AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, November 18, 2025
6:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using Zoom. 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: 160 387 4329**. 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.*

Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream. All Council meetings are recorded.

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 $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 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 Chochenyo (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: *Up to ten persons will be selected to address matters not on the Council agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council agenda, each person selected will be allotted one minute each.*

In-person attendees 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 the moment that the Presiding Officer calls for public comment on non-agenda items. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.

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. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker 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. 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. Amending Berkeley Municipal Code Chapter 7.54 The Empty Homes Tax
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,986-N.S. amending Berkeley Municipal Code Chapter 7.54 The Empty Homes Tax to address issues that arose in the first annual billing and to simplify administration of the tax.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: David White, City Manager's Office, (510) 981-7000

2. Amendment to Ground Lease with East Bay Regional Park District at 400 Gilman Street (Tom Bates Regional Sports Complex)
From: City Manager
Recommendation: Adopt second reading of an Ordinance No. 7,987-N.S. authorizing the City Manager to execute an amendment to the Ground Lease with East Bay Regional Park District for the Tom Bates Regional Sports Complex at 400 Gilman Street extending the term to December 31, 2053 and includes improvements to be constructed by the City.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

3. Remove Pre-Transfer Eligibility Restriction of the Transfer Tax Rebate for Wildfire Hardening
From: Disaster and Fire Safety Commission
Recommendation: Adopt second reading of Ordinance No. 7,989-N.S. amending Berkeley Municipal Code Section 7.52.060 addressing real property transfer tax exceptions related to home hardening.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Lunaparra, Ishii; Noes – Blackaby, Humbert; Abstain – O'Keefe.
Financial Implications: See report
Contact: Keith May, Commission Secretary, (510) 981-3473

4. Amendments to Ordinance Prohibiting the Sale or Use of Coordinated Pricing Algorithms (BMC 13.63)
From: City Attorney
Recommendation: Adopt Amendments to the Ordinance Prohibiting the Sale or Use of Coordinated Pricing Algorithms (BMC 13.63).
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950

5. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of October 14, 2025 (regular), October 27, 2025 (closed), October 28, 2025 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

6. Contract: General Code, LLC for Berkeley Municipal Code Publishing Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with General Code, LLC, for online and printed code publishing services for the Berkeley Municipal Code from November 20, 2025 through November 19, 2030 for a total not to exceed amount of $75,000.
Financial Implications: General Fund - $75,000
Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

7. Contract with Options Recovery Services for Berkeley CareBridge Program and Appropriation for Administrative and Evaluation Support in the City Manager's Office
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to: 1) Execute a contract with Options Recovery Services for an amount not-to-exceed $7,510,842.00 to operate the Berkeley CareBridge post-arrest diversion and reentry program for three (3) years, and execute any amendments thereto (including scope, budget realignments, and time extensions) that remain within the grant award and City policies; and 2) Appropriate $409,158.00 in funding for administrative and evaluation support within the City Manager's Office for the Assistant to the City Manager position (temporary), equivalent to 0.5079 FTE over three years to support grant administration, program oversight, and evaluation requirements.
Financial Implications: See report
Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000

8. Amendment: FY 2026 Annual Appropriations Ordinance
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending the FY 2026 Annual Appropriations Ordinance No. 7,977–N.S. for fiscal year 2026 based upon recommended re-appropriation of committed FY 2025 funding and other adjustments authorized since July 1, 2025.
Financial Implications: See report
Contact: Maricar Dupaya, Budget Manager, (510) 981-7000

9. Contract No. 32000179 Amendment: Allied Universal Security Service for Citywide Unarmed Security Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000179 with Allied Universal Security Service (formerly First Alarm Security & Patrol, Inc.) for citywide unarmed security services in the amount of $1,000,000 for a new total not to exceed $5,450,000 and extend the contract through June 30, 2026.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

10. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 18, 2025
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids 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: $8,153,016 - Various Funds
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

11. Purchase Order: Blaisdell's Business Products for Office Furniture and Equipment for Fire Headquarters
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Blaisdell's Business Products for the purchase of miscellaneous office supplies, small equipment and office furniture for Fire Headquarters using the Omnia Partners Region 4 ESC Contract No. R190301 for an amount not to exceed $1,500,000 through May 31, 2026, with the option of one (1) single-year extension if the Omnia contract is extended.
Financial Implications: Funding for will come from Measure FF (Fire and Emergency Services) and UC Settlement funds.
Contact: David Sprague, Fire, (510) 981-3473

12. Golden Bear Homes Partnership Transfer
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the transfer of the Managing General Partner role for Golden Bear Homes, LP from Bay Area Community Services (BACS) to Hearthstone Housing Foundation (Hearthstone); and 2. Approving BACS' assignment and Hearthstone's assumption of BACS' obligation under the loan and regulatory agreements for Golden Bear Homes; and 3. Authorizing the City Manager or designee to execute all original or amended documents to effectuate this action.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

13. Contract No. 104289-1 Amendment: Jackson & Coker for Locums Tenens Psychiatrists
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 104289-1 with vendor Jackson & Coker Locum Tenens, LLC to provide locum tenens psychiatrists in an amount of $500,000 for a not to exceed amount of $1,464,480 through June 30, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

14. Adoption of Side Letter Agreements Between the City of Berkeley and the Berkeley Fire Fighters Association (BFFA), Berkeley Fire EMS Professionals Association (BFEMSA), and Berkeley Fire Chief Officers Association (BFOA) to Clarify the Calculation and Reporting of Special Compensation Under CalPERS Regulations
From: City Manager
Recommendation: Adopt a Resolution approving Side Letter Agreements between the City of Berkeley and the Berkeley Fire Fighters Association (BFFA), Berkeley Fire EMS Professionals Association (BFEMSA), and Berkeley Fire Chief Officers Association (BFOA) to clarify the calculation and reporting of special compensation under CalPERS regulations.
Financial Implications: None
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

Consent Calendar

15. Adoption of Side Letter Agreement with Berkeley Police Association to Clarify the Calculation and Reporting of Special Compensation Under CalPERS Regulations
From: City Manager
Recommendation: Adopt a Resolution approving the Side Letter Agreement between the City of Berkeley and the Berkeley Police Association (BPA) to clarify and confirm the compounding and reporting of special compensation under CalPERS regulations.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

16. Contract No. 32100079 Amendment: ePlus Technology Inc., for Cohesity Backup Software, Maintenance and Support
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32100079 to increase the spending authority with ePlus Technology Inc. ("ePlus"), for Cohesity backup software, maintenance and support services increasing the amount by $110,000 for a total not-to-exceed amount of $718,400 from November 1, 2020 to November 30, 2026.
Financial Implications: $110,000 - Information Technology Cost Allocation Fund
Contact: Kevin Fong, Information Technology, (510) 981-6500

17. Contract: Paymun Building & Development, Inc. for the K-Dock Restroom Renovation Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the K-Dock Restroom Renovation Project (Bid Specification No. 25-11743-C); and 2. Rejecting the bid from ERA Construction, Inc., the fourth lowest bidder and deem ERA Construction, Inc. ineligible to protest against Argos Construction, apparent lowest bidder, Paymun Building & Development, Inc., apparent second lowest bidder, and Green Bay Remodeling, Inc., apparent third lowest bidder; and 3. Rejecting the bid from Argos Construction as non-responsive; and 4. Accepting the bid of Paymun Building & Development, Inc. as the lowest responsive and responsible bidder on the Project; and 5. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Paymun Building & Development, Inc., for the K-Dock Restroom Renovation Project, in an amount not to exceed $440,000, which includes a contract amount consisting of base bid of $368,000, additive bid item in the amount of $32,000, and a 10% contingency in the amount of $40,000.
Financial Implications: $440,000 - Various Funds
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

18. License Agreement for Temporary Parking for Tom Bates Regional Sports Complex
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a license agreement and any amendments with the East Bay Regional Park District (EBRPD) for the City of Berkeley to use a portion of the North Basin Strip at McLaughlin Eastshore State Park for 18 months as temporary parking for Tom Bates Regional Sports Complex visitors during construction.
Financial Implications: None
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

19. Mills Act Contract – 1619 Walnut Street
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Noemi Ruelas for the maintenance and restoration of a City Structure of Merit property at 1619 Walnut Street.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

20. Contract: DC Electric for On-Call Electrical Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with DC Electric to provide on-call electrical services for a three-year period from December 1, 2025 to November 30, 2028, in an amount not to exceed $375,000, with an option to extend for two additional one-year terms. The service rates will be adjusted annually in accordance with the pricing outlined in the awarded bid.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

21. Contract No. 32500098 Amendment: Pacific Site Management Landscaping Services for Gilman Street and Interstate 80 Interchange Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32500098 with Pacific Site Management to increase the spending authority by $300,000, for a new total not to exceed of $600,000 and extending the contract through June 30, 2028, and executing a reimbursement agreement with the Alameda County Transportation Commission for up to $300,000.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

22. Contract: On-Call Handrail Fabrication and Installation Services, Bailey Fence Company, Inc
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Bailey Fence Company, Inc. for on-call handrail fabrication and installation services for a three-year period from January 1, 2026, through December 31, 2028, in an amount not to exceed $150,000.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

23. Contracts: On-Call Industrial Hygiene and Regulatory Compliance Services
From: City Manager
Recommendation: Adopt four Resolutions authorizing the City Manager to execute the following contracts, and any amendments, extensions or other change orders for on-call industrial hygiene (IH) services and on-call regulatory compliance (RC) services, each for a contract period of January 1, 2026 to January 1, 2029:
1. IH: Acumen Industrial Hygiene, Inc for an amount not to exceed $100,000;
2. IH: Millennium Consulting Associates for an amount not to exceed $100,000;
3. IH: Ninyo & Moore Geotechnical & Environmental Sciences Consultants: for an amount not to exceed $100,000; and
4. RC: Geosyntec Consultants, Inc. for an amount not to exceed $4,000,000.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

24. Multi-Year Purchase Orders with Papé Kenworth Inc. for Parts and Related Equipment for Kenworth, Peterbilt, and PACCAR Medium-and Heavy-Duty Trucks
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute purchase orders with Papé Kenworth, Inc., an authorized dealer of Kenworth Truck Company, a Division of PACCAR Inc., for parts and related equipment used on Kenworth, Peterbilt, and PACCAR medium and heavy-duty trucks, in an amount not to exceed $380,000, for a period of three-years.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

25. Recommendation to Rename "5 ½ Street" Alleyway as Jeronimus Alley
From: Transportation and Infrastructure Commission
Recommendation: Adopt a Resolution, by at least a two-thirds Council majority, renaming the alleyway running parallel between 5th and 6th streets, located between Camelia Street and Virginia Street, unofficially labeled as "5 ½ Street," to "Jeronimus Alley" in honor of Wayne Jeronimus.
Financial Implications: See report
Contact: Mark Helmbrecht, Secretary, Transportation and Infrastructure Commission 510-981-6403

26. Recommendations for the Formulation of Advanced Fiscal Policies to Institutionalize Strategic Bond Issuance, Optimize Municipal Investment Returns, and Leverage Intergovernmental and Philanthropic Capital Funding From: Councilmember Taplin (Author) *(Reviewed by the Budget and Finance Committee)*

Recommendation:

1. Structured Bond Issuance Framework: Refer to the City Manager assessment, analysis, and presentation to the Council of a potential comprehensive fiscal policy every two years that institutionalizes, codifies, and makes publicly accessible a regular, predictive schedule for general obligation bond issuance. This potential policy, in addition to and alongside existing practices, may be informed by actuarial and capital market analysis of the City's bonding capacity and be modeled on established frameworks utilized in fiscally disciplined jurisdictions such as San Francisco, Santa Monica, and others. The goal is to remediate the City's substantial deferred maintenance liabilities and strategically advance the Capital Improvement Program (CIP).
2. Modernize Investment Policy: Refer to the City Manager the enactment of a detailed review and performance benchmarking of the City's current investment policies, ordinances, and resolutions. Based on this review, the City Manager may consider: -Amendments to align Berkeley's portfolio management practices with those of peer jurisdictions in the Bay Area; -Asset strategies that maintain compliance with CA Government Code §53600 et seq. while improving yields through enhanced diversification and duration matching;
3. Comparative Bond Issuance Analysis and Timeline: Refer the City Manager to conduct a comprehensive analysis of historical general obligation bond issuance and debt service rates in Berkeley and comparable jurisdictions. The analysis may consider the following: - Examine 30 years of municipal bond trends, showing the consistency of low interest rates during fiscally disciplined cycles; -Compare Berkeley's historical borrowing costs with those of San Francisco, Santa Monica, Palo Alto, and other cities; -Demonstrate the efficacy of maintaining a regular issuance schedule every 6–10 years to preserve low borrowing rates and steady bond ratings; -Present a 30-year fiscal projection showing that with prudent debt layering and consistent retirement of obligations, Berkeley can issue up to $250–$300 million in bonds in successive tranches while maintaining fiscal health and AAA-quality debt service coverage ratios, and examine the impact on deferred infrastructure liabilities. The City Manager is requested to return with a projected 25–30 year financing timeline that identifies capital milestones, projected issuances, debt service loads, and cost-saving thresholds compared to inflation-driven delays. This timeline shall be paired with policy recommendations to ensure adherence to long-range financial planning objectives.

Policy Committee Recommendation: to send the item to Council with a Qualified Positive Recommendation with the changes as proposed by Councilmember Taplin as follows:

1. Structured Bond Issuance Framework

Refer to the City Manager assessment, analysis, and ~~development and~~ presentation to the Council of a potential ~~of a~~ comprehensive fiscal policy every two years that

institutionalizes, codifies, and makes publicly accessible, ~~codifies current practices~~ a regular, predictive schedule for general obligation bond issuance. This potential policy, in addition to and alongside existing practices, ~~s~~may~~hould~~ be informed by actuarial and capital market analysis of the City's bonding capacity and be modeled on established frameworks utilized in fiscally disciplined jurisdictions such as San Francisco, ~~and~~ Santa Monica, and others. The goal is to remediate the City's substantial deferred maintenance liabilities and strategically advance the Capital Improvement Program (CIP).

2. Modernize Investment Policy.~~and Establish a Capital Grant Matching Fund~~

Refer to the City Manager the enactment of a detailed review and performance benchmarking of the City's current investment policies, ordinances, and resolutions. Based on this review, the City Manager may consider ~~should recommend~~:

-Amendments to align Berkeley's portfolio management practices with those of peer jurisdictions in the Bay Area;

-Asset strategies that maintain compliance with CA Government Code §53600 et seq. while improving yields through enhanced diversification and duration matching;

~~Establishment of a dedicated Capital Grant Matching Fund, capitalized with a designated portion of net investment returns, to maximize Berkeley's competitiveness in securing grants under federal programs such as the Infrastructure Investment and Jobs Act (IIJA), the Inflation Reduction Act (IRA), and state-funded resilience initiatives.~~

3. ~~Develop a~~ Comparative Bond Issuance Analysis and Timeline

Refer the City Manager to conduct a comprehensive analysis of historical general obligation bond issuance and debt service rates in Berkeley and comparable jurisdictions. The analysis may consider the following ~~should~~:

-Examine 30 years of municipal bond trends, showing the consistency of low interest rates during fiscally disciplined cycles;

-Compare Berkeley's historical borrowing costs with those of San Francisco, Santa Monica, ~~and~~ Palo Alto, and other cities;

-Demonstrate the efficacy of maintaining a regular issuance schedule every 6–10 years to preserve low borrowing rates and steady bond ratings;

-Present a 30-year fiscal projection showing that with prudent debt layering and consistent retirement of obligations, Berkeley can issue up to $250–$300 million in bonds in successive tranches while maintaining fiscal health and AAA-quality debt service coverage ratios, and examine the impact on deferred infrastructure liabilities.

Financial Implications: See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

27. Sanctuary City Contracting Ordinance Updates
From: Councilmember Lunaparra (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)
Recommendation: Adopt the proposed amendments to the Sanctuary City Contracting Ordinance (BMC 13.105) to mirror key definitions with the language in the new Sanctuary City Ordinance and shorten the Right to Cure time period from 90 days to 30 days.
Financial Implications: None
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

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 the Action Calendar public comment period on the 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. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker 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.

The Presiding Officer may open and close an additional comment period for Action items on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters), at the start of the Action Calendar. 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 first the appellant and then the 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.

If ten or fewer persons are interested in speaking during a public hearing, each speaker 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.

Action Calendar – Public Hearings

28. Adoption of Berkeley Building Codes, Including Local Amendments to California Building Standards Code
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion adopt the second reading of Ordinance No. 7,988-N.S repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions where the modifications or changes are substantially equivalent to changes or modifications that were previously filed by the City and were in effect as of September 30, 2025.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

29. Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code for Consistency with State Law and Technical Edits (SLTE 2025)
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance amending the following sections of the Berkeley Municipal Code (BMC) to maintain consistency and accuracy:
- 23.202.030 Additional Permit Requirements (Residential)
- 23.202.050 R-1 Single Family Residential District
- 23.202.080 R-2 Restricted Two-Family Residential District
- 23.202.090 R-2A Restricted Multiple-Family Residential District
- 23.202.100 R-3 Multiple-Family Residential District
- 23.206.090 MU-R Mixed Use Residential District
- 23.326.030 Demolition of Residential Units
- 23.326.040 Eliminating Dwelling Units through Combination with Other Units

Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Council Action Items

30. Pausing City of Berkeley Authorization for Mills Act Agreements
From: Councilmember Humbert (Author), Mayor Ishii (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a Resolution pausing the City of Berkeley's authorization to use Mills Act Agreements for historic property preservation, deferring or denying all pending applications as of November 19, 2025, and allowing existing contracts to expire without renewal unless the City Council takes future action to reauthorize the program.
Financial Implications: See report
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

Council Action Items

31. Unmanned Aerial Systems and Drones as First Responders
From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Humbert (Co-Sponsor) *(Reviewed by the Public Safety Committee)*
Recommendation: Refer to the City Manager the initiation of the process outlined by BMC 2.99: Surveillance Technology Ordinance (STO) for the Berkeley Police Department (BPD) to acquire and use Unmanned Aerial Systems (UAS), including Drones as First Responders (DFR), consistent with all auditing, transparency, data and privacy protections required for all use policies and acquisition reports under the STO.
Policy Committee Recommendation: Send the item with a positive recommendation to Council.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Information Reports

32. 2025 Audit Follow-up Status Update
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750

33. Independent Third-Party Audit of the Payroll Audit Division
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750

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: berkeleyca.gov/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, and through the City's online records portal: https://records.cityofberkeley.info/.

Agendas, agenda reports, and revised/supplemental material may be accessed via the online agenda for this meeting at: berkeleyca.gov/council-agendas
and may be accessed 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 ada@berkeleyca.gov, (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.

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 November 6, 2025.



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 #30: Pausing City of Berkeley Authorization for Mills Act Agreements

1. Laura Veit and Isaac Warshauer
2. Janice Thomas
3. S. Entwistle

Telegraph Corridor

4. Helen Hallberg
5. Benjamin Fry

Telegraph Avenue Holiday Street Fair

6. Grace Teasdale

Access to Police Communications

7. Theo Posselt

Flock Concerns

8. Jindi Zhang
9. Aliza Zangwill
10. Zora Uyeda-Hale
11. Mimi Main
12. A Rubin
13. Lou Riordan

Formal Complaint Concerns

14. Alex Merenkov (2)

Bearathon

15. Iris Hamelin and Anna Kathawala

High-Rise Apartment Buildings

16. Harvey Sherback

Elementary Reading Program

17. Blima Dreezer

Disaster Preparedness Event

18. Dr. Veronica Ufoegbune, Raquel Balingit, Newt McDonald, Joyce Barnes, and Ebele Enebeli

Courtesy Photos

19. Georgia Paulos

Honeybee Resources

20. Mateo Kaiser

E-Bike Test & Rides

21. Jill Holloway

22. Nancy Hernandez

Zachary's Corner Safety Concerns
23. Anne Whyte

2425 Durant ZAB Appeal
24. Heidi Webb on behalf of Jolene Kramer and Andrea Matsuoka

Harrison Street
25. Jim Lutz
26. Dr. Sukhdeep (Bobby) Dhadwar
27. Craig Nagasawa

Concept 3B Design
28. Neil Schneider

Housing Shaking Concern
29. Bingo Fantasy Football

Crosswalk Concerns
30. David Lerman
31. Whytes

Safety and Privacy Concern
32. Christian Bogado Marsa

Draft Resolution
33. Hank Pellissier

Tilden Park
34. Peter and Norma Lydon

Berkeley Juneteenth Association, Inc.
35. Gerald Baptiste, Jr.

Sidewalk Power Wash
36. Nancy Joachim

Construction
37. Kirstie Bennett

Exterior Elevated Elements Concerns
38. Andrew Marowitz

Spenger's Parking Lot
39. Morgan Read
40. Denny

41. John Norheim and Steve Smith
42. Steven Donaldson

Property Tax Increase
43. Eric Friedman
44. Maureen Burke

ICE Concerns
45. Katharine Bierce

Street Sweeping
46. Mark Chekal

Marina Parking Fee
47. Maddie Williams
48. Gordon Stout
49. Wini Williams
50. Ivan Diamond
51. Deirdre Anderson
52. Kevin Johnston
53. Jennifer Millar
54. Lucy Kruyff
55. Sebastian Diaz
56. Kimberly McKeown
57. Chris Stratton
58. Elsa Tranter
59. Jeff Malmuth
60. Johanna Eigen
61. Karen Shimoda
62. Dave Tepper
63. Sherry Shannon
64. Gianna Michael
65. Joann Kweon
66. Brandon Essex

Housing Concerns
67. Hector91 Phuentes (18)
68. John Dunlap

Forwards
69. Russbumper (3)

URL's
70. Russbumper (3)

Newsletters
71. Berkeley Art Center
72. Downtown Berkeley Association

E-Scooters

73. Robert Borghese (10)
74. Devin Dollinger (11)
75. Nicolas Nagle

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.

01

ORDINANCE NO. 7,986-N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 7.54 THE EMPTY HOMES TAX ORDINANCE

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

Section 1. That the Berkeley Municipal Code Chapter 7.54 is amended to read as follows:

Chapter 7.54
Empty Homes Tax

Sections:
7.54.010 Short Title.
7.54.020 Findings and purpose.
7.54.030 Definitions.
7.54.040 Imposition of Tax.
7.54.050 Returns--Presumption of Vacancy.
7.54.060 Exemptions.
7.54.070 Administration--Penalties.
7.54.075 Appeals.
7.54.080 Use of Funds for General Municipal Purposes.
7.54.090 Annual Reports.
7.54.100 Authorization and Limitation on Issuance of Bonds.
7.54.110 Severability.
7.54.120 Savings Clause.
7.54.130 Liberal Construction.

7.54.010 Short Title.

This Chapter shall be known as the "Empty Homes Tax Ordinance," and the tax it imposes shall be known as the "Empty Homes Tax."

7.54.020 Findings and purpose.

The People of the City of Berkeley find and declare as follows:

A. Residential vacancies are an ongoing concern in Berkeley.

B. Of total vacancies, the Berkeley Rent Stabilization Board data from 2022 indicates that 1,128 fully or partially regulated units in buildings with more than two units have been classified by their owners as not available to rent. Returning these and other vacant units to the housing market is a key strategy for ensuring long-term affordability.

C. Prolonged vacancy restricts the supply of available housing units, is often the result of housing speculation and runs counter to the City's housing objectives. Prolonged vacancies can also decrease economic activity in neighborhoods and lead to blight.

D. The housing affordability crisis has created an urgent need to pay for additional services and programs including, but not limited to, construction of new affordable housing for households with a household income of 80% or less of Area Median Income, including by providing pre-development funding to non-profit affordable housing developers, and the acquisition and rehabilitation of multi-unit buildings for affordable housing, and the operation of such buildings acquired and/or rehabilitated.

E. The City is also working to ensure all public funds available to build affordable housing are being maximized, from the City, Alameda County, State and Federal governments.

F. Even with the addition of City, County, State, and Federal resources, the City is unable to house all of its residents.

G. The increased costs of meeting the challenges of the housing crisis have impacted the City's General Fund.

H. The City needs new funds to pay for municipal services. The Empty Homes Tax is intended to disincentivize prolonged vacancies and housing speculation, thereby increasing the number of housing units available for occupancy, while also raising funds for municipal services, including but not limited to constructing, acquiring, and rehabilitating affordable housing.

7.54.030 Definitions.

Unless otherwise defined in this Chapter, the terms used in this Chapter shall have the meanings given to them in Chapters 2.44 and 9.04 of the Municipal Code, as amended from time to time. For purposes of this Chapter, the following definitions shall apply:

A. "Affiliate" means an entity under common majority ownership or common control, whether that ownership or control is direct or indirect, with any other person or entity, including but not limited to a person or entity that majority owns or controls, or is majority owned or controlled by, any other person or entity.

B. "Building Permit Application Period" means the period following the date that an application for a building permit for repair, rehabilitation, or construction with respect to a Residential Unit is filed with the City through the date the Planning Department or its successor agency grants or denies that application, not to exceed one year. Notwithstanding the preceding sentence, if more than one building permit application is filed by or on behalf of one or more persons in the Owner's Group for the same Residential Unit, the Building Permit Application Period shall mean only the applicable period following the date the first application is filed with the City by or on behalf of anyone in the Owner's Group. In the case of an owner qualifying for the Disaster Period in subsection

D, the Building Permit Application Period may be extended beyond one year if the owner makes a good faith effort, as determined by the building official, to obtain a building permit.

C. "Disaster Period" means the two-year period following the date that a Residential Unit was made uninhabitable or unusable due to fire, natural disaster, or other catastrophic event, except where a negligent, reckless, or willful act or omission by the owner or agent of the owner contributed to or caused the Residential Unit to become uninhabitable or unusable due to fire, natural disaster or other catastrophic event.

D. “Environmental Remediation Period” means the period during which a Residential Unit is unoccupied, uninhabited, or unused because an environmental health authority has determined that environmental remediation or hazardous materials cleanup is required in order for the Residential Unit(s) to be suitable for residential use. This period shall begin on the date when the environmental health authority issues a determination requiring environmental remediation of the unit(s) for habitation and run until the environmental health authority has determined that the Residential Unit(s) are suitable for residential use. An environmental health authority includes but is not limited to the California Department of Toxic Substances Control (DTSC), Alameda County Environmental Health Department (ACEHD), a Regional Water Quality Board, or other local environmental health authority.

E. "Homeowners’ Exemption Period" means the period during which a Residential Unit is the principal place of residence of any owner of that Residential Unit and for which such owner validly has claimed either the homeowners’ property tax exemption under Section 218 of the California Revenue and Taxation Code or the disabled veterans’ exemption under Section 205.5 of that Code, as those sections may be amended from time to time.

F. "Hotel" means any property registered under Section 7.36.060 of the Municipal Code and excludes any properties regulated under Chapter 23.314 of the Municipal Code.

G. "Lease Period" means the period during which any owner of a Residential Unit or any person in the Owner’s Group of that owner leases that Residential Unit to one or more tenants under a bona fide lease intended for occupancy, but not including any lease or rental of that Residential Unit to anyone in the Owner’s Group or to travelers, vacationers, or other transient occupants.

H. "Owner Death Period" means, with respect to a co-owner or decedent’s estate, heirs, or beneficiaries, the period during which a Residential Unit is unoccupied, uninhabited, or unused because of the death of any owner of a Residential Unit who was the sole occupant of that Residential Unit immediately prior to such owner’s death, provided that such period shall not exceed the longer of two years or the period during which the Residential Unit is subject to the authority of a probate court.

I. “Owner Impairment Period” means the period during which a Residential Unit is unoccupied, uninhabited, or unused because the owner of a Residential Unit was impacted by a sudden physical infirmity, a significant medical event, or similar

catastrophe, that contributed to or caused the Residential Unit to become unoccupiable, uninhabitable, or unusable. The Owner Impairment Period shall not exceed one year.

J. "Owner In Care Period" means the period during which a Residential Unit is unoccupied, uninhabited, or unused because the occupant of the Residential Unit who used that Residential Unit as their principal residence is residing in a hospital, long term or supportive care facility, medical care or treatment facility, or other similar facility.

K. "Owner's Group" means for each owner of a Residential Unit, with respect to each Residential Unit, the owner, any current or former co-owner, and any Related Person or Affiliate of the owner or any current or former co-owner.

L. "Rehabilitation Period" means the two-year period following the date that the City issues a building permit for repair, or rehabilitation, with respect to a Residential Unit, provided that if the City issues multiple building permits to or for the benefit of one or more persons in the Owner's Group for the same Residential Unit, the Rehabilitation Period shall mean only the two-year period following the issuance of the first building permit to or for the benefit of anyone in the Owner's Group.

M. "Related Person" means a spouse, domestic partner, child, parent, or sibling.

N. "Residential Unit" means a house, an apartment, a group of rooms, or a single room that is designed as separate living quarters Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have a kitchen and direct access from the outside of the building or through a common hall. For purposes of this Chapter, a Residential Unit shall not include a unit in a Hotel, a currently operational nursing home, residential care facility, or other similar facility, or any unit that is fully exempt from property tax under the welfare exemption under Section 214(g) of the California Revenue and Taxation Code, as may be amended from time to time.

O. "Vacancy Exclusion Period" means the Building Permit Application Period, Rehabilitation Period, Disaster Period, Environmental Remediation Period, Homeowners' Exemption Period, Lease Period, Owner Death Period, Owner Impairment Period, or Owner In Care Period.

P. "Vacant" means unoccupied, uninhabited, or unused, for more than 182 days, whether consecutive or nonconsecutive, in a calendar year.

7.54.040 Imposition of Tax.

A. Except as otherwise provided in this Chapter, the City imposes an annual Empty Homes Tax on each person that owns a Residential Unit for keeping that Residential Unit Vacant for more than 182 days, whether consecutive or nonconsecutive, in a calendar year except for those periods defined as a Vacancy Exclusion Period.

B. The Empty Homes Tax on an owner keeping a Residential Unit Vacant shall be as follows:

1. For the first calendar year that the Residential Unit is Vacant, the tax shall be $3,000 per Residential Unit in a vacant condominium, duplex, single family dwelling, or townhouse unit under separate residential unit ownership and $6,000 per any other vacant Residential Unit.

