the Surveillance Technology Reports were prepared to satisfy the specific, section-by-section requirements of the Ordinance, and are attached to this report. As fixed ALPR technology is now moving to implementation, next year's annual report will include the same reporting.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the content of this report.

RATIONALE FOR RECOMMENDATION

City Council is being requested to adopt the attached resolution for the City, in order to be in compliance with the Ordinance.

ALTERNATIVE ACTIONS CONSIDERED

City Council could decide not to adopt the resolution.

CONTACT PERSON

Jennifer Louis, Chief of Police, (510) 981-5700

Arlo Malmberg, Strategic Planning and Accountability Manager, (510) 981-5747

ATTACHMENTS

1. Resolution
2. Surveillance Technology Report: Body Worn Cameras
3. Surveillance Technology Report: Global Positioning System (GPS) Tracking Devices
4. Surveillance Technology Report: Fixed Surveillance Video Cameras
5. Surveillance Technology Report: Automated License Plate Readers
6. Surveillance Technology Report: Street Level Imagery Project
7. Surveillance Technology Report: Unmanned Aerial Systems (UAS)

RESOLUTION NO. XX,XXX-N.S.

ACCEPTING THE SURVEILLANCE TECHNOLOGY REPORT FOR BODY WORN CAMERAS, GPS TRACKERS, FIXED SURVEILLANCE VIDEO CAMERAS, AUTOMATIC LICENSE PLATE READERS, THE STREET LEVEL IMAGERY PROJECT, AND UNMANNED AERIAL SYSTEMS (UAS)

WHEREAS, on March 27, 2018, the City Council adopted Ordinance 7,592-N.S., which is known as the Surveillance Technology Use and Community Safety Ordinance (“Ordinance”); and

WHEREAS, Section 2.99.070 of the Ordinance requires that the City Manager must submit to the City Council a Surveillance Technology Report as defined by Section 2.99.020(2) of the Ordinance at the first regular City Council meeting in November; and

WHEREAS, the Surveillance Technology Reports satisfy the requirements of the Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council hereby accepts the Surveillance Technology Reports for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automatic License Plate Readers, the Street Level Imagery Project, and Unmanned Aerial Systems (UAS).

Internal

Surveillance Technology Report: Body Worn Cameras October 1, 2023 – Sept. 30, 2024

Description	<p>A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing.</p> <p>Body Worn Cameras are used to capture video recordings of contacts between department personnel and the public, to provide an objective record of these events. These recording are used in support of criminal prosecutions, to limit civil liability, increase transparency and enhance professionalism and accountability in the delivery of police services to the community. Body Worn Camera (BWC) files are shared with the Alameda County District Attorney's office in support of prosecution for crime and may be shared with other law enforcement agencies to support criminal investigations.</p> <p>Policy regarding activation of the Body Worn Camera BPD Policy 425.7</p> <p>Members shall activate the BWC as required by this policy in (a)-(f) below and may activate the BWC at any time the member believes it would be appropriate or valuable to record an incident within the limits of privacy described herein. The BWC shall be activated in any of the following situations:</p> <p>(a) All in-person enforcement and investigative contacts including pedestrian stops and field interview (FI) situations.</p> <p>(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.</p> <p>(c) Self-initiated field contacts in which a member would normally notify the Communications Center.</p> <p>(d) Any search activity, including the service of search or arrest warrants; probation, parole, or consent searches where the member is seeking evidence of an offense, or conducting a safety sweep or community caretaking sweep of the premises. Once a location has been secured and the member is not interacting with detainees or arrestees, the member may mute their BWC when conducting a search for evidence.</p> <p>(e) Any other contact that the member determines has become adversarial after the initial contact in a situation where the member would not otherwise activate BWC recording.</p> <p>(f) Transporting any detained or arrested person and where a member facilitates entry into or out of a vehicle, or any time the member expects to have physical contact with that person.</p> <p>What data is captured by this technology:</p> <p>BWC use is limited to enforcement and investigative activities involving members of the public. The BWC recordings will capture video and audio evidence for use in criminal investigations, administrative reviews, training, civil litigation, and other proceedings protected by confidentiality laws and department policy. Improper use or release of BWC recordings may compromise ongoing criminal and administrative investigations or violate the privacy rights of those recorded and is prohibited.</p>
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Internal

How the data is stored:

BWC videos are stored on a secure server. All BWC data will be uploaded and stored on Axon Cloud Services, Evidence.com. Axon complies with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States (collectively, "Privacy Shield"). Axon has certified to the U.S. Department of Commerce that it adheres to the Privacy Shield Principles.

Retention duration of digital data:

All BWC videos and digital evidence are assigned a category. The categories are used to organize data. Each category also defines the retention duration. The category definitions and retention durations are as follows:

Category	Retention Duration
Uncategorized	Until manually deleted
187 / Felony Sex Assault	Until manually deleted
Civil / City / Non-Evidence	1 year
Collision	2 years
Consent / Aid	108 weeks
Detention / Warrant Only	108 weeks
Felony Evidence	5 years
Litigation	Until manually deleted
Misdemeanor Evidence	2 years
Officer Injury	Until manually deleted
OIS / Critical Incident	Until manually deleted
Pending Review	Until manually deleted
Personnel / VSA	3 years
Personnel Complaint	Until manually deleted
Traffic Stop	108 weeks
Training	60 days
Use of Force	108 weeks

Summary of Body Worn Camera Videos Uploaded Oct. 1, 2023 to Sept. 30, 2024:

Metric	Value
Number of BWC Videos	66,590
Hours of Videos	17,662.5
GB of Videos	30,686.6

Summary of all active digital evidence uploaded, Oct. 1, 2023 to Sept. 30, 2024:

Type	File Count
Audio	1,587
Document	2,233
Image	76,367
Other	487
BWC Video	66,334

Internal

	Other Video*	9,443	
	Total	156,451	
	* Includes all uploaded non-BWC videos and other videos booked into the evidence management system. Other videos include iPhone videos, security camera video, and copies of BWC videos (for redaction, etc.).		
Geographic Deployment	Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically. Body Worn Cameras are worn by all BPD uniformed officers city-wide at all times; BWC's are not deployed based on geographic considerations.		
Complaints	A summary of each complaint, if any, received by the City about the Surveillance Technology. There have been no complaints about the deployment and use of Body Worn Cameras.		
Audits and Violations	The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response. File meta-data are routinely reviewed by our BWC manager, to ensure required metadata fields are completed. There have been no complaints with regards to violations of the Surveillance Use Policy.		
Data Breaches	Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response. There have been no known data breaches relating to BWC data.		
Effectiveness	Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes. Body Worn Cameras have proven effective in supporting criminal prosecutions, as video footage is available for all criminal prosecutions. Body Worn Cameras have been effective for training purposes, as footage can be reviewed in incident de-briefs. Body Worn Cameras have been extremely effective in support of Internal Affairs investigations and Use of Force Review.		
Costs	Total annual costs for the Surveillance Technology, including personnel and other ongoing costs. The annual cost for the Body Worn Cameras, including cameras, replacement cameras, software, and Axon's secure digital evidence management system is \$222,442 per year over a five-year, \$1,112,213 contract. The contract started in 2022 and will expire in August, 2026. There is one full-time employee assigned to the BWC program, an Applications Programmer Analyst II, at a cost of \$168,940 per year, including benefits.		

Internal

Surveillance Technology Report: Global Positioning System Tracking Devices October 1, 2023 – Sept. 30, 2024

Description	<p>A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing.</p> <p>Global Positioning System Trackers are used to track the movements of vehicles, bicycles, other items, and/or individuals.</p> <p>What data is captured by this technology:</p> <p>A GPS Tracker record consists of date, time, latitude, longitude, map address, and tracker identification label. The data does not contain any images, names of subjects, vehicle information or other identifying information on individuals.</p> <p>How the data is stored:</p> <p>The data from the GPS tracker is encrypted by the vendor. The data is only accessible through a secure website to BPD personnel who have been granted security access.</p> <p>Retention period of data:</p> <p>Tracker data received from the vendor shall be kept in accordance with applicable laws, BPD policies that do not conflict with applicable law or court order, and/or as specified in a search warrant.</p> <p>The Global Positioning System “Electronic Stake Out” (ESO) devices were not deployed during this reporting period.</p> <p>COVERTTRACK Stealth V GPS devices were used in two separate investigations during this reporting period:</p> <ul style="list-style-type: none"> • An investigation into a wanted homicide suspect. The case investigation resulted in the arrests of two individuals and the recovery of three firearms. • An investigation into a wanted felony assault/shooting suspect. The case investigation resulted in the arrest of one individual and the recovery of one firearm. <p>Data may be shared with the District Attorney’s Office for use as evidence to aid in prosecution, in accordance with laws governing evidence; other law enforcement personnel as a part of an active criminal investigation; and other third parties, pursuant to a court order.</p>
Geographic Deployment	<p>Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.</p> <p>COVERTTRACK Stealth V GPS devices are deployed with judicial pre-approval, based on suspect location, rather than geographical consideration.</p>
Complaints	<p>A summary of each complaint, if any, received by the City about the Surveillance Technology.</p> <p>There were no complaints made regarding GPS Trackers.</p>
Audits and Violations	<p>The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response.</p> <p>There were no known violations relating to GPS Trackers.</p>
Data Breaches	<p>Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response.</p> <p>There were no known data breaches relating to GPS Trackers.</p>
Effectiveness	<p>Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.</p>