2. For the second consecutive calendar year and each subsequent calendar year thereafter that the Residential Unit is Vacant, the tax shall be $6,000 per Residential Unit in a vacant condominium, duplex, single family dwelling, or townhouse unit under separate residential unit ownership and $12,000 per any other vacant Residential Unit.

C. The rates set forth in subsection B. of this Section shall be adjusted annually in accordance with the increase in the Consumer Price Index: All Urban Consumers for the San Francisco/Oakland/San Jose Area for All Items as reported by the United States Bureau of Labor Statistics, or any successor to that index, as of December 31st of the preceding year, beginning with the 2025 calendar year.

D. The Empty Homes Tax shall be payable by the owner or owners of the Residential Unit kept Vacant. Not more than one tax per Residential Unit shall be imposed under this Section for a calendar year by reason of multiple liable owners. If there are multiple liable owners, each owner shall be jointly and severally liable for the tax, which shall be the highest amount of tax payable by any owner for that Residential Unit for that calendar year.

E. In determining whether an owner has kept a Residential Unit Vacant during a calendar year, days within any Vacancy Exclusion Period shall be disregarded if that Vacancy Exclusion Period applies to that owner for that Residential Unit, as shall days in which the Residential Unit was not owned by the owner, but the owner shall be deemed to have kept the Residential Unit unoccupied, uninhabited, or unused on all other days that such Residential Unit is unoccupied, uninhabited, or unused during the calendar year.

F. The Empty Homes Tax shall take effect on January 1, 2024. The Empty Homes Tax shall expire on December 31, 2034, unless reauthorized by the voters prior to such date.

G. The Empty Homes Tax shall be suspended for as long as the Berkeley COVID-19 Residential Eviction Moratorium is in effect pursuant to BMC 13.110 and the tax shall resume upon expiration.

H. Upon declaring a citywide emergency, the Council may suspend the tax in whole or part by a supermajority vote of two-thirds of the entire City Council upon a finding that a declared emergency has undermined the ability of owners to fill vacancies in their Residential Units. Such a suspension shall last for no more than 60 days from its enactment by the Council, but may be extended on or before its expiration by a two-thirds supermajority vote of the Council so long as the emergency continues and the required

findings can be made. The Empty Homes Tax shall resume upon the expiration of the emergency.

I. The Council may, by majority vote of the entire City Council, amend this Chapter in furtherance of its purposes or to correct ambiguities or errors in language, provided that such amendments do not alter the dollar amounts of the tax as provided in Section 7.54.040 B, or expand the applicability of the exemptions in Section 7.54.060, or amend subsection H. or this subsection I. of Section 7.54.040.

7.54.050 Returns--Presumption of Vacancy.

A. Each person that is required to pay the Empty Homes Tax shall file a return in the form and manner prescribed by the City Manager or their designee.

B. Each person that owns a Residential Unit at any time during a calendar year and that is not exempt from the Empty Homes Tax with respect to that Residential Unit under any one of subsections A. through D. of Section 7.54.060 shall file a return for that calendar year in the form and manner prescribed by the City Manager or their designee. A person that fails to file the return required by this subsection B. for a Residential Unit shall be presumed to have kept that Residential Unit Vacant for the calendar year for which such return is required. The person who fails to file the required return may rebut the presumption by producing satisfactory evidence that such person did not keep the Residential Unit Vacant during the calendar year for which the return is required.

7.54.060 Exemptions.

A. For only so long as and to the extent that the City is prohibited by the Constitution or laws of the State of California or the Constitution or laws of the United States from imposing the Empty Homes Tax on any person that person shall be exempt from the Empty Homes Tax.

B. Any organization that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, shall be exempt from the Empty Homes Tax.

C. The City, the State of California, and any county, municipal corporation, district, or other political subdivision of the State shall be exempt from the Empty Homes Tax, except where any constitutional or statutory immunity from taxation is waived or is not applicable.

D. A natural person or trust who is the owner of a single property of four or fewer Residential Units, inclusive of accessory dwelling units and junior accessory dwelling units, that is their principal residence shall be exempt provided that they own no other Residential Units in the City. Additionally, for the purposes of this subsection D. only, the "owner" of such Rental Property shall not be any of the following set forth under California Civil Code Section 1947.12(d)(5)(A)(i)-(iii) ("AB 1482"): a real estate investment trust, as

defined in Section 856 of the Internal Revenue Code; a corporation; or a limited liability company.

E. Any taxpayer seeking an exemption under this Section shall be required to demonstrate their entitlement thereto annually by submitting an application and supporting documentation to the City Manager or their designee in the manner and at the time established in regulations and/or guidelines hereafter promulgated by the City Manager subject to review by the City Council in its discretion. Such applications shall be on forms provided by the City Manager, or their designee.

7.54.070 Administration--Penalties.

A. The City Manager or their designee shall enforce the provisions of this Chapter and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this chapter.

B. The tax required by this Chapter is delinquent if not received by the tax administrator within 60 days of the date of the notice sent by the City to any person that is subject to the Empty Homes Tax.

C. Any person who fails to pay the tax required by this Chapter to the City or any amount of tax required to be collected and paid to the City within the time required shall pay a penalty of ten percent of the tax or amount of the tax, in addition to the tax or amount of tax, plus interest at the rate of one percent per month from the date on which the tax or the amount of tax required to be collected became due and payable to the City until the date of payment.

D. Transactions with the principal purpose of avoiding or evading all or a portion of the Empty Homes Tax shall be disregarded for purposes of determining the amount of the Empty Homes Tax and whether the Empty Homes Tax is due. Any owner determined to have engaged in one or more transactions with the principal purpose of avoiding or evading all or a portion of the Empty Homes Tax shall be liable for the Empty Homes Tax and also liable for a penalty in an amount equal to the Empty Homes Tax.

E. Any tax required to be paid by an owner under the provisions of this chapter shall be deemed a debt owed by the owner to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount, along with any collection costs incurred by the City as a result of the person’s noncompliance with this chapter, including, but not limited to, reasonable attorneys’ fees, plus interest and penalties as herein provided.

7.54.075 Appeals.

A. Any person disputing any decision of the City with respect to the Empty Homes Tax may appeal to the City Manager by filing a notice of appeal with the City Manager within

thirty days from the decision of the administrative officer or agency, setting forth in full the grounds for the appeal.

B. Said appeal shall be scheduled for hearing by the City Manager or their designee, and the appellant shall be given no less than fourteen days notice of the time and place of said hearing.

C. Any person filing an appeal may appear at the time and place fixed in the notice and present their appeal. If any person that files an appeal, fails to appear in compliance with the notice or to obtain a continuance, they shall be deemed to have waived any and all grounds of appeal that could have been asserted against the City.

D. Within thirty days after the conclusion of the hearing, the City Manager or their designee shall notify the appellant in writing of the decision, which shall be final. If the decision establishes an amount of tax, penalties and/or interest due, the total amount shall be due and payable as of the date the original Empty Homes Tax was due and payable, together with any penalties that may be due; provided, however, if the amount of the Empty Homes tax is fixed in accordance with the original statement of the applicant, then no penalty shall attach by reason of any delinquency.

7.54.080 Use of Funds for General Municipal Purposes.

A. The Council may deposit any portion of the proceeds generated by the Empty Homes Tax into the Housing Trust Fund, subject to its operating rules, or it may use any of the proceeds to fund any general municipal services designated by the Council.

7.54.090 Annual Reports.

Commencing with a report filed no later than February 15, 2026, covering the fiscal year ending June 30, 2025, the City Manager shall file annually with the Council, by February 15 of each year, a report containing the amount of monies collected from the tax during the prior fiscal year.

7.54.100 Authorization and Limitation on Issuance of Bonds.

The City shall be authorized to pledge revenues generated by the Empty Homes Tax to the repayment of limited tax bonds or other forms of indebtedness authorized under this Section. The Council shall by ordinance or resolution, as applicable, establish the terms of any limited tax bonds or other forms of indebtedness authorized hereby, including but not limited to, the amount of the issue, date, covenants, denominations, interest rate or rates, maturity or maturities, redemption rights, tax status, manner of sale, and such other particulars as are necessary or desirable.

7.54.110 Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The People of the City of Berkeley hereby declare that they would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

7.54.120 Savings Clause.

No section, clause, part, or provision of this Chapter shall be construed as requiring the payment of any tax that would be in violation of the Constitution or laws of the United States or of the Constitution or laws of the State of California.

7.54.130 Liberal Construction.

This Chapter shall be liberally construed to effectuate its purpose.

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.

At a regular meeting of the Council of the City of Berkeley held on October 28, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

02

ORDINANCE NO. 7,987-N.S.

AMENDMENT TO THE GROUND LEASE AT 400 GILMAN STREET (TOM BATES REGIONAL SPORTS COMPLEX)

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

Section 1. FINDINGS:

1. City Council adopted Ordinance No. 6,978-N.S. on May 24, 2007, which authorized the City Manager to enter into a Ground Lease with East Bay Regional Park District for real property located at 400 Gilman Street, also known as the Tom Bates Regional Sports Complex.
2. The City and East Bay Regional Park District executed an Amendment to the Ground Lease dated April 20, 2009, and a second Amendment to the Ground Lease dated June 30, 2010. These amendments added 11,027 square feet of land to the Premises and approved additional sports field development.
3. The East Bay Regional Park District adopted Ordinance No. 2023-02-025 on February 7, 2023, which authorized the agency's General Manager to amend the Ground Lease as set forth in Exhibit A.
4. The City will construct improvements on the property, which include a meeting room, bathrooms, plaza, storage room, up to eight pickleball courts, a grass youth soccer field, and associated ramps, stairs, fences, and gates. Construction of these improvements may not commence until the Amendment to the Ground Lease is executed by the City Manager.

Section 2. AUTHORIZATION FOR CITY MANAGER TO EXECUTE AN AMENDMENT TO THE GROUND LEASE AT 400 GILMAN STREET.

The City Manager is hereby authorized to execute an amendment to the Ground Lease with East Bay Regional Park District for real property located at 400 Gilman Street, also known as the Tom Bates Regional Sports Complex. Such amendment shall be on substantially the terms set forth in Exhibit A.

Section 3. 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.

At a regular meeting of the Council of the City of Berkeley held on October 28, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

AMENDMENT #3 TO GROUND LEASE
Tom Bates Regional Sports Complex

This Third Amendment to the Ground Lease executed March 20th, 2007 is made by and between the East Bay Regional Park District, a California special district ("District") and the City of Berkeley, a political subdivision of the State of California, hereinafter called ("Lessee"), together the "PARTIES".

RECITALS

WHEREAS, District is the owner of that certain 15.73-acre property (hereinafter called "Premises") in the City of Berkeley, adjacent to Gilman Street and the Interstate 80 Frontage Road, also identified as Alameda County Assessor's Parcel Number 060 -2529-001-06; and

WHEREAS, the District and Lessee executed a Ground Lease ("Lease") in 2007, granting to the Lessee the right to develop and operate public sports fields and related facilities upon the Premises through March 19th, 2032. The Lessee opened the Tom Bates Regional Sports Complex in 2008; and

WHEREAS, the District and Lessee entered into a First Amendment to the Ground Lease dated April 20, 2009, and a Second Amendment to the Ground Lease dated June 30, 2010. These amendments added 11,027 square feet of land to the Premises and approved additional sports field development; and

WHEREAS, the Measure T1 bond ordinance passed by Berkeley voters in 2016 requires that the Lessee have in place a formal land tenure agreement for the 30-year length of the bond, necessitating an extension of the Ground Lease term; and

WHEREAS, the Gilman Street / Interstate 80 Interchange Improvement Project, initiated by the Alameda County Transportation Commission, in collaboration with the Lessee and the District, has resulted in the construction of a new segment of the San Francisco Bay Trail upon the northern portion of the Premises; and

WHEREAS, the District is planning to develop its adjacent North Basin Strip property with a variety of recreational amenities including a public restroom, and will therefore require the installation of a sanitary sewer line across the Premises.

Now, therefore, the PARTIES agree as follows:

AMENDMENT

Pursuant to East Bay Regional Park District Board of Directors Resolution No. 2023-02-025, adopted on February 7, 2023, the District and Lessee agree as follows:

1. Section 2.1 of the Lease is replaced in its entirety with the following:
   Term. The term of this Lease ("Term") shall commence on March 20, 2007 ("Commencement Date") and shall expire on December 31, 2053. The expiration of the Term or the sooner termination of this Agreement shall be referred to as "Lease Termination."

2. Section 5.1.3 of the Lease is replaced in its entirety with the following:
   Subsequent Improvements. The "Phase Two Improvements" include a meeting room, bathrooms, plaza, storage room, six pickleball courts, grass soccer field, and associated ramps, stairs, fences, and gates and are depicted in Exhibit A to this Amendment. Lessee shall bear the sole cost of constructing the Phase Two Improvements. The Lessee's Phase Two Improvements shall include a gate for a future connection to the North Basin Strip area and a sanitary sewer line extension to an agreed upon point along the boundary between the Premises and the District's North Basin Strip property. The District and Lessee shall pay for installation costs and service charges of the sanitary sewer line extension on a pro-rata basis as described in 4.4 of the Lease.

3. Section 5.2 of the Lease is replaced in its entirety with the following:
   Design Approval; Construction Plans. For any new Improvements to the Premises, Lessee shall submit 30% construction or other plans to the District for review and conceptual approval, which will not be unreasonably withheld, additionally Lessee shall submit 95% plans for review for consistency with Park District standards prior to permit application. Lessee shall be responsible for obtaining all required building inspections and permits as applicable, as well as complying with all applicable laws. Lessee shall submit as-built designs to the District after the Improvements are complete.

4. Section 5.3 of the Lease is replaced in its entirety with the following:
   Bids; Awards of Contracts. Lessee shall comply with all applicable requirements regarding competitive bidding for the Project. To the extent that any cost-share between the Lessee and District applies, Lessee shall present estimated costs to the District at least 60 days in advance of the start of work.

5. Section 5.4 of the Lease is replaced in its entirety with the following:
   Changes and Alterations to Approved Construction Plans. Lessee shall notify the District of any major changes to the approved plans during construction and shall cloud changes in the as-built drawings.

REAFFIRMATION OF GROUND LEASE

The PARTIES hereby acknowledge and agree that the Lease, as modified by this Third Amendment, is hereby reaffirmed, ratified, and confirmed in its entirety. Except as modified by this Amendment, the terms and provisions of the Lease shall remain unchanged and in full force and effect. If there is any conflict between the terms and provisions of the Lease and this Amendment, the terms and provisions of this Amendment shall control and prevail.

IN WITNESS HEREOF, the PARTIES have fully executed this Amendment as of the date last signed below.

CITY OF BERKELEY

By: _____
Paul Buddenhagen, City Manager

Attest:

By:_____
Mark Numainville, City Clerk

Approved as to Form:

By: _____

EAST BAY REGIONAL PARK DISTRICT

By: _____
Sabrina Landreth, General Manager

Approved as to Form:

By:_____
Jason Rosenberg, Assistant General Counsel

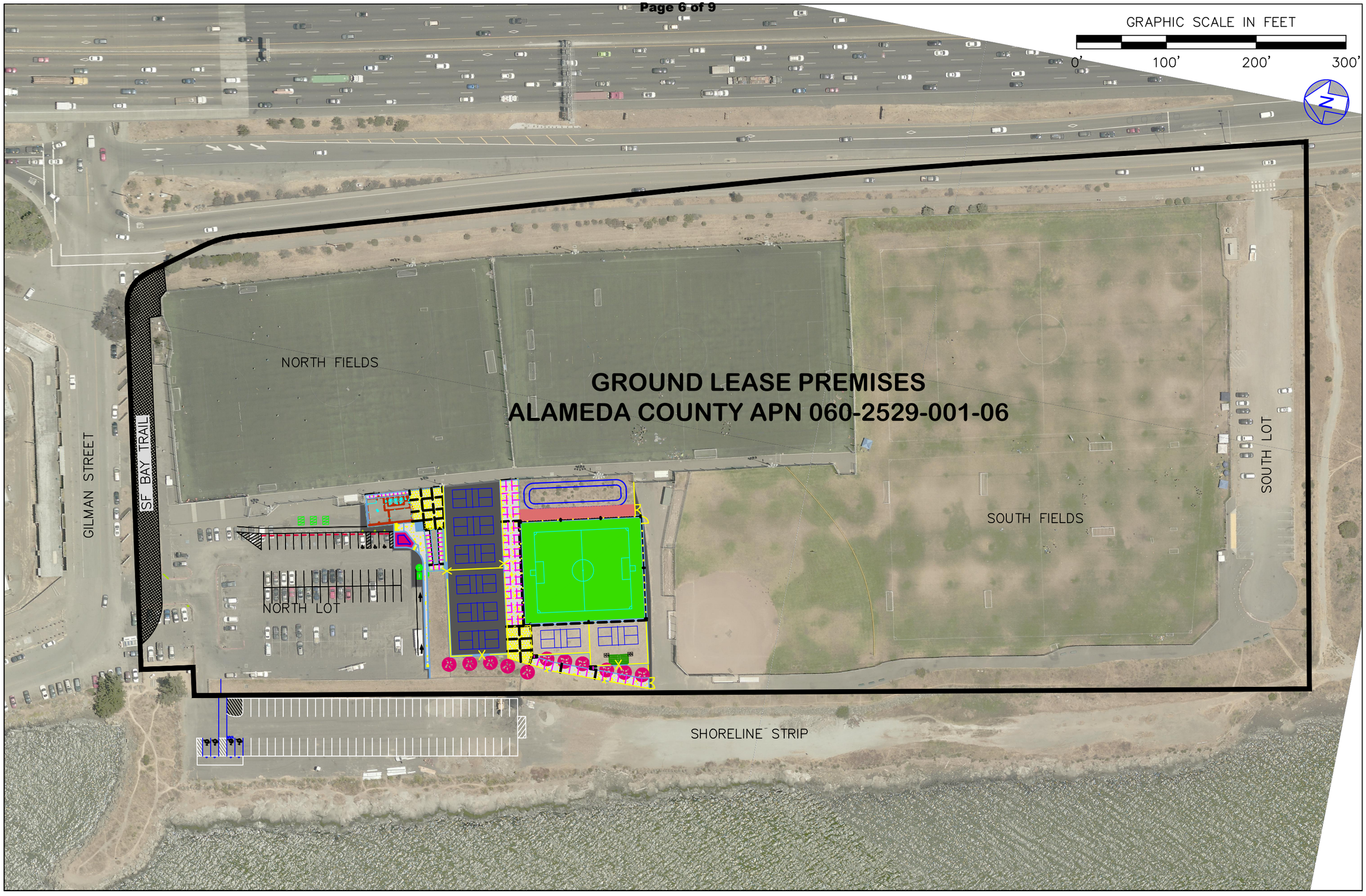


EXHIBIT A: GROUND LEASE PREMISES
AND PHASE TWO IMPROVEMENTS

EAST BAY REGIONAL PARK DISTRICT

ORDINANCE NO.: 2023 – 02 – 025

February 7, 2023

AUTHORIZATION TO AMEND THE GROUND LEASE WITH THE CITY OF BERKELEY AT THE TOM BATES REGIONAL SPORTS COMPLEX SITE TO EXTEND THE TERM OF THE LEASE THROUGH DECEMBER 31, 2053 AND TO GRANT A LICENSE AGREEMENT FOR TEMPORARY PARKING:
MCLAUGHLIN EASTSHORE STATE PARK REGIONAL SHORELINE

WHEREAS, in December 2003, the East Bay Regional Park District (Park District) purchased a 15.73-acre property adjacent located south of Gilman Street and west of Interstate 80 from MEC Landholdings, LLC and then entered into a joint powers agreement (JPA) with the cities of Berkeley, Albany, El Cerrito, Emeryville, and Richmond for the development and operation of sports fields on the property; and

WHEREAS, the Park District and City of Berkeley (City) then entered into a Cooperative Funding Agreement which enabled the City to design and construct the sports fields and facilities; and

WHEREAS, in 2007, by No. 2007-03-070, the Park District Board of Directors authorized a 25-year Ground Lease with the City of Berkeley for the City's operation and maintenance of the Tom Bates Regional Sports Complex at the site; and

WHEREAS, Phase I of the project included the design and construction of two artificial turf soccer fields, two grass soccer fields, a grass softball field, and parking for well over one hundred cars; and

WHEREAS, Phase II of the project will include much-needed restroom facilities, a fieldhouse with storage, classroom and office space, a youth soccer field, and pickleball courts; and

WHEREAS, the City plans to fund the Phase II improvements with its local City Measure T1 bond program, passed by Berkeley voters in 2016, and because that bond measure requires that the City have a formal land tenure agreement for the 25- to 30-year length of the bond, the City has requested an early extension of the Ground Lease, which is set to expire on March 19, 2032; and

WHEREAS, the proposed amendment would extend the current term of the Ground Lease through December 31, 2053, to satisfy the land tenure requirement of the bond measure, while the City would retain the option to extend the Ground Lease up to an additional 25 years upon mutual agreement by the Park District and the City; and

WHEREAS, the City is also requesting the use of an approximately one-half acre portion of the adjacent "North Basin Strip" located within McLaughlin Eastshore State Park Regional Shoreline (MESP) to serve as a temporary parking lot for sports complex visitors during the project construction period, and the grant of a license agreement to the City for this purpose is a permissible action under the terms of the 2002 MESP General Plan; and

WHEREAS, the extension of the term of the Ground Lease is categorically exempt from California Environmental Quality Act (CEQA) requirements for preparing and processing environmental documentation pursuant to Section 15301 of State CEQA Guidelines which in part exempts the leasing of existing public facilities, and the City of Berkeley will be the lead agency responsible for compliance under CEQA for the planned Phase II improvements;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby authorizes the General Manager to amend the City of Berkeley's Ground Lease at the Tom Bates Regional Sports Complex site to extend the term of the lease through December 31, 2053, while retaining the City's option to further extend the Ground Lease up to an additional 25 years upon mutual agreement by the Park District and the City; and

BE IT FURTHER RESOLVED that the General Manager is hereby authorized to grant a license agreement to the City for the use of an approximately one-half acre area, located adjacent to the sports complex and within McLaughlin Eastshore State Park Regional Shoreline, to serve as a temporary parking lot for sports complex visitors during the project construction period; and

BE IT FURTHER RESOLVED that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director Corbett, seconded by Director Echols, and adopted this 7th day of February, 2023 by the following vote:

FOR: Colin Coffey, Ellen Corbett, Elizabeth Echols, Dee Rosario, Dennis Waespi, Olivia Sanwong, John Mercurio.

AGAINST: None.
ABSTAIN: None.
ABSENT: None.

Dennis Waespi
Board President

CERTIFICATION
I, Yolande Barial Knight, Clerk of the Board of Directors of the East Bay Regional Park District, do hereby certify that the above and foregoing is a full, true and correct copy of Resolution No. 2023-02-025 adopted by the Board of Directors at a regular meeting held on February 7, 2023.

Yolande Barial Knight

East Bay Regional Park District
Healthy Parks Healthy People

Tom Bates Regional Sports Complex Lease Renewal

McLaughlin Eastshore State Park



Feet
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03

ORDINANCE NO. 7,989 -N.S.

AMENDING SECTION 7.52.060 OF THE BERKELEY MUNICIPAL CODE; REAL PROPERTY TRANSFER TAX EXCEPTIONS

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

Section 1. That Berkeley Municipal Code 7.52.060, Real Property Transfer Tax Exceptions, Sub-section L, is amended to read as follows:

BMC 7.52.60 Sub-section L

L 1. Up to one-third of the tax imposed by this chapter shall be rebated, on a dollar for dollar basis, for all expenses incurred on or after January 1, 2025, to "home harden" either any structure which is used exclusively for residential purposes, or any mixed-use structure which contains two or more dwelling units. Multiple rebate applications may be submitted for a partial rebate of the tax paid. However, the total rebate for any combination of seismic retrofit and/or home hardening shall not exceed the maximum of one-third (1/3) of the base 1.5% transfer tax paid per Property.

L 2. The term "home harden" within the meaning of this chapter means improving, moving, removing, or taking other evidence-based actions to existing structures that reduce the risk of ignition from wildfire and embers. Parcels eligible for this program must be located within the High or Very High Fire Hazard Severity Zones designated by the City of Berkeley and have a property sales value less than $3,000,000. The property sales value shall be adjusted annually by the City of Berkeley on January 1 of each subsequent year to a number equal to the value of consideration for the transaction at the 95th percentile of transactions that occur in the City of Berkeley during the 12 months preceding September 1 of the preceding year, as recorded by the Alameda County Assessor, rounded to the nearest $100,000 increment; provided, that in no case shall any adjustment lower the threshold below $3,000,000.

Structures with a wood shake roof must be fully replaced with a Class A fire rated roof before any other mitigations can qualify for this transfer tax rebate. Replacement costs for the new Class A roof are eligible costs. All improvements must be permanent and comply with design, material and construction methods as described in the current version of the California Building Code, Chapter 5. and BMC 19.28.030. Vegetation management or gardening adaptations that require continued maintenance are not eligible with the one exception noted below in (2)(j). Mitigations performed must be satisfactorily completed as determined by the Building Official (when a permit is required) or a Berkeley Fire Department Defensible Space Inspection when a permit is not required. ”Home harden” within the meaning of this chapter means any of the following:

(a) Full replacement of a wood shake roof with a Class A fire rated roof is an eligible cost. Partial replacements of a wood shake roof with a Class A roof, or repairs to wood shake roofs are not eligible.

(b) Removal of combustible fences and gates from the area within five (5) feet of the building being evaluated, and/or replacement with non-combustible alternatives.

(c) Creation of at least six (6) inches of noncombustible vertical clearance at the bottom of the exterior surface of the building, measured from the ground up.

(d) Purchase and installation of fire-resistant vents and gutter covers of 1/16 to 1/8 inch noncombustible, corrosion-resistant metal mesh or OSFM Category 8165 approved ember resistant vents.

(e) Purchase and installation of multi-paned windows, including dual pane windows, that have at least one layer of tempered glass.

(f) Modifications so eaves are enclosed.

(g) Purchase and installation of non-combustible siding or ember resistant mesh of 1/8” or finer around deck perimeter.

(h) Relocating or removing combustible structures, including sheds and other outbuildings, from the area within thirty (30) feet of the building being evaluated or, in the event that the applicant does not control the entirety of the area extending thirty feet from the building being evaluated, removal of combustible structures from as much of such area as is under the control of the applicant.

(i) Installation of block spaces between roof covering and sheathing with noncombustible materials (bird stops).

(j) City-ordered tree removals within Zone 0 (within 0–5 ft of structures) when a tree has a Diameter at Breast Height (DBH) of less than 12".

(k) Removal of mature woody brush and shrubs within Zone 0 or Zone 1 (0 - 30 ft of structures) that the Fire Code Official, or their designee, deems would be difficult for the resident to manually remove and that would likely require the use of chainsaws, stump grinders, or professional removal services, including but not limited to juniper, manzanita, ceanothus, and similar established species.

(l) Any other work found by the Building Official or Fire Code Official (or their designee) to substantially increase the capability of those structures, specified in subsection 1, to withstand destruction or damage in the event of a wildfire.

L 3. The work to harden structures as provided herein shall be completed up to five (5) years prior to the recordation of the transfer document and up to one (1) year after, plus any extensions granted, as provided in paragraph 5.

L 4. If hardening work, as provided for in this Ordinance, is completed up to five (5) years prior to the recordation of the transfer document, of any property subject to the tax imposed herein, the applicant may be eligible for a rebate of expenses incurred in connection with such work, subject to the following conditions:

(a) Upon completion of the hardening work and certification by the Building Official and/or Fire Code Official of the actual costs incurred for such work, and

(b) Upon the subsequent sale or transfer of the property, the applicant may apply to the City Manager, or the City Manager's designee, for a rebate of such certified expenses, and

(c) The City Manager or their designee may require that a rebate applicant self-certification that the hardening measures remain in service and functional, and

(d) Applicants may be required to produce photographic documentation of current conditions, subject to the verification by the City at the time of transfer, and

(e) To be eligible to receive the rebate, the applicant shall, at the time of application, have a current calendar year's defensible space inspection from the Berkeley Fire Department showing no violations present, and

(f) Upon verification, the City Manager or their designee shall authorize a rebate in an amount not to exceed one-third (1/3) of the total tax imposed pursuant to this Ordinance.

(g) The rebate shall be issued to the parties to the property transfer, in accordance with the terms of the sale agreement. Any remaining portion of the tax shall be retained by the City.

L 5. If hardening work, as provided for in this Ordinance, is completed up to one (1) year following recordation of the transfer document for any property subject to the tax imposed herein, the applicant may be eligible for a rebate of expenses incurred in connection with such work, subject to the following conditions:

(a) Upon completion of the hardening work and certification by the Building Official and/or Fire Code Official of the actual costs incurred for such work, and

(b) The applicant may apply to the City Manager, or the City Manager's designee, for a rebate of such certified expenses. This application shall include eligible hardening work performed in the five years prior to the property transfer, and

(c) The City Manager or their designee may require the applicant to produce photographic documentation of current conditions, and

(d) To be eligible to receive the rebate, the applicant shall, at the time of application, have a current calendar year's defensible space inspection from the Berkeley Fire Department showing no violations present, and

(e) Upon verification, the City Manager or their designee shall authorize a rebate in an amount not to exceed one-third (1/3) of the total tax imposed pursuant to this Ordinance, and

(f) The rebate shall be issued to the parties to the property transfer, in accordance with the terms of the sale agreement. Any remaining portion of the tax shall be retained by the City, and

(g) If the work is not completed within one year of the recordation of the transfer document, that portion which has been completed shall be credited as a rebate to the applicant upon submission of an application and substantiating documentation, as required by the City, showing the dollar amount of work completed up to that date.

L 6. Within the one-year period established by paragraph 5, an applicant may request, and the City Manager may approve, an extension of up to one year. The City Manager, or their designee, may grant such an extension only for good cause. The decision of the City Manager or their designee shall be entirely within their discretion and shall be final.