	<p>The GPS ESO program was suspended in mid-March 2020 due to the COVID-19 pandemic and has not been reimplemented. Our subscription was renewed and we upgraded our equipment.</p> <p>COVERTTRACK Stealth V GPS trackers are effective in that they provide invaluable information on suspect vehicle locations. During complex investigations, many suspects are moving throughout the Bay area and beyond. These devices assist investigators with developing information regarding suspect locations that may never have been discovered without GPS assistance.</p> <p>GPS trackers greatly reduce costs associated with surveillance operations. Surveillance operations generally involve three or more officers for the entire duration of an operation. A moving surveillance is extremely resource-intensive, requiring multiple officers in multiple vehicles for extended periods of time. Evidence can be fleeting, and GPS trackers allow officers to investigate in a timely manner. GPS trackers have assisted officers with recovering evidence that may have been removed or discarded if officers were unable to quickly develop a location for a suspect.</p>
Costs	<p>Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.</p> <p>The annual cost for the COVERTTRACK Stealth V GPS data service is \$1,834.53. There was no cost for the GPS “Electronic Stake Out” (ESO) this year. In April of 2022, the police department paid \$2,364.88 to upgrade the devices and for three years of tracking service.</p> <p>There are staff time costs associated with preparing and placing COVERTTRACK GPS trackers. The investigator must prepare a search warrant and obtain a judge’s approval, and a small number of officers must place the tracker on the suspect’s car. The total number of hours is a fraction of the time it would take to do a full surveillance operation involving numerous officers.</p> <p>There are staff time costs associated with preparing ESO trackers and placing ESO tracker-equipped bikes for bait bike operations. The time associated to prepare an ESO GPS equipped surveillance is approximately two-four hours. The total number of hours is extremely small, given the large number of operations, and resulting arrests from prior cases.</p>

Surveillance Technology Report: External Fixed Surveillance Video Cameras October 1, 2023 – Sept. 30, 2024

Description	<p>A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing.</p> <p>During this reporting period, the Berkeley Police Department, in collaboration with the Public Works Department and General Services, has made significant progress implementing fixed surveillance cameras. The contract with Edgeworth has been finalized, and funding has been allocated to cover the installation of approximately 12 of the 15 Council-approved cameras. Public Works is working with General Services to expedite the contract execution.</p> <p>Based on this information, it is anticipated that the installation of the fixed cameras will begin in late October or early November. These cameras are part of our ongoing efforts to enhance public safety and support criminal investigations. Currently, fixed surveillance cameras are operational at San Pablo Park, the Berkeley Marina, and at the intersection of University Avenue and Sixth Street. The upcoming installations will include seven cameras located on City of Berkeley right-of-way, expected to be installed by the end of the year. City staff are also submitting applications for permits for the cameras that will be installed on Caltrans right-of-way.</p> <p>Internally, we are refining our software solutions to track access to these cameras for comprehensive auditing and detailed reporting. Officers will be informed that completing a Survey 123 is required to access these cameras, ensuring compliance with our Surveillance Technology Ordinance and maintaining transparency in our operations.</p> <p>As we move forward with the deployment of these surveillance technologies, we remain committed to ethical and responsible use, aligning with our community’s values and legal standards. All personnel will be required to complete mandatory training covering operational procedures and privacy protections before accessing the system. This approach ensures that the new capabilities enhance public safety while maintaining our community’s trust and support.</p> <p>What data is captured by this technology:</p> <p>The external fixed surveillance cameras record and capture non-audio activity (data) for the following purposes:</p> <ol style="list-style-type: none"> i. To address identified areas of criminal activity. ii. To respond to critical incidents. iii. To assist in identifying, apprehending and prosecuting offenders. iv. To document officer and offender conduct during interactions to safeguard the rights of the public and officers. v. To monitor pedestrian and vehicle traffic activity in order to assist with traffic related investigations. vi. To document employee, employer, and/or customer conduct during interactions to safeguard the employee, employer, and customer from misconduct.
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How the data is stored:

The data on the external fixed video surveillance cameras is stored in secure servers that are managed by the City of Berkeley Radio Shop. Each camera system (San Pablo Park, Berkeley Marina, University Avenue and Sixth Street) has its own respective server for data storage.

Retention period of data:

Video surveillance recordings are not government records pursuant to California Government Code 34090 in and of themselves. Except as otherwise permitted in this section, video surveillance recordings shall be purged within one hundred and eighty (180) days of recording.

The external fixed video surveillance cameras at University Avenue and Sixth Street were accessed eight times during this reporting period.

- A homicide detective accessed the cameras while investigating a shooting that occurred near the intersection.
- A robbery detective accessed the cameras while investigating a robbery that occurred near the intersection.
- A homicide detective accessed the cameras twice while investigating an auto burglary that occurred near the intersection. The video aided in locating the suspect vehicle.
- A homicide detective accessed the cameras while investigating a shooting that occurred near the intersection. The cameras provided images of possible suspect vehicles.
- A patrol sergeant accessed the cameras while investigating a felony hit and run that occurred near the intersection. The video showed the facts of how the collision occurred and showed distinctive markings and damage on the suspect vehicle to help identify it.
- A patrol sergeant accessed the cameras while investigating an auto burglary that occurred near the intersection. The cameras provided images of possible suspect vehicles.
- A robbery detective accessed the cameras while investigating a robbery that occurred near the intersection.

The external fixed video surveillance cameras at San Pablo Park were accessed 1 time during this reporting period.

- A homicide detective assisted CHP with a homicide case where involved parties were at San Pablo Park prior to shooting.

The external fixed video surveillance cameras at the Berkeley Marina were accessed eighteen times during this reporting period.

- Property crimes detectives accessed the cameras thirteen times while investigating auto burglaries that occurred at the Marina. The cameras consistently captured footage of the thefts and suspect vehicles, which was instrumental in identifying suspects and advancing the investigations.
- Property crimes detectives accessed the cameras four times while investigating vehicle thefts at the Marina. In three instances, the cameras recorded the suspects driving the stolen vehicles and the victim vehicles, providing critical evidence that was helpful to the investigations. In one case, no useful evidence was obtained.

Internal

	<ul style="list-style-type: none"> • A property crimes detective accessed the cameras once while investigating a grand theft at the Marina. The theft and the suspect vehicle were captured on video, assisting in the case. <p>The Avigilon platform was accessed four times for administrative reasons during this reporting period.</p> <ul style="list-style-type: none"> • Two administrative accesses were used to create new accounts. • Two administrative accesses were used to reset passwords after expiration. <p>Data may be shared with the District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence; other law enforcement personnel as a part of an active criminal investigation; and other third parties, pursuant to a court order.</p>
Geographic Deployment	<p>Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.</p> <p>The external fixed video surveillance cameras are geographically deployed at San Pablo Park, the Berkeley Marina, and at the intersection of University Avenue and Sixth Street.</p>
Complaints	<p>A summary of each complaint, if any, received by the City about the Surveillance Technology.</p> <p>There were no known complaints associated with the external fixed video surveillance cameras.</p>
Audits and Violations	<p>The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response.</p> <p>There were no known violations relating to the external fixed video surveillance cameras.</p>
Data Breaches	<p>Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response.</p> <p>There were no known data breaches related to the external fixed video surveillance cameras.</p>
Effectiveness	<p>Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.</p> <p>External fixed video surveillance cameras monitor pedestrian and vehicle activity and can assist investigators with criminal and traffic related investigations. The cameras are also meant to prevent and deter criminal activity and augment police resources in a cost-effective manner.</p>
Costs	<p>Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.</p> <p>The initial cost of the San Pablo Park Cameras was \$64,829.46</p> <p>The initial cost of the Marina cameras was \$106,620.14</p> <p>The annual cost for maintenance and other ongoing costs, including compliance and other reporting and oversight requirements is \$13,443.20.</p> <p>The authorized budget for the Edgeworth contract is \$850,000.</p>

Surveillance Technology Report: Automated License Plate Readers October 1, 2023 – Sept. 30, 2024

Description	<p>A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing.</p> <p>Automated License Plate Readers (ALPRs) are used by Parking Enforcement Bureau vehicles for time zone parking. The City’s Transportation Division uses anonymized information for purposes of supporting the City’s Go Berkeley parking management program. ALPR use replaced the practice of physically “chalking” tires, and is a more effective means of identifying violators.</p> <p>What data is captured by this technology: ALPR technology functions by automatically capturing an image of a vehicle's license plate, transforming that image into alphanumeric characters using optical character recognition software, and storing that information, along with relevant metadata (e.g. geo-location and temporal information, as well as data about the ALPR).</p> <p>How the data is stored: The data is stored on a secure server by the vendor.</p> <p>Retention period of data: During this reporting period collected images and metadata of hits were stored no more than 365 days. Metadata of reads were not stored more than 14 days in accordance with policy 1302. Current use policy adopted September 13, 2022 sets new retention periods that are now in effect.</p> <p>Summary of ALPR Time Zone Enforcement Data Genetec is the vendor for the ALPR Time Zone enforcement system. A “read” indicates the ALPR system successfully read a license plate. The information that is generated when a plate is viewed by the ALPR camera is the license plate number, state and geographical (GPS) location it was viewed.</p> <ul style="list-style-type: none"> • Due to an error in our data retention mechanism, we are unable to provide a full count of reads for this reporting period. However, in recent years, the number of annual reads has been approximately 3,000,000. <p>A “hit” indicates the ALPR system detected a possible violation, which prompts the Parking Enforcement Officer to further assess the vehicle. A hit is when the read information is recognized as a license plate that matches, or does not match, an entry in a list such as permit list or the stolen vehicle “hot list”. In many cases, hits are “rejected” or “not enforced”, meaning no enforcement action is taken, because the Parking Enforcement Officer determines the vehicle has an appropriate placard or permit, or there is other information or assignment which precludes citation.</p> <p>The following are key enforcement statistics for this reporting period:</p> <ul style="list-style-type: none"> • 97,718 hits • 36,428 enforced hits resulted in citation issuance. • 1,530 not-enforced hits due to either, 1) ALPR experiencing technical issues and officer unable to validate the hit in the system, which only gives option to not enforce, or 2) Officer error in accepting the hit initially.
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Internal

	<ul style="list-style-type: none"> • 59,760 hits were not acted upon for a variety of reasons including but not limited to: <ul style="list-style-type: none"> ○ Customer comes out to move a vehicle. PEO's are directed not to issue that citation. ○ Officer gets to the dashboard and sees a permit not visible from a previous location. ○ Officer does a vehicle evaluation and confirms that the vehicle moved from the hit location (e.g. across the street within GPS range). ○ Stolen car. ○ Similar plates. ○ 600-700 GIG cars- 100 revel scooters. ○ Officers mistakenly leave their ALPR on collecting data, but leave the area being enforced to drive to another location on another assignment, such as a traffic post at a collision scene. <p>All BPD ALPR data may only be shared with other law enforcement or prosecutorial agencies for official law enforcement purposes, or as otherwise permitted by department policy and law. All ALPR data is subject to the provisions of BPD Policy 415 - Immigration Law, and therefore may not be shared with federal immigration enforcement officials.</p> <p>During this reporting period there were no law enforcement investigative vehicle inquiries.</p>
Geographic Deployment	<p>Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.</p> <p>Only Parking Enforcement Vehicles are equipped with ALPRs. ALPRs are deployed based on areas where there are parking time restrictions. ALPRs are not deployed based on geographic considerations not related to parking enforcement.</p>
Complaints	<p>A summary of each complaint, if any, received by the City about the Surveillance Technology.</p> <p>There have been no complaints about the deployment and use of Automated License Plate Readers.</p>
Audits and Violations	<p>The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response.</p> <p>There were no known violations relating to ALPRs.</p>
Data Breaches	<p>Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response.</p> <p>There have been no known data breaches or other unauthorized access to Automated License Plate Reader data.</p>
Effectiveness	<p>Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.</p> <p>ALPRs have proven effective in parking enforcement for time zone enforcement.</p> <p>The ALPRs' ability to read and check license plates while being driven greatly increases efficiency, allowing an operator to cover larger areas more quickly without having to stop except to confirm a hit.</p>

	An additional benefit of the Parking Enforcement ALPR system is that sometimes hits indicate a possible stolen vehicle. These hits allow for the timelier recovery of stolen vehicles in the City of Berkeley.
Costs	<p>Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.</p> <p>The annual system maintenance cost for Genetec is \$51,720. This cost is borne by the Transportation Division, which covers warranties, support, and cellular connection costs.</p> <p>Genetec ALPR units are installed on 22 Parking Enforcement vehicles. Parking Enforcement personnel perform a variety of parking enforcement activities and are not limited solely to time zone enforcement. Therefore, personnel costs specifically attributable to time zone enforcement are not tracked.</p>

To: Chief Louis

From: Arlo Malmberg, Strategic Planning and Accountability Manager

Date: September 13, 2024

RE: Genetec Automated License Plate Reader Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of the Genetec ALPR system to assess compliance with Policy 1302, Surveillance Use Policy – Automated License Plate Reader (ALPR). The audit scope included access records for the Genetec ALPR system between January 1, 2024 and June 30, 2024. The audit methodology involved analyzing these access records for unauthorized access, data breaches, and prohibited uses.

The audit found full compliance with Policy 1302, with no instances of unauthorized access, data breaches, data errors, or prohibited uses detected. All system access was made by authorized personnel as stipulated in the policy.

BACKGROUND

Policy 1302 outlines the requirements for use and access to the Genetec ALPR systems by Parking Enforcement Officers. The policy mandates biannual audits of the ALPR system to ensure compliance and detect any unauthorized access or data breaches.

PRIOR AUDITS

The last audit was conducted in January 2024. No findings were recorded. The next audit will be conducted in January 2025.

SCOPE AND METHODOLOGY

The scope of this audit included all access records for the Genetec ALPR system between January 1, 2024 and June 30, 2024.

The audit methodology involved:

1. Retrieving Genetec ALPR system access records for the specified timeframe from the Parking Enforcement Manager.
2. Analyzing the records for any instances of unauthorized access, data breaches, or prohibited uses.
3. Verifying that all system access was made by authorized personnel as stipulated in Policy 1302.

SUMMARY OF FINDINGS

Objective #	Audit Objectives	# Meeting Standards	% Meeting Standards
1	Authorized access to ALPR system	191 Admin actions, 2580 PEO logins/logoffs / 191 Admin actions, 2580 PEO logins/logoffs	100%
2	No data breaches	191 Admin actions, 2580 PEO logins/logoffs / 191 Admin actions, 2580 PEO logins/logoffs	100%
3	No prohibited uses	191 Admin actions, 2580 PEO logins/logoffs / 191 Admin actions, 2580 PEO logins/logoffs	100%

DETAILED FINDINGS**Objective 1: Authorized access to ALPR system****Criteria:**

1302.5 DATA ACCESS (a): " Only properly trained Parking Enforcement Officers, Sworn Officers as selected by the Investigation's Division Captain, and Information Technology personnel are allowed access to the Genetec ALPR system or to collect ALPR information."

Inspection Procedure:

- Review all access records for the Genetec ALPR system during the audit period.
- Verify that all access was made by authorized personnel.

Findings:

- All access to the Genetec ALPR system was made by authorized personnel
- System maintenance access by Genetec personnel and City of Berkeley IT was also noted and deemed appropriate.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 2: No data breaches**Criteria:**

1302.11 AUDITING AND OVERSIGHT (1): "Any unauthorized access or data breach shall be reported immediately to the City Manager..."

Inspection Procedure:

- Analyze access records for any signs of data breaches.
- Confirm with the Parking Enforcement Manager that no data breaches were reported during the audit period.

Findings:

- No data breaches were detected or reported during the audit period.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 3: No prohibited uses**Criteria:**

1302.11 AUDITING AND OVERSIGHT (1): "...BPD will enforce against prohibited uses of the Genetec ALPR system, associated ALPR Read and Hit metadata, and lists and databases pursuant to Policy P-26, or other applicable law or policy."

Inspection Procedure:

- Review access records for any indication of prohibited uses of the ALPR system or data.

Findings:

- No prohibited uses of the ALPR system or associated data were detected during the audit period.

Internal

- The majority of system accesses were by Genetec personnel for IT support and user management. The remaining accesses were primarily by the Parking Enforcement Manager and Parking Enforcement Officer Supervisors for reviewing system configurations and usage.

Recommendations:

- None. The 100% compliance rate meets department standards.

MANAGEMENT'S RESPONSE

The Parking Enforcement Manager has reviewed the report and concurs with the findings presented herein.

**Surveillance Technology Report: Street Level Imagery Project
October 1, 2023 – Sept. 30, 2024**

Description	<p>A description of all non-privileged and non-confidential information about the use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report will include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing.</p> <p>Street level imagery is utilized exclusively by authorized City staff for infrastructure asset management and planning activities. The street level imagery of City infrastructure assets in the Public Right of Way that is provided to the City will not consist of information that is capable of being associated with any individual or group.</p>
Geographic Deployment	<p>Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.</p> <p>Street level imagery was collected by driving through the entire community over a three week period in December of 2020. It is accessible to the City through a proprietary third-party application, Street SmartTM.</p>
Complaints	<p>A summary of each complaint, if any, received by the City about the Surveillance Technology.</p> <p>There have been no complaints about the use of Street Smart TM.</p>
Audits and Violations	<p>The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response.</p> <p>There have been no complaints with regards to the Street Level Imagery Project.</p>
Data Breaches	<p>Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response.</p> <p>There have been no known data breaches or other unauthorized access to Cyclomedia Street Level Imagery data.</p>
Effectiveness	<p>Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.</p> <p>Staff considered hiring contractors to use GPS in the field to create and update the infrastructure asset GIS data. This method is costly and time consuming. Cyclomedia’s unique and patented processing techniques allow positionally-accurate GIS data to be collected in a cost-effective way and over a shorter period of time than a “boots on the ground” GPS field survey.</p> <p>The Imagery extracted the following Citywide Infrastructure assets to create accurate and current Geographic Information Systems (GIS) data inventories:</p> <ul style="list-style-type: none"> • Bus pads / stops • Maintenance Access Holes • Pavement Striping • Curb paint color • Parking meters • Pedestrian Signal • Pavement marking • Storm drains • Signs • Street trees • Traffic lights <p>The street level imagery captured was used to: Create a street sign GIS layer with condition assessment to support compliance with the Manual on Uniform Traffic Control Devices Code and provide an accurate inventory of City signs. The prior sign inventory is contained in a spreadsheet that does not have accurate location data.</p>