(a) "Good cause" includes (i) the inability of the applicant, after a prompt and diligent search to find and retain the services of an architect, engineer, contractor or other service provider whose services are necessary to complete the home hardening work; (ii) unforeseen and unforeseeable circumstances such as a significant change in the scope of the home hardening work due to circumstances in the field which could not reasonably have been known earlier; and (iii) serious illness or other extraordinary and unforeseeable circumstances that prevented the timely commencement or completion of the home hardening work.

(b) "Good cause" does not include (i) ignorance of the applicable City ordinances or regulations concerning the home hardening rebate provided in this chapter or state or local laws relating to the standards with which home hardening work must comply; or (ii) any delays which were within the control or responsibility of the applicant.

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 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.

At a regular meeting of the Council of the City of Berkeley held on October 28, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Kesarwani, Lunaparra, Taplin, Tregub, and Ishii.

Noes: Blackaby, Humbert.

Abstain: O'Keefe.

Absent: None.

04

Office of the City Attorney

CONSENT CALENDAR
November 18, 2025

To: Honorable Members of the City Council

From: Farimah Brown, City Attorney (Author)

Subject: Amendments to Ordinance Prohibiting the Sale or Use of Coordinated Pricing Algorithms (BMC 13.63)

RECOMMENDATION
Adopt Amendments to the Ordinance Prohibiting the Sale or Use of Coordinated Pricing Algorithms (BMC 13.63).

BACKGROUND
On March 25, 2025, the City Council adopted a second reading of an ordinance that prohibits the sale or use of coordinated pricing algorithms to set or recommend rents in Berkeley (BMC 13.63, Ord. No. 7,956-N.S.) Pursuant to City Charter, Article XIV, Section 93, the ordinance originally became effective on April 24, 2025. However, in April 2025, RealPage, Inc. filed a lawsuit seeking to enjoin the ordinance on First Amendment grounds. *See RealPage, Inc. v. City of Berkeley*, 3:25-cv-03004-JSC (N.D. Cal.). To mitigate litigation costs and facilitate a possible amicable resolution of the case, the City Council suspended the effective date of the ordinance until March 1, 2026. (See Ord. No. 7,974-N.S.)

After engaging in discussions with RealPage, the City Attorney's Office is now proposing amendments (Attachment 1) to the ordinance. Based on these discussions, the City Attorney's Office believes that the litigation will be resolved if these amendments are adopted.

RATIONALE FOR RECOMMENDATION
The proposed amendments in Attachment 2 would help facilitate the resolution of the litigation.

FINANCIAL IMPLICATIONS
The action could facilitate a resolution to the above-mentioned litigation, thus reducing the City's litigation costs in this matter.

ENVIRONMENTAL SUSTAINABILITY
There are no identifiable environmental effects from taking this action.

CONTACT PERSON
Farimah Brown 510-981-6998

Attachments:

1. Proposed Amendments to Ordinance No. 7,974-N.S., Prohibition on the Sale or Use of Coordinated Pricing Algorithms To Set Rents or Manage Occupancy Levels for Residential Dwelling Units (redline).

ORDINANCE NO. -N.S.

AMENDING CHAPTER 13.63 OF THE BERKELEY MUNICIPAL CODE COORDINATED PRICING ALGORITHMS TO SET RENTS OR MANAGE OCCUPANCY LEVELS FOR RESIDENTIAL DWELLING UNITS

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

Section 1. -That Berkeley Municipal Code 13.63 is amended to read as follows:

Chapter 13.63

PROHIBITION ON THE SALE OR USE OF COORDINATED PRICING ALGORITHMS TO SET RENTS OR MANAGE OCCUPANCY LEVELS FOR RESIDENTIAL DWELLING UNITS

Sections:

13.63.010 Findings and Purpose
13.63.020 Definitions
13.63.030 Use and Sale of Coordinated Pricing Algorithms Prohibited
13.63.040 Remedies
13.63.050 Undertaking for the General Welfare
13.63.060 Severability
~~**13.63.070 Effective Date**~~

13.63.010 Findings and purpose.

The Council hereby finds and determines that the adoption of this chapter is necessary to the promotion of the public health, safety, and welfare.

A. In recent years, a number of new software programs, often referred to as "~~algorithmic devices~~coordinated pricing algorithms", have ~~threatened to destabilize~~been reported as having an impact on rental housing markets in cities nationwide, including the City of Berkeley.

B. These programs reportedly enable landlords to indirectly coordinate with one another through the sharing of ~~non-public competitively sensitive~~nonpublic competitor data ~~in order to artificially inflate~~to impact rents and vacancy rates for rental housing. Participating landlords provide ~~vast amounts of proprietary~~ data to the programs, which in turn set or provide recommendations for rent and occupancy levels.

~~A.~~ C. More and more landlords in U.S. cities now ~~pool their data and pricing decisions using such software.~~

~~B. The software has contributed to double-digit rent increases (over the last nine years, median rents have increased 19% in the East Bay), higher vacancy rates, and higher rates of eviction, and has generally distorted markets so that rents and vacancy rates have increased in tandem.~~

~~Often used by large corporate landlords, the software fuels the consolidation of corporate and private equity ownership of rental housing, at the expense of landlords large and small who are willing to play by the normal rules. Landlords using~~ use these ~~tools are not engaging in appropriate market behavior. And the companies developing and selling these tools to Berkeley landlords are not doing so either, and are contributing to these problems.~~programs.

~~C. A 2022 class action lawsuit filed in the U.S. District Court in the Western District of Washington at Seattle (one of over 20 private class action lawsuits that have been consolidated into one case) accuses nearly 50 trade associations - including the East Bay Rental Housing Association and the Berkeley Property Owners Association – of serving as "conduits of the cartel" by providing a venue for RealPage and their property owners to conspire. The lawsuit further alleges that landlords use the software to agree on prices to set for rent, and to stagger their lease renewal dates so as to avoid any oversupplies in rental properties.~~

~~D. Numerous antitrust lawsuits have been filed against certain of these companies, including RealPage, Inc. and Yardi Systems, Inc. The lawsuits allege that these companies are enabling and participating in a scheme of unlawful rent-fixing. These include a lawsuit filed by the District of Columbia Attorney General in November 2023, a lawsuit filed by the Arizona Attorney General in February 2024, and more than 20 federal private class action lawsuits filed nationwide that have been consolidated in the federal court in the Middle District of Tennessee. In August 2024, The United States Department of Justice, alongside the attorneys general of California and seven other states, filed an antitrust lawsuit against RealPage, accusing the company of reducing competition among landlords and taking over the market for such algorithm-based rental software.~~

D. Numerous antitrust lawsuits have been filed against certain of these companies. These include lawsuits filed by the U.S. Department of Justice, state Attorneys General, and numerous private plaintiffs.

E. Instead of waiting for court processes which may take years to resolve, this ordinance prohibits the sale or use of ~~algorithmic devices~~coordinated pricing algorithms for the purpose of setting rents on residential dwelling units in the city of Berkeley, to bring immediate relief to Berkeley tenants, as well as to put landlords ~~who have been using these devices~~ on equal footing with ~~those who are willing to adhere to fair standards for setting rental rates.~~their competitors.

F. This Chapter is not intended to prevent the development or sale of software to help landlords manage their units generally or through the use of public data. ~~-~~Nor does this Chapter regulate the amount of rent that a landlord may charge. ~~-~~This Chapter solely

regulates the use and sale of the algorithmic devices that analyze and share non-public datacoordinated pricing algorithms, to prevent the harms described above.

13.63.020 Definitions.

A. "Coordinated pricing algorithm" means any analytical or computation processesprocess that use datauses Competitor Data to calculate and recommend or predict the price of consumer goods or servicesrent prices, fees, occupancy rates or other rental contract terms for future leases in direct or indirect coordination withbetween one or moreCity of Berkeley landlord and one or more of such landlord's competitors, including through a third-party vendor such as a software program that uses one or more algorithms to perform calculations of competitor data concerning local or statewide rents or occupancy levels, for the purpose of advising landlords whether to leave their units vacant or on the amount of rent that landlords may obtain from tenants. "Coordinated pricing algorithm". A "coordinated pricing algorithm" includes a product that incorporates a coordinated pricing algorithm, but does not include (a) a product or process that generates or presents any report published by a trade association that receives renter data and , study, or presentation that publishes itrental data in an aggregated and anonymous manner orbut does not recommend rent prices, fees, or occupancy rates or other rental contract terms for future leases; (b) a product used for the purpose of establishing rent or income limits in accordance with the affordable housing guidelines of a local government, the state, the federal government, or other political subdivision; or (c) a product or process that provides or uses, or the provision or use of, information for the purpose of (i) conducting market research for project financing, (ii) conducting an appraisal, or (iii) conducting research, testing, or training for software development. For clarity, "research, testing, or training for software development" includes without limitation the use or processing of Competitor Data in the development, training, or testing of predictive or machine learning models so long as any such data is not used as an input in the operation of the model at the time a recommendation is calculated for publication or provision to a City of Berkeley landlord.

B. "Competitor dataData" means information, including information about that is not available to the general public concerning actual rent prices, occupancy rates, lease start and end dates, and similar data, regardless whether the information is attributable to a specific competitor or anonymized, and regardless whether it is derived from or otherwise provided by another person that competes in the same market or a related market. regarding a property other than a property that is owned or managed by the landlord who is the recipient or user of the generated recommendation, when such data is less than 90 days old.

13.63.030 Use and sale of coordinated pricing algorithms prohibited.

A. It shall be unlawful to sell, license, or otherwise provide to ~~city~~City of Berkeley landlords any coordinated pricing algorithm that sets~~,~~ or recommends~~, or advises on~~ rents or occupancy levels that may be achieved for residential dwelling units in the ~~city~~City of Berkeley.

B. It shall be unlawful for a landlord to use a coordinated pricing algorithm described in subsection A when setting rents or occupancy levels for residential dwelling units in the ~~city~~City of Berkeley. Each separate month that a violation exists or continues, and each separate residential dwelling unit for which the landlord used the coordinated pricing algorithm, shall constitute a separate and distinct violation.

13.63.040 Remedies.

A. The City Attorney may file a civil action for violations of section 13.63.030, subsections A and/or B, for damages, injunctive relief, restitution/return of illegal profits, and/or civil penalties of up to $1,000 per violation. The court shall award reasonable attorney's fees and costs to the ~~city~~City Attorney if the City Attorney is the prevailing party in such a civil action.

~~A~~

B. An aggrieved tenant may file a civil action for violations of section 13.63.030, subsection B, for injunctive relief, money damages, and/or civil penalties of up to $1,000 per violation. The court shall award reasonable attorney's fees and costs to the tenant if the tenant is the prevailing party in such a civil action. A lease provision that limits a prevailing tenant from obtaining attorneys' fees shall not be enforceable against a tenant's claim for attorneys' fees that arises under this subsection 13.63.040 (B).

13.63.050 Undertaking for the general welfare.

In enacting and implementing this Chapter 13.63, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

13.63.060 Severability.

If any part or provision of this Chapter, or the application of this Chapter to any person or circumstance, is held invalid, the remainder of this Chapter, including the application of such part or provision to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

~~**13.63.070 Effective Date.**~~

~~The provisions of this Chapter shall not take effect until March 1, 2026.~~

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.

05

Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION
Approve the minutes for the Council meetings of October 14, 2025 (regular), October 27, 2025 (closed), October 28, 2025 (special and regular).

CONTACT PERSON
Mark Numainville, City Clerk, (510) 981-6900

Attachments:
1. October 14, 2025 – Regular City Council Meeting
2. October 27, 2025 – Special Closed City Council Meeting
3. October 28, 2025 – Special City Council Meeting
4. October 28, 2025 – Regular City Council Meeting

Attachment 1

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, October 14, 2025
6:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

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***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 $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 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: 6:07 p.m.

Present: Kesarwani, Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Bartlett

Councilmember Bartlett present at 6:09 p.m.

Councilmember Humbert participated the meeting remotely under the just cause exception in the Brown Act.

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 Chochenyo (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:

1. Recognition of Berkeley Residents Esai Santos and Noah Millikan playing for the Oakland Ballers and the Ballers' Pioneer League Championship
2. Adjourned in Memory of Berkeley Resident Joanna Macy, Author, Teacher, and Activist
3. Adjourned in Memory of Berkeley Resident Professor Geroge Smoot, Nobel Laureate

City Manager Comments: None

City Auditor Comments:

The City Auditor noted the audit updates presented in Information Items 16 and 18 and the successful completion of several recommendations.

Public Comment on Non-Agenda Matters: 7 speakers

Public Comment by Employee Unions: 1 speaker

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 10 speakers.

Action: M/S/C (Taplin/Tregub) to adopt the Consent Calendar in one motion except as indicated.
Vote: All Ayes.

Recess Items

1. **Contract No. 32400122 Amendment: Buhler Commercial for Willard Park Clubhouse and Restroom Replacement Project**
   From: City Manager
   Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during the City Council recess to increase Contract No. 32400122 by $30,000 for a not to exceed amount of $6,861,067.
   Financial Implications: See report
   Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
   Action: Adopted Resolution No. 71,974–N.S.

Consent Calendar

2. **2026 Tax Rate: Transportation Network Company User Tax**
   From: City Manager
   Recommendation: Adopt second reading of Ordinance No. 7,985–N.S setting the 2026 tax rate (effective January 1, 2026) for the transportation network company at the following rates: 62 cents on the user for each prearranged trip that originates in the City that is not part of a pooled prearranged trip and 30 cents for each pooled prearranged trip on each user who arranges each prearranged trip that originates in the City and which comprises part of the pooled prearranged trip.
   First Reading Vote: All Ayes.
   Financial Implications: See report
   Contact: Henry Oyekanmi, Finance, (510) 981-7300
   Action: Adopted second reading of Ordinance No. 7,985–N.S.

3. **Adopt Revisions to the 2025 City Council Meeting Schedule**
   From: City Manager
   Recommendation: Adopt a Resolution modifying the City Council regular meeting schedule for 2025, with starting times of 6:00 p.m., to reschedule the November 4, 2025, regular meeting to November 10, 2025.
   Financial Implications: See Report
   Contact: Mark Numainville, City Clerk, (510) 981-6900
   Action: Adopted Resolution No. 71,975–N.S.

Consent Calendar

4. Contract: Healthy Black Families for the African American Holistic Resource Center Project Sankofa
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Healthy Black Families (HBF) for the African American Holistic Resource Center Project Sankofa, which will be funded through the State of California Mental Health Services Act (MHSA) Community Services and Supports funds, for a not to exceed amount of $300,000, through June 30, 2026.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager, (510) 981-7000
Action: Adopted Resolution No. 71,976–N.S.

5. Revenue Grant: FEMA Seismic Hazard Mitigation Grant Program
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a letter of commitment of matching funds for a seismic Hazard Mitigation Grant application for the City of Berkeley Civic Center Project-Seismic Retrofit of MSB and VMB to the Federal Emergency Management Agency (FEMA), and subject to its award, to accept the grant, execute any resultant revenue agreements and amendments, accept any additional funding allocations from the Hazard Mitigation Grant Program (HMGP), and designate the City Manager as the applicant's authorized agent. If awarded, the grant will underwrite the seismic retrofit of two historic and critical buildings in Berkeley's Civic Center, the Maudelle Shirek Building ("MSB" or "Old City Hall") and the Veterans Memorial Building ("VMB").
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 71,977–N.S.

6. Revenue Grant: FEMA Fire Hazard Mitigation Grant Program
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a letter of commitment of matching funds for a Hazard Mitigation Grant application for the City of Berkeley Home Hardening and Defensible Space Grants Project to the Federal Emergency Management Agency (FEMA), and subject to its award, to accept the grant, execute any resultant revenue agreements and amendments, accept any additional funding allocations from the Hazard Mitigation Grant Program, and designate the City Manager and Deputy City Manager as the applicant's authorized agents.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400, David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 71,978–N.S.

Consent Calendar

7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 14, 2025
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: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

8. Contract No. 10271 Amendment: Lease of 1521-1535 University Avenue
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 10271 with Satellite Affordable Housing Associates (SAHA) through June 30, 2031, adding $1,200,000 for a total contract amount of $2,709,949.20, to fund lease payments for 1521-1535 University Avenue.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,979–N.S.

9. Contract No. 31900009 Amendment: McKinley House (2111 McKinley Avenue, Berkeley, CA 94703)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 31900009 with Building Opportunities for Self-Sufficiency (BOSS) through June 30, 2026, adding $84,474 for a total contract amount not to exceed $911,133, to fund Mental Health clients living at 2111 McKinley Avenue in Berkeley.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,980–N.S.

10. Contract: Preferred Alliance, Inc. for Drug and Alcohol Testing Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase the amount of the current contract and any amendments with Preferred Alliance Inc., to continue to provide third party administration of the City's Random Drug and Alcohol Testing Program which expires at the end of 2025. An extension is necessary through June 30, 2027. A contract cap increase is required in an amount not to exceed $100,000 to continue services.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,981–N.S.

Consent Calendar

11. Contract: ESI Group for IBM Hardware, Software, and related Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with ESI Group for IBM hardware, software and related services (AS400) for the FUND$ system for an amount not to exceed $225,000 for the period commencing on July 1, 2025 through June 30, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,982–N.S.

Council Consent Items

12. Residents Oppose Broadcasting Obnoxious Cacophony Out in Public (ROBOCOP) *(Reviewed by the Public Safety Committee)*
From: Councilmember O'Keefe (Author)
Recommendation: Refer to the City Manager a request that the City Attorney draft amendments to Berkeley Municipal Code Chapter 13.40, Community Noise, to prohibit in certain circumstances the installation and use of motion-activated surveillance devices that emit artificial or pre-recorded sound—including alarms, sirens, or voice recordings—in response to the presence or motion of persons in the public right-of-way or on private property that is open to the public, with additional clarification regarding location parameters and permissible volume levels.
This prohibition shall apply to such devices when installed in the public right-of-way or on private property when triggered by motion in the public right-of-way, and when the sound emitted is audible in public areas. The prohibition shall not apply to conventional burglar alarms that activate only in response to unauthorized entry or tampering.
Policy Committee Recommendation: To send the item with a qualified positive recommendation to Council, requesting that the City Attorney draft ordinance language as outlined in the recommendation, with additional clarification regarding location parameters and permissible volume levels.
Financial Implications: See report
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150
Action: Councilmembers Humbert, Tregub, and Lunaparra added as co-sponsors. Approved recommendation as recommended by the Public Safety Committee.

13. Urging Police Accountability Board Regulations Completion
From: Councilmember Blackaby (Author), Mayor Ishii (Co-Sponsor)
Recommendation: Adopt a Resolution urging the Police Accountability Board (PAB), Berkeley Police Association (BPA), the Berkeley Police Department (BPD) and the City of Berkeley to complete negotiations on final PAB Regulations.
Financial Implications: None
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 71,983–N.S. with co-sponsors added in Supplemental Communications Packet #1

Information Reports

14. Changes to Special Events Permitting Fees and Requirements
From: City Manager
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Received and filed.

15. Referral Response Alternative Housing Options for People Experiencing Homelessness
From: City Manager
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Received and filed. Future update to be submitted through agenda process.

16. Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring Audit Status Report
From: City Manager
Contact: David White, City Manager's Office, (510) 981-7000
Action: Received and filed.

17. Civic Arts Grant Awards: Fiscal Year 2026
From: City Manager
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Received and filed.

18. Update: HR Response: Audit Directive(s) for Comprehensive Domestic Violence Policy to Support City Employees
From: City Manager
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
Action: Received and filed.

19. Landmark Preservation Ordinance Notice of Decision: 2000 Blake Street /#LMIN2025-0003
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 0 speakers.

Adjournment

Action: M/S/C (Taplin/O'Keefe) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 7:25 p.m.

Information Reports

I hereby certify that the foregoing is a true and correct record of the regular meeting held on October 14, 2025

_____
Mark Numainville, City Clerk

Communications

Road Repair
1. Gene Hendrix

Spray Paint Concern
2. Phil Ardery

Affordable Housing
3. Margot Smith

Bicycle Accident Concern
4. Suzanne Sattergren

Berkeley Bicycle Plan
5. Nathaniel Kane on behalf of parents of children ay Sylvia Mendez Elementary School
6. Kelly Hammargren
7. Evan Lovett-Harris
8. Megan R. Schwarzman
9. Cindi Goldberg
10. Save Hopkins
11. Marguerite Lee
12. Tom Lent
13. Margaret Leventhal
14. Ben Gerhardstein on behalf of Walk Bike Berkeley
15. Noah Budnick on behalf of the Transportation and Infrastructure Commission

Railroad Quiet Zones
16. Rod Richardson

Transparency at Commission Meetings
17. Dorothea Dorenz

RV Policy Proposal
18. Tony Boyle

Bologna as Precedent
19. John J. Parman

CareBridge Program
20. Fran Haselsteiner

Rose Street Concerns
21. Walk Bike Berkeley

Ohlone Greenway Safety Improvements Project
22. Transition Berkeley Board Members

Health Policy Change
23. Anson Chau

Berkeley Cannabis Tax
24. Louise Booth

Draft Berkeley Reparations Note
25. Phoebe Thomas Sorgen

Upzoning
26. Vivian Pisano
27. Anne Boersma

Berkeley Beef Concern
28. Cybersailor

SB79
29. Margots999

California Theater
30. Charlene M. Woodcock

Transportation Services
31. Anastasia Gomes

Research Collaboration
32. Neel Shetty

Mr. Mopps Read-In Event
33. Jen Corn

Berkeley High Safety Zone
34. Cassandra Tesch

Sun Day Berkeley
35. Kera Binns

Public Comment
36. Rose A. Davila

Public School Athletic Trainings
37. Nicoletta Karam

EMBER
38. Nenelle Bunnin

Slice of Our Markets
39. Cynthia Murdough

Children Safety Concerns
40. Angela Patterson Briscoe

Downtown Berkeley Concerns
41. Ed Iskander

8th Street
42. Angela Beggs (2)
43. Marriane Riddle
44. Natasha Ravnik

New Micro Mobility Study
45. Nicolas Nagle
46. Scott Artis

Construction Settlement Repairs
47. Hector91 Phuentes

Berkeley Marina
48. Beatriz Quinones

Encampments
49. Jo Ann Driscoll
50. John Waters

Mechanical Street Sweeping
51. Scott Stewart

Kala Bagai Way Naming
52. Prabhjot Singh
53. Negeene Mosead

PIN Request
54. Alexander Merenkov

2020 Kittrege
55. Alexander Merenkov (6)
56. Manreet Gill
57. HCI
58. K Street Flats

E-Scooters
59. Robert Borghese (8)
60. Devin Dollinger (2)
61. Nicolas Nagle (3)
62. Wahid Amiri

Eid's Television
63. Eid

Elementary Reading Program Concerns
64. 2,989 Similarly worded form letters

Newsletters
65. Richard Schwartz
66. Todd Jersey

Forwards
67. Russbumper

URL's
68. Russbumper (2)

Supplemental Communications and Reports 1

Item #13: Urging Police Accountability Board Regulations Completion
69. Supplemental agenda material submitted by Councilmember Brent Blackaby

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

- None

Attachment 2

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

MONDAY, OCTOBER 27, 2025

3:00 P.M.

2180 MILVIA STREET, BERKELEY, CA 94704 – REDWOOD ROOM

TELECONFERENCE LOCATION – 1619 EDITH STREET, BERKELEY, CA 94703

TELECONFERENCE LOCATION – 522 SEWARD SQUARE SOUTHEAST, B, WASHINGTON, DC 20003

TELECONFERENCE LOCATION – 888 HOWARD ST, SAN FRANCISCO, CA 94103

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

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Preliminary Matters

Roll Call: 3:05 p.m.

Present: Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 4:03 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2)**

   a. WCAB Matter –# ADJ17010867; Claim # BER2300039

   b. WCAB Matter –# ADJ17114206; Claim # BER2300072

   Action: No reportable action taken.

2. **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2)**

   a. WCAB Matter –# ADJ18337897; Claim # BER2400050

   Action: No reportable action taken.

3. **CONFERENCE WITH LEGAL COUNSEL—SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2) (one case)**

   Action: No reportable action taken.

4. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTIONS 54956.8:**

Property Address:	200 Marina Blvd., Berkeley CA
Agency Negotiators:	Scott Ferris, Parks, Recreation & Waterfront; Christina Erickson, Parks, Recreation & Waterfront
Negotiating Parties:	City of Berkeley and 200 Marina Blvd LLC (DoubleTree)
Property Owner:	City of Berkeley
Under Negotiation:	Lease Price and Terms

Property Address:	199 Seawall Avenue, Berkeley CA
Agency Negotiators:	Scott Ferris, Parks, Recreation & Waterfront; Christina Erickson, Parks, Recreation & Waterfront
Negotiating Parties:	City of Berkeley and TSA Holdings

Property Owner: City of Berkeley
Under Negotiation: Lease Price and Terms

Property Address: 124 University Ave, Berkeley, CA
Agency Negotiators: Scott Ferris, Parks, Recreation & Waterfront; Christina Erickson, Parks, Recreation & Waterfront
Negotiating Parties: City of Berkeley and the Regents of the University of California (Cal Adventures)
Property Owner: City of Berkeley
Under Negotiation: Lease Price and Terms

Property Address: 124 University Ave, Berkeley, CA
Agency Negotiators: Scott Ferris, Parks, Recreation & Waterfront; Christina Erickson, Parks, Recreation & Waterfront
Negotiating Parties: City of Berkeley and Cal Sailing Club
Property Owner: City of Berkeley
Under Negotiation: Lease Price and Terms

Property Address: 125 University Ave, Berkeley, CA
Agency Negotiators: Scott Ferris, Parks, Recreation & Waterfront; Christina Erickson, Parks, Recreation & Waterfront
Negotiating Parties: City of Berkeley and International Child Resources Institute (ICRI)
Property Owner: City of Berkeley
Under Negotiation: Lease Price and Terms

Property Address: 127 University Ave, Berkeley, CA
Agency Negotiators: Scott Ferris, Parks, Recreation & Waterfront; Christina Erickson, Parks, Recreation & Waterfront
Negotiating Parties: City of Berkeley and B2K Social Ventures LLC dba Third Plateau
Property Owner: City of Berkeley
Under Negotiation: Lease Price and Terms

Property Address: 125 University Ave, Berkeley, CA
Agency Negotiators: Scott Ferris, Parks, Recreation & Waterfront; Christina Erickson, Parks, Recreation & Waterfront
Negotiating Parties: City of Berkeley and Patpatia & Associates, Inc.
Property Owner: City of Berkeley
Under Negotiation: Lease Price and Terms

Property Address: 225 University Ave, Berkeley, CA
Agency Negotiators: Scott Ferris, Parks, Recreation & Waterfront; Christina Erickson, Parks, Recreation & Waterfront
Negotiating Parties: City of Berkeley and Qasemi Abdul Moqim dba Berkeley Sportsman Center
Property Owner: City of Berkeley
Under Negotiation: Lease Price and Terms

Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action taken.

Adjournment

Action: M/S/C (Taplin/Humbert) to adjourn the meeting.
Vote: Ayes – Kesarwani, Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Bartlett.

Adjourned at 5:03 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council closed session meeting held on October 27, 2025.

_____
Mark Numainville, City Clerk

Attachment 3

MINUTES
SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, October 28, 2025
4:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 522 SEWARD SQUARE SOUTHEAST, B, WASHINGTON, DC 20003

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
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DISTRICT 8 – MARK HUMBERT

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Preliminary Matters

Roll Call: 4:08 p.m.

Present: Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Lunaparra, Humbert, Ishii

Absent: Blackaby

Councilmember Blackaby present at 4:17 p.m.

Action Calendar – New Business

1. **Ashby BART East Lot Transit Oriented Development Request for Proposal Framework**
   From: City Manager
   Recommendation:
   1. Review and provide feedback on the Request for Proposal (RFP) Framework and Draft Design Standards to inform a draft RFP for the Ashby BART East Lot Transit Oriented Development.
   2. Adopt a Resolution authorizing the City Manager, or designee, to expend Housing Trust Fund dollars to acquire real property at the Ashby BART East Lot in accordance with the Exchange Agreement, authorized by Ordinance 7,939-N.S.
   Fiscal Implications: See report
   Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
   Action: 18 speakers. Presentation made and discussion held. M/S/C (Bartlett/Kesarwani) to adopt Resolution No. 71,984–N.S.
   Vote: All Ayes.

Adjournment

Action: M/S/C (Blackaby/Humbert) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 5:52 p.m.

I hereby certify that the foregoing is a true and correct record of the special meeting held on October 28, 2025

_____
Mark Numainville, City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

- None

Supplemental Communications and Reports 3

Action Calendar

Item #1: Ashby BART East Lot Transit Oriented Development Request for Proposal Framework

1. Presentation submitted by Department of Health, Housing, and Community Services
2. Presentation submitted by Center for Independent Living
3. Center for Independent Living

Attachment 4

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, October 28, 2025
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 522 SEWARD SQUARE SOUTHEAST, B, WASHINGTON, DC 20003

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using Zoom. 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: 160 045 1102**. 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.*

Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream. All Council meetings are recorded.

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 $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 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: 6:27 p.m.

Present: Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: None

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 Chochenyo (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:

1. Recognition of the Women's Cancer Resource Center and Breast Cancer Awareness Month

City Manager Comments:

Request by the City Manager to refer Item 27 on the Consent Calendar back to the City Manager for review and consideration of the Commission's recommendation.

City Auditor Comments

The Auditor noted the progress by city departments on several audits.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Ishii/Taplin) to accept an urgency item from Mayor Ishii pursuant to Government Code Section 54954.2(b)(1) entitled Limiting the Use of City Property and Facilities for City Purposes.
Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 20 speakers.

Action: M/S/C (Kesarwani/Humbert) to adopt the Consent Calendar in one motion except as indicated.
Vote: All Ayes.

Consent Calendar

Urgent Item: Limiting the Use of City Property and Facilities for City Purposes
From: Mayor Adena Ishii (Author), Councilmembers Kesarwani, Lunaparra and Bartlett
Recommendation: Direct the City Manager to identify City-owned and controlled properties, and to coordinate with the City Attorney to develop a policy or ordinance that would ensure City properties and facilities are only used for City purposes and those other purposes approved by the City Manager, or their designee.
Financial Implications: None
Contact: Adena Ishii, Mayor, (510) 981-7100
Action: Approved recommendation with the notation to correct “county-owned” to “city-owned” in the direction to staff.

1. **Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of September 8, 2025 (closed), September 9, 2025 (regular), September 15, 2025 (closed), September 16, 2025 (special and regular), and September 29, 2025 (closed) and September 30, 2025 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.

2. **Affirm Staff Preference for the Virginia Street Bikeway (Between Sacramento Street and Acton Street Next to the North Berkeley BART Station)**
From: City Manager
Recommendation: Adopt a Resolution implementing Option A for the approximately 200-foot segment of Virginia Street east of Acton Street next to the North Berkeley BART Station and directing the City Manager to work with BART to proceed with the Virginia Street Bikeway.
Financial Implications: See report
Contact: David White, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 71,985–N.S.

3. **Amending Berkeley Municipal Code Chapter 7.54 The Empty Homes Tax**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 7.54 The Empty Homes Tax to address issues that arose in the first annual billing and to simplify administration of the tax.
Financial Implications: See report
Contact: David White, City Manager's Office, (510) 981-7000
Action: Adopted the first reading of Ordinance No. 7,986–N.S. Second reading scheduled for November 18, 2025.

Consent Calendar

4. Letter to Alameda County Board of Supervisors re: Opportunities to Collaborate with Alameda County on Homelessness Programs Outside of Berkeley
From: City Manager
Recommendation: Direct the City Manager to send a letter from the City Council to the Alameda County Board of Supervisors regarding opportunities to partner on regional solutions to unsheltered homelessness.
Financial Implications: None
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Approved recommendation.

5. Contract: Dyson & Womack for a Public Art Program Strategic Plan
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Dyson & Womack Art Consulting for an amount not to exceed $110,000 for the development of a comprehensive Public Art Program Strategic Plan for the City of Berkeley. The contract term will be 18 months.
Financial Implications: $110,000 - Cultural Trust Fund
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 71,986–N.S.

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 28, 2025
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids 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: $20,234,783 - Various Funds
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

7. Contract: Patagonia Health Electronic Health Records System Implementation for Berkeley High School Health Center
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute a contract and any amendments with Patagonia Health for implementation of an Electronic Health Record (EHR) system for the Berkeley High School Health Center in an amount not to exceed $260,000 for the period of November 1, 2025 through June 30, 2030.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,987–N.S.

Consent Calendar

8. Contract: Alameda-Contra Costa County Transit District (AC Transit) for EasyPass Program 2026-2028
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement and any amendments with the Alameda-Contra Costa County Transit District (AC Transit) for the continuation of an annual bus transit pass (EasyPass) program for City of Berkeley employees in an amount not to exceed $572,717.00 for a three-year period covering 2026, 2027 and 2028.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,988–N.S.

9. Waiver of Sanctuary City Contracting Ordinance to Contract with Superion LLC for FUND$ Software Maintenance and Support
From: City Manager
Recommendation: Adopt a Resolution waiving the contract prohibition of Chapter 13.105, Sanctuary City Contracting, in order to continue contracting with Superion LLC ("Superion") for software maintenance and support of the FUND$ system, which is critical to the City's operations.
Financial Implications: None
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,989–N.S. amended to include the clauses added below as the fifth and sixth whereas clauses and the second and third resolved clauses:

WHEREAS, for the purposes of this resolution, "Immigration Authority" means any person or agency engaging in efforts to investigate, enforce, or assist in the investigation or enforcement of federal immigration law against natural persons, including but not limited to the U.S. Department of Homeland Security or its component agencies, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or U.S. Citizenship and Immigration Services;

WHEREAS, it is the understanding of the City Council that Superion does not currently provide any Immigration Authority with Data Broker or Extreme Vetting services, as defined in Chapter 13.105;

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the City Manager is directed to include in the contract with Superion a provision requiring Superion to notify the City in the event that it enters into a contract with an Immigration Authority to provide Data Broker or Extreme Vetting services, as defined in Chapter 13.105.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the City Manager is directed to contact Superion by December 31st of each year during the duration of the contract to request that they affirm, in writing, that the following statement is true: "At this present moment, Superion does not currently provide any Immigration Authority with Data Broker or Extreme Vetting services, as defined in Chapter 13.105," provided they have not previously notified the City that Superion has entered into a contract with an Immigration Authority to provide Data Broker or Extreme Vetting services.

Consent Calendar

10. Amendment to Ground Lease with East Bay Regional Park District at 400 Gilman Street (Tom Bates Regional Sports Complex)
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute an amendment to the Ground Lease with East Bay Regional Park District for the Tom Bates Regional Sports Complex at 400 Gilman Street extending the term to December 31, 2053 and includes improvements to be constructed by the City.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted the first reading of Ordinance No. 7,987–N.S. Second reading scheduled for November 18, 2025.

11. Contract No. 32200098 Amendment: ERA Construction, Inc. for O & K Docks Electrical Upgrades Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200098 with ERA Construction, Inc. for the O & K Docks Electrical Upgrades Project, increasing the amount by $666,600 for an amended total amount not to exceed $2,133,600.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,990–N.S.

12. Contracts: On-Call Waterfront Engineering, Design, Environmental Permitting, and Construction Administration Services for Capital Improvement Projects at the Berkeley Waterfront
From: City Manager
Recommendation: Adopt five Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call waterfront engineering, design, environmental permitting and construction administration services for capital improvement projects at the Berkeley Waterfront, for contract periods of December 1, 2025 through November 30, 2028:
1. COWI North America, Inc., for an amount not to exceed $1,000,000.
2. Foth & Van Dyke and Associates, Inc., for an amount not to exceed $1,000,000.
3. GFT Infrastructure, Inc., for an amount not to exceed $1,000,000.
4. GHD Inc., for an amount not to exceed $1,000,000.
5. Moffatt & Nichol, for an amount not to exceed $1,000,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,991–N.S. (COWI), Resolution No. 71,992–N.S. (Foth), Resolution No. 71,993–N.S. (GFT), Resolution No. 71,994–N.S. (GHD), Resolution No. 71,995–N.S. (Moffatt).

Consent Calendar

13. Donation: Memorial Bench at Berkeley Marina in Memory of Dove Charlotte Lenz
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at the Berkeley Waterfront in memory of Dove Charlotte Lenz
Financial Implications: $3,400 - Donation
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,996–N.S.

14. Donation: Memorial Bench at Berkeley Rose in Memory of Lee and Dorothy Marsh
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at the Berkeley Rose Garden in memory of Lee and Dorothy Marsh.
Financial Implications: $3,400 - Donation
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,997–N.S.

15. Donation: Memorial Bench at King Park in Memory of Leon and Harriett Reiter
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at King Park in memory of Leon and Harriett Reiter.
Financial Implications: $3,400 - Donation
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,998–N.S.

16. Grant Application: Caltrans Clean CA Program – Community Cleanup and Employment Pathway (CCEP)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to submit a grant application to the Clean CA Community Cleanup and Employment Pathway (CCEP) Grant Program; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant; and authorize the Mayor to sign the Clean California Pledge.
Financial Implications: $200,000 in revenue.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,999–N.S.

Consent Calendar

17. Adoption of Berkeley Building Codes, Including Local Amendments to California Building Standards Code
From: City Manager
Recommendation:
1. Adopt first reading of an Ordinance repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions; schedule a Public Hearing, pursuant to state law, for the second reading on November 18, 2025; and
2. Adopt a Resolution setting forth findings of local conditions that justify more stringent regulations than those provided by the 2025 California Building Standards Code, and rescinding Resolution No. 71,320–N.S.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: 1. Adopted the first reading of Ordinance No. 7,988–N.S. Second reading scheduled for November 18, 2025. 2. Adopted Resolution No. 72,000–N.S.

18. Authorization to Encrypt Berkeley Police Department Primary Radio Channels
From: City Manager
Recommendation: Adopt a Resolution rescinding the City Council's existing policy (established in September of 2021) that limits the Police Department's use of encrypted public safety radio transmissions to Special Response Team operations, special patrol and investigative operations, prolonged critical incidents, execution of search warrants, or transmissions of Criminal Justice Information (CJI) and Personally Identifiable Information (PII) pursuant to California Department of Justice (DOJ) Bulletin 20-09-CJIS and authorize the encryption of all primary Berkeley Police Department (BPD) radio channels.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Moved to Action Calendar. 31 speakers. M/S/C (Taplin/Humbert) to adopt Resolution No. 72,001–N.S. as revised in Supplemental Communications Packet #2 to add two clauses as follows:

WHEREAS, at the direction of the City Manager, the Berkeley Police Department will provide a Call Log on the BPD Transparency Hub, updated frequently throughout the day, to maintain timely public visibility into calls for service and bridge the gap between when calls occur and when the existing publicly shared Calls for Service dataset is refreshed; and

WHEREAS, this Call Log will include the general type of call, the nearest intersection or block level address of the call for service, and the time that the call was received, with a brief delay to protect privacy and operational safety, reinforcing the City's ongoing commitment to transparency and public access to information.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Humbert, Ishii; Noes – Lunaparra.

Consent Calendar

19. Revenue Grant: California Office of Traffic Safety (OTS) for the 2025-2026 Selective Traffic Enforcement Program (STEP) Grant
From: City Manager
Recommendation: Adopt a Resolution authorizing the Chief of Police to accept the "Selective Traffic Enforcement Program (STEP)" grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety. This OTS grant is for $240,000 for the period of October 1, 2025 through September 30, 2026, which is Federal Fiscal Year 2026.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 72,002–N.S.

20. Revenue Grant: Cannabis Tax Fund Grant Program (CTFGP) Acceptance
From: City Manager
Recommendation: Adopt a Resolution authorizing the Chief of Police to accept the CTFGP grant and enter into the resultant grant agreement and any amendments, with the California Highway Patrol. This grant is for $101,783.28 for the period of July 1, 2025 through June 30, 2026.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 72,003–N.S.

21. Revenue Grant: Fiscal Years 2025/2026 Alcoholic Beverage Control (ABC) Alcohol Policing Partnership (APP) Grant
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a grant contract and any subsequent amendments, with the Alcoholic Beverage Control (ABC) in the amount of $75,012 for Fiscal Year 2025/2026.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 72,004–N.S.

22. Contract No. 32300085 Amendment: Abbe & Associates, Integrated Zero Waste Management Strategic Plan
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32300085 with Abbe & Associates, to support completion of the Integrated Zero Waste Management Strategic Plan by increasing the contract by $221,400 resulting in a total contract amount not to exceed $721,400 and extending the term through October 31, 2027.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,005–N.S.

Consent Calendar

23. Contract No: 32300115 Amendment: On-Call Arborist Services, HortScience Bartlett Consulting
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300115 with HortScience Bartlett Consulting for on-call arborist services, increasing the contract amount by $270,000 for a total not to exceed amount of $395,000 and extending the term of the contract from December 31, 2025, to February 9, 2028.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,006–N.S.

24. Contract for Construction (Bauman Landscape and Construction, Inc.) and Contract No. 32300026: Amendment for Engineering Services (Diablo Engineering Group) for the Ohlone Greenway Modernization and Safety Project
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving plans and specifications for the Ohlone Greenway Modernization and Safety Project, Specification No. 26-11748-C;
2. Accepting the bid of Bauman Landscape and Construction, Inc., the lowest responsive and responsible bidder;
3. Authorizing the City Manager to execute a contract with Bauman Landscape and Construction, Inc. and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed $3,782,000, which includes a 10% contingency for unforeseen circumstances; and
4. Authorizing the City Manager to execute a contract amendment with Diablo Engineering Group to provide engineering services during the construction phase of the Project, increasing the contract amount by $100,000 for a total not-to-exceed amount of $650,000.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,007–N.S.

25. Contracts: Interface Engineering, Inc. and Salas O'Brien Engineers, Inc. for On-Call Electrical Engineering Services
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call electrical engineering services for capital improvement projects, each for a period of November 1, 2025, through June 30, 2028:
1. Interface Engineering, Inc., for an amount not to exceed $150,000.
2. Salas O'Brien Engineers, Inc., for an amount not to exceed $150,000.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,008–N.S. (Interface Engineering), and Resolution No. 72,009–N.S. (Salas O'Brien Engineers).

Consent Calendar

26. Final Map of Tract 8651: 2403-2407 San Pablo Avenue
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 8651 for a 37-unit condominium project consisting of 36 residential units and 1 commercial unit at 2403-2407 San Pablo Avenue.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,010–N.S.

27. Referral Request to Rescind Incorrect Information Related to Turtle Island Monument
From: Civic Arts Commission
Recommendation: Refer to City Manager to draft a Resolution to send to Council for adoption that would correct the historical record found in three Council Resolutions. In the first of these resolutions issued in 2003 the City conducted a procurement process utilizing an artwork title “Turtle Island Monument” (an artwork concept originally created by Lee Sprague and Marlene Watson in the 1990s and recast as a new project by the City) resulting in another artist being contracted in 2006 to unwittingly create artwork for the City using this same title. The 2023 Resolution, related to an aspect of an attempted collaborative redesign of Turtle Island Monument involving the original artists, does not have an executed contract and should be rescinded. Those three resolutions are: 2005 Contract Authorization for Scott Parsons, 2006 Contract Amendment Authorization for Scott Parsons, 2023 Contract Authorization for Scott Parsons.
Financial Implications: None
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
Action: Item 27 was referred to the City Manager for consideration of the Commission’s recommendation and to report back to Council.

Consent Calendar

28. Remove Pre-Transfer Eligibility Restriction of the Transfer Tax Rebate for Wildfire Hardening *(Reviewed by the Budget & Finance Policy Committee) (Item Contains Supplemental Material)*
From: Disaster and Fire Safety Commission
Recommendation: Adopt first reading of an ordinance removing the 1-year pre-transfer eligibility restriction of the transfer tax rebate for wildfire hardening from BMC 7.52.060, to encourage early mitigation efforts.
Policy Committee Recommendation: To send the item to Council with a Qualified Positive Recommendation to request that staff submit an amended ordinance with the item that includes the following: 5-year/1-year eligibility timeline; limit eligibility to High and Very High Fire Hazard Severity Zones; clarify eligible vegetation as proposed by staff; include other minor language clean up proposed by staff. Also, include analysis and options for an eligibility cap based on home value.
Financial Implications: See report
Contact: Keith May, Commission Secretary, (510) 981-3473
Action: Moved to Action Calendar. 3 speakers. M/S/C (Ishii/Taplin) to adopt the first reading of Ordinance No. 7,989–N.S. as recommended by the Budget & Finance Committee, amended to include removal of mature woody brush and shrubs and to add new language in paragraph L.1. in the last sentence, in the last clause, to read, "…shall not exceed the maximum of one-third of the base 1.5% transfer tax paid per Property." Second reading scheduled for November 18, 2025.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Lunaparra, Ishii; Noes – Blackaby, Humbert; Abstain – O'Keefe.

Action: M/S/C (Taplin/Humbert) to extend the meeting to 11:45 p.m.
Vote: All Ayes.

29. Renewal of the Elmwood BID for Calendar Year 2026
From: Elmwood Advisory Board
Recommendation: Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council 1) Approve the 2025 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2026; 2) Declare its intent to levy an assessment to finance improvements in the District for calendar year 2026 and 3) Direct the City Clerk to schedule a public hearing on the renewal of the Elmwood BID for December 2, 2025.
Financial Implications: See report
Contact: Vincent McCoy, Commission Secretary, (510) 981-7530
Action: Adopted Resolution No. 72,011–N.S.

Consent Calendar

30. Renewal of the Solano Avenue BID for Calendar Year 2026
From: Solano Avenue BID Advisory Board
Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) Approve the 2025 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2026; 2) Declare its intent to levy an assessment to finance improvements in the District for calendar year 2026; and 3) Direct the City Clerk to schedule a public hearing on the renewal of the assessment for December 2, 2025.
Financial Implications: See report
Contact: Vincent McCoy, Commission Secretary, (510) 981-7530
Action: Adopted Resolution No. 72,012–N.S.

Council Consent Items

31. Russell Street Halloween Festivities: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Humbert (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $1,000 per Councilmember including $1,000 from Councilmember Humbert to the Claremont Elmwood Neighborhood Association for Russell Street Halloween festivities with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmember Humbert and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180
Action: Adopted Resolution No. 72,013–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Lunaparra - $200; Councilmember Blackaby - $250; Councilmember Bartlett - $200; Councilmember Kesarwani - $100; Councilmember Taplin - $250; Councilmember Tregub - $100; Councilmember O'Keefe - $250; Mayor Ishii - $250.

Action Calendar – Public Hearings

32. Amendments to Title 21 (Subdivisions) to Allow Separate Sale of ADUs
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion, adopt the first reading of an Ordinance to amend Berkeley Municipal Code Title 21 (Subdivisions Ordinance) and Chapter 23.306 Accessory Dwelling Units to implement Assembly Bill (AB) 1033 by establishing local regulations for the separate sale of ADUs as condominiums.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: No action taken. Item to be scheduled for future meeting; date to be determined.

Action Calendar – New Business

33. Telegraph Multimodal Corridor Project Conceptual Design
From: City Manager
Recommendation: Adopt a Resolution approving the recommended conceptual design (Concept 3B) of the Telegraph Ave Multimodal Corridor Project (Project) and authorizing the City Manager to proceed with the detailed engineering design of the project.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Action: M/S/C (Ishii/Lunaparra) to extend the meeting to 12:00 a.m.
Vote: All Ayes.

Action: M/S/C (Humbert/Taplin) to extend the meeting to 12:15 a.m.
Vote: All Ayes.

Action: 12 speakers. M/S/C (Lunaparra/Humbert) to adopt Resolution No. 72,014–N.S. approving Concept 3B, with the second resolved clause amended to read as follows:

BE IT FURTHER RESOLVED that the City Manager is authorized to direct staff to continue working with AC Transit to incorporate additional measures into the final design to: 1) improve transit speed and reliability on this major transit corridor with the goal of reducing transit travel time through the corridor compared to existing conditions; 2) create a possibility for Berkeley to eventually change course to replace parking with dedicated bus lanes; and 3) provide multiple designs that would close the Dwight Triangle slip lane.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Blackaby, Lunaparra, Humbert, Ishii; Noes – O'Keefe.

Information Reports

34. Inclusionary Housing Program Annual Report Fiscal Year 2025
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Received and filed.

35. Audit Status Reports: Fleet Replacement Fund Short Millions and Rocky Road: Berkeley Streets at Risk and Significantly Underfunded
From: City Manager
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Received and filed.

36. Audit Status Report: 2009 Leases Audit Follow-Up
From: City Manager
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Received and filed.

Information Reports

37. Civic Arts Commission FY26 Work Plan
From: Civic Arts Commission
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
Action: Received and filed.

38. Fiscal Year 2026 Public Art Budget
From: Civic Arts Commission
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 1 speakers.

Adjournment

Action: M/S/C (Taplin/O'Keefe) to adjourn the meeting.
Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Lunaparra, Humbert, Ishii; Noes – Blackaby.

Adjourned at 11:59 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on October 28, 2025

_____
Mark Numainville, City Clerk

Communications

Traffic Safety
1. Matthew Lewis
2. Naveen Gattu
3. Rachel Bradley

Support for Councilmember Taplin's Measures
4. John Waters

Our Owls
5. Martin Nicolaus

Café Concerns
6. Ed Iskander

Harrison and 6th Street
7. Craig Nagasawa

FLOCK Concerns

8. Anitra Grisales
9. Marisa Lin
10. Athalia Sachowitz
11. Evangel King
12. Margot Smith

Headlands on Campus
13. Mimi Hoang

Fire Sprinkler Permit
14. Kiran Kaja

Lithium Ion Battery Safety
15. Christopher La Combe

Motorized Vehicles on Sidewalks
16. Yolanda Huang

Social Housing
17. David Shere

Construction Noise and Dust Concern
18. Rajendra Sahai

Noise Concerns
19. Jen Loy
20. Whytes

Tent and RV Encampments
21. Daniel Jurnove

Representation for Animals
22. Cybersailor

East Dock Repair
23. Robert Ofsevit

People's Park
24. Alan Jencks

Records Inquiry
25. Carol Denney

Getting to Concerts
26. Margot Smith

Oxford Elementary
27. Eric Friedman

Berkeley Filmmakers Awarded
28. Susan Ives and Alexis Harte

Letter
29. Kelly Elena MacDonald on behalf of Andrea Cluver

Kala Bagai Way
30. Monisha Bajaj & Sanjog Singh

LPC Meeting
31. Mark Hulbert

Cordonices Creek
32. Susan Schwartz (2)
33. Jodie Morgan
34. Cris Benton (2)
35. Peter Radu
36. Dorothea Dorenz

Elder Abuse Concerns
37. Carol Denney

IKE Kiosk Revenue
38. Nico Savidge

Elementary Reading Program
39. 10 Similarly worded form letters

Forwards
40. Margot Smith

E-Scooters
41. Robert Borghese (6)
42. Devin Dollinger (7)
43. Igor Tregub
44. Bonnie Ciedel

Fairmont Hotel Wedding
45. Eid's TV and Electronic

Newsletters
46. Berkeley Art Center
47. Downtown Berkeley Association

48. Crustyrusty

URL's
49. Russbumper (2)
50. Mark Chekal

Supplemental Communications and Reports 1

Item #2: Affirm Staff Preference for the Virginia Street Bikeway (Between Sacramento Street and Acton Street Next to the North Berkeley BART Station)
51. Rachel Factor on behalf of BART

Item #3: Amending Berkeley Municipal Code Chapter 7.54 The Empty Homes Tax
52. Andrew Marowitz

Item #18: Authorization to Encrypt Berkeley Police Department Primary Radio Channels
53. Tim McGrath
54. Neil Egbert on behalf of the Berkeley Police Association

Supplemental Communications and Reports 2

Urgency Item: Limiting the Use of City Property and Facilities for City Purposes
55. Urgency item submitted by Mayor Adena Ishii, Councilmember Rashi Kesarwani, Councilmember Lunaparra, and Councilmember Ben Bartlett

Item #2: Affirm Staff Preference for the Virginia Street Bikeway (Between Sacramento Street and Acton Street Next to the North Berkeley BART Station)
56. Rebecca Gigi on behalf of Insight Housing
57. Liz Probst on behalf of East Bay Asian Local Development Corporation
58. Jeremiah Maller
59. Alec Flett
60. Ernie Theurer on behalf of BRIDGE Housing Corporation

Item #4: Letter to Alameda County Board of Supervisors re: Opportunities to Collaborate with Alameda County on Homelessness Programs Outside of Berkeley
61. Gregory Kalkanis

Item #18: Authorization to Encrypt Berkeley Police Department Primary Radio Channels
62. Supplemental agenda material submitted by the Police Department
63. Eric Boulet and family
64. Craig Stahl
65. Roy West
66. Naveen Gattu on behalf of Walk Bike Berkeley
67. Arno Holschuh

Item #24: Contract for Construction (Bauman Landscape and Construction, Inc.) and Contract No. 32300026: Amendment for Engineering Services (Diablo Engineering Group) for the Ohlone Greenway Modernization and Safety Project

68. Ben Gerhardstein on behalf of Walk Bike Berkeley
69. Clifford Fred (2)
70. Carol Denney

Item #28: Remove Pre-Transfer Eligibility Restriction of the Transfer Tax Rebate for Wildfire Hardening

71. Supplemental agenda material submitted by Councilmember Brent Blackaby, Councilmember Mark Humbert, and Councilmember Rashi Kesarwani

Item #32: Amendments to Title 21 (Subdivisions) to Allow Separate Sale of ADUs

72. Supplemental agenda material submitted by the Planning and Development Department
73. Supplemental agenda material submitted by Councilmember Mark Humbert, Mayor Ishii, Councilmember Brent Blackaby, and Councilmember Shoshana O'Keefe
74. Supplemental agenda material submitted by Councilmember Cecilia Lunaparra and Councilmember Ben Bartlett
75. Debbie Sanderson and Kathy Crandall
76. Claudia Kawczynska and Cameron Woo
77. Gregory Kalkanis

Item #33: Telegraph Multimodal Corridor Project Conceptual Design

78. Alex Knox
79. Ryan Lau on behalf AC Transit

Supplemental Communications and Reports 3

Urgent Item: Limiting the Use of City Property and Facilities for City Purposes

80. Jesse Arreguin
81. M.E. Lawrence

Consent Calendar

Item #2: Affirm Staff Preference for the Virginia Street Bikeway (Between Sacramento Street and Acton Street Next to the North Berkeley BART Station)

82. Helen Walsh
83. Libby Lee-Egan on behalf of North Berkeley Now!
84. Sarah Bell
85. Sara Fain
86. Megan Steves

Item #18: Authorization to Encrypt Berkeley Police Department Primary Radio Channels

87. Richard J. Jackson and Joan Guilford
88. Steven Schlansker

89. Jeffrey Heller
90. John J. Parman
91. Maryann OSullivan
92. Linda Franklin (3)
93. Richard Boubelik
94. Office of the Director of Police Accountability on behalf of the Police Accountability Board
95. Sylvia
96. Marilyn Simons
97. Ginny LaRoe, Annie Sciacca, and Laura Wenus
98. Paul Pedersen
99. Mara Mahmood
100. Janice Schroeder

Item #24: Contract for Construction (Bauman Landscape and Construction, Inc.) and Contract No. 32300026: Amendment for Engineering Services (Diablo Engineering Group) for the Ohlone Greenway Modernization and Safety Project

101. David White (2)
102. Unknown

Action Calendar

Item #32: Amendments to Title 21 (Subdivisions) to Allow Separate Sale of ADUs

103. Sam Greenberg on behalf of East Bay for Everyone

Item #33: Telegraph Multimodal Corridor Project Conceptual Design

104. Presentation submitted by Department of Public Works
105. Chuck Siegel on behalf of Walk Bike Berkeley
106. Cal Collier
107. Jacqueline DeSouza
108. Michael Katz
109. Peter Allen
110. Jds

06

Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Contract: General Code, LLC for Berkeley Municipal Code Publishing Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with General Code, LLC, for online and printed code publishing services for the Berkeley Municipal Code from November 20, 2025 through November 19, 2030 for a total not to exceed amount of $75,000.

FISCAL IMPACTS OF RECOMMENDATION

The term of the contract with General Code, LLC for code publishing services will be five years, with $15,000 allocated per year for a total not to exceed amount of $75,000. Funding for the contract is available in the City Clerk Department's Fiscal Year 2026 General Fund. Allocations of funds for subsequent years will be subject to adoption of the Annual Appropriations Ordinance for that fiscal year.

CURRENT SITUATION AND ITS EFFECTS

General Code, LLC (General Code), provides the City with code publishing services for the City Charter and Berkeley Municipal Code (Code). These services include codification of ordinances into the existing Code, electronic publishing of the Charter and Code on the City's website, internet services to support the electronic Code, and semi-annual full Code reprints. The Code and Charter are presently approximately 2,200 pages. The web platform for the online Code provides for responsive design to smartly fit the user's screen size and is compatible with different devices. The web platform also includes enhanced settings to increase accessibility for individuals with disabilities, and allows the user to customize the appearance of the site, including fonts, colors, and how much text is displayed. The navigation and searchability of the Code allows for robust searching, saving, sharing, bookmarking, and printing, resulting in enhanced transparency and a user-friendly experience.

The existing contract expires on December 21, 2025 and this new contract with General Code will allow for continuation of code publishing services through November 19, 2030.

BACKGROUND

The City Clerk Department is responsible for the processing of ordinances adopted by the City Council, and ensuring the maintenance and updating of the Code and Charter. In 2008, staff reviewed proposals for code publishing services, including the full conversion of the print and electronic Code. Code Publishing Company was selected and worked with staff to both convert the electronic code to an HTML format online that allowed users to search, read, and print information more easily, as well as manage the conversion and reformatting of the hardcopy Code book. The project also entailed on-going incorporation of adopted ordinances into the Code, including maps, diagrams, charts, and tables, as well as maintenance of a general alphabetical subject index. In 2021, General Code acquired Code Publishing Company, and General Code continues to provide code publishing services and fulfill all terms of the existing contract with the City of Berkeley.

In August 2025, the City released Request For Proposal (RFP) Specification No. 26-11755 for code publishing services. City staff compiled a list of codification vendors, and sent each of them notice of the availability of the RFP. One response was received, and a panel of City staff performed a review of the submitted proposal. General Code, LLC was selected based on their ability to meet the selection criteria, including technical ability to perform the service, expertise, references and customer service, and turnaround time of service provided.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This contract ensures the continuation of maintenance and support of the electronic version of the Code on the City's website. The electronic Code is updated as ordinances become effective, features robust search capabilities, and provides users with the option of viewing and printing the Code by title, chapter, or section. The electronic version of the Code has reduced printing requirements, as users are able to access the Code from electronic devices and selectively print on an as-needed basis.

RATIONALE FOR RECOMMENDATION

General Code has provided the City with a high level of customer service and competitive pricing. In addition, they provide highly detailed editing and proofreading services, management of complex Code organization, and offer modern online features including responsive design for mobile viewing, a customizable interface for improved accessibility for individuals with disabilities, and advanced searching and navigation tools for increased efficiency and transparency.

ALTERNATIVE ACTIONS CONSIDERED

The City Council could consider not approving this contract, however the City does not currently have in-house resources to update and maintain the Code in the same manner as a professional codifier. Maintaining the hardcopy and electronic Code requires a high level of technical and editorial expertise. Staff recommends a contract for this

specialized service, as it will allow for Code maintenance and updates in a timely and cost-effective manner.