	<p>Created a curb color layer with condition assessment to indicate where there are red, yellow, blue, white and green colors. This is critical to support Public Safety. Created pavement striping and paint symbol layers to support Transportation Planning and Vision Zero.</p> <p>Benefits:</p> <p>The data from the street level imagery was integrated into the City’s work order and asset management system for planning activities and to document repair and maintenance.</p> <p>Planners can use the street level imagery provided to the City to take measurements remotely, such as sidewalk width and public right of way impacts at proposed development locations.</p> <p>The data provides a comprehensive snapshot of the City that would be helpful for cost recovery in the event of a major disaster.</p> <p>City staff can use the street level imagery to plan the location of road markings for pedestrian crossings, bike lanes or other striping.</p> <p>City staff can remotely take accurate measurements of infrastructure assets to adequately plan for repair and replacement.</p> <p>City staff can use street level imagery to enhance community engagement. The street level imagery can be used to identify and depict the impact of development such as an intersection restriping plan in order to article before and after conditions.</p>																								
<p>Costs</p>	<p>Total annual costs for the Surveillance Technology, including personnel and other ongoing costs. The total cost of the system is \$232,611 and is itemized below.</p> <table border="1" data-bbox="386 1060 1404 1501"> <thead> <tr> <th>Year No.</th> <th>Description</th> <th>Cost</th> <th>Notes</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Licenses</td> <td>\$48,000</td> <td>Resolution No: 69,482-N.S. 30JUN20</td> </tr> <tr> <td>1</td> <td>Professional Services for asset extraction</td> <td>\$139,401</td> <td>Resolution No: 69,482-N.S. 30JUN20</td> </tr> <tr> <td>2</td> <td>Licenses and Support – One-Time</td> <td>\$41,100</td> <td>Resolution No: 70,487-N.S. 26JUL22</td> </tr> <tr> <td>3</td> <td>License and Support – Ongoing Annual Costs</td> <td>\$4,110</td> <td>Resolution No: 70,487-N.S. 26JUL22</td> </tr> <tr> <td>4</td> <td>License and Support – Ongoing Annual Costs</td> <td>\$4,110</td> <td>Resolution No: 70,487-N.S. 26JUL22</td> </tr> </tbody> </table>	Year No.	Description	Cost	Notes	1	Licenses	\$48,000	Resolution No: 69,482-N.S. 30JUN20	1	Professional Services for asset extraction	\$139,401	Resolution No: 69,482-N.S. 30JUN20	2	Licenses and Support – One-Time	\$41,100	Resolution No: 70,487-N.S. 26JUL22	3	License and Support – Ongoing Annual Costs	\$4,110	Resolution No: 70,487-N.S. 26JUL22	4	License and Support – Ongoing Annual Costs	\$4,110	Resolution No: 70,487-N.S. 26JUL22
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4	License and Support – Ongoing Annual Costs	\$4,110	Resolution No: 70,487-N.S. 26JUL22																						

Internal

Surveillance Technology Report: Unmanned Aerial Systems October 1, 2023 – Sept. 30, 2024

Description	<p>A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing.</p> <p>Unmanned Aerial Systems (UAS) also commonly referred to as a drone are requested pursuant to our Mutual Assistance protocols. If a situation arises wherein the safety to the community, officers, or the offender can be increased through the means of de-escalation (adding time and distance to the situation) a supervisor can make the request. During this period, on five occasions the Police Department sought mutual assistance for drones.</p> <p>What data is captured by this technology: Unmanned Aerial Systems are owned and operated by the respective agency. While each piece of equipment is unique, generally UAS can both record video and audio, while transmitting the data to the operator, thereby qualifying as a piece of Surveillance Technology pursuant to BMC 2.99.020.</p> <p>How the data is stored: During this reporting period Concord Police Department (CPD), Oakland Police Department (OPD), and Danville Police Department (DPD) assisted the Berkeley Police Department by providing drones. Per their policy, those agencies retain images captured during a UAS mission if there is reasonable suspicion of criminal activity. BPD personnel would request that evidence from those agencies if it was needed in support of criminal activity. During this reporting period no data was stored by BPD.</p> <p>Retention period of data: Policy 1303.7: If available, any data collected by the use of a UAS should be purged by BPD within 60 days if it doesn't contain any data of evidentiary value. If the data has evidentiary value, it should be uploaded into BPD's evidence database and kept pursuant to the established retention guidelines set forth in policy 804-Records Maintenance and Release.</p> <p>Summary of Uses of UAS</p> <p>BPD Case 24-00005280 On 02/05/24, the Berkeley Police Department Special Response Team responded to Concord to serve a high-risk warrant for a city employee who had threatened to kill others and himself. Due to the potential for violence, a drone provided by Concord PD was utilized to surveil the property from overhead, enhancing officer safety by providing real-time intelligence on the suspect's location and activities. By deploying the UAS before officers entered, the risk of a lethal confrontation was significantly reduced.</p> <p>BPD Case 24-00019770 On 05/01/24, an armed robbery (PC 211) occurred in Berkeley where suspects pistol-whipped a victim who was holding their 2-year-old child and pointed a gun at the child. Berkeley Police Officers pursued the suspect vehicle to Oakland, where it was involved in a collision. Three suspects fled on foot; two were</p>
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Internal

	<p>apprehended immediately. The third suspect was captured after an extensive block search aided by an Oakland Police Department drone. The UAS provided aerial surveillance, assisting officers in locating the suspect while minimizing risks to the public and officers.</p> <p>BPD Case 23-00054017 On 06/11/24 at 12:30 hours, the Berkeley Police Department Special Response Team served a high-risk warrant in Oakland related to an ongoing homicide investigation by the Detective Division. Prior to entry, a UAS provided by Oakland PD was deployed to surveil the property, providing officers with real-time intelligence on the suspects' locations and any potential threats. The use of the UAS aimed to reduce the risk of injury to both officers and suspects.</p> <p>BPD Case 24-00027774 On 06/20/24, the Berkeley Police Department Special Response Team served a high-risk warrant in Berkeley for shooting suspects at the request of the Detective Division Homicide Unit. During the operation, drone support was provided by the Oakland Police Department, utilizing both overhead and interior UAS to surveil the property and enhance officer safety. The use of drones allowed officers to gain real-time intelligence on the suspects' movements within the property. One suspect was taken into custody, and a 7.62 rifle was recovered.</p> <p>BPD Case 24-00032696 On 07/19/24, Berkeley Police Officers responded to an attempted catalytic converter theft. When neighbors intervened, the suspect produced a handgun, threatening the residents. Officers located the suspect vehicle and initiated a pursuit. The suspects abandoned the vehicle and fled on foot. One suspect was apprehended immediately, while another fled into the wooded area of Wildcat Canyon. A drone provided by Danville PD was deployed to search the difficult terrain. The UAS provided aerial surveillance, assisting in locating the suspect while minimizing risk to officers and the public.</p>
Geographic Deployment	<p>Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically.</p> <p>A UAS was used five times during this reporting period; once in Berkeley, once in Concord, twice in Oakland, and once in East Bay Regional Parks District.</p>
Complaints	<p>A summary of each complaint, if any, received by the City about the Surveillance Technology.</p> <p>During this reporting period the City received no complaints about the deployment of UAS.</p>
Audits and Violations	<p>The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response.</p> <p>There were no known violations relating to the UAS Surveillance Use Policy.</p>
Data Breaches	<p>Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response.</p> <p>There have been no known data breaches or other unauthorized access to any of the data from UAS.</p>
Effectiveness	<p>Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes.</p>

Internal

	<p>UAS are often used to search properties before officers. This allows officers to see video from the UAS and confirm a suspect is not waiting inside with a weapon. By sending the UAS in before officers, the risk of a confrontation that could result in death or serious injury to the suspect, others inside the house and officers, is significantly reduced.</p>
Costs	<p>Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.</p> <p>The annual cost for UAS is zero as the uses were covered by the responding agencies under the Mutual Assistance agreement. The only costs associated is staff time at each respective incident, however no costs for the use of the technology were incurred.</p>



Peace and Justice Commission

ACTION CALENDAR
November 12, 2024

To: Honorable Mayor and Members of the City Council
From: Peace and Justice Commission
Submitted by: Grace Morizawa, Chair, Peace and Justice Commission
Subject: Resolution Opposing the Criminalization of Poverty and Homelessness

RECOMMENDATION

Adopt a resolution that the City of Berkeley Council opposing the criminalization of poverty and homelessness including:

City of Berkeley will continue to operate under the framework of *Martin v. Boise*, as permitted under the recent Supreme Court decision in *Grants Pass v. Johnson*, and refrain from any criminalization or effective prohibition of sleeping while unhoused, including citation or arrest simply for sleeping outside if no adequate shelter is available, without precluding enforcement of laws banning actions that threaten the health and safety of the whole community.

The City of Berkeley shall strengthen its commitment to connecting unhoused people with vital services including adequate short-term shelter and regional permanent supportive housing solutions.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The U.S. Supreme Court's 2024 decision in *Grants Pass v. Johnson* to reverse *Martin v. Boise* and threatens to make sleeping outside while being unhoused a crime regardless of the presence of shelter space.

Gov. Gavin Newsom's Executive Order N-1-24 on July 25, 2024 requires the removal of encampments on state lands and requests local governments to take the same action within their jurisdictions, while the Order provides no new funds for the creation of new housing or shelter, despite a shortfall of approximately 110,000 emergency shelter and transitional beds in California, and provides no direction as to where unhoused people should go once encampment evacuation orders are given.

Authorities in neighboring cities have moved to modify their policies to take advantage of the Grants Pass decision; these include the San Francisco Police Department, which now allows officers to enforce a misdemeanor for sitting or lying on a sidewalk between 7AM and 11PM, and without first requiring an offer of shelter.

The clearing of encampments has not been demonstrated to impact the long-term unhoused census; instead, it has been shown to increase the level of literal shelter-less (including tent or vehicle) sleeping by up to half.

At a special meeting on August 7, 2024, the Peace and Justice Commission adopted the following recommendation proposing City Council adopt a resolution opposing the criminalization of poverty and homelessness.

M/S/C: Lippman, McNeil

Ayes: Elias, Jacquilin, Jivan, Lippman, McNeil, Mencher, Morizawa, Taylor

Noes: N/A

Abstain: N/A

Absent: Bohn, Guarino

BACKGROUND

The Berkeley City Council and of the City administration have given verbal commitments that they will not make use of the *Grants Pass v. Johnson* decision to cite or arrest unhoused persons to resolve encampments, and have conducted major cleanups with cooperation of the unhoused and enthusiastic participation of community members, and without citations, arrests, or removal.

ENVIRONMENTAL SUSTAINABILITY

No environmental effects.

RATIONALE FOR RECOMMENDATION

The Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code Chapter 3.68.070)

Homelessness and poverty cannot be solved merely through their criminalization; and a shift towards criminalization would seriously undermine the preferable holistic, integrated approach to addressing the low-income housing and homelessness crisis.