CONTACT PERSON
Mark Numainville, City Clerk, (510) 981-6900

Attachments:
1: Resolution

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

CONTRACT: GENERAL CODE, LLC FOR BERKELEY MUNICIPAL CODE AND CITY CHARTER PUBLISHING SERVICES

WHEREAS, the City Clerk Department is responsible for the processing of ordinances adopted by the City Council, and ensuring the maintenance and updating of the Berkeley Municipal Code and City Charter; and

WHEREAS, General Code, LLC, is the City's current vendor for code publishing services, and continues to provide the City with a high level of customer service and competitive pricing; and

WHEREAS, the existing contract for code publishing services expires on December 21, 2025 and staff recommends a contract for this specialized service; and

WHEREAS, in August 2025, the City released Request For Proposal Specification No. 26-11755 for code publishing services and a panel of City staff selected General Code, LLC based on their ability to best meet the selection criteria; and

WHEREAS, funds in the amount of $75,000 are allocated in the General Fund budget for this contract.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with General Code, LLC, for Berkeley Municipal Code and City Charter publishing services for the term of November 20, 2025 through November 19, 2030, for a total not to exceed amount of $75,000.

07

Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Carianna Arredondo, Assistant to the City Manager, Reimagining Public Safety

Subject: Contract with Options Recovery Services for Berkeley CareBridge Program and Appropriation for Administrative and Evaluation Support in the City Manager's Office

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to:

- Execute a contract with Options Recovery Services for an amount not-to-exceed $7,510,842.00 to operate the Berkeley CareBridge post-arrest diversion and reentry program for three (3) years, and execute any amendments thereto (including scope, budget realignments, and time extensions) that remain within the grant award and City policies;

- Appropriate $409,158.00 in funding for administrative and evaluation support within the City Manager's Office for the Assistant to the City Manager position (temporary), equivalent to 0.5079 FTE over three years to support grant administration, program oversight, and evaluation requirements.

FISCAL IMPACTS OF RECOMMENDATION

On September 30, 2025, the City Council adopted Resolution No. 71,963–N.S authorizing the City of Berkeley to accept the $8,000,000.00 Proposition 47 Cohort 5 grant award from the Board of State and Community Corrections (BSCC). This is a no-match grant with no impact on the City's General Fund.

This action appropriates funds consistent with the grant budget and authorizes execution of a service contract with Options Recovery Services.

Funding will support the implementation of the Berkeley CareBridge Program for three (3) years. The Berkeley CareBridge Program is a post-arrest diversion and reentry initiative for individuals experiencing homelessness and behavioral health needs. Planned grant allocations include:

Options Recovery Services Contract – Not to Exceed $7,510,842.00

- Meals (Dorothy Day House): **$500,000.00**
- Hotel Master Lease (30 rooms, 3 years): **$4,002,750.00**
- Senior Director (0.15 FTE): **$114,750.00**
- Program Director (0.5 FTE): **$273,000.00**
- Program Coordinator (1.0 FTE): **$390,000.00**
- Data Specialist (0.5 FTE): **$225,000.00**
- Case Managers (2.0 FTE): **$504,000.00**
- Peer Specialists (2.0 FTE): **$504,000.00**
- Program Specialists/Navigators (2.0 FTE): **$504,000.00**
- Database Services: **$27,000.00**
- Tablets/Laptops (8 units): **$3,200.00**
- Client Support & Hygiene: **$76,000.00**
- Indirect Costs[1]: **$387,142.00**

Total: $7,510,842.00

Assistant to the City Manager (administration + evaluation duties):

- 0.5079 FTE × ($161,732 salary + $104,779 benefits) × 3 years

Total: $409,158.00

Please note that city staff will return at a later date to allocate the grant balance ($80,000.00) for program evaluation.

The grant could be cancelled by BSCC during the grant period if insufficient funds are not available through the Proposition 47 grant program, which is funded by the annual transfer of savings generated by Proposition 47. On or before July 31 of each fiscal year, the California Department of Finance will calculate the State savings associated with Proposition 47, which will determine whether sufficient funds are available for funding Berkeley CareBridge during the three-year period.

Budget changes beyond June 30, 2026 will be included in subsequent year budgets, contingent on Council budget approval. Should future funding not be available through

[1] Indirect Costs represent administrative and overhead expenses that support overall agency operations rather than specific program activities. Portions may include shared costs such as executive or administrative staff time — for example, the Chief of Operations or Executive Director — as well as fractions of facility, utility, or accounting infrastructure costs that enable delivery of the grant program.

the BSCC grant, staff would either seek alternate funding to continue the program or dissolve the program due to insufficient resources.

CURRENT SITUATION AND ITS EFFECTS

The City submitted a competitive application on June 23, 2025, and was awarded $8,000,000 under Proposition 47 Cohort 5. Council formally accepted the award on September 30, 2025, (Resolution No. 71,963–N.S.). The grant term is October 1, 2025 – June 30, 2029, including a 3-month start-up and 6-month closeout/evaluation period. Program operations are planned to begin January 1, 2026.

This item authorizes execution of a service contract with Options Recovery Services and appropriates staffing funds for administration and evaluation in the City Manager's Office to implement Berkeley CareBridge. The program's primary goal is to reduce recidivism by providing mental health and substance use support for justice-involved individuals. While most participants are anticipated to be unhoused, the program is also designed to serve individuals who are not experiencing homelessness but meet program criteria and would benefit from services.

Under the contract, Options Recovery Services will be responsible for:

- Operating a 30-room, master-leased hotel for program participants.
- Maintaining 24/7 on-site staffing with Navigators and Peer Specialists, with supervisory staff on call.
- Conducting intake, assessments, and individualized six-month care planning.
- Delivering case management, peer support, and recovery mentorship.
- Connecting participants to behavioral health care, substance use disorder treatment, and medication management.
- Providing housing navigation for permanent placements, civil legal aid referrals, and employment readiness training.
- Coordinating daily meal services.
- Supplying hygiene kits and client support resources.
- Submitting monthly data reports, quarterly narrative updates, and contributing to the City's Local Evaluation Report.

The City of Berkeley has declared and extended a Shelter Crisis (Resolution No. 71,155-N.S.), authorizing expedited measures to provide shelter and services to unhoused residents.

Options Recovery Services is uniquely positioned to launch the Berkeley CareBridge Program for the following reasons:

- Local presence and capacity to secure and operate a 30-room, 40-bed master-leased hotel;
- Experience delivering integrated services including housing operations, case management, behavioral health support, and peer mentorship;
- Existing partnerships with key providers such as Dorothy Day House; and
- Infrastructure to meet City and BSCC requirements as well as 24/7 staffing, incident reporting, monthly data submissions, and quarterly narrative reporting.
- Ongoing partnership with the City's Health, Housing, and Community Services Department (Mental Health Division) through the Encampment-Based Mobile Wellness Center Project, funded by the Mental Health Services Act (MHSA), which deploys a mobile van to provide wellness services, outreach, and behavioral health support to unhoused residents, demonstrating the organization's capacity to deliver coordinated, City-aligned behavioral health services in the field.

A competitive solicitation at this stage would delay implementation, jeopardize program compliance, and risk loss of grant funding. A sole source contract with Options Recovery Services is therefore warranted.

BACKGROUND

Proposition 47 reclassified certain non-violent offenses and established a grant program to support treatment-based alternatives to incarceration. The BSCC administers these funds to local governments implementing restorative, trauma-informed, and rehabilitative services for justice-involved individuals.

The Berkeley CareBridge Program was developed through a multi-departmental effort led by the City Manager's Office, in collaboration with key departments including the Health, Housing, and Community Services Department and Police Department, service providers, and members of the Proposition 47 Local Advisory Committee (LAC). The program design aims to fill longstanding gaps in housing, treatment, and reentry support for justice-involved individuals experiencing homelessness and behavioral health needs.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Approving execution of the contract and appropriating administrative and evaluation funding will enable the City to implement the Berkeley CareBridge Program in a timely and compliant manner. Options Recovery Services is uniquely qualified to provide these services because of its demonstrated capacity to operate transitional housing, deliver integrated behavioral health and reentry supports, and meet BSCC reporting and compliance standards. Through this partnership, the City will:

- Launch a transitional housing and wraparound services program by January 1, 2026.
- Provide trauma-informed, culturally responsive case management, treatment connections, and supportive services.
- Ensure compliance with State funding requirements, including timely reporting and evaluation.
- Advance the City's Reimagining Public Safety goals by reducing reliance on the criminal justice system and addressing root causes of recidivism.

ALTERNATIVE ACTIONS CONSIDERED

None. Delay in approving this action would risk program implementation and jeopardize grant compliance.

CONTACT PERSON

Carianna Arredondo, Assistant to the City Manager, Reimagining Public Safety, 510-981-6903

Jennifer Louis, Chief of Police, 510-981-5700
Scott Gilman, Director of Health, Housing, and Community Services, (510) 981-5400

Attachments:
1: Resolution

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

AUTHORIZING THE EXECUTION OF A CONTRACT WITH OPTIONS RECOVERY SERVICES IN AN AMOUNT NOT-TO-EXCEED $7,510,842 FOR THE BERKELEY CAREBRIDGE POST-ARREST DIVERSION AND REENTRY PROGRAM, AND APPROPRIATING $409,158 FOR ADMINISTRATIVE AND EVALUATION SUPPORT WITHIN THE CITY MANAGER'S OFFICE

WHEREAS, on September 30, 2025, the City Council adopted Resolution No. No. 71,963–N.S authorizing the City of Berkeley to accept $8,000,000 in Proposition 47 Cohort 5 grant funding from the Board of State and Community Corrections (BSCC) to implement a post-arrest diversion and reentry program; and

WHEREAS, the City of Berkeley developed the Berkeley CareBridge Program through a multi-departmental effort in collaboration with service providers and the Proposition 47 Local Advisory Committee, designed to fill longstanding gaps in housing, behavioral health, and reentry support for justice-involved individuals; and

WHEREAS, Options Recovery Services (ORS) is uniquely qualified to implement the Berkeley CareBridge Program by the January 1, 2026 launch date due to its:

- Capacity to secure and operate a 30-room master-leased hotel;
- Experience delivering integrated services, including housing operations, case management, behavioral health support, and peer mentorship;
- Established partnerships with providers such as Dorothy Day House; and
- Infrastructure to meet BSCC requirements for 24/7 staffing, incident reporting, and data and narrative reporting; and

WHEREAS, under the contract, ORS will be responsible for operating the transitional housing facility, conducting intake and individualized care planning, delivering case management, peer support, and behavioral health linkages, providing housing navigation and employment readiness support, coordinating daily meals, supplying hygiene and client support resources, and meeting BSCC and City evaluation requirements; and

WHEREAS, the City Council finds that a competitive solicitation would significantly delay program implementation, jeopardize compliance with BSCC timelines, and risk loss of grant funding, and that a sole source contract with ORS is therefore warranted; and

WHEREAS, grant funds also provide for administrative and evaluation support within the City Manager's Office through the Assistant to the City Manager, Reimagining Public Safety, to ensure program oversight, compliance, and evaluation requirements are met.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or designee, is hereby authorized to:

1. Execute a contract and any amendments thereto with Options Recovery Services for an amount not-to-exceed $7,510,842.00 to operate the Berkeley CareBridge Program for three (3) years, provided that any amendments remain within the grant award and City policies; and

2. Appropriate $409,158.00 for administrative and evaluation support within the City Manager's Office, equivalent to 0.5079 FTE over three years through the Assistant to the City Manager position, to oversee administration, program monitoring, and evaluation of the Berkeley CareBridge Program.

BE IT FURTHER RESOLVED that the City Manager is authorized to take any actions necessary to implement this Resolution, including execution of related agreements with the BSCC.

08

Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Maricar Dupaya, Budget Manager

Subject: Amendment: FY 2026 Annual Appropriations Ordinance

RECOMMENDATION

Adopt first reading of an Ordinance amending the FY 2026 Annual Appropriations Ordinance No. 7,977–N.S. for fiscal year 2026 based upon recommended re-appropriation of committed FY 2025 funding and other adjustments authorized since July 1, 2025.

FISCAL IMPACTS OF RECOMMENDATION

On June 24, 2025, the City Council adopted the FY 2026 Budget, authorizing gross appropriations of $829,213,359 and net appropriations of $687,764,462 (net of dual appropriations).

This first amendment to the Annual Appropriations Ordinance, *if approved*, would total $358,073,495 (gross), increasing the gross appropriations for all funds to $1,187,286,854 and represent the re-authorization of funding previously committed in FY 2025 and new expenditures added after the adoption of the FY 2026 Budget on June 24, 2025, including new grant fund appropriations.

Requested funding includes:

1. Encumbered contract obligations across all funds from FY 2025 and prior years, totaling $145,231,967.
2. Re-appropriated unencumbered FY 2025 funding of $93,327,606; and
3. Changes to fund appropriations, primarily due to receipt of new grants and use of available fund balances, in the amount of $119,513,923. *However, this amount also includes $4,766,827 in new General Fund requests for FY 2026.*

The new General Fund requests consist of allocation for increased insurance expenses, appropriately fund the City's community agencies obligations, and support the Marina Fund balance.

The proposed changes to the General Fund total $32,934,126, which include encumbrances of $22,721,191, unencumbered carryover requests of $5,446,108, and adjustments of $4,766,827. These amounts are subject to change based upon the City Manager's recommendations and the recommendations of the Budget and Finance Policy Committee.

BACKGROUND
Purpose of Amendment

The Annual Appropriations Ordinance (AAO) establishes the expenditure limits by fund for FY 2026. Throughout the year, the City takes actions that amend the adopted budget. These may include, but are not limited to, the acceptance of new grants, revisions to existing grants, adjustments to adopted expenditure authority due to emergency needs and other funding needs that occur after budget adoption, and transfers in accordance with Council's fiscal policies.

The adopted budget is also amended annually to reflect the re-appropriation of prior year funds for contractual commitments (i.e. encumbrances) as well as unencumbered carryover of unexpended funds previously authorized for continuation of capital and other specific projects, Council referrals, and for one-time, non-recurring purposes. These budget modifications are periodically presented to the Council in the form of an Ordinance amending the Annual Appropriations Ordinance, which formally requires a two-thirds vote of the City Council.

When Council adopts an appropriations ordinance (budget), it is based on projected revenues and expenditures. If fund balances do not support the requested level of expenditures, no carryover or other adjustment is recommended.

FY 2025 Official Year-end closing is still pending. However, to assess the amount of funding that is available for carryover and adjustment requests, a preliminary Unassigned Fund Balance calculation, based on unaudited estimated actuals, will be presented at the November 6, 2025 Budget and Finance Policy Committee meeting.

Carryover Process

Departments were asked to submit information regarding the reasons for the unencumbered carryover requests to assist staff in determining which funds should be carried into FY 2026. In prior years, funds have been approved for carryover from one year to the next based on funding availability.

Types of Carryover

FY 2026 Encumbrance Rollovers, totaling $145,231,967, reflect contractual obligations which had not been paid as of June 30, 2025. Funding for these "encumbered" commitments is brought forward into the current fiscal year to provide for payment of these obligations.

FY 2026 Unencumbered Carryover totals $93,327,606 and reflects the carryover of funding from FY 2025 appropriated by the City Council for specific purposes that had not been encumbered by year-end.

FY 2026 Other Adjustments total $119,513,923 and reflect adjustments required or approved since the budget adoption. Many of these adjustments are within non-discretionary funds and reflect the appropriation of grant funding and the use of available fund balance.

The proposed changes, presented in their entirety in Exhibit A, are summarized below:

	Encumbered Recommended	Unencumbered Recommended	Other Adjustments	Total
General Fund (011)	$ 22,721,191	$ 5,446,108	$ 4,766,827	$ 32,934,126
Capital Improvement Fund (501)	$ 10,347,460	$ 8,233,228	$ -	$ 18,580,688
All Other Funds	$ 112,163,316	$ 79,648,270	$ 114,747,096	$ 306,558,682
Total	**$ 145,231,967**	**$ 93,327,606**	**$ 119,513,923**	**$ 358,073,495**

This report will be discussed with the Budget & Finance Policy Committee at their meeting on November 6, 2025, and at their meeting on November 13, 2025, if necessary.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

There are no identifiable environmental effects or opportunities associated with the act of adopting the budget/appropriations ordinance/amendments. Actions included in the budget will be developed and implemented in a manner that is consistent with the City's environmental sustainability goals and requirements.

RATIONALE FOR RECOMMENDATION

The recommendation allows the City to amend the FY 2026 Adopted Budget, re-appropriating funds from FY 2025 to FY 2026 for contractual commitments that need to be paid and revising the budget to reflect approved carryover requests in both discretionary and non-discretionary funds.

The recommendations in this report address unencumbered carryover requests and other adjustments across all funds, as outlined in Attachment 2. Staff has conducted a detailed analysis of the individual carryover requests submitted by departments and is presenting carryover recommendations for projects that are either currently under contract, represent Council priorities, and/or are considered critical to fund at this time.

CONTACT PERSON

Maricar Dupaya, Budget Manager, City Manager's Office, 981-7000
Michelle Rosete, Senior Management Analyst, City Manager's Office, 981-7000

Attachments:
1: Ordinance
Exhibit A: Annual Appropriation Ordinance Summary of Appropriations by Fund
2: FY 2025 Recommended Carryover and FY 2026 Recommended Adjustments (AAO#1)

ORDINANCE NO. -N.S.

AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE NO. 7,977–N.S. FOR FISCAL YEAR 2026

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

Section 1. That the Annual Appropriations Ordinance based on the budget for FY 2026 submitted by the City Manager and passed by the City Council be amended as follows and as summarized in Exhibit A:

A. General Fund (Funds 001-099)	366,085,676
B. Special Funds (Funds 100-199)	229,977,638
C. Grant Funds (Funds 300-399)	94,777,720
D. Capital Projects Funds (Funds 500-550)	149,185,643
E. Debt Service Fund (Funds 551-599)	15,010,855
F. Enterprise Funds (Funds 600-669)	227,443,826
G. Internal Service Funds (Funds 146, 670-699)	87,756,866
H. Trust Funds (Funds 701-759)	242,205
H. Successor Agency (Funds 760-769)	57,120
I. Agency Funds (Funds 771-799)	6,970,128
J. Other Funds (Funds 800-899)	9,779,177
K. Total	
Total General Fund	366,085,676
Add: Total Other Than General Fund	821,201,178
Gross Revenue Appropriated	**1,187,286,854**
Less: Dual Appropriations	-79,505,334
Less: Revolving/Internal Service Funds	-79,142,085
Net Revenue Appropriated	**1,028,639,435**

Section 2. The City Manager is hereby permitted, without further authority from the City Council, to make the following transfers by giving written notice to the Director of Finance:

a. From the General Fund to the General Fund – Stability Reserve Fund; Catastrophic Reserve Fund; PERS Savings Fund; Health State Aid Realignment; Fair Election Fund; Capital Improvement Fund; Phone System Replacement; Equipment Replacement Fund; Public Liability Fund; Catastrophic Loss Fund; IT Cost Allocation Fund: Police Employee Retiree Health Assistance Plan; Safety Members Pension Fund; Marina Fund; Measure U1; and Sick Leave Entitlement Fund.

b. To the General Fund from the General Fund – Stability Reserves Fund; Catastrophic Reserves Fund; Community Development Block Grant Fund; Street Lighting Assessment District Fund; Zero Waste Fund; Marina Operations and Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Unified Program (CUPA); and Health State Aid Realignment Fund; Measure U1.

c. From GF-Payroll Deduction Trust Fund to Employee Training Fund; General Fund

d. To the First Source Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.

e. From Measure FF Fund to Paramedic Tax Fund.

f. From the American Rescue Plan Fund to the General Fund; Sports Field Fund; Playground Camp Fund; Marina Fund; Off-Street Parking Fund; and Parking Meter Fund.

g. From Capital Improvement Fund to PERS Savings Fund; Berkeley Repertory Theater Fund; and 2010 COP (Animal Shelter) Fund.

h. To the Public Art Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.

i. To CFD#1 District Fire Protection Bond (Measure Q) from Special Tax Bonds CFD#1 ML-ROOS.

j. To Private Sewer Lateral Fund from Sanitary Sewer Operation Fund.

k. To Catastrophic Loss Fund from Permit Service Center Fund.

l. To Catastrophic Loss Fund from Unified Program (CUPA) Fund.

m. To the Building Purchases and Management Fund from General Fund; Health (General) Fund; Rental Housing Safety Program Fund; Measure B Local Streets

& Road Fund; Employee Training Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Health State Aide Realignment Trust Fund.

n. To Equipment Replacement Fund from General Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.

o. To the Equipment Maintenance Fund from General Fund; Health (General) Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Library - Discretionary Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Rent Stabilization Board Fund; Parks Ta Fund; Street Light Assessment District Fund; FEMA Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.

p. To the Building Maintenance Fund from the General Fund; Health (General) Fund; Health (Short/Doyle) Fund; Measure B Local Street & Road Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Mental Health State Aid Realignment Fund.

q. To the Central Services Fund from the General Fund; First Source Fund; Health (Short/Doyle) Fund; Library-Discretionary Fund; Playground Camp Fund; Rent Stabilization Board Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Mental Health State Aid Realignment Fund.

r. To Information Technology Cost Allocation Plan Fund from General Fund; Target Case Management/Linkages Fund; Health (Short/Doyle); Library Fund; Playground Camp Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund;

Unified Program (CUPA) Fund; Equipment Maintenance Fund; Building Maintenance Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; and Mental Health State Aid Realignment Fund.

s. To the Workers' Compensation Self-Insurance Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

t. To the Sick Leave and Vacation Leave Accrual Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program

Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

u. To the Payroll Deduction Trust Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment

Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund; PERS Savings; Sick Leave Entitlement.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 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.

Attachment for Annual Appropriations Ordinance - Fiscal Year 2026

REVOLVING FUNDS/INTERNAL SERVICE FUNDS

Appropriations are identified with revolving and internal service funds. Such funds derive revenue by virtue of payment from other fund sources as benefits are received by such funds, and the total is reflected in the "Less Revolving Funds and Internal Service Funds" in item I. The funds are:

		FY 2026 AAO #1
Revolving/Internal Service Funds		
Employee Training Fund		828,500
Equipment Replacement Fund		14,690,694
Equipment Maintenance Fund		12,602,639
Building Maintenance Fund		6,017,798
Central Services Fund		411,905
Workers' Compensation Fund		11,863,212
Public Liability Fund		4,893,202
Information Technology Fund		27,834,137
Subtotal Revolving/Internal Service Funds	$	79,142,085
Dual Appropriations		
Transfers to the General Fund		
Indirect Cost Reimbursement		
CDBG Fund		176,194
Street Light Assessment District Fund		115,708
One-Time Grant: No Cap Exp		78,545
Zero Waste Fund		2,658,265
Marina Enterprise Fund		452,819
Sanitary Sewer Fund		1,099,804
Clean Storm Water Fund		178,513
Permit Service Center Fund		2,187,182
Unified Program (CUPA) Fund		89,070
Subtotal Transfers to General Fund:	$	7,036,100

Transfer to Safety Members Pension Fund from General Fund	551,804
Transfer to Measure U1 Fund from General Fund	6,500,000
Transfer to Health State Aid Realignment from General Fund	1,953,018
Transfer to Fair Election Fund from General Fund	612,210
Transfer to Capital Improvement Fund (CIP) from General Fund	13,730,788
Transfer to Marina Fund from General Fund	1,409,886
Transfer to Equipment Replacement Fund from General Fund	1,759,380
Transfer to Public Liability Fund from General Fund	3,446,161
Transfer to Catastrophic Loss Fund from General Fund	8,216,345
Transfer to IT Cost Allocation Fund from General Fund	71,335
Transfer to Police Employee Retiree Health Assistance Plan from General Fund	400,136
Transfer to Sick Leave Entitlement Fund from General Fund	201,501
Transfer to Employee Training Fund from GF Payroll Deduction Trust Fund	750,000
Transfer to General Fund from GF Payroll Deduction Trust Fund	6,000,000
Transfer to General Fund from Measure U1 Fund	2,500,000
Transfer to GF Payroll Deduction Trust Fund from PERS Fund	6,000,000
Transfer to General Fund from Health State Aid Realignment Fund	2,643,280
Transfer to Paramedic Tax Fund from Measure FF - Public Safety Fund	757,925
Transfer to Berkeley Repertory Theater Debt Service Fund from CIP Fund	499,802
Transfer from CIP Fund to 2010 COP (Animal Shelter) Fund	402,613
Transfer to Equipment Replacement Fund from Capital Improvement Fund (CIP)	678,030
Transfer to Private Sewer Lateral Fund from Sewer Fund	90,501
Transfer to Catastrophic Loss Fund from Permit Service Center Fund	50,555
Transfer to Catastrophic Loss Fund from Unified Program (CUPA) Fund	5,082
Transfer to General Fund from Parking Meter Fund	1,042,288
Transfer to General Fund from Workers Compensation Fund	5,187,019
Transfer to General Fund from IT Cost Allocation Fund	6,466,414
Transfer to GF Payroll Deduction Trust Fund from Sick Leave Entitlement Fund	273,854
Transfer to First Source Fund from Parks Tax Fund	26,925
Transfer to First Source Fund from Capital Improvement Fund	26,925
Transfer to First Source Fund from Marina Fund	2,175
Transfer to Public Art Fund from Parks Tax Fund	68,119
Transfer to Public Art Fund from Capital Improvement Fund	141,357
Transfer to Public Art Fund from Marina Fund	3,806
Subtotal Transfers to Other Funds:	72,469,234
Sub-Total Dual Appropriations	$ 79,505,334
Grand Total Dual Appropriations	**$ 158,647,419**

EXHIBIT A

SUMMARY OF APPROPRIATIONS BY FUND

			1st AAO				
ERMA Fund #	Fund	FY 2026 Adopted	Encumbered Rollovers	Unencum. Carryovers	Other Adjustments	Total Amend.	FY 2026 Revised #1
11	General Fund Discretionary	311,435,259	22,721,191	5,446,108	4,766,827	32,934,126	344,369,385
13	GF - Payroll Deduction Trust	6,750,000	-			-	6,750,000
16	Measure U1 - Housing	13,511,284	1,286,711	100,721	-	1,387,433	14,898,717
17	Climate Equity Action	-	52,574	-	15,000	67,574	67,574
101	Library - Tax	29,382,885	508,659			508,659	29,891,544
102	Library - Trans Based	4,000,000	708,623			708,623	4,708,623
103	Library - Grants	99,884	-			-	99,884
104	Library - Friends & Gift	222,150	3,623			3,623	225,773
105	Library - Foundation	200,000	4,103			4,103	204,103
106	Asset Forefeiture	61,000	-			-	61,000
107	Special Tax Measure E	1,882,839	-			-	1,882,839
108	Workforce Investment	58,692	-			-	58,692
110	Sec 108 Loan Gty Asst.	1,183,612	-			-	1,183,612
111	Fund Raising Activities	54,789	1,230			1,230	56,019
113	Gilman Sports Field	335,382	19,287	-	150,000	169,287	504,669
115	Animal Shelter	52,480	5,369	-	135,000	140,369	192,849
116	Paramedic Tax	4,894,321	310			310	4,894,631
119	Domestic Violence Prev - Vit Stat	32,490	-			-	32,490
120	Affordable Housing Mitigation	1,925,568	4,767,197	1,161,363	20,849,887	26,778,447	28,704,015
121	Affordable Child Care	13,275	3,617			3,617	16,892
122	Inclusionary Housing Program	438,731	401,623	-	86,540	488,163	926,894
123	Condo Conversion	534,833	-	55,210	494,122	549,332	1,084,166
125	Playground Camp	4,387,369	187,991	3,284	452,023	643,298	5,030,667
126	State-Prop 172 Pub.Safety	448,976	7,662	-	1,500,000	1,507,662	1,956,638
127	State Transportation Tax	7,686,498	3,034,858	4,409,401	503,048	7,947,307	15,633,805
128	CDBG	3,076,701	908,021	-	743,945	1,651,966	4,728,666
129	Rental Housing Safety Program	2,804,807	30,255			30,255	2,835,062
130	Measure B - Local St & Road	61,882	753,068	1,380,233	50,266	2,183,567	2,245,450
131	Measure B - Bike & Pedestrian	-	58,437	30,100	77,217	165,754	165,754
132	Measure B - Paratransit	17,016	14,371			14,371	31,387
133	Measure F Alameda County VRF St & Rd	462,227	272,060	815,943	-	1,088,003	1,550,230
134	Measure BB - Local St & Road	7,657,298	2,618,823	9,384,953	3,091,312	15,095,088	22,752,386
135	Meaure BB - Bike & Pedestrian	1,762,862	244,807	513,631	111,911	870,349	2,633,212
136	Measure BB - Paratransit	967,484	179,817	-	219,468	399,285	1,366,768
137	One-Time Funding	-	19,080	-	849,158	868,238	868,238
138	Parks Tax	24,534,028	4,484,363	2,495,513	97,221	7,077,098	31,611,126
139	Streets and Open Space Improvement (SOSIP)	250,000	-	200,000	-	200,000	450,000
140	Measure GG - Fire Prep Tax	6,289,268	408,366			408,366	6,697,635
142	Streetlight Assesment District	3,284,660	524,546	585,177	300,000	1,409,723	4,694,382
143	Berkeley Bus Ec Dev	156,387	7,651	159,410	256,223	423,283	579,670
144	Citywide RLF	-	-	-	368,414	368,414	368,414
146	Employee Training	822,177	6,322			6,322	828,500
147	UC Settlement	5,871,394	610,211	251,166	922,071	1,783,448	7,654,842
148	Cultural Trust	-	497,146	2,832,047	-	3,329,193	3,329,193
149	Private Party Sidewalks	100,000	543,983	333,539	452,449	1,329,971	1,429,971
150	Public Art Fund	64,367	5,500	109,416	160,920	275,836	340,203
152	Vital & Health Statistics Trust Fund	30,292	1,000			1,000	31,292
154	PERS Savings	6,000,000	-			-	6,000,000
156	Hlth State Aid Realign Trust	6,844,776	50,000			50,000	6,894,776
157	Tobacco Cont.Trust	382,250	94			94	382,344
158	Mental Health State Aid Realign	6,335,939	76,870			76,870	6,412,810
159	Citizens Option Public Safety Trust	272,448	5,738	-	700,000	705,738	978,186
161	Alameda Cty Abandoned Vehicle Abatement	101,285	21			21	101,306
164	Measure FF - Public Safety	12,976,348	878,429			878,429	13,854,778
165	Fair Elections	664,752	-			-	664,752
166	Measure FF - Street Repair	975,000	-			-	975,000
301	Operating Grants - Federal	155,304	-			-	155,304
302	Operating Grants - State	7,723,545	1,037,236	-	5,428,823	6,466,059	14,189,604
305	Capital Grants - Federal	-	150,751			150,751	150,751
306	Capital Grants - State	750,000	1,058,179	2,698,460	108,457	3,865,096	4,615,096
307	Capital Grants - Local	100,000	4,310,092	3,275,918	2,520,159	10,106,169	10,206,169
309	OTS DUI Enforcement Education Prg.	149,321	-	-	240,000	240,000	389,321
310	HUD/Home	2,524,030	273,569			273,569	2,797,600
311	ESG	452,137	0			0	452,137
312	Health (General)	2,733,843	14,436	-	2,377	16,813	2,750,657
313	Target Case Management Linkages	1,491,747	114,571			114,571	1,606,318
315	Mental Health Service Act	11,265,993	2,200,581	-	725,162	2,925,743	14,191,735
316	Health (Short/Doyle)	7,235,143	259,901	-	82,000	341,901	7,577,044
317	EPSDT Expansion Proposal	669,282	-			-	669,282
318	Alcoholic Bev Ctr OTS/UC	60,237	-	-	16,000	16,000	76,237
319	Youth Lunch	50,838	8,898			8,898	59,736