Given the Supreme Court recent ruling, Governor Newsom's executive order, and the quick response of some California cities to take advantage of the Grant Pass decision,

there is a need to formalize Berkeley's verbal commitment to not cite or arrest unhoused population for sleeping outside when there is no available shelter.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

See companion report.

CONTACT PERSON

Okeya Vance-Dozier, Peace and Justice Commission Secretary, City Manager's Office
510-529-5376

Attachments:

1: Resolution

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

Resolution Opposing the Criminalization of Poverty and Homelessness

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code Chapter 3.68.070); and

WHEREAS, the U.S. Supreme Court's 2024 decision in *Grants Pass v. Johnson* to reverse *Martin v. Boise* threatens to make sleeping outside while being unhoused a crime regardless of the presence of shelter space; and

WHEREAS, the clearing of encampments has not been demonstrated to impact the long-term unhoused census; instead, it has been shown to increase the level of literal shelterless (including tent or vehicle) sleeping by up to half;¹ and

WHEREAS, Gov. Gavin Newsom's Executive Order N-1-24 on July 25, 2024 requires the removal of encampments on state lands and requests local governments to take the same action within their jurisdictions, while the Order provides no new funds for the creation of new housing or shelter, despite a shortfall of approximately 110,000 emergency shelter and transitional beds in California, and provides no direction as to where unhoused people should go once encampment evacuation orders are given;² and

WHEREAS, Los Angeles Mayor Karen Bass has criticized the executive order, stating, "Strategies that just move people along from one neighborhood to the next or give citations instead of housing do not work,"³ and

WHEREAS, authorities in neighboring cities have moved to modify their policies to take advantage of the Grants Pass decision; these include the San Francisco Police Department, which now allows officers to enforce a misdemeanor for sitting or lying on a sidewalk between 7AM and 11PM, and without first requiring an offer of shelter;⁴ and on

¹ "Annual Trends Among the Unsheltered in Three Los Angeles Neighborhoods", Rand, https://www.rand.org/pubs/research_reports/RRA1890-4.html

² "Gavin Newsom orders state agencies to move homeless people out of camps — but to where?," CalMatters, July 25, 2024, <https://calmatters.org/housing/homelessness/2024/07/newsom-homeless-encampments-order/>

³ Calmatters

⁴ "Enforcement of Laws to Address Lodging, Encampments on Public Streets, Sidewalks, Plazas, or other Public or on Private Property or Blocking Access to those Areas," San Francisco Police Department, 7-31-2024, https://newspack-missionlocal.s3.amazonaws.com/mission/wp-content/uploads/2024/07/sfpd_notice_ML.pdf and "SFPD tells officers to clear homeless tents ahead of 'very aggressive' enforcement," Mission Local, 7-31-2024, <https://missionlocal.org/2024/07/sfpd-tells-officers-to-clear-homeless-tents-ahead-of-very-aggressive-enforcement/>

July 29, the Fresno City Council unanimously approved an ordinance to ban “public camping” with penalties up to a year in jail and/or a \$1,000 fine;⁵ and

WHEREAS, homelessness and poverty cannot be solved merely through their criminalization; and

WHEREAS, a shift towards criminalization would seriously undermine the preferable holistic, integrated approach to addressing the low-income housing and homelessness crisis; and

WHEREAS, sweeps disrupt the ability of case workers to connect with their clients, further delaying the possibility of connecting unhoused people with vital services including housing; and

WHEREAS, subjecting people already experiencing the most extreme economic distress to expensive citations can only serve to further compound their destitution; and

WHEREAS, members of the Berkeley City Council and of the City administration have given verbal commitments that they will not make use of the *Grants Pass v. Johnson* decision to cite or arrest unhoused persons to resolve encampments, and have conducted major cleanups with cooperation of the unhoused and enthusiastic participation of community members, and without citations, arrests, or removal.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that the City of Berkeley will continue to operate under the framework of *Martin v. Boise*, as permitted under the recent Supreme Court decision in *Grants Pass v. Johnson*, and refrain from any criminalization or effective prohibition of sleeping while unhoused, including citation or arrest simply for sleeping outside if no adequate shelter is available, without precluding enforcement of laws banning actions that threaten the health and safety of the whole community.

BE IT FURTHER RESOLVED, that the Berkeley City Council opposes Executive Order N-1-24, and urges Governor Newsom to engage with community organizations over comprehensive policy reforms that sustainably and humanely address the needs of the unhoused in California without encampment sweeps.

BE IT FURTHER RESOLVED, that the City of Berkeley shall strengthen its commitment to connecting unhoused people with vital services including adequate short-term shelter and regional permanent supportive housing solutions.

⁵ “Fresno Approves Anti-Camping Law Despite Raucous Protests,” GV Wire, 7-29-2024, https://gvwire.com/2024/07/29/fresno-approves-anti-camping-law-despite-raucous-protests/?fbclid=IwY2xjawEbUKhleHRuA2FibQlxMQABHTFGD7sZ1IhaGrkdce-7_3USx_c6zuZ3LDsWI4dlsQXRgDltbbefyt1jVA_aem_5bvGZfVPOFLg8QeZpxGQyg

BE IT FURTHER RESOLVED, that the Council directs the City Clerk to transmit copies of this resolution to every department, employee, and commission of the City of Berkeley, and to Governor Gavin Newsom and Berkeley's state legislative representatives.



Office of the City Manager

ACTION CALENDAR
NOVEMBER 12, 2024

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Peter Radu, Assistant to the City Manager

Subject: Companion Report: Resolution Opposing the Criminalization of Poverty and Homelessness

RECOMMENDATION:

The City Council has already adopted an encampment policy that is consistent with the Commission's resolution by adopting the amended September 10, 2024 item, "Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods and Related First Reading of Ordinance Amending Chapter 14.48 of the Berkeley Municipal Code." Therefore there is no need to take any action on the Peace and Justice Commission's resolution and the City Manager recommends taking no action.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS:

The Peace and Justice Commission's resolution calls for city staff to continue to adhere to the *Martin v. Boise* standard before closing any encampments, "without precluding enforcement of laws banning actions that threaten the health and safety of the whole community." The Commission's report provides no further clarification on what types of health and safety exceptions should be considered acceptable in deviating from the *Martin* standard.

On September 10, 2024, Councilmembers Kesarwani, Wengraf and Humbert proposed the item, "Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods and Related First Reading of Ordinance Amending Chapter 14.48 of the Berkeley Municipal Code." This resolution was adopted with amendments that evening by Council, and it states that the City will "continue to offer interim housing (generally a shelter offer, with a preference for non-congregate options) when closing encampments, in accordance with the City's existing "Housing First" approach and best practices guidance from the federal government" – in other words, that the City will continue to adhere to the *Martin* standard. However, the item spells out several specific health and

safety exceptions to this standard, where enforcement could happen in the absence of shelter.

Because the Sept 10, 2024 item achieves the spirit of the Peace and Justices' resolution but adds more guidance for staff to implement it, staff recommend taking no action on the Commission's recommendation and instead defer to the Sept 10, 2024 Council resolution.

Additionally, the Peace and Justice Commission's resolution would have the City Council oppose Governor Newsom's Executive Order N-1-24¹ (July 25, 2024) on encampments. There is nothing binding about this order on the City of Berkeley's operations, so staff have no operational concerns with the order as written. Moreover, the order states,

"Local governments are encouraged to adopt policies consistent with this Order and to use all available resources and infrastructure, including resources provided by the State's historic investments in housing and intervention programs where appropriate and available, to take action with the urgency this crisis demands to humanely remove encampments from public spaces, prioritizing those encampments that most threaten the life, health, and safety of those in and around them."

With the adoption of the Sept 10, 2024 resolution, it is staff's view that the Council has already adopted such a policy.

ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with this recommendation.

BACKGROUND

On September 21, 2023, the City Manager sent an off-agenda memo to the Council with a draft encampment policy, in response to a series of 2018 referrals from the City Council to draft such a policy. City staff presented this policy to the Homeless Services Panel of Experts at their October 4, 2023 regular meeting. That evening, the Homeless Panel created a subcommittee to further address this policy, but no further action has been taken by the full Panel on this issue since then.

At its August 7, 2024 meeting, the Peace and Justice Commission adopted a recommendation proposing the City Council adopt a resolution opposing the criminalization of poverty and homelessness, with some limited exceptions for health and safety impacts to the community:

M/S/C: Lippman, Taylor Ayes: Morizawa, Lippman, Mencher, McNeil, Taylor, Jacquilin, Elias, Jivan

¹ See: <https://www.gov.ca.gov/wp-content/uploads/2024/07/2024-Encampments-EO-7-24.pdf>

Noes: None
Abstain: None
Absent: None

On September 10, 2024, the City Council adopted Resolution No. 71,513-N.S., "Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods, with the second reading approved by City Council on September 24, 2024." On October 7, 2024, the City Manager promulgated an off-agenda memo to the Council titled, "Implementation of Berkeley's New Encampment Policy."

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Peter Radu, Assistant to the City Manager, (510) 981-7045.



Civic Arts Commission

INFORMATION CALENDAR
November 12, 2024

To: Honorable Mayor and Members of the City Council
 From: Civic Arts Commission
 Submitted by: Dana Blecher, Chairperson, Civic Arts Commission
 Subject: Civic Arts Commission Final FY25 Work Plan

INTRODUCTION

The Civic Arts Commission has updated its work plan, which outlines Commission objectives for Fiscal Year 2025 (FY25) based upon goals articulated in the *City of Berkeley Arts & Culture Plan (2018 - 2027 Update)* and reflective of previously initiated projects that are already under way. This work plan includes a variety of objectives in three civic arts areas: Policy, Grants, and Public Art.

CURRENT SITUATION AND ITS EFFECTS

At its regular meeting on September 26, 2024, the Civic Arts Commission approved the final FY25 Civic Arts Commission Work Plan, which is used to guide the Commission's work throughout the year.