EXHIBIT A

SUMMARY OF APPROPRIATIONS BY FUND

			1st AAO				
ERMA Fund #	Fund	FY 2026 Adopted	Encumbered Rollovers	Unencum. Carryovers	Other Adjustments	Total Amend.	FY 2026 Revised #1
320	Sr. Nutrition Title III	262,905	-	-	31,715	31,715	294,620
321	CFP Title X	-	790	-	120,000	120,790	120,790
324	BUSD Grant	216,871	88			88	216,959
325	Vector Control	485,945	9,574			9,574	495,519
326	Alameda County Grants	1,115,784	1,587	-	160	1,747	1,117,531
327	Senior Supportive Social Services	118,794	-	-	49,130	49,130	167,924
328	Family Care Support Program	112,253	-	-	64,434	64,434	176,687
329	CA Integrated Waste Management	5,244	5,230			5,230	10,474
331	Housing Mitigation	1,362,494	136,393	183,479	1,180,868	1,500,740	2,863,234
333	CALHOME	221,240	-	-	63,000	63,000	284,240
334	CSBG	291,358	-	-	10,700	10,700	302,058
336	One-Time Grant: No Cap Exp	758,064	3,796,624	5,553,754	3,550,550	12,900,929	13,658,993
339	MTC	752,827	137,211			137,211	890,038
340	FEMA	2,869,444	389,157	269,880	531,635	1,190,672	4,060,116
341	Alameda Cty Waste Mgt.	345,000	-			-	345,000
343	State Dept Conserv/Recylg	32,000	-			-	32,000
344	CalTRANS Grant	-	9,664	8,637	-	18,301	18,301
347	Shelter+Care HUD	7,334,881	3,144			3,144	7,338,025
348	Shelter+Care County	1,041,448	-			-	1,041,448
349	JAG Grant	60,759	-			-	60,759
350	Bioterrorism Grant	307,040	14,076			14,076	321,116
354	ARPA - Local Fiscal Recovery Fund	-	1,074,897			1,074,897	1,074,897
501	Capital Improvement Fund	18,155,130	10,347,460	8,233,228	-	18,580,688	36,735,818
502	Phone System Replacement	449,408	148,589			148,589	597,997
503	FUND$ Replacement	3,065,223	561,467			561,467	3,626,690
504	PEG-Public, Education & Government	267,210	-			-	267,210
506	Measure M - Street & Watershed Improvement	-	713,759	367	74,222	788,348	788,348
511	Measure T1 - Infra & Facil.	4,106,327	6,461,885	28,837,098	97,755	35,396,738	39,503,065
512	Measure O	8,176,509	24,646,394	-	30,343,613	54,990,007	63,166,516
514	Eire Admin Training Building	-	-	-	4,500,000	4,500,000	4,500,000
552	09 Measure FF Debt Service	1,330,513	-			-	1,330,513
553	2015 GORBS	2,043,981	-			-	2,043,981
554	2012 Lease Revenue Bonds BJPFA	499,849	-			-	499,849
555	2015 GORBS - 2002 G.O. Refunding Bonds	378,696	-			-	378,696
556	2015 GORBS (2007, Series A)	142,312	-			-	142,312
557	2015 GORBS (2008 Measure I)	479,416	-			-	479,416
558	2010 COP (Animal Shelter)	140,085	-			-	140,085
559	Measure M GO Street & Water Imps	1,639,250	-			-	1,639,250
560	Infrastucture & Facilities Measure T1	3,755,881	-			-	3,755,881
561	Measure O - Housing Bonds	4,600,873	-			-	4,600,873
601	Zero Waste	61,614,928	6,520,483	1,271,237	3,185,992	10,977,711	72,592,640
606	Marina - Coastal Conservancy	-	4,324,146	3,498,049	-	7,822,195	7,822,195
607	Marina - Department of Boating and Waterway	-	300			300	300
608	Marina Operation	7,663,273	479,937	664,422	214,660	1,359,019	9,022,292
611	Sewer	33,533,465	17,013,121	118,806	14,813,224	31,945,151	65,478,615
612	Private Sewer Lateral FD	80,849	-			-	80,849
616	Clean Storm Water	8,598,338	1,358,833	6,531,882	1,957,582	9,848,297	18,446,635
621	Permit Service Center	27,883,725	1,376,725	10,247	-	1,386,972	29,270,697
622	Unified Program (CUPA)	1,021,938	2,835			2,835	1,024,773
627	Off Street Parking	7,203,523	1,073,904	844,722	57,470	1,976,096	9,179,619
631	Parking Meter	10,178,760	392,778			392,778	10,571,538
636	Building Purchases and Management	3,879,644	74,030			74,030	3,953,673
671	Equipment Replacement	6,536,146	3,013,670	52,424	5,088,454	8,154,548	14,690,694
672	Equipment Maintenance	10,385,092	1,217,547	-	1,000,000	2,217,547	12,602,639
673	Building Maintenance Fund	5,518,650	499,148			499,148	6,017,798
674	Central Services	411,006	898			898	411,905
676	Workers Compensation	11,788,212	-	-	75,000	75,000	11,863,212
678	Public Liability	3,760,097	212,798	920,307	-	1,133,105	4,893,202
679	Catastrophic Loss	3,447,023	-	-	5,167,758	5,167,758	8,614,781
680	IT Cost Allocation	24,896,332	2,577,805	-	360,000	2,937,805	27,834,137
706	Police Medical Trust Fund	48,281	-			-	48,281
721	Retiree Medical Trust Fund - BHA	2,970	-			-	2,970
722	Retiree Medical Trust Fund - IBEW	2,563	1,279			1,279	3,842
723	Retiree Medical Trust Fund - Local 1	22,595	3,488			3,488	26,083
724	Retiree Medical Trust Fund - Z1 Mgmt.	4,000	42			42	4,042
725	Retiree Medical Trust Fund - Z2 To Z6	12,000	6,402			6,402	18,402
726	Retiree Medical Trust Fund - Local 535	32,191	8,321			8,321	40,512
727	Retiree Medical Trust Fund - Local 790	37,106	7,054			7,054	44,160
731	Police EE Retiree Health Ast Plan	6,500	966			966	7,466
736	Fire Medical Trust Fund	45,571	877			877	46,448
762	Successor Agency - Savo DSF	57,120	-			-	57,120

EXHIBIT A

SUMMARY OF APPROPRIATIONS BY FUND

			1st AAO				
ERMA Fund #	Fund	FY 2026 Adopted	Encumbered Rollovers	Unencum. Carryovers	Other Adjustments	Total Amend.	FY 2026 Revised #1
776	Thousand Oaks Underground	100,096	-			-	100,096
777	Measure H - School Tax	500,000	2			2	500,002
778	Measure Q - CFD#1 Dis. Fire Protect Bond	107,904	2,595			2,595	110,499
779	Spl Tax Bds. CFD#1 ML-ROOS	778,589	-			-	778,589
780	Sick Leave Entitlement	322,955	-			-	322,955
781	Berkeley Tourism BID	2,209,676	-			-	2,209,676
782	Elmwood Business Improvement District	59,950	1			1	59,951
783	Solano Ave BID	40,445	-			-	40,445
784	Telegraph Avenue Bus. Imp. District	826,643	-	72,267	-	72,267	898,909
785	North Shattuck BID	334,076	-	15,206	-	15,206	349,282
786	Downtown Berkeley Prop & Improv. District	1,599,725	-			-	1,599,725
801	Rent Board	9,017,005	262,172	-	500,000	762,172	9,779,177
	GROSS EXPENDITURE:	**829,213,359**	145,231,967	93,327,606	119,513,923	358,073,495	1,187,286,854
	Dual Appropriations	(77,331,186)	-	-	(2,174,148)	(2,174,148)	(79,505,334)
	Revolving & Internal Service Funds	(64,117,711)	(7,528,189)	(972,731)	(6,523,454)	(15,024,374)	(79,142,085)
	NET EXPENDITURE:	**687,764,462**	137,703,778	92,354,875	110,816,321	340,874,973	1,028,639,435

FY 2025 Unencumbered Carryover and FY 2026 Adjustments (AAO#1) Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
1	011	General Fund	City Attorney	249,354				Per BMC Section 2.56.080.C - "Funds allocated to the City Attorney's Office shall not be returned to the General Fund for other purposes except at the express direction of the City Council".
2	011	General Fund	City Manager	126,350			Deportation Defense	Carryover funds for Deportation Defense
3	011	General Fund	City Manager	50,000			Digital Accessibility Project and Misc. Crisis Response Communications	Carryover funding for digital Accessibility Project and Miscellaneous Crisis Response Communications
4	011	General Fund	City Manager	50,000			Re-Entry Employment and Guaranteed Income Programs	Council Budget referral - To engage a consultant to recommend a Universal Income Pilot for Berkeley
5	011	General Fund	City Manager	7,606			Installation of Security Cameras - Edgeworth Security	Appropriate funding to cover the cost of the security cameras (inoperable since 2023) at the Animal Shelter.
7	011	General Fund	City Manager		7,000		Elmwood Music Festival	Council Recommendation-FY25 GF Savings to support the Elmwood Music Festival
8	011	General Fund	City Manager	5,000			FY 2026 Poet Laureate Program	Carryover of funds for the continuation of FY 2026 Poet Laureate Program (for stipend)
9	011	General Fund	Finance	50,000			Development of Payment Acceptance Solutions	Carryover funding for Evaluation and Implementation of new Online and Mobile Payment acceptance solutions to ensure efficiency of operations while maintaining security of City resources
10	011	General Fund	Finance	40,000			Banking Services Consultant	Carryover funding for Preparation for Solicitation of Banking Services Provider (Wells Fargo contract expires in 2026). Huge undertaking to make sure the best vendor is chosen to take on all banking services for City, and preparation will make transition to next vendor easier and less costly.
11	011	General Fund	Fire Department		177,496		Motorola Equipment Lease General Fund Portion	Appropriate fund for the Motorola Equipment Lease - Fire department's General Fund annual allocation for the Fire & Police communication system
12	011	General Fund	Health Housing, and Community Services		1,922,883		Community Agency Funding	Appropriate funding for Community Agencies
13	011	General Fund	Mayor & Council	76,608			Mayor & Council carryover	Carryover funding for Mayor & Council FY 25 year-end balance per Res#70,054

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
14	011	General Fund	Non-Departmental		1,937,888		General Fund Transfer to Catastrophic Loss Fund	Revise General Fund Transfer to the Catastrophic Loss Fund to provide additional funds to pay FY 2026 Bay Cities Joint Powers Insurance Authority bill for Liability Program Insurance costs.
15	011	General Fund	Non-Departmental		325,404		FY 2026 Bay Cities Joint Powers Insurance Authority Program Bill	Add additional funds for the FY 2026 Bay Cities Joint Powers Insurance Liability Program Insurance costs for Property Program, APD Program, Crime Program, and Cyber Program insurance costs
16	011	General Fund	Non-Departmental		74,626		Marina Fund Deficit	Council Recommendation-FY25 GF Savings to support Marina Fund Deficit
17	011	General Fund	Non-Departmental		126,374		Marina Fund Deficit	Council Recommendation-FY25 GF Savings to support Marina Fund Deficit
18	011	General Fund	Non-Departmental		25,000		Marina Fund Deficit	Council Recommendation-FY25 GF Savings to support Marina Fund Deficit
19	011	General Fund	Planning	100,000		PLLBAR2401	FY25 CBR - Ashby BART Area Enhanced Infrastructure Finance District (EIFD) Analysis	Carryover funding for FY25 CBR - Ashby BART Area Enhanced Infrastructure Finance District (EIFD) Analysis
20	011	General Fund	Police Accountability	25,000			Outreach and Community Engagement Meetings	Carryover funding for Outreach and Community Engagement Meetings
21	011	General Fund	Police Accountability	22,855			Public safety and police oversight survey	Carryover funding for Public safety and police oversight survey
22	011	General Fund	Police Accountability	21,000			Stand-alone website and social media program	Carryover funding for Stand-alone website and social media program
23	011	General Fund	Parks, Recreation, and Waterfront		120,000		Youthworks	Council Recommendation -FY25 GF Savings to support Youthworks Program
24	011	General Fund	Parks, Recreation, and Waterfront	402,959		PRWWF20011	South Cove Parking Lot	Carryover Funds to complete construction of South Cove Parking Lot project
25	011	General Fund	Parks, Recreation, and Waterfront	92,720		PRWWF22002	Waterfront Dredging Permit	Carryover funds to pay permit fees for Waterfront Dredging project
26	011	General Fund	Parks, Recreation, and Waterfront	5,060		PRWCP25004	Camp Generators	Carryover to pay for PGE generator permit fees.
27	011	General Fund	Parks, Recreation, and Waterfront	25,881		PRWPK24009	Miyawaki Forest	Carryover funds to complete construction of Miyawaki Forest project.

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
28	011	General Fund	Parks, Recreation, and Waterfront	3,973		PRWPK24010	Dreamland Playground	Carryover to complete Dreamland Playground design
29	011	General Fund	Parks, Recreation, and Waterfront	52,037		PRWPK25006	AAHRC Program Development	Carryover funds for AAHRC Program Development.
30	011	General Fund	Parks, Recreation, and Waterfront	700,000		PRWPK25013	FY25 Aquatic Park Tide Tubes Repair	Carryover funds for grant cost share
31	011	General Fund	Parks, Recreation, and Waterfront	656,919		PRWT122013	D&E Dock Replacement	Carryover to complete D&E Dock replacement construction project.
32	011	General Fund	Parks, Recreation, and Waterfront		50,156		2024 R2 Holiday Payout	Appropriate Fund for 2024 R2 holiday payout (section 18.9 of the CSU/PTRLA MOU: should have been paid and funded in FY25) that has not yet been included in PRW's baseline budget. Note: A funding request for the 2025 R2 Holiday Payout will be included in FY26 AAO2.
33	011	General Fund	Public Works	270,000			Tier 1 funding for maintenance of bus shelter-TNC and CBR Security Camera	Carryover to complete council assigned projects from Tier 1 process, without funding the items cannot be completed.
34	011	General Fund	Public Works	518,894			Carryover for unallocated account that has funding for multiple projects.	Carryover for PWTRPL2403-Vision 2050 Parcel Tax-$100,000 PWTRPL2402-Southside Transportation Project-$250,000 PWTRTC1301-Traffic Calming-$135,864 Project Yield Sign-$30,000- Council Budget referral for Yield Signs at Two Unmarked Intersections.
35	011	General Fund	Public Works	109,894		PWSUCW1901	Fire Safety	Carryover for unallocated account that has funding for project PWSUCW1901-FIRE SAFETY
36	011	General Fund	Public Works	70,742			ADA services	Carryover to continue ADA related tasks including ASL services, and accessibility related issues.
37	011	General Fund	Public Works	45,000			ROW Restrooms-Janitorial Services	Carryover to continue Janitorial Services for the restroom in the ROW. Funding from Tier 1 Council Right of way.
38	011	General Fund	Public Works	771,100		PWENEN2001	Corp Yard EV Project	Carryover to complete council assigned project. Mayor's supplemental budget recommendations. Excess Property Transfer Tax. And FY 2022 BUDGET REFERRAL - balance of deferral from FY 2021 ($300k).
39	011	General Fund	Public Works	43,000		PWTRBP2501	6TH-Addison QB Traffic Calming Improv	Carryover to complete assigned project from Council budget referral for Vision Zero Improvements at 6th & Addison Intersection.

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
40	011	General Fund	Public Works	150,000		PWTRPL2404	Oxford/University Corridor Studies	Carryover to complete assigned project from council referral. Study and Conceptual design of protected bikeways, bus-only lanes, and pedestrian crossing safety improvements per the Bike Plan, Pedestrian Plan, and Transit-First Implementation Plan.
41	011	General Fund	Public Works	55,000			FY 25 CBR -install an Accessible Pedestrian Signal (APS) at the intersection of Sacramento Street and Allston Way	Carryover funding for FY 25 CBR - install an Accessible Pedestrian Signal (APS) at the intersection of Sacramento Street and Allston Way
42	011	General Fund	Public Works	150,364		PWENCB2312	WBSC Improvements	Carryover to complete assigned project, 011 funding came from transfer from HHCS.
43	011	General Fund	Public Works	5,946		PWENBM2507	Civic Center Door Updates	Carryover to complete Civic Center door update project.
44	011	General Fund	Public Works	57,735		PWENBM2508	Animal Shelter Landscape Repair	To complete assigned project. Funding for landscape and irrigation repair, which fund 142 (light pole replacement) could not pay for. Funding received from BACS to Public Works.
45	011	General Fund	Public Works	118,110		PWENSD2305	Strawberry Creek Culvert Repairs+K61	To complete assigned project, Resolution 71, 669-N.S. CC date 02/25/2025.
46	011	General Fund	Public Works	310,000			Security Cameras in Public Right of Way	Carryover for project moving from PW to PD. Authorized by Reso #70,895. Remaining unspent CT#32500112 being added.
47	011	General Fund	Public Works	7,000			Supplemental Recommendation-Speed Bump	Supplemental budget recommendation; Speed Bump at MLK Way and Russell Street. From Councilmember Bartlett's FY25 budget.
	011 Total			**5,446,108**	**4,766,827**			
48	016	U1 Housing	Rent Stabilization Board	100,721			Empty Homes Tax Ordinance	Carryover funds for Ongoing Empty Homes Tax Ordinance implementation per City Council and Rent Board
	016 Total			**100,721**	**0**			
49	104	Library - Friends &Gifts	Library		10,000		Poet Laureate	Appropriate funds to pay for City Poet Laureate honorarium
50	104	Library - Friends &Gifts	Library		5,000		Art and Music Programming	Appropriate funds to pay for Art and Music Program
	104 Total			**0**	**15,000**			
51	113	Gilman Sports Field	Non-Departmental		150,000		User Fee contribution to Fund 114	Appropriate funds to adjust Gilman User Fees transfer to Fund 114. $75K contribution for FY24, FY25 and FY26.
	113 Total			**0**	**150,000**			
52	115	Animal Shelter	City Manager		135,000			Appropriate funds for Animal Shelter operating expenses
	115 Total			**0**	**135,000**			

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
53	120	Affordable Housing Mitigation	Health Housing, and Community Services		3,909		Affordable Housing Preference Policy Intern	Appropriate funding for an 8-week intern to support the implementation of the Affordable Housing Preference Policy. Req 2025-02843
54	120	Affordable Housing Mitigation	Health Housing, and Community Services		36,450		4th Amendment to SLA contract out of AHMF Admin	Appropriate funding for Amending Street Level Advisors contract to include additional support for the partnership with Berkeley Housing Authority around developing affordable housing at the Ashby and North Berkeley BART sites. Going to Council on 9/16.
55	120	Affordable Housing Mitigation	Health Housing, and Community Services		2,000,000		Ashby BART West Lot Predevelopment Loan	Appropriate funding for Ashby BART West Lot Predevelopment Loan pending Council approval in September 2025.
56	120	Affordable Housing Mitigation	Health Housing, and Community Services		1,500,000		North Berkeley BART phase 1 projects	Appropriate funding for North Berkeley BART development loans (Reso 71,428). Total funding reservation = $26.5M, including $6.5M in AHMF. $5M in AHMF already in predevelopment loan. Phase 1 projects are pursuing state funding; if successful, will need to encumber remaining funds by March 2026.
57	120	Affordable Housing Mitigation	Health Housing, and Community Services		3,000,000		Supportive Housing in People's Park predevelopment loan	Appropriate funding for Supportive Housing in People's Park (SHiPP) predevelopment loan (Reso 70,135).
58	120	Affordable Housing Mitigation	Health Housing, and Community Services		11,865,184		Ephesian Legacy Court development loan	Appropriate funding for Ephesian Legacy Court development loan (Reso 70,889) - Estimated loan closing in early 2026, pending tax credit award.
59	120	Affordable Housing Mitigation	Health Housing, and Community Services		2,257,494		HTF Rehab loans	Appropriate funding for Housing Trust Fund Request for Proposal reservations for Adeline Street Apartments and Ashby Lofts (Reso 71,846). New/pending reservations, with loan closings estimated in November 2025 and early 2026.
60	120	Affordable Housing Mitigation	Health Housing, and Community Services	1,161,363			Small Sites Program funding	Carryover funding for Unallocated FY25 Small Sites Program funds (carryforward from FY25 adopted budget). Available through an active NOFA.
61	120	Affordable Housing Mitigation	Health Housing, and Community Services		180,000		Small Sites Program funding (new funds)	Appropriate funding for Program funds, available through an active NOFA.
62	120	Affordable Housing Mitigation	Health Housing, and Community Services		6,849		Internal Mail Services	Appropriate funding for Mail services previously budgeted in 011-51-504…2025
	120 Total			**1,161,363**	**20,849,887**			
63	122	Inclusionary Housing Program	Health Housing, and Community Services		86,540		2321 Tenth Street project - correcting existing encumbrance	Appropriate funding for 2321 Tenth Street (Reso 71,087). Contract was not fully/correctly encumbered at time of amendment. Corrections pending.
	122 Total			**0**	**86,540**			

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
64	123	Condo Conversion Program	Health Housing, and Community Services		56,072		HTF Rehab loans	Appropriate funding for Housing Trust Fund Request for Proposal reservations for Adeline Street Apartments and Ashby Lofts (Council approved on 6/24/2025). New/pending reservations, with loan closings estimated in November 2025 and early 2026.
65	123	Condo Conversion Program	Health Housing, and Community Services	55,210			Small Sites Program funding	Carryover funding for Unallocated FY25 Small Sites Program funds (carryover from FY25 adopted budget). Available through an active NOFA.
66	123	Condo Conversion Program	Health Housing, and Community Services		438,050		2321 Tenth Street project - correcting existing encumbrance	Appropriate funding for 2321 Tenth Street (Reso 71,087). Contract was not fully/correctly encumbered at time of amendment. Corrections pending.
	123 Total			**55,210**	**494,122**			
67	125	Playground Camp	Parks, Recreation, and Waterfront	2,909			Tuolumne Master Plan	Carryover Funds from Tuolumne Master Plan Project PRWCP08001
68	125	Playground Camp	Parks, Recreation, and Waterfront	375			Echo Lake Camp ADA Improvement	Carryover Funds from Echo Lake Camp ADA Improvement Project PRWRC18002
69	125	Playground Camp	Parks, Recreation, and Waterfront		452,023			Appropriate funds to establish budget for expanded afterschool programs. Expenditures are fully covered by revenue.
	125 Total			**3,284**	**452,023**			
70	126	Proposition 172	Police		1,500,000		DNA testing, crime lab costs, telephone service costs	Increased DNA testing contract costs including the cost of Cold-Case Sexual Assault Exams, crime labs, and telephone services
	126 Total			**0**	**1,500,000**			
71	127	State Transportation Tax	Public Works		50,000		Annual Allocation for New Programs	Appropriate Funds for Annual Allocation for New Programs
72	127	State Transportation Tax	Public Works		50,000		Annual-Grant Applications	Appropriate Funds for Grant Applications
73	127	State Transportation Tax	Public Works		50,000		Annual-UC Football Signs	Appropriate Funds for Annual UC Football Signs
74	127	State Transportation Tax	Public Works		15,008		Traffic Sign Reim Agreement	Appropriate Funds for Traffic Sign Reimbursement Agreement
75	127	State Transportation Tax	Public Works		38,040		Increased Fleet Replacement Charges	Appropriate Funds for Increased Fleet Replacement Charges
76	127	State Transportation Tax	Public Works		50,000		Traffic Signal	Appropriate Funds for Traffic Signal
77	127	State Transportation Tax	Public Works	50,000		PWTRBP2204	Ohlone Green Modification & Safety Project	Appropriate Funding to complete design phase and move into construction phase of Ohlone Green Modific & Safety Project.

FY 2025 Unencumbered Carryover and FY 2026 Adjustments (AAO#1) Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
78	127	State Transportation Tax	Public Works		200,000	PWTRTC2602	California Street and Ada Traffic Calming	Appropriate funding to make payments to contractor. Follow-up at AAO1/C/O
79	127	State Transportation Tax	Public Works	1,376		PWENST2301	Street Rehab FY23	Carryover funds for CIP-Street Rehab Project
80	127	State Transportation Tax	Public Works	800,622		PWENST2401	Street Rehab FY24	Carryover funds for CIP-Street Rehab Project
81	127	State Transportation Tax	Public Works	2,192,421		PWENST2501	Street Rehab FY25	Carryover funds for CIP-Street Rehab Project
82	127	State Transportation Tax	Public Works	382,807		PWENST2601	Street Rehab FY26	Carryover funds for CIP-Street Rehab Project
83	127	State Transportation Tax	Public Works	33,333		PWENSW2401	FY2024 SW REPAIRS	Carryover funds for CIP-FY24 SW Repairs
84	127	State Transportation Tax	Public Works	50,000		PWTRTM1201	WPPUC Football Signs	Carryover funds for CIP-WPPUC Football Signs project
85	127	State Transportation Tax	Public Works	107,597		PWENSW2002	Sidewalk Shaving FY20	Carryover funds for CIP- FY20 Sidewalk Shaving Project
86	127	State Transportation Tax	Public Works	100,000		PWTRBP2203	Parker-Addison Bikeway	Carryover funds to complete Parker-Addison Bikeway project, now in construction phase
87	127	State Transportation Tax	Public Works	222,000	50,000	PWTRCS2203	University Ave Bus Stop	Carryover funds to complete the University Ave. Bus Stop project, now in construction phase.
88	127	State Transportation Tax	Public Works	144,069		PWENRW2301	Retaining Wall & Storm Drain Repair	Carryover funds to complete Retaining Wall & storm Drain Repair project
89	127	State Transportation Tax	Public Works	25,176		PWENSD2305	Strawberry Creek Culvert Repairs	Carryover funds to complete Strawberry Creek Culvert Repairs project
90	127	State Transportation Tax	Public Works	300,000		PWT1ST2202	T1 Phase 2-Bollards	Carryover funds to complete T1 Phase 2 Bollards Project
	127 Total			**4,409,401**	**503,048**			
91	128	CDBG	Public Works		26,945	PWENCB2312	WBSC Improvement	Carryover funds for CIP-WBSC Project funding
92	128	CDBG	Health Housing, and Community Services		200,000		SDRLP Loans	Fund FY26 SDRLP Loans (CDBG #1110, 1129 & 1126) funded by previously awarded but unspent funds.
93	128	CDBG	Health Housing, and Community Services		517,000		Public Facility Program	CDBG public facility improvement program: delays due to environmental review and prior year NOFA funds. Reso 70,830. BOSS Contract: $195,000, Options Recovery Services: $187,980 , Remaining PY24/FY25 NOFA: $134,020
	128 Total			**0**	**743,945**			
94	130	Measure B - Local Streets and Rd	Public Works		50,266	PWTRTC2202	Woolsey-Eton Traffic Calming	To complete the Woolsey-Eton Traffic Calming project currently in the construction phase
95	130	Measure B - Local Streets and Rd	Public Works	444,213		PWENST2501	Street Rehab FY25	Carryover funds for FY23 Street Rehab Project
96	130	Measure B - Local Streets and Rd	Public Works	521,902		PWTRBP2202	HSIP Sacramento Ped Xing	Carryover funds for HSIP Sacramento Ped Xing project

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
97	130	Measure B - Local Streets and Rd	Public Works	140,865		PWTRBP2205	Woolsey-Fulton Bike Blvd-STI Funds	Carryover funds for Woolsey-Fulton Bike Blvd STI Project
98	130	Measure B - Local Streets and Rd	Public Works	20,670		PWTRCS2204	Telegraph Study & PE	Carryover funds for Telegraph Study & PE Project
99	130	Measure B - Local Streets and Rd	Public Works	70,583		PWTRTC2202	Woolsey-Eton Traffic Calming	Carryover funds for Woolsey-Eton Traffic Calming Project
100	130	Measure B - Local Streets and Rd	Public Works	182,000		PWTRTC2501	Delaware Traffic Calming Project	Carryover funds for Delaware Traffic Calming Project
	130 Total			**1,380,233**	**50,266**			
101	131	Measure B-Bike and Pedestrian	Public Works	15,000		PWTRBP2205	Woolsey- Fulton Bike Blvd STI funds	Carryover CIP funds for Woolsey-Fulton Bike Blvd Project
102	131	Measure B-Bike and Pedestrian	Public Works		77,217		Unspent MB B&P Fund 131	Carryover funds MB B&P -Fund 131 required to be spent by June 30, 2026
103	131	Measure B-Bike and Pedestrian	Public Works	15,100			Unallocated account that has funding for multiple projects.	Carryover funds to complete council assigned projects, and other ongoing projects.
	131 Total			**30,100**	**77,217**			
104	133	Meas F - Ala Ct VRF St and Rd	Public Works	39,950		PWTRBP2202	HSIP Sacramento Ped Xing	Carryover funds to continue HSIP Sacramento Ped Xing project - partially grant funded
105	133	Meas F - Ala Ct VRF St and Rd	Public Works	42,042		PWENST2401	Street Rehab FY 2024	Carryover funds for FY 2024 CIP Street Rehab Project
106	133	Meas F - Ala Ct VRF St and Rd	Public Works	155,000		PWENST2501	Street Rehab FY25	Carryover funds for FY 2025 CIP Street Rehab Project
107	133	Meas F - Ala Ct VRF St and Rd	Public Works	50,000		PWENSW2401	FY 2024 Sidewalk Repairs Program	Carryover funds for FY 2024 CIP Sidewalk Repairs Program
108	133	Meas F - Ala Ct VRF St an	Public Works	283,011		PWT1ST2209	T1 PH 2 Streets	Carryover funds for T1 PH 2 Streets
109	133	Meas F - Ala Ct VRF St an	Public Works	66,922		PWT1SW2201	T1 PH 2 Sidewalk Mtc & Safety Rep	Carryover funds for T1 PH 2 Sidewalk Maintenance & Safety Rep
110	133	Meas F - Ala Ct VRF St an	Public Works	43,791		PWTRBP2201	MLK Jr. Way Vision Zero Quick Build	Carryover funds for MLK Jr. Way Vision Zero Quick Build
111	133	Meas F - Ala Ct VRF St and Rd	Public Works	135,227		PWT1ST2202	T1 Phase 2 Bollards	Carryover funds to complete T1 Phase 2 Bollards Project
	133 Total			**815,943**	**0**			
112	134	Measure BB-Local Streets and Roads	Public Works		100,000		Vision Zero Action Plan-Annual-FY29	Appropriate Funds for VZ Action Plan-FY29
113	134	Measure BB-Local Streets and Roads	Public Works		75,000	PWENSD2305	Strawberry Creek Culvert Repairs	Carryover funding from Strawberry Creek Culvert Project
114	134	Measure BB-Local Streets and Roads	Public Works		1,112,697	PWENSD2305	Strawberry Creek Culvert Repairs	Carryover funding from Strawberry Creek Culvert Project

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
115	134	Measure BB-Local Streets and Roads	Public Works	1,841,156		PWT1ST2202	T1 Phase 2 Bollards	Carryover funds to complete T1 Phase 2 Bollards Project
116	134	Measure BB-Local Streets and Roads	Public Works		569,639	PWTRBP2204	Ohlone Green Modification & Safety Project	Carryover funding for Ohlone Green Modification & Safety Program
117	134	Meas BB - Local Streets and Rd	Public Works	42,832		PWTRCS2203	University Ave. Bus Stop	Carryover funds to complete University Bus Stop project, now in construction phase.
118	134	Meas BB - Local Streets and Rd	Public Works		24,930	PWTRCS2203	University Ave. Bus Stop	Appropriate funds to complete University Bus Stop project, now in construction phase.
119	134	Meas BB - Local Streets and Rd	Public Works	339,613		PWTRCS2202	Shattuck-MLK Bus Stops	Carryover funds to complete Shattuck/MLK Bus Stops project, Currently in construction phase.
120	134	Meas BB - Local Streets and Rd	Public Works		50,902	PWTRCS2202	Shattuck-MLK Bus Stops	Appropriate funds to complete Shattuck/MLK Bus Stops project, Currently in construction phase.
121	134	Meas BB - Local Streets and Rd	Public Works	283,651		PWENST2302	Wildcat canyon road slide repairs and drainage improve	Carryover funds to complete Wildcat canyon road slide repairs and drainage improvements
122	134	Meas BB - Local Streets and Rd	Public Works	118,821		PWTRBP2202	HSIP Sacramento Ped Xing	Carryover funds to continue the HSIP Sacramento Ped Xing project - partially grant funded
123	134	Meas BB - Local Streets and Rd	Public Works		186,200	PWTRBP2202	HSIP Sacramento Ped Xing	Appropriate funds to continue the HSIP Sacramento Ped Xing project - partially grant funded
124	134	Meas BB - Local Streets and Rd	Public Works		200,761	PWTRBP2203	Parker-Addison Bikeway	Appropriate funds to complete the Parker-Addison Bikeway project, now in construction phase.
125	134	Meas BB - Local Streets and Rd	Public Works	1,413,059			Woolsey-Fulton Bike Blvd. STI Funds	Carryover funds to complete the design phase and move into the construction phase
126	134	Meas BB - Local Streets and Rd	Public Works		521,183		Woolsey-Fulton Bike Blvd. STI Funds	Appropriate funds to complete the Woolsey-Fulton Bike Blvd. design phase and move into the construction phase
127	134	Meas BB - Local Streets and Rd	Public Works	5,345,821			Various	Carryover Fund 134 funding for multiple CIP Projects
128	134	Meas BB - Local Streets and Rd	Public Works		100,000		Traffic Light Work-Professional Services	Carryover funds to support electrical services contracts
129	134	Meas BB - Local Streets and Rd	Public Works		150,000	PWFMEL1606	Supplies	Carryover funds for traffic light supplies for current electrical work and projects
	134 Total			**9,384,953**	**3,091,312**			
130	135	Measure BB-Bike and Pedestrian	Public Works		3,000		Annual-Bike to Work" Contribution	Appropriate Funds for Annual Bike to Work Contribution
131	135	Measure BB-Bike and Pedestrian	Public Works		35,371	PWTRBP2204	Ohlone Green Modification & Safety Project	Appropriate funding for Ohlone Green Modification & Safety Program

FY 2025 Unencumbered Carryover and FY 2026 Adjustments (AAO#1) Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
132	135	Measure BB-Bike and Pedestrian	Public Works	7,503		PWTRBP2204	Ohlone Green Modification & Safety Project	Carryover funding for Ohlone Green Modification & Safety Program
133	135	Measure BB-Bike and Pedestrian	Public Works	14,105		PWTRBP2201	MLK Jr. Way Vision Zero Quick Build	Carryover Funds to continue MLK Jr. Way Vision Zero Quick Build Project
134	135	Measure BB-Bike and Pedestrian	Public Works	3,209		PWTRBP2205	Woolsley-Fulton Bike Blvd STI Funds	Carryover Funds to continue MLK Jr. Way Vision Zero Quick Build Project
135	135	Measure BB-Bike and Pedestrian	Public Works	146,800		PWTRCT2201	Adeline Street Trans Bike Blvd STI Funds	Carryover Funds for CIP Project-Adeline Street Trans Bike Blvd STI Funds
136	135	Measure BB-Bike and Pedestrian	Public Works	127,917			Unallocated account that has funding for multiple projects.	Carryover unallocated funds for multiple projects
137	135	Measure BB-Bike and Pedestrian	Public Works	138,750		PWTRBP2202	HSIP Sacramento Ped Xing	Carryover funds for HSIP Sacramento Ped Xing Project
138	135	Measure BB-Bike and Pedestrian	Public Works		55,040	PWTRBP2202	HSIP Sacramento Ped Xing	Appropriate funding for HSIP Sacramento Ped Xing Project
139	135	Measure BB-Bike and Pedestrian	Public Works		18,500	PWTRCS2203	University Ave Bus Stop	Appropriate funds to complete the University Ave. Bus Stop project, now in construction phase.
140	135	Measure BB-Bike and Pedestrian	Public Works	75,347		PWTRBP2205	Woolsley-Fulton Bike Blvd STI Funds	Carryover funds to continue the Woolsley-Fulton Bike Blvd project currently in the construction phase
	135 Total			**513,631**	**111,911**			
141	136	Measure BB - Paratransit	Health Housing, and Community Services		171,625		Measure BB (Paratransit)	FY26 Approved Budget: Measure BB
142	136	Measure BB - Paratransit	Health Housing, and Community Services		47,843		Measure BB (Paratransit)	FY26 Approved Budget: Measure BB
	136 Total			**0**	**219,468**			
143	137	One-Time Funding	Health Housing, and Community Services		86,597		MH BHCII (9 months from Oct-June) Part of PH NOS Program: Salary	Appropriate funding salary for a new position to support opioid prevention activities through the Berkeley High School Health Center. Funding source is through the National Opioid Settlement
144	137	One-Time Funding	Health Housing, and Community Services		68,040		MH BHCII (9 months from Oct-June) Part of PH NOS Program: Benefits	Appropriate funding benefits for a new position to support opioid prevention activities through the Berkeley High School Health Center. Funding source is through the National Opioid Settlement
145	137	One-Time Funding	Health Housing, and Community Services		550,000		BHCIP Capital Improvement match for MH Services	To fund a match for BHCIP capital improvement application for MH services at 2636 MLK Jr. New program funded by the National Opioid Settlement.
146	137	One-Time Funding	Health Housing, and Community Services		144,521	HHPNOS2501	National Opioid Settlement	Appropriate fund for the National Opioid Settlement program.
	137 Total			**0**	**849,158**			

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
147	138	Parks Tax	Parks, Recreation, and Waterfront	24,516		PRWPK21008	Civic Center Fountain Garden	Carryover Funds for Civic Center Fountain Garden
148	138	Parks Tax	Parks, Recreation, and Waterfront	73,611		PRWPK21012	Santa Fe Right-of Way	Carryover Funds for Santa Fe Right-of Way
149	138	Parks Tax	Parks, Recreation, and Waterfront	42,798		PRWPK22002	John Hinkel Scout Hut	Carryover Funds for John Hinkel Scout Hut
150	138	Parks Tax	Parks, Recreation, and Waterfront	1,274,082		PRWPK22008	Cedar Rose (2-5 and 5-12)	Carryover Funds from Cedar Rose (2-5 and 5-12)
151	138	Parks Tax	Parks, Recreation, and Waterfront	598		PRWPK22009	James Kenney Mini Skate Park	Carryover Funds from James Kenney Mini Skate Park
152	138	Parks Tax	Parks, Recreation, and Waterfront	94,184		PRWPK23001	600 Addison Project	Carryover Funds from 600 Addison Project
153	138	Parks Tax	Parks, Recreation, and Waterfront	127,342		PRWPK24005	Irrigation Replacement	Carryover Funds from Irrigation Replacement
154	138	Parks Tax	Parks, Recreation, and Waterfront	60,322		PRWPK24006	Court Resurfacing	Carryover Funds from Court Resurfacing
155	138	Parks Tax	Parks, Recreation, and Waterfront	51,875		PRWPK24008	Adeline Median Landscaping	Carryover Funds from Adeline Median Landscaping
156	138	Parks Tax	Parks, Recreation, and Waterfront	2,775		PRWPK24009	Miyawaki Forest	Carryover Funds from Miyawaki Forest
157	138	Parks Tax	Parks, Recreation, and Waterfront	98,101		PRWPK25007	Glendale LaLoma Playground	Carryover Funds from Glendale LaLoma Playground
158	138	Parks Tax	Parks, Recreation, and Waterfront	1,470		PRWPK25010	Friends of BACS Donation Tracking	Carryover Funds from Friends of BACS Donation Tracking
159	138	Parks Tax	Parks, Recreation, and Waterfront	26,207		PRWPK25011	Frances Albrier CC Repairs	Carryover Funds from Frances Albrier CC Repairs
160	138	Parks Tax	Parks, Recreation, and Waterfront	86,615		PRWPK25013	Ohlone Park Play Structure Replacement	Carryover Funds from Ohlone Park Play Structure Replacement
161	138	Parks Tax	Parks, Recreation, and Waterfront	10,408		PRWT122001	MLK Jr. Youth Services Center	Carryover Funds From MLK Jr Youth Services Center
162	138	Parks Tax	Parks, Recreation, and Waterfront	61,089		PRWT122004	Willard Clubhouse Restroom Replacement	Carryover Funds from Willard Clubhouse Restroom Replacement
163	138	Parks Tax	Parks, Recreation, and Waterfront	403,376		PRWT122005	Tom Bates Restroom/ Community Space	Carryover Funds from Tom Bates Restroom/Community Space
164	138	Parks Tax	Parks, Recreation, and Waterfront	29,497		PRWPK23002	FY23 Parks Minor Maintenance	Carryover Funds from FY23 Parks Minor Maintenance
165	138	Parks Tax	Parks, Recreation, and Waterfront		50,000	PRWPK26001	FY26 Minor Maintenance	Adjustment to add $50K to Minor Maintenance Budget to align budget with Parks Tax forecast.
166	138	Parks Tax	Parks, Recreation, and Waterfront	26,644	8,721		NexGEN Maintenance	Carryover funds for FY25 NexGEN invoice.

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
167	138	Parks Tax	Parks, Recreation, and Waterfront		35,100	PRWPK26006	Seltzer Donation for Thousand Oaks Park Play Area	Adjustment for Seltzer memorial park play structure at Thousand Oaks Park. Expenditure is fully offset by revenue from donations.
168	138	Parks Tax	Parks, Recreation, and Waterfront		3,400		Bench Donation	Adjustment to spend donated funds for memorial benches. Expenditure is fully offset by revenue from donations.
	138 Total			**2,495,513**	**97,221**			
169	139	SOSIP	Public Works	100,000		PWFMEL2402	MLK/Haste Signal	Carryover funds to continue MLK/Haste Signal Project
169	139	SOSIP	Public Works	100,000		PWENST2402	Harold Way Placemaking	Carryover funds to continue the Harold Way Placemaking Project
	139 Total			**200,000**	**0**			
170	142	Streetlight Assessment	Public Works	20,800		PWTRBP2201	MLK Jr. Vision Zero Quick Build	Carryover funds to continue MLK Jr. Way Vision Zero Quick Build. Project to be completed before Mid-Year.
171	142	Streetlight Assessment	Public Works	40,380		PWENBM2508	Animal Shelter Landscape Repair	Carryover funds to continue Animal Shelter Landscape Repair. Project to be completed before Mid-Year.
172	142	Streetlight Assessment	Public Works	5,578		PWENID2501	UUD #48 Undergrounding FY26 Increase	Carryover funds for UUD #48 Undergrounding. Project to be completed before Mid-Year
173	142	Streetlight Assessment	Public Works		50,000	PWENUD2501	UUD #48 Undergrounding FY25 Carryover	Appropriate funds for UUD #48 Undergrounding Project Contingency
174	142	Streetlight Assessment	Public Works	185,642		PWENUD2501	UUD #48 Undergrounding FY25 Carryover	Carryover funds for UUD #48 Undergrounding. Project to be completed before Mid-Year
175	142	Streetlight Assessment	Public Works		50,000			Appropriate funds to support electrical services contracts
176	142	Streetlight Assessment	Public Works		200,000			Appropriate funds for street light supplies for current electrical work and projects
177	142	Streetlight Assessment	Public Works	332,777		PWENEL2401		Carryover funds for streetlight replacement required for public safety and energy efficiency
	142 Total			**585,177**	**300,000**			
178	143	Business Economic Development	City Manager	159,410	256,223			Carryover funding for the Business Economic Development projects
	143 Total			**159,410**	**256,223**			
179	144	Citywide RLF	City Manager		368,414		Working Solutions RLF	Appropriate funds to pay Working Solutions for the Revolving Loan Fund program
	144 Total			**0**	**368,414**			
180	147	UC Settlement LRDP	Health Housing, and Community Services		920,000		Small Sites Program funding for FY26 (new funds)	New FY26 Small Sites Program funds, available through an active NOFA. To be transferred to the local housing trust fund.
181	147	UC Settlement LRDP	Public Works	22,647		PWT1CB2202	Restrooms in the ROW	Carryover funds to complete Restrooms in the ROW. Project to be completed before Mid-Year

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
182	147	UC Settlement LRDP	Public Works	111,000		PWTRST2502	Derby/Warring Traffic Safety Imp	Carryover funds to complete Derby/Warring Traffic Safety Imp. Now in construction phase.
183	147	UC Settlement LRDP	Public Works	69,210		PWTRCS2001	Southside Complete Streets	Carryover to complete Southside Complete Streets Project. Now in construction phase.
184	147	UC Settlement LRDP	Public Works		2,071	PWTRCS2001	Southside Complete Streets	Appropriate funds to complete Southside Complete Streets Project. Now in construction phase.
185	147	UC Settlement LRDP	Public Works	48,309		PWENST2310	Piedmont Channing Traffic Circle	Carryover funds to complete the Piedmont Channing Traffic Circle Project, now in construction phase.
	147 Total			**251,166**	**922,071**			
186	148	Cultural Trust	City Manager	2,832,047			Cultural Trust	Carryover funding to finance public art projects throughout the City.
	148 Total			**2,832,047**	**0**			
187	149	Private Party Sidewalks	Public Works	108,539	2,449	PWENSW2401	FY2024 Sidewalk Repairs Program	Carryover funds for the FY24 Sidewalk Repairs Program.
188	149	Private Party Sidewalks	Public Works	200,000		PWT1ST2202	T1 PH 2 Bollards	Carryover funds for T1 PH 2 Bollards
189	149	Private Party Sidewalks	Public Works	25,000		PWT1SW2201	T1 PH 2 Sidewalk Maintenance & Safety Rep	Carryover funds for T1 PH 2 Sidewalk Mtc & Safety Rep
190	149	Private Party Sidewalks	Public Works		450,000		FY26-FY27 Curb Ramp & Sidewalk Repairs/Maintenance	Appropriate funding to establish funding for the FY26-FY27 Sidewalk Program
	149 Total			**333,539**	**452,449**			
191	150	Public Art	City Manager	109,416	77,583		Various public art projects	Carryover funding for pending Public Art projects
192	150	Public Art	City Manager		49,030		Various public art projects - Labor costs	Carryover funding to allow for the charging of staff time for project administration.
193	150	Public Art	City Manager		34,307		Various public art projects	Carryover funding for pending Public Art projects
	150 Total			**109,416**	**160,920**			
193	159	Citizens Options	Police		700,000		Under cover vehicle contract, On-call Phlebotomists contract	Continue various contracts for support of police operations
	159 Total			**0**	**700,000**			
194	302	Operating Grants - State	Health Housing, and Community Services		237,473		Bay Area Community Services Contract	Appropriate funding for the Bay Area Community Services Contract. Approved per Council Res. No. 71,861-N.S. dated 06/24/2025 (Community Agency)
195	302	Operating Grants - State	Health Housing, and Community Services		3,878,850		St. Paul Terrace development loan - LHTR	Appropriate funding for St. Paul Terrace development loan (Resos 70,407 & 71,549). Estimated loan closing in November.

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
196	302	Operating Grants - State	Health Housing, and Community Services		62,500		Prohousing Incentive Program (PIP) admin/Personnel	Appropriate funding adding admin funds from Prohousing Incentive Program (PIP) award.
197	302	Operating Grants - State	Health Housing, and Community Services		1,250,000		Prohousing Incentive Program (PIP) Funds being added to active contract	Appropriate retroactive funding adjustment for contract #32500118 California Street Apartments. Prohousing Incentive Program (PIP) funds must be spent by FY26
	302 Total			**0**	**5,428,823**			
198	306	Capital Grants - State	Public Works		108,023	PWTRCS2203	University Ave Bus Stop	Appropriate funding for University Ave Bus Stop project
199	306	Capital Grants - State	Public Works		434	PWTRCS2202	Shattuck -MLK Bust Stops	Appropriate funding for Shattuck -MLK Bust Stops project
200	306	Capital Grants - State	Public Works	250,000		PWTRBP2202	HSIP Sacramento Ped Xing	Appropriate funding for HSIP Sacramento Ped Xing project
201	306	Capital Grants - State	Public Works	1,769,100		PWTRBP2205	Woolsey-Fulton Bike Blvd STI Funds	Appropriate funding for Woolsey-Fulton Bike Blvd STI Funds project
202	306	Capital Grants - State	Public Works	550,360		PWTRCS2202	Shattuck-MLK Bus Stops	Appropriate funding for Shattuck-MLK Bus Stops project
203	306	Capital Grants - State	Public Works	99,000		PWTRCS2401	Addison Street Bicycle Blvd PH2	Appropriate funding for Addison Street Bicycle Blvd PH2 project
204	306	Capital Grants - State	Public Works	30,000		PWTRCS2501	Washington Elem & Berkeley High	Appropriate funding for Washington Elem & Berkeley High project
	306 Total			**2,698,460**	**108,457**			
205	307	CA Grant-LC	Parks, Recreation, and Waterfront	631,735		PRWWF24002	Berkeley Pier w/Ferry Access Project	Carryover ACTC grant funds for design of Berkeley Pier w/Ferry Access project.
206	307	CA Grant-LC	Public Works		2,520,159	PWTRBP2204	Ohlone Green Modification & Safety Project	Appropriate funding for Ohlone Green Modification & Safety Project
207	307	CA Grant-LC	Public Works	2,644,183		PWTRBP2204	Various	Carryover Grant Funding for Ohlone Modification & Safety Project, Telegraph Study & PE, and Adeline St. Transportation Improvement-MLK to Oak
	307 Total			**3,275,918**	**2,520,159**			

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
208	309	OTS DUI Enforcement	Police		240,000		Office of Traffic Safety Grant	Appropriate funds for FY 2026 (PT26214) Office of Traffic Safety Grant that provides funding to support education and enforcement for primary collision factors, impaired drivers, and Specialized enforcement operations like Pedestrian Safety, Motorcycle Safety, and other nationwide awareness campaigns for roadway users safety.
	309 Total			**0**	**240,000**			
209	312	Health (General)	Health Housing, and Community Services		2,377		California Home Visiting Program	Appropriate funding Increasing California Home Visiting Program budget to full grant award.
	312 Total			**0**	**2,377**			
210	315	Mental Health Services Act	Health Housing, and Community Services		205,662		BHCIP Capital Improvement match for MH Services	Appropriate funding to fund match for BHCIP capital improvement application for Mental Health services at 2636 MLK Jr. MHSA FY26 update Resolution #71,914
211	315	Mental Health Services Act	Health Housing, and Community Services		82,000		MH-SAHA lease CT# 109674-1 (FUND$ 10271)	Appropriate funding for rent payment for Mental Health-SAHA lease Contract# 109674-1.
212	315	Mental Health Services Act	Health Housing, and Community Services		437,500		Alameda County Behavioral Health Care Services (ACBHCS)	Appropriate fund for Contract No.32200130 Amendment - Alameda County Behavioral Health Care Services (ACBHCS) for Wellness Center located at 1909 University Avenue
	315 Total			**0**	**725,162**			
213	316	Health (Short/Doyle)	Health Housing, and Community Services		82,000		MH-SAHA lease CT# 109674-1 (FUND$ 10271)	Appropriate funding for rent payment for MH-SAHA lease Contract# 109674-1. Contract amendment scheduled for the 10/14/25 city council meeting.
	316 Total			**0**	**82,000**			
214	318	ABC Grant	Police		16,000		Alcoholic Beverage Control Grant	Appropriate fund for FY 26 Alcohol Beverage Control (ABC) Grant to educate Alcohol sellers, community members, and provide funding for overtime enforcement of Alcoholic Beverage sales laws.
	318 Total			**0**	**16,000**			
215	320	Sr. Nutrition (Title III)	Health Housing, and Community Services		20,561		AAA C1 Congregate Meals Grant	FY26 Approved budget: C1 Congregate Meals
216	320	Sr. Nutrition (Title III)	Health Housing, and Community Services		11,154		AAA C2 Meals on Wheels Grant	FY26 Approved budget: C2 Meals on Wheels
	320 Total			**0**	**31,715**			
217	321	C.F.P. Title X	Health Housing, and Community Services		120,000	HHPTIX2401	Title X Grant	Appropriate Reinstated Title X Grant Funding
	321 Total			**0**	**120,000**			

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
218	326	Alameda County Grants	Health Housing, and Community Services		160		MSA Tobacco Master Settlement Grant	Appropriate Increase funding to full allocation. FY26 Resolution #71,765
	326 Total			**0**	**160**			
219	327	Sr. Supportive Social Services	Health Housing, and Community Services		49,130		AAA I&A Information & Assistance Grant	Appropriate funding for FY26 Approved budget: I&A Information & Assistance grant
	327 Total			**0**	**49,130**			
220	328	Family Care Support Program	Health Housing, and Community Services		50,805		AAA FCA Family Caregiver Support Program Grant	Appropriate funding for FY26 Approved budget: FCA Family Care
221	328	Family Care Support Program	Health Housing, and Community Services		13,629		AAA SCA Senior Center Activities Grant	Appropriate funding for FY26 Approved budget: SCA Senior Center Activities
	328 Total			**0**	**64,434**			
222	331	Housing Mitigation	Health Housing, and Community Services		1,853		HTF Rehab loans	Appropriate funding for Housing Trust Fund Request for Proposal reservations for Adeline Street Apartments and Ashby Lofts (Reso 71,846). New/pending reservations, with loan closings estimated in November 2025 and early 2026.
223	331	Housing Mitigation	Health Housing, and Community Services	183,479			Small Sites Program funding	Carryover funding for Unallocated FY25 Small Sites Program funds (approved in FY25 budget). Available through an active NOFA.
224	331	Housing Mitigation	Health Housing, and Community Services		1,179,015		2321 Tenth Street project - correcting existing encumbrance	Appropriate funding for 2321 Tenth Street (Reso 71,087). Contract was not fully/correctly encumbered at time of amendment. Corrections pending.
	331 Total			**183,479**	**1,180,868**			
225	333	CalHOME Program	Health Housing, and Community Services		60,000		SDRLP Loans funded with CalHome Reuse Funds	Appropriate funding for FY26 SDRLP Loans (00-CalHome-0018 & 03-CalHome-014), funded with reuse funds revenue previously received.
226	333	CalHOME Program	Health Housing, and Community Services		3,000		SDRLP funds for Placer Title Company	Appropriate funding for title processing of upcoming SDRLP Loans, reuse funds
	333 Total			**0**	**63,000**			
227	334	CSBG	Health Housing, and Community Services		10,700		CSBG Lifelong Contract Adjustment	Appropriate funding for FY26 funds for contract 32500068
	334 Total			**0**	**10,700**			
228	336	One-Time Grant	City Manager		2,800,000		Proposition 47 Cohort 5 Grant Award	Appropriate FY 2026 amount needed from the Proposition 47 Cohort 5 Grant Award from the Board of State and Community Corrections. Resolution: No. 71,963–N.S.
229	336	One-Time Grant	City Manager		40,000			Appropriate funds for C4AA unspent contract balance

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
230	336	One-Time Grant	Police		34,000		BSCC Wellness and Mental Health Grant	Appropriate funds for the Boars of State and Community Corrections (BSCC) Wellness and Mental Health Grant
231	336	One-Time Grant	Police		101,783		CHP Cannabis Tax Fund Grant	Appropriate fund for FY 26 Cannabis Grant California Highway Patrol grant funding for education and enhanced overtime enforcement for impaired driving and collision reduction funded by the Cannabis tax.
232	336	One-Time Grant	Parks, Recreation, and Waterfront	3,964,670		PRWPK21012	Santa Fe Right-of-Way	Carry over Grant funding for Santa Fe Right-of-Way project
233	336	One-Time Grant	Parks, Recreation, and Waterfront	964,158		PRWWF24002	Berkeley Pier w/Ferry Access Project	Carryover WETA funds for design of project.
234	336	One-Time Grant	Fire Department		151,500	FDCCG26	CalFire (State) Grant County Coordinator	Appropriate funding for CAL FIRE County Coordinator Grant Award to fund for a County Coordinator Position that serves as a county-wide liaison to lead the efforts for wildfire safety, concerns and issues.
235	336	One-Time Grant	Fire Department		87,600	FDCAD26	Alameda County Sheriff's Office (CAD to CAD)	Appropriate funding for Alameda County Sheriff's Grant Award to fund CAD to CAD interface between the City of Berkeley's Emergency Communications Center and the Alameda County Regional Dispatch Center.
236	336	One-Time Grant	Fire Department		335,667	FDRAP26	CAL FIRE (State) Grant Residence Assistance Program (RAP)	Appropriate new funding from Cal Fire for Berkeley Hills Defensible Space Resident Assistance Program
237	336	One-Time Grant	Public Works	328,023			SB1383 Local Assistance Grant	Carryover funds for SB1383 Local Assistance Grant program
238	336	One-Time Grant	Public Works	174,290		PWENBM2503	PSB HVAC elect. heat pump replacement	Carryover funds for PSB HVAC elect. Pump replacement Project
239	336	One-Time Grant	Public Works	122,613		PWFMEL2401	RRFB at Shattuck and Berkeley Way	Carryover funds for RRFB at Shattuck= and Berkeley Way
	336 Total			**5,553,754**	**3,550,550**			
240	340	FEMA	Fire Department		14,485	FDFAFG22	FEMA FY22 AFG Grant	Grant award remaining for Federal Amount ($763,363.36) to fund two positions (Nutritional Health Specialist and Behavioral Health Specialist) in support of Fire's NFPA 1582/1583 to provide medical and behavioral health support for Firefighters.