Action Item: Approval of Final FY25 Civic Arts Commission Work Plan

M/S/C (Bullwinkel/Ibarra) to approve Final FY25 Civic Arts Commission Work Plan.

Vote: Ayes — Anno, Bachrach, Blecher, Bullwinkel, Covarrubias, Ibarra, Pineda, Woo;
 Nays — None; Abstain — None; Absent — Crandall.

Public Comment: None

BACKGROUND

See attached work plan.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental sustainability or climate impacts identified as a result of this plan.

POSSIBLE FUTURE ACTION

Based on Commission research, public meetings, and new initiatives other additional recommendations to City Council may be submitted to City Council at such time deemed necessary.

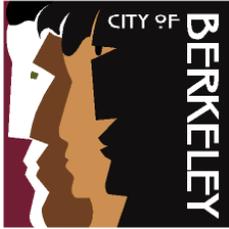
FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

No fiscal impacts determined at this time.

CONTACT PERSON

Jennifer Lovvorn, Commission Secretary, Civic Arts Commission, (510) 981-7533

Attachment: 1: Final FY25 Civic Arts Commission Work Plan



Civic Arts Commission

Final Civic Arts Commission FY25 Work Plan

Approved September 25, 2024 Civic Arts Commission

Policy Subcommittee

1. Continue participation with staff and in consultation with the Housing Advisory Commission to advise on the development of policies and initiatives to create affordable housing for Artists and Cultural Workers in the City of Berkeley culminating in a referral response to City Council and advocacy to fund resulting affordable housing programs.
2. Advocate for the designation of an arts district in West Berkeley.

Grants Subcommittee

1. Advocate year-round to Council for increased funding allocations for the Community Festivals Grants and the Capital Projects Grants.
2. Pending approval of a potential Arts Funding Ballot Measure, participate with staff in development of new Arts Funding Grant categories and provide oversight on the implementation of that program.

Public Art Subcommittee

1. Participate with staff and a consultant in the development of a Public Art Strategic Plan for the City of Berkeley with input from the community and other stakeholders, which will provide a framework for developing new public art projects, funding for community-initiated public art projects, and evaluation of Council referrals for public art, as well as updating the Public Art Guidelines and other City Policies to reflect best practices.
2. Complete backlog of public art projects identified in previous fiscal years (Attachment 1) and the Public Art Strategic Plan before initiating new public art projects for implementation by Civic Arts staff.
3. Contingent on obtaining funding, review an impact fee nexus study and evaluate possible amendments to the Public Art in Private Development Ordinance.

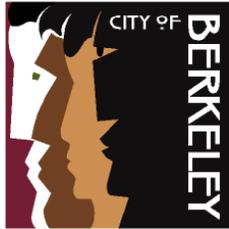
**Attachment 1: List of Public Art Projects Included in Previous Fiscal Years (FY19 – FY24)
Work Plans and Council Referrals**

Active (Listed Alphabetically):

1. Aquatic Park tile wall
2. BART Plaza Sound Installation (Ongoing programming and equipment repair)
3. Framed Art Purchases for City Buildings
4. Home sculpture de-installation
5. Homelessness Social Practice: Daniel Freeman Project
6. Homelessness Social Practice: Deirdre Weinberg Project
7. Homelessness Social Practice: Sue Mark Project
8. Jean LaMarr sculptural seating and grinding rock at Ohlone Park
9. Lara Kaur artwork at West Service Center
10. Measure T-1: MLK Youth Service Center
11. Measure T-1: Willard Clubhouse
12. Municipal Artists in Residence with Planning
13. Peace Wall Conservation
14. Po Shu Wang Signage and Bell
15. Re-installation of Romare Bearden artwork
16. Turtle Island Monument
17. Utility Box Mural Program (Assessment and Implementation of Recommendations)
18. William Wareham sculpture conservation and reinstallation

Not Started (Listed in Prioritized Order):

1. Eric Powell Gates Conservation
2. Santa Fe Right of Way Park
3. Dona Spring Memorial (Council Referral)
4. Measure T-1: South Berkeley Senior Center (Building project not yet started)
5. Measure T-1: African American Health Resource Center (Building project not yet started)
6. Aquatic Park sculpture
7. City Flag, Song, and Motto (Council Referral)
8. Hidden Gems: Berkeley Hills Stairways
9. Mural Commemorating Black Lives Matter Movement
10. Telegraph Avenue Public Art Project
11. Telegraph Crosswalk Murals (Council Referral)
12. Harrison Street Corridor Project
13. Replacement Mural for Center for Independent Living (Council Referral)
14. Family Friendly Art (Council Referral)



Civic Arts Commission

INFORMATION CALENDAR
November 12, 2024

To: Honorable Mayor and Members of the City Council

From: Civic Arts Commission

Submitted by: Dana Blecher, Chairperson, Civic Arts Commission

Subject: Fiscal Year 2025 Public Art Budget

INTRODUCTION

Attached is the City of Berkeley's Public Art Budget for Fiscal Year 2025 (FY25). The Civic Arts Commission-approved FY25 Public Art Budget will guide the City's public art investments and project management for the upcoming fiscal year, implemented by the Office of Economic Development's Civic Arts Program, in collaboration with other City departments, consultant teams, commissioned artists, project stakeholders, and communities.

The FY 25 Public Art Budget was adopted by the Civic Arts Commission at its regularly scheduled meeting on September 25, 2024, as follows: M/S/C (Anno/Pineda) to approve FY25 Public Art Budget. Vote: Ayes — Anno, Bachrach, Blecher, Bullwinkel, Covarrubias, Ibarra, Pineda, Woo; Nays — None; Abstain — None; Absent — Crandall. In this fiscal year, the Civic Arts Commission has prioritized ensuring adequate funding for current public art projects underway, completion of the backlog of current multiyear and not yet started public art projects identified in previous fiscal years, and conducting a Public Art Strategic Plan before initiating new public art projects.

CURRENT SITUATION AND ITS EFFECTS

The annual budget for public art projects is approved by the Civic Arts Commission every fiscal year. The approved Public Art Budget for FY25 pertains to funding for public art projects located in three distinct funds: Fund 148 (Cultural Trust Fund); Fund 150 (Public Art Fund); and Fund 511 (Measure T-1 Art), summarized as follows:

Fund 148: Cultural Trust Fund Budget for FY25 (Attachment 1) includes a total of \$3,241,589 to be used for public art. The City's Percentage for Public Art on Private Projects Ordinance (Berkeley Municipal Code Chapter 23.316, established in 2016) generates in-lieu fees from private development to the Cultural Trust Fund (Fund 148) valued at 0.8% of a private development's construction costs for any of the following: new multifamily residential projects of five or more dwelling units; new commercial structures; new industrial structures; and all construction of building additions exceeding 10,000 square feet. This budget includes committed and uncommitted rollover of the

FY24 Cultural Trust Fund balance (\$2,930,428) and the sum of any new funds (\$311,161) collected in the prior fiscal year for inclusion in the FY25 budget.

The Cultural Trust Fund Budget contains projected expenditures totaling \$3,241,589 including: Mosaic artwork for Aquatic Park; Turtle Island Monument planning contracts, Completion of Socially Engaged Homelessness projects; Completion of framed photography collection for West Service Center; Fabrication of plaque stand with artwork bell for the “Earth Song” sculpture; Commissioning of grinding rock and sculptural seating for Ohlone Park; Artwork exhibitions in the City’s “Cube Space” gallery in the Center Street Garage, and many more. The budget also includes artwork conservation contracts to maintain and repair public art owned by the City; administration funds set-aside; and a contingency amount for use during the implementation of the FY25 projects. The FY25 budget also includes funds for a Public Art Strategic Plan for the City of Berkeley. This planning process will garner input from the community and other stakeholders in order to develop a framework to evaluate how new public art projects are funded and a recommended process to evaluate the funding of community-initiated public art projects. Any unspent funds from the FY25 budget will be carried forward and available for public art in FY26.

Fund 150: Public Art Fund Budget for FY25 (Attachment 2) includes a total of \$257,392 to be used for public art. This budget includes committed and uncommitted rollover of the FY24 Public Art Fund balance (\$195,192) and an allocation from the annual FY25 Capital Improvement Projects (CIP) budget (\$62,199) based upon eligible municipal construction projects. The City’s Appropriation for Public Art for Municipal Capital Improvement Projects Ordinance (Berkeley Municipal Code Chapter 6.13, established in 2022) requires that 1.75% of the estimated cost of construction of City capital improvement projects are reserved for public art for integration on-site within the CIP project. For large City CIP projects with substantial art set-aside amounts, onsite public art is typically integrated into the overall project and for smaller CIP projects, the arts funds are aggregated for deposit into the Public Art Fund. Funds may be expended on public art at any appropriate site within the City. Funds from two or more CIP projects may be pooled to fund a single work of art. Funds may be used for permanent or temporary public art. Per BMC Chapter 6.14, the Civic Art Commission makes the final determination on publicly-accessible sites for art funded through this policy. Per MMC Chapter 6.13, the Civic Arts Commission shall supervise and control the expenditure of all funds appropriated for public art.

The Public Art Fund Budget contains projected expenditures totaling \$257,392 including: Commissioning of two original sound compositions for the Downtown Berkeley BART Plaza; Purchase of framed artwork for display in Civic Center buildings; City flag project; and more. The budget also includes artwork conservation funds to maintain and repair public art owned by the City; administration funds set-aside; and a contingency amount for use during the implementation of the FY25 projects. Any

unspent funds from the FY25 Public Art Fund Budget will be carried forward and available for public art in FY26.

Fund 511 Measure T-1 Public Art Budget for FY25 (Attachment 3) includes a total of \$623,928 to be used for permanent public art integrated into select Phase Two projects of the Measure T-1 Program. In 2021, the Civic Arts Commission decided to allocate the Measure T-1 Phase 2 Public Art funds to the following projects: African American Holistic Resource Center, MLK Jr. Youth Services Center, South Berkeley Senior Center, and Willard Park Clubhouse Replacement Project. Civic Arts has commenced with artist selection as the architectural design for these four projects is developed enough for public art opportunities to be defined. The attached Measure T-1 Public Art Budget for FY25 reflects a distribution of these funds to the four projects. As the public art opportunity associated with these projects become more clearly defined, additional funding is being allocated from Fund 148 Cultural Trust Fund to augment the reserved Measure T-1 funds. For example, the FY25 Cultural Trust Fund Budget includes an allocation of \$337,000 to augment the \$105,000 Measure T-1 funds reserved for MLK Jr. Youth Services Center. The public art budgets for African American Holistic Resource Center and South Berkeley Senior Center are also augmented with funds from the FY25 Cultural Trust Fund Budget. Because these two projects have not yet been developed enough to properly identify the art opportunities, additional funds may be allocated from Fund 148 in future fiscal years to further augment those budgets as needed.

BACKGROUND

The City's public art funding policies require the Civic Arts Commission to develop an annual budget for public art projects. The Public Art on Private Development policy also requires a regular annual public process for deciding how the Cultural Trust Funds will be allocated in accordance with the priorities of the Arts and Cultural Plan, following the Guidelines for Public Art in the City of Berkeley. Each year, Civic Arts staff works with the Civic Arts Commission's Public Art Subcommittee and other City departments to develop these budgets simultaneously.

In FY24, the Civic Arts Program implemented a portfolio of public art projects valued at \$696,808 with funds allocated in the FY24 Public Art Program budgets. Those projects included:

- Completed commission of large bronze sculpture by Mildred Howard installed at Adeline and Martin Luther King, Jr. Way and organized a dedication event for this artwork in conjunction with the 2024 Juneteenth celebration.
- Completed a major artwork restoration project of "Mak Roote," a collaborative public art installation at the Berkeley transit node created by muralist John

Wehrle and poet Betsy Davids, which in recent years has suffered from vandalism, as well as fading and staining from overhead roadway runoff.

- Commenced with the artist selection process for Willard Clubhouse.
- Conducted a selection process for a tile mosaic at Aquatic Park and commenced contracting with selected artist.
- Advanced the design and production of the framed artwork project by Lara Kaur for West Service Center.
- Conducted an inventory and assessment of the existing utility box murals.
- Developed a plan for a new pilot utility box mural program to replace the existing damaged murals.
- Contracted with three socially engaged artists to start work on projects related to homelessness.
- Executed Exhibitions for Cube Space multimedia art installation venue on the ground floor of the Center Street Garage including:
 - Presentation of four site specific installations.
 - Selection and contract with new Cube Space curator.
- Completed planning for purchase of framed artwork for Civic Center buildings.
- Routine maintenance of artwork in the City's Public Art Collection.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the content of this report.

POSSIBLE FUTURE ACTION

The budgets include likely future expenditures on potential public art projects in the City. The Civic Arts Commission may make modifications to this budget over the course of the fiscal year as additional needs and funding opportunities arise.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

All future public art revenues and expenditures will be tracked and accounted for. If necessary, an additional Information Report will be submitted to the City Council.

CONTACT PERSON

Jennifer Lovvorn, Secretary, Civic Arts Commission, 981-7533

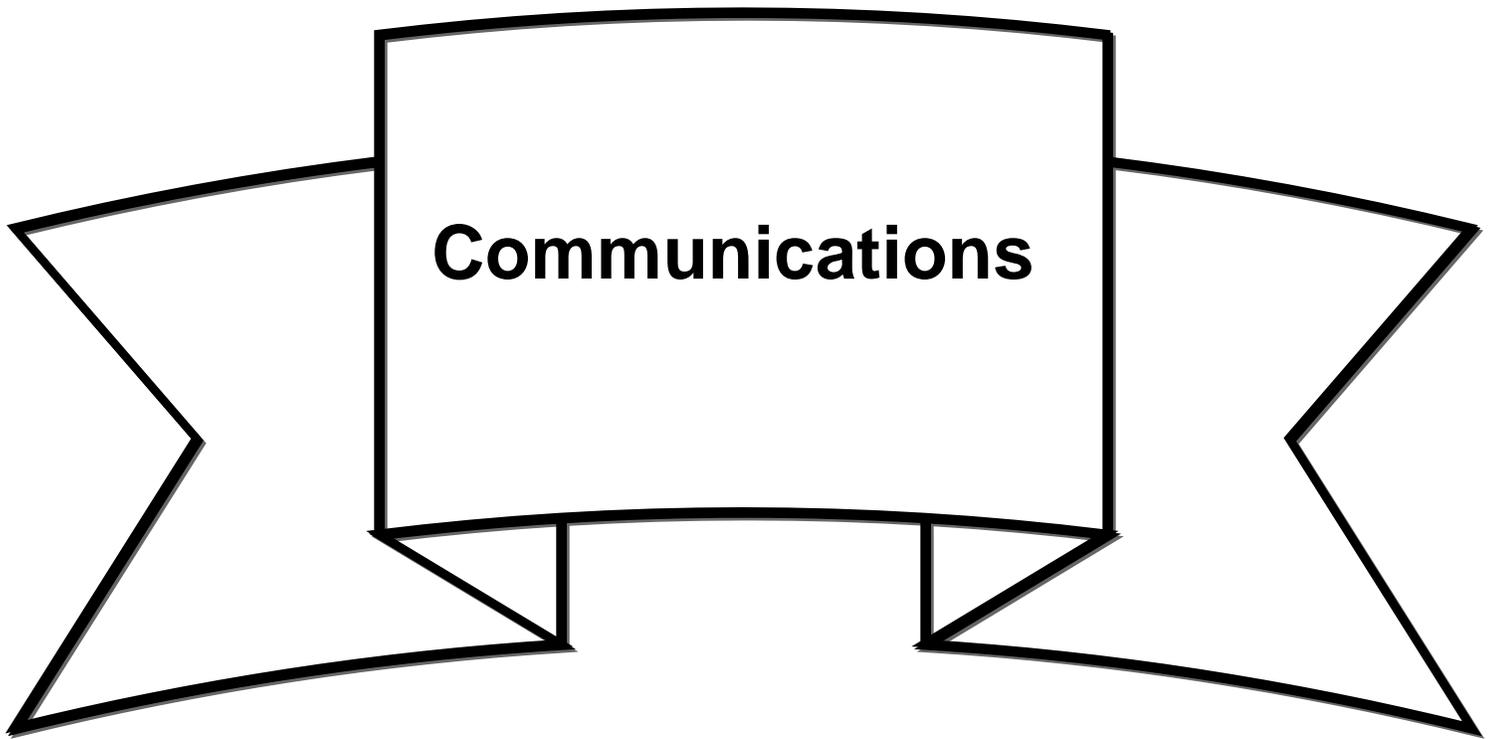
Attachments:

- 1: Fund 148 Public Art Budget for FY 2025
- 2: Fund 150 Public Art Budget for FY 2025
- 3: Fund 511 Public Art Budget for FY 2025

PUBLIC ART ON PRIVATE DEVELOPMENT FUNDS BUDGET - FY25		Budget
Fund 148 (Cultural Trust Fund)		
Approved by Civic Arts Commission: 9/25/2024		
FY25 FUNDING		Amount
1	FY24 Carryforward Total Balance	\$2,930,428.18
2	FY24 "Art" Carry Forward Balance	\$1,732,003.92
3	Art Encumbrance Carryforward from FY24	\$139,522.56
4	FY24 "Administration" Carry Forward Balance	\$576,304.06
5	Admin Encumbrance Carry Forward from FY24	\$10,835.93
6	FY24 "Conservation" Carry Forward Balance	\$56,217.41
7	Conservation Encumbrance Carry Forward from FY24	\$415,544.30
8	In-Lieu Payments for FY25	\$224,214.47
9	2067 University	\$36,711.74
10	2434 SAN PABLO	\$9,600.00
11	1773 Oxford	\$30,548.77
12	2590 BANCROFT	\$110,964.00
13	2317 Channing	\$23,274.81
14	2555 College	\$13,115.15
15	On-Site Art Admin Fees for FY25	\$23,274.81
16	2403 SAN PABLO	\$23,274.81
17	Bayer Community Benefit Payment for FY25	148-21-208-252-0000-000-000-441310- \$63,672.00
18	TOTAL FUNDS AVAILABLE FOR FY24	\$3,241,589.46
FY25 PUBLIC ART FUND ADMINISTRATION FUNDING		Available Funding
19	FY25 Available Admin Funding	\$644,717.28
20	Projected Admin Costs FY25 (CAC)	\$116,780.00
21	Encumbrance Carryforward: Jeremy Kaplan	Admin \$2,948.53
22	Encumbrance Carryforward: Chandra Cerrito	Admin \$7,887.40
23	Cube Space Curator: William Hernandez Luege	\$8,400.00
24	Public Art Coordination: Adriana Grino	\$49,500.00
25	Unallocated Admin in FY25	Carryforward to FY26 \$459,201.35
26	Subtotal	\$0.00
FY25 BUDGET PROJECTS		Budget
CONSERVATION PROJECTS		
27	FY25 Available Conservation Funding	\$523,825.17
28	Total	\$523,825.17
29	Encumbrance Carryforward: Preservation Arts -- Contract 32200133	Conservation \$133,628.12
30	Romare Bearden conservation - based on estimate	\$28,000.00
31	Balance for "As-needed" services	any balance remaining at end of year to be rolled over to FY25
32	Encumbrance Carryforward: Atthowe Fine Arts -- Contract 32300137	As-Needed Services - Art and Conservation \$232,416.18
33	Mildred Howard Install	\$41,848.26
34	Balance for "As-needed" services	any balance remaining at end of year to be rolled over to FY25
35	ARG Conservation	As-Needed Services - Art and Conservation \$100,000.00
36	Peace Wall conservation	\$95,310.17
37	Complete Selvin	
38	Purchase Order with Pres Arts - Wehrle Graffit abatement	\$2,998.00
39	Unallocated Available Funds in FY25	\$54,782.87
40	Subtotal	\$0.00
ART PROJECTS		
41	FY25 Available Art Funding	\$2,073,047.01
42	Total	\$2,073,047.01
43	Municipal Artist in Residence	Encumbrance Carryforward: Kala Art Institute \$10,150.00
44	Municipal Artist in Residence	Increase contract with Kala for FY25 by \$5150 \$5,150.00
45	Turtle Island Monument	
46	New planning contracts	\$90,000.00
47	Encumbrance Carryforward: Scott Parsons: Design consultation for Turtle Island Monument	Art \$9,750.00
48	Encumbrance Carryforward: Marlene Watson consultation for Turtle Island Monument	\$20,616.00
49	Encumbrance Carryforward: Lee Sprague consultation for Turtle Island Monument	\$29,552.00
50	Jean LaMarr Project at Ohlone Park	Artist contract
51	Fabrication of Jean LaMarr artwork elements	\$105,000.00
52	Installation of Jean LaMarr artwork elements	\$15,000.00
53	HOMELESSNESS SOCIAL PRACTICE PROJECTS	Three projects
54	Daniel Freeman contract	\$5,000.00
55	Sue Mark Contract	\$10,500.00
56	Deirdre Weinberg contract	\$11,500.00
57	Wang Po Shu - Earthsong Bell Sign	\$15,454.56
58	Installation of Wang Po Shu - Earthsong Bell Sign	\$5,000.00
59	Utility Box Mural Program (Pilot Reboot)	New murals and removal of wrap \$60,000.00
60	CUBE SPACE	
61	Kira Dominguez Hultgren exhibition expenses	\$830.00
62	Cube Space Artist Fees	2000 x 3 \$6,000.00
63	Cube Space Signage	450 x 3 \$1,350.00
64	Photography Cube Space	500 x 3 \$1,500.00
65	Window cleaning	400 x 3 \$1,200.00
66	Mildred Howard Sculpture	
67	Mildred Howard signage expense	\$6,091.00
68	Mildred Howard event coordinator expense	\$2,400.00
69	Program for event	\$187.98
70	Mildred Howard sculpture cleaning for event - Pres Arts PO	\$300.00
71	Mildred Howard event ASL expense	\$220.00
72	Mildred Howard photo expense	\$750.00
73	West Service Center Photo Project by Lara Kaur	Artist contract \$15,000.00
74		Kaur install \$20,000.00
75	Alice Kao - Berkeley Art Works Project	\$10,000.00
76	Aquatic Park Public Art	
77	Aquatic Park Tile Mural Project	Masako Miki Contract (budget install in FY26) \$69,000.00
78	Aquatic Park Sculpture New Selection Process	Panelist fees and artist proposal fees and travel \$15,000.00
79	Aquatic Park Sculpture	FY26 or FY27? \$400,000.00
80	Santa Fe Railroad Right of Way	Panelist fees and artist proposal fees and travel \$15,000.00
81	Add funds to Measure T1 Artworks	
82	MLK Youth Service Center	Funds from 148 to augment Measure T-1 Funds \$337,000.00
83	African American Health Resource Center	Funds from 148 to augment Measure T-1 Funds \$150,000.00
84	South Berkeley Senior Center	Funds from 148 to augment Measure T-1 Funds \$150,000.00
85	GENERAL PUBLIC ART COSTS	
86	Photography of public art projects	\$8,000.00
87	Graphic Design (Exhibition Announcements + Signage)	\$4,000.00
88	Installers	\$1,500.00
89	Public Art Strategic Plan Consultant	\$110,000.00
90	Other Projects from Work Plan (Not Yet Started)	
91	Telegraph Ave crosswalk/street murals	\$25,000.00 \$0.00
92	Telegraph Ave Art Plan	\$121,923.92 \$0.00
93	Hidden Gems (Berkeley pathways and stairs)	\$175,000.00
94	BLM Mural on Gilman on BART column	\$70,000.00 \$0.00
95	Harrison Street Artwork	\$75,000.00 \$0.00
96	Dona Spring Memorial	\$150,000.00
97	Contingency	\$18,045.47
98	Subtotal	\$0.00
99	Total Budget	\$0.00

PUBLIC ART FUND BUDGET - FY25			Budget
Fund 150 (Public Art Fund)			
Approved by Civic Arts Commission: 9/25/2024			
FY25 FUNDING			Amount
1	FY24 Carryforward Total Balance		\$195,192.91
2	FY24 "Art" Carry Forward Balance	\$157,181.99	
3	FY24 "Administration" Carry Forward Balance	\$ 13,698.24	
4	FY24 "Conservation" Carry Forward Balance	\$ 18,812.68	
5	Encumbrances Carried Forward from FY24	\$5,500.00	
6	FY25 Total Allocations		\$62,199.50
7	FY25 1.75% Allocation (Annual Capital Budget June 2024)	\$62,199.50	
8	PW Reconciliation FY24 1.75% Allocation	TBD	
9	PRW Reconciliation FY24 1.75% Allocation	TBD	
TOTAL FUNDS AVAILABLE FOR FY25			\$257,392.41
FY25 BUDGET EXPENSES			Budget
PUBLIC ART FUND ADMINISTRATION FUNDING			Available Funding
10	FY25 Available Admin Funding	\$26,138.14	
11	Projected Admin Costs FY25		\$0.00
12	Unallocated Admin Funds carry forward to FY26		\$ 26,138.14
Subtotal			\$0.00
CONSERVATION PROJECTS			Available Funding
13	FY25 Available Conservation Funding	\$25,032.63	
14	Wehrle graffiti abatement		\$ 9,600.00
15	Unallocated Conservation Funds in FY25	If not used, will carry forward to next year	\$ 15,432.63
Subtotal			\$0.00
ART PROJECTS			Budget
16	FY25 Available Art Funding	\$206,221.64	
17	BART Plaza Ambient Sound Installation Commission	Spiritual Technologies (4 +\$1,500 video + \$1,500 travel)	\$ 7,000.00
18	James McKee encumbrance carryforward	Sound Contract - \$1500 still encumbered	\$ 1,500.00
19	BART Plaza Sound Compositions	2 sound installations at \$5,000/each - Contract for 2 in FY24	\$ 10,000.00
20	BART Plaza Artwork Plaques	3 signs at \$200 ea.	\$ 600.00
21	BART Plaza Sound Installations Technician	Technical Assistance with System/Component Replacement	\$ 50,000.00
22	Xian contract carryforward	Home Sculpture Removal - Transport	\$ 4,000.00
23	2D Art Purchases for City Buildings		\$ 49,000.00
24	Artwork Preparator to Install Purchased Works		\$ 10,000.00
Other Projects from Work Plan (Not Yet Started)			
25	Council Referral for City Flag	Estimate	\$ 25,000.00
26	Collection Signage Program		\$ 30,000.00
27	Unallocated Art Funds in FY25	If not used, will carry forward to next year	\$ 19,121.64
28	Subtotal		\$0.00
29	Total Budget	\$ -	\$ 257,392.41

	Measure T1 - FY25		
	Fund 511 (Measure T-1 Art)		
	Approved by Civic Arts Commission: 9/25/2024		
	FY25 FUNDING		Amount
1	FY24 Carryforward Total Balance		\$623,928.91
2	FY24 "Art" Carry Forward Balance	\$545,000.00	
3	FY24 "Administration" Carry Forward Balance	\$78,928.91	
4	TOTAL FUNDS AVAILABLE		\$623,928.91
	FY25 ADMINISTRATION FUNDING	Available Funding	Budget
5	FY25 Available Admin Funding	\$78,928.91	
6	Projected Employee Costs		\$ 10,000.00
7	Professional Services: Chandra Cerrito: Willard Clubhouse		\$ 23,500
8	Unallocated Admin in FY25	Carryforward to FY26	\$ 45,428.91
9	TOTAL ADMIN FUND AVAILABLE	\$0.00	\$ 78,928.91
10	FY25 PROFESSIONAL SERVICES		\$ 545,000
11	FY25 Available Art Funding	\$545,000.00	
12	Artist Contract: Willard		\$ 150,000.00
13	Panel honorarium		\$ 3,000
14	Artist proposal		\$ 3,000
15	Artist travel		\$ 3,000
16	Photography/Documentation		\$ 1,000
17	Plaque Costs		\$ 2,000
18	Artist Contract: MLK YAP		\$ 105,000
19	Panel honorarium		\$ 3,000
20	Artist proposal		\$ 3,000
21	Artist travel		\$ 3,000
22	Photography/Documentation		\$ 1,000
23	Plaque Costs		\$ 2,000
24	Artist Contract: South Berkeley Senior Center		\$ 105,000
25	Panel honorarium		\$ 3,000
26	Artist proposal		\$ 3,000
27	Artist travel		\$ 3,000
28	Photography/Documentation		\$ 1,000
29	Plaque Costs		\$ 2,000
30	Artist Contract: African American Holistic Resource Center		\$ 105,000
31	Panel honorarium		\$ 3,000
32	Artist proposal		\$ 3,000
33	Artist travel		\$ 3,000
34	Photography/Documentation		\$ 1,000
35	Plaque Costs		\$ 2,000
36	Contingency		\$ 32,000
37	Subtotal	\$0.00	\$ 545,000.00
38	Total Budget	\$0.00	\$ 623,928.91



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City Clerk Department

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