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
241	340	FEMA	Fire Department	4,321		FDFAFG22	FEMA FY22 Assistance to Firefighters Grant (AFG)	Carryover funding to fund two positions (Nutritional Health Specialist and Behavioral Health Specialist) in support of Fire's NFPA 1582/1583 to provide medical and behavioral health support for Firefighters.
242	340	FEMA	Fire Department		517,150	FD25SAFER	FEMA FY24 SAFER (Staffing) Grant- Wages	Appropriate funding for SAFER Grant Salaries for (9) Firefighters, year 2. These positions are required to address the standards of coverage for critical incidents.
243	340	FEMA	Fire Department	265,559		FD25SAFER	FEMA FY24 SAFER Grant-Benefits	Carryover funding for SAFER Grant Benefits for (9) Firefighters, year 2. These positions are required to address the standards of coverage for critical incidents.
	340 Total			**269,880**	**531,635**			
244	344	CALTRANS	Public Works	8,637			Various	Carryover funds for unallocated account that has funding for multiple projects.
	344 Total			**8,637**	**0**			
245	501	Capital Improvements	Parks, Recreation, and Waterfront	250,000		PRWCP25002	Cazadero Riverbed Erosion	Carryover Funds for Cazadero Riverbed Erosion
246	501	Capital Improvements	Parks, Recreation, and Waterfront	95,529		PRWPK25004	James Kenney Restroom	Carryover Funds for James Kenney Restroom
247	501	Capital Improvements	Parks, Recreation, and Waterfront	50,000		PRWT122005	Tom Bates Restroom/Community Space	Carryover Funds for Tom Bates Restroom/Community Space Project
248	501	Capital Improvements	Parks, Recreation, and Waterfront	33,454		PRWT122013	D and E Dock Replacement	Carryover Funds for D and E Dock Replacement
249	501	Capital Improvements	Parks, Recreation, and Waterfront	16,023		PRWWF20011	South Cove West Parking	Carryover Funds for South Cove West Parking
250	501	Capital Improvements	Parks, Recreation, and Waterfront	127,029		PRWWF24007	B&C Restroom ADA Improvements	Carryover Funds for B&C Restroom ADA Improvements
251	501	Capital Improvements	Parks, Recreation, and Waterfront	17		PRWT122001	MLK Jr Youth Services	Carryover Funds for MLK Jr Youth Services
252	501	Capital Improvements	Public Works	127,318		PWENCB2105	2nd Street STAIR Center ADA	Carryover fund for the 2nd Street STAIR Center ADA project
253	501	Capital Improvements	Public Works	99,239		PWENCB2310	EBCE Solar & Storage at FS#3	Carryover fund for the EBCE Solar & Storage at FS#3 project
254	501	Capital Improvements	Public Works	60,000		PWTRPK2501	Tier 1 funding from council for BART bike shop.	Carryover fund for the BART Bikeshop Project

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
255	501	Capital Improvements	Public Works	210,000			Tier 1 CBR- Vision Zero Rapid and Tier 1 CBR Pedestrian Safety	Carryover fund for the Vision Zero and Pedestrian Safety
256	501	Capital Improvements	Public Works	194,103		PWENBM2501	2180 Milvia Stairwell Tower	To complete 2180 Milvia Stairwell Tower projects.
257	501	Capital Improvements	Public Works	62,618		PWTRTC2301	Claremont/Eton and Claremont/Russell	To complete Claremont/Eton and Claremont/Russell projects.
258	501	Capital Improvements	Public Works	153,175		PWENBM2506	2180 Milvia Carpet Replacement-2nd Floor	To complete 2180 Milvia Carpet Replacement-2nd Floor projects.
259	501	Capital Improvements	Public Works	23,841		PWENBM2311	NBSC Upgrades - Kitchen Data	To complete NBSC Upgrades - Kitchen Data projects.
260	501	Capital Improvements	Public Works	4,791,937		PWENST2501	FY25 Street Rehab Project	To complete FY25 Street Rehab Project
261	501	Capital Improvements	Public Works	121,818		PWENBM2203	PSB Bicycle Bunker Roof Repair	To complete PSB Bicycle Bunker Roof Repair projects.
262	501	Capital Improvements	Public Works	925,397		PWENEN2001	Corp Yard EV Project	To complete council assigned project. Mayor's supplemental budget recommendations. Excess Property Transfer Tax. And FY 2022 Budget Referral - balance of deferral from FY 2021 ($300k).
263	501	Capital Improvements	Public Works	6,895		PWENCB2311	Civic Center Vision & Imp Plan Ph2	To make payments to contractor for Civic Center Vision & Imp Plan Ph2 project
264	501	Capital Improvements	Public Works	38,540		PWENUD2501	UUD #48 Undergrounding FY26 Increase	Carryover fund for UUD #48 Undergrounding project
265	501	Capital Improvements	Public Works	383,267		PWT1ST2202	T1 Phase 2 Bollards	Carryover funds to complete T1 Phase 2 Bollards Project
266	501	Capital Improvements	Public Works	246,462		PWT1CB2205	Fire Station #6	To complete Fire Station #6 projects.
267	501	Capital Improvements	Public Works	201,566		PWT1CB2204	Fire Station #2	To complete Fire Station #2 projects.
268	501	Capital Improvements	Public Works	15,000		PWENUD2501	UUD #48 Undergrounding FY26 Increase	To complete Undergrounding Project to be completed by midyear.
	501 Total			**8,233,228**	**0**			
269	506	Meas M - St and Wtrshd Imprv	Public Works	367		PWENSD2305	Strawberry Creek Culvert Repairs	Appropriate funding for Strawberry Creek Culvert Repairs project
270	506	Meas M - St and Wtrshd Imprv	Public Works		7,633	PWENSD2305	Strawberry Creek Culvert Repairs	Appropriate funding for Strawberry Creek Culvert Repairs project
271	506	Meas M - St and Wtrshd Imprv	Public Works		66,589	PWENSD2305	Strawberry Creek Culvert Repairs	Appropriate funding for Strawberry Creek Culvert Repairs project
	506 Total			**367**	**74,222**			

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
272	511	Meas T1 - Infrastructure	Parks, Recreation, and Waterfront	14,038,439		Various	Various	Carryover FY 2025 capital funding for various PRW capital projects for continuation of projects in FY 2026.
273	511	Meas T1 - Infrastructure	Public Works	349,872		PWT1CB2212	T1 Phase 2 CY Deferred Maintenance	Carryover Funds for various Improvements-Gate, paving, and Fuel Island Deferred Maintenance
274	511	Meas T1 - Infrastructure	Public Works	2,165,317		PWT1CB2203	1947 Center Street Improvements	Carryover Funds for 1947 Center Street Improvements Project Design and Permitting Phase
275	511	Meas T1 - Infrastructure	Public Works	725,785		PWT1CB2205	Fire Station #6 Project	Carryover T1 Funds for Fire Station #6 Design and Permitting Phase
276	511	Meas T1 - Infrastructure	Public Works	115,000		PWT1ST2202	T1 Phase 2 Bollards	Carryover funds from T1 Bollards Project for T1 projects going out to Bid
277	511	Meas T1 - Infrastructure	Public Works	1,133,299		PWT1CB2201	T1 Restrooms in the ROW Project	Carryover funds from T1 Bollards Project for T1 projects going out to Bid
278	511	Meas T1 - Infrastructure	Public Works	1,151,158		PWT1CB2202	Restrooms in the ROW	Carryover funds to complete the Restrooms in the ROW Project
279	511	Meas T1 - Infrastructure	City Manager	56,245			Civic Arts T1 portion	Carryover T1 Project Funds to pay OED invoices.
280	511	Meas T1 - Infrastructure	City Manager		97,755		Civic Arts T1 portion	Appropriate T1 Project Funds to pay OED Invoices
281	511	Meas T1 - Infrastructure	City Manager	272,116			Civic Arts T1 portion	Appropriate T1 Project Funds to pay OED Invoices
282	511	Meas T1 - Infrastructure	Public Works	1,222,619		PWT1CB2204	Fire Station #2	Carryover funds to complete the Fire Station #2 project currently in the construction phase
283	511	Meas T1 - Infrastructure	Public Works	4,690,638		PWT1CB2203	South Berkeley Senior Center	Carryover funds to reallocate to other T1 Projects that need more funding
284	511	Meas T1 - Infrastructure	Public Works	97,971		PWT1CB2210	Corp Yard Wash station	Carryover funds to reallocate to other T1 Projects that need more funding
285	511	Meas T1 - Infrastructure	Public Works	2,047,963		PWT1CB2210	Corp Yard -Bldg. B	Carryover funds to reallocate to other T1 Projects that need more funding
286	511	Meas T1 - Infrastructure	Public Works	719,260		PWT1CB2211	Corp Yard -Bldg. H	Carryover funds to reallocate to other T1 Projects that need more funding
287	511	Meas T1 - Infrastructure	Public Works	51,416		PWT1CB2207	Telegraph/Channing Garage Restroom	Carryover funds to reallocate to other T1 Projects that need more funding

FY 2025 Unencumbered Carryover and FY 2026 Adjustments (AAO#1) Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
	511 Total			**28,837,098**	**97,755**			
288	512	Measure O - Affordable Housing	Health Housing, and Community Services		20,000,000		North Berkeley BART phase 1 projects	Appropriate funding for North Berkeley BART development loans (Reso 71,428). Total development funding reservation = $21.5M, including $20M in Measure O. Phase 1 projects are pursuing state funding; if successful, will need to encumber remaining development funds by March 2026
289	512	Measure O - Affordable Housing	Health Housing, and Community Services		8,176,509		St. Paul Terrace development loan	Appropriate funding for St. Paul Terrace development loan (Resos 70,407 & 71,549). Estimated loan closing in November.
290	512	Measure O - Affordable Housing	Health Housing, and Community Services		2,167,104		Ephesian Legacy Court development loan	Appropriate funding for Ephesian Legacy Court development loan (Reso 70,889) - Estimated loan closing in early 2026, pending tax credit award.
	512 Total			**0**	**30,343,613**			
291	514	Fire Admin Training Building	Fire Department		4,500,000		Fire Dept HQ Escrow Account	Fire Dept HQ Escrow Account entry to record draws #4 and #5 transfers. Escrow account for fund 514 was set up and $15M has been transferred as follows: $7.5 M from Measure FF and $7.5M from a Bond Measure.
	514 Total			**0**	**4,500,000**			
292	601	Zero Waste	Public Works		1,640,194		Vehicle Replacement baseline shortfall	Appropriate funds for Vehicle replacement shortfall
293	601	Zero Waste	Public Works		125,000		New Side Dump Trailer for Transfer Station	Appropriate funds needed to avoid further damage to current tractor trailer trucks
294	601	Zero Waste	Public Works		420,798		Rear Loaders Amortization shortfall	Appropriate funds for amortization shortfall 7 rear loaders
295	601	Zero Waste	Public Works		1,000,000	PWZWCB2301	Transfer Station Underground Fuel Storage Tank Removal	To restore funding removed from FY 2026 budget
296	601	Zero Waste	Public Works	1,000,000		PWENST2501	Street Rehab FY25	To continue the project into the construction phase
297	601	Zero Waste	Public Works	271,237		PWENST2401	Street Rehab FY 2024	To complete the project
	601 Total			**1,271,237**	**3,185,992**			
298	606	Marina- Coastal Conservancy	Parks, Recreation, and Waterfront	1,270,733		PRWWF20011	South Cove Parking	Carryover Funds for South Cove Parking Lot
299	606	Marina- Coastal Conservancy	Parks, Recreation, and Waterfront	1,700,294		PRWWF23004	State Coastal Conservancy (SCC) Grant	Carryover fund for State Coastal Conservancy Grant program
300	606	Marina- Coastal Conservancy	Parks, Recreation, and Waterfront	142,022		PRWWF24002	Berkeley Pier w/Ferry Access Project	Carryover State Coastal Conservancy funds for design of project.

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
301	606	Marina- Coastal Conservancy	Parks, Recreation, and Waterfront	385,000		PRWWF24006	Marina Blvd Shoreline Resiliency	Carryover State Coastal Conservancy funds for conceptual planning of project.
	606 Total			**3,498,049**	**0**			
302	608	Marina OPE	Parks, Recreation, and Waterfront	641,714			Various	Carryover FY 2025 capital funding for various PRW capital projects for continuation of projects in FY 2026.
303	608	Marina OPE	Parks, Recreation, and Waterfront	15,123			Landscaping/Routine Maintenance	Carryover for various PRW Landscape/Maintenance Projects
304	608	Marina OPE	Parks, Recreation, and Waterfront	3,793			CCP Restroom Project	Carryover FY 2025 capital funding for various PRW capital projects for continuation of projects in FY 2026.
305	608	Marina OPE	Parks, Recreation, and Waterfront	3,793			CCP Pathway Project	Carryover to complete consultant services.
306	608	Marina OPE	Parks, Recreation, and Waterfront		3,400		Memorial bench donation	Adjustment to spend donated funds for memorial benches at the Waterfront. Expenditure is fully offset by revenue from donations.
307	608	Marina OPE	Parks, Recreation, and Waterfront		10,260		Addt'l Marina Fund (from GF)	Appropriate Addt'l Marina Fund (from GF) to address fund deficit per Mayor's Supplemental budget recommendation
308	608	Marina OPE	Parks, Recreation, and Waterfront		201,000		Addt'l Marina Fund (from GF)	Appropriate Addt'l Marina Fund (from GF) fund deficit per Mayor's Supplemental budget recommendation
	608 Total			**664,422**	**214,660**			
309	611	Sanitary Sewer	Public Works	118,806			Carryover for unallocated account that has funding for one project.	Carryover funds to complete one Sanitary Sewer Project
310	611	Sanitary Sewer	Public Works		5,789,850		Sanitary Sewer Rehabilitation(SSR) Project # 1	Appropriate funding for Sanitary Sewer Rehabilitation Rehab Project # 1 project
311	611	Sanitary Sewer	Public Works		6,669,218		Sanitary Sewer Rehabilitation(SSR) Project # 2	Appropriate funding for Sanitary Sewer Rehabilitation Rehab Project # 2 project
312	611	Sanitary Sewer	Public Works		2,354,156		Rehabilitate sewer main lines	Appropriate funds for Rehabilitate Sewer Main Lines Project currently in planning/design phase
	611 Total			**118,806**	**14,813,224**			
313	616	Clean Storm Water	Public Works	28,095		PWENSD2309	Clean Water Program	Carryover Funds for the Clean Water Program-On Hold
314	616	Clean Storm Water	Public Works	2,999,287		PWENSD2501	West Berkeley Aquatic Parks SD	Carryover funds to complete West Berkeley Aquatic Park SD
315	616	Clean Storm Water	Public Works	240,000		PWT1ST2202	T1 Phase 2 Bollards	Carryover funds to complete T1 Phase 2 Bollards Project
316	616	Clean Storm Water	Public Works	915,943		PWENSD2308	MRP Trash Capture FY2023	Carryover funds to complete the MRP Trash Capture FY2023 Project

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
317	616	Clean Storm Water	Public Works	768,390		PWENSD2201	Stormwater Master Plan	Carryover funds to complete the Stormwater Master Plan Project
318	616	Clean Storm Water	Public Works	455,167	1,949,864	PWENST2302	Wildcat Canyon Road Repairs	Carryover funds to complete Wildcat Canyon Road Repairs project
319	616	Clean Storm Water	Public Works	1,125,000		PWENST2501	Street Rehab FY25	Carryover funds to complete Street Rehab FY25 Project
320	616	Clean Storm Water	Public Works		7,718	PWENRW2301	Retaining Wall & Storm Drain Repair	Carryover funds to complete Retaining Wall and Storm Drain Repair Project
	616 Total			**6,531,882**	**1,957,582**			
320	621	Permit Services	Public Works	10,247		PWENBM2504	Planning Dept Outlet	Carryover funding to complete Planning Dept Outlet Project
	621 Total			**10,247**	**0**			
321	627	Off Street	Public Works	451,096		PWENCB2001		Carryover for Telegraph/Channing Elevator Upgrade
322	627	Off Street	Public Works	393,626		PWENCB2001		Carryover for Telegraph/Channing Elevator Upgrade
323	627	Off Street	Public Works		57,470	PWENCB2001		Carryover for Telegraph/Channing Elevator Upgrade
	627 Total			**844,722**	**57,470**			
324	671	Equipment Replacement	Public Works		678,030		Fire engines and aerial trucks debt service payment	Debt service payment for the purchase of three fire engines and two aerial fire trucks. Approved per Council Res. No. 71,440-N.S. dated 07/09/2024.
325	671	Equipment Replacement	Public Works		1,000,000		Operating Expenses	Appropriate funding for operating expenses for collisions/unanticipated expenses
326	671	Equipment Replacement	Public Works	9,729			To replenish Fund -EV Charger Installation-4 L2 @ 2640 MLK, 1 Bolivar, 2939 Ellis, & 2029 Berkeley	Carryover funds for EV Charge Installation @ 2640 MLK, 1 Bolivar, and 2939 Ellis, & 2029 Berkeley Way. Project currently in planning/design phase
327	671	Equipment Replacement	Public Works	2,000		PWENEN0201	To replenish Fund - EV Charger Installation-4 L2 @ 2640 MLK, 1 Bolivar, 2939 Ellis, & 2029 Berkeley	Carryover funds for EV Charge Installation @ 2640 MLK, 1 Bolivar, and 2939 Ellis, & 2029 Berkeley Way. Project currently in planning/design phase
328	671	Equipment Replacement	Public Works		76,785	PWENEN2501	To replenish Fund - EV Charger Installation-4 L2 @ 2640 MLK, 1 Bolivar, 2939 Ellis, & 2029 Berkeley	Appropriate funds for EV Charging Installation @ 2640 MLK, 1 Bolivar, and 2939 Ellis, & 2029 Berkeley Way. Project currently in planning/design phase work to begin soon.

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
329	671	Equipment Replacement	Public Works	40,695		PWENEN2502	To replenish Fund - EV Charger Installation-4 L2 @ 2640 MLK, 1 Bolivar, 2939 Ellis, & 2029 Berkeley	Carryover funds for EV Charging Installation @ 2640 MLK, 1 Bolivar, and 2939 Ellis, & 2029 Berkeley Way. Project currently in planning/design phase
330	671	Equipment Replacement	Public Works		169,738	PWENEN2503	To replenish Fund -EV Charger Installation- 10 L2, 13 DC slow, 3 DC Fast Corp Yard	Appropriate funds for EV Charging Installation @ Corp Yard. Project currently in planning/design phase
331	671	Equipment Replacement	Public Works		70,535	PWENEN2504	To replenish Fund -EV Charger Installation - 14 L1 & 13 L2 @ Waterfront	Appropriate funds for EV Charging Installation @ Waterfront. Project currently in planning/design phase
332	671	Equipment Replacement	Public Works		607,141		Contracted loan for Fire Vehicle replacement	Appropriate funds for Contracted loan for Fire Vehicle replacement- Transferred in from GF to support public safety/contract/loan
333	671	Equipment Replacement	Public Works		154,341		Contracted loan for Fire Vehicle replacement	Appropriate funding for Contracted loan for Fire Vehicle replacement -Transferred in from GF to support public safety/contract/loan
334	671	Equipment Replacement	Public Works		50,262	PWENEN2503	To replenish Fund -EV Charger Installation- 10 L2, 13 DC slow, 3 DC Fast Corp Yard	Appropriate funds for EV Charger Installation Project currently in planning/design phase
335	671	Equipment Replacement	Public Works		2,281,622		Vehicle Replacement	Appropriate funding for Vehicle Replacement identified in addition to the budgeted amount in FY26.
	671 Total			**52,424**	**5,088,454**			
336	672	Equipment Maintenance	Public Works		1,000,000		Support Operations	Appropriate funds to support operations, collisions/unanticipated expenses.
	672 Total			**0**	**1,000,000**			
337	676	Worker's Compensation	Human Resources		75,000		Return to work consultant/investigations contract	Appropriate funding for a return to work consultant to help support the Workers' Compensation team with complex return to work cases. The consultant will audit the Workers' Compensation program, develop policies and procedures, provide training and consultations for complex cases
	676 Total			**0**	**75,000**			

FY 2025 Unencumbered Carryover and FY 2026 Adjustments (AAO#1) Attachment 2

Item #	Fund #	Fund Name	Department	Recommended Carryover	Recommended Adjustments	Project Number	Description/Project name	Comments/Justification
338	678	Public Liability Fund	City Attorney	920,307				To have funds available to pay Public Liability claims, judgements and outside attorneys fees. CAO is projecting 2-3 Million in public liability costs due within the first half of FY26 pending the final outcomes of several current cases.
	678 Total			**920,307**	**0**			
339	679	Catastrophic Loss Fund	Non-Departmental		5,167,758		FY 2026 Bay Cities Joint Powers Insurance Authority Program Bill	Add additional funds for the FY 2026 Bay Cities Joint Powers Insurance Liability Program Insurance costs
	679 Total			**0**	**5,167,758**			
340	680	IT Cost Allocation	Information Technology		360,000		Copilot monthly license	Appropriate funds to purchase 1,000 copilot monthly licenses to ensuring staff have access to safe AI tools, instead of using others like ChatGPT, Claude, Deepseek, Grok, etc. where they are hosted all over the world.
	680 Total			**0**	**360,000**			
341	784	Telegraph BID	City Manager	72,267			Telegraph BID	Appropriate funding for Telegraph BID
	784 Total			**72,267**	**0**			
342	785	North Shattuck BID	City Manager	15,206			North Shattuck BID	Appropriate funds for North Shattuck BID fund
	785 Total			**15,206**	**0**			
343	801	Rent Stabilization Board	Rent Stabilization Board		500,000		FY26 Adopted Budget	FY26 Adopted Budget by Rent Board omitted from original submission to the City. The allocation is for capital and technology needs, unanticipated expenses
	801 Total			**0**	**500,000**			
	Grand Total			**93,327,606**	**119,513,923**			

Adjustment is a new allocation from fund balance, appropriation of new grant, increase or decrease in grant allocation or any line item budget.

09

Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director of Finance

Subject: Contract No. 32000179 Amendment: Allied Universal Security Service for Citywide Unarmed Security Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000179 with Allied Universal Security Service (formerly First Alarm Security & Patrol, Inc.) for citywide unarmed security services in the amount of $1,000,000 for a new total not to exceed $5,450,000 and extend the contract through June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Funds are available in individual departmental budgets. The increase in the not-to-exceed amount is required to complete the final months of contracted service and anticipated increases in service rates.

CURRENT SITUATION AND ITS EFFECTS

Allied Universal Security Service provides citywide unarmed security services throughout the City at several facilities. Allied Universal has security guards stationed at City Hall located at 2180 Milvia, the Corporation Yard located at 1326 Allston Way, the Transfer Station located at 1201 2nd Street, 1947 Center Street, the Adult Mental Health Clinic located at 2640 Martin Luther King Jr. Way, and at several other locations within the City. Allied Universal's work protects both City staff and residents at these locations. Departments pay for these services through their own funds.

The City's current contract with Allied Universal is set to expire on February 28, 2026. City staff is conducting a public procurement solicitation process during the final months of this contract period and there will not be further extensions past June 2026 without a public procurement. An increase in the not-to-exceed amount is needed to cover the final months of service and anticipated increases.

This supports the City's Strategic Plan Goal to create a resilient, safe, connected, and prepared City.

BACKGROUND

Unarmed security guard services are contracted by the City to perform routine patrol and access control duties at various City facilities on a regularly scheduled basis and occasionally on an ad-hoc basis.

On July 22, 2019, General Services released RFP Specification No. 19-11316-C which closed on August 29, 2019, and garnered six proposal responses. At the conclusion of this process, Allied Universal Security Service (formerly First Alarm Security & Patrol, Inc.) was selected as the most responsive respondent with the highest level of qualification and best value to meet the City's needs and was awarded a contract with a total amount not to exceed $3,550,000. The Library, while a co-participant in the RFP, entered into a separate contract with Allied for its own facilities.

This contract was executed February 28, 2020 and will expire February 28, 2026. We are requesting to extend it through June 30, 2026 to cover time needed for the solicitation and bid process.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities.

RATIONALE FOR RECOMMENDATION

Allied Universal is the City's current contractor for citywide unarmed security services. Extending the City's current agreement is the most cost-efficient method to ensure there are no security service interruptions. This extension will also allow staff time to complete the solicitation process for security services by the end of FY 2026.

ALTERNATIVE ACTIONS CONSIDERED

None. The City does not have trained staff to perform security services where such services are required; therefore, funding service under the existing contract is needed.

CONTACT PERSON

Henry Oyekanmi, Director, Finance, 510-981-7200

Attachment:
1: Resolution

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

CONTRACT AMENDMENT: ALLIED UNIVERSAL SECURITY SERVICE FOR CITYWIDE UNARMED SECURITY SERVICES

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000179 with Allied Universal Security Service (formerly First Alarm Security & Patrol, Inc.) for citywide unarmed security services in the amount of $1,000,000 for a new total not to exceed $5,450,000 and extend the contract through June 30, 2026.

WHEREAS, unarmed security guard services are contracted by the City to perform routine patrol and access control duties at several City locations on a regularly scheduled basis and occasionally on an ad-hoc basis; and

WHEREAS, the City does not have qualified available staff to perform security services; and

WHEREAS, on July 22, 2019, the City released RFP Specification No. 19-11316-C-Reissued for unarmed security services. At the conclusion of this process, Allied Universal Security Service (formerly First Alarm Security & Patrol, Inc.) was selected as the most responsive proposer with the highest level of qualification and best value to meet the City's needs and was awarded Contract No. 32000179; and

WHEREAS, Contract No. 32000179 is set to expire on February 28, 2026; and

WHEREAS, to accommodate the contract's extension and before a new solicitation is completed, additional spending authority in the amount of $1,000,000 is needed to cover anticipated expenditures; and

WHEREAS, funds are available within individual departmental budgets for the extended contractual term.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 32000179 with Allied Universal Security Service (formerly First Alarm Security & Patrol, Inc.) for citywide unarmed security services in the amount of $1,000,000 for a total not-to-exceed amount of $5,450,000 and extend the contract through June 30, 2026.

10

Office of the City Manager

CONSENT CALENDAR
November 18, 2025

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 18, 2025

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 **$8,153,015.64**

PROJECT	Fund	Source	Amount
Public Art Commission for the Berkeley Animal Shelter	148	Cultural Trust	$150,000
Public Art Commission for the South Berkeley Senior Center	148	Cultural Trust	$225,000
Citywide Security Guard Services	636 673 601 608 101 158 136	Bldg. Purchases & Mgmt. Bldg. MTC. Zero Waste Marina Operations Library Tax Mental Health State Aid Measure BB - Paratransit	$656,250 $656,250 $1,031,250 $281,250 $2,250,00 $446,161.73 $106,853.91 $2,250,000
Survey Registered Voters for Potential 2026 Ballot Initiatives	011	CMO	$100,000
Total:			**$8,153,015.64**

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.

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
Henry Oyekanmi, Director, Finance, 510-981-7326

Attachment:
1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 18, 2025
    a. Public Art Commission for the Berkeley Animal Shelter
    b. Public Art Commission for the South Berkeley Senior Center
    c. Citywide Security Guard Services
    d. Survey registered voters for potential 2026 ballot initiatives

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
26-11769-C	Public Art Commission for the Berkeley Animal Shelter	11/19/25	12/18/2025	Contract an Artist to design, fabricate, and install a series of interior and exterior public artworks at the Berkeley Animal Shelter	$ 150,000.00	148-21-208-252-0000-000-446-612990-	CMO/OED/Civic Arts	Mark Salinas Public Art Program Lead x7538
26-11770- C	Public Art Commission for the South Berkeley Senior Center	11/19/25	12/18/2025	Contract an Artist to design, fabricate, and install a series of interior and exterior public art at the South Berkeley Senior Center	$ 225,000.00	148-21-208-252-0000-000-446-612990-	CMO/OED/Civic Arts	Mark Salinas Public Art Program Lead x7539
DEPT. TOTAL					**$375,000**			
26-11771-C	Citywide Security Guard Services	11/19/25	12/18/2025	3 year with two 1-year option (FY2027 - FY30) Citywide Security Guard Services for 1947 Center St., 2180 Milvia St., 1326 Allston Way, 1201 Second St., Waterfront and 199 Seawall Dr., 2090 Kitteridge St , 2940 Benevue Ave, 1170 The Alameda, 1901 Russell St, 1125 University Ave, 2640 MLK Jr. Way, 1901 Hearst Ave	$7,678,015.64 / 5 years and $1,535,603.13 /yearly	636-54-624-697-0000-000-472-612990 - $656,250 & $2,250,000 673-54-624-697-0000-000-472-612990- $656,250 & $2,250,000. 601-54-627-734-3023-000-472-612990 - $1,031,250. 608-52-544-590-0000-000-472-612990 - $281,250. 158-51-503-520-0000-000-451-612990 - $446,161.73 136-51-505-542-2038-000-444-612990 $106,853.91	Finance	Aundra Richards 510-981-7324
DEPT. TOTAL					**$ 7,678,015.64**			
26-11772-C	Survey Registered Voters for Potential 2026 Ballot Initiatives	11/19/25	1/20/2026	Survey registered voters to determine public opinion about revenue and other measures that may be considered for the November 2026 ballot	$ 100,000.00	011-21-201-000-0000-000-412-612990	City Manager's Office	David White 510-981-7012
DEPT. TOTAL					**$ 100,000.00**			
TOTAL					**$ 8,153,015.64**			

11

Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David Sprague, Fire Chief

Subject: Purchase Order: Blaisdell's Business products for office furniture and equipment for Fire Headquarters

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to issue purchase orders with Blaisdell's Business Products for the purchase of miscellaneous office supplies, small equipment and office furniture for Fire Headquarters using the Omnia Partners Region 4 ESC Contract No. R190301 for an amount not to exceed $1,500,000 through May 31, 2026, with the option of one (1) single-year extension if the Omnia contract is extended.

FISCAL IMPACTS OF RECOMMENDATION

Funding for will come from Measure FF (Fire and Emergency Services) and UC Settlement funds.

CURRENT SITUATION AND ITS EFFECTS

Blaisdell's continues to offer the City competitive prices, especially by piggybacking off of the Omnia Partners agreement which gives the benefit of economy of scale. Having one company also makes it more efficient to track budgets and purchases citywide.

BACKGROUND

The Fire Department is planning to move into the first building of the new Headquarters in late February 2026 and the rest of the buildings by mid-2026. The Department is developing plans to furnish them and Blaisdell's is a local vendor that is well positioned to help provide this service. The existing Blanket Purchase Order the city has with Blaisdell's is not of sufficient size to accommodate this project.

On June 1, 2019, Region 4 concluded Contract No. R190301 for office supplies with Epic Business Essentials. Epic Business Essentials is a cooperative of independent local suppliers of office products and services and Blaisdell's Business Products is one of the cooperative members. By piggybacking off of Region 4 Contract, the City will secure office supplies' most advantageous prices over the next two years and, at the same time, add service value as a result of a long-term partnership with Blaisdell's Business Products.

RATIONALE FOR RECOMMENDATION

On September 16, 2025, the Finance Department brought an item to Council requesting an increase to Blaisdell's Blanket Purchase Order after researching the market and analyzing City's current and future requirements for office supplies. They selected Blaisdell's Business Products as the best option to fulfill City needs. It was determined that piggybacking off Omnia Partners Region 4 ESC Contract No. R19030 would be the best sourcing method since it would afford the City cost savings deriving mainly from the economies of scale of a large purchasing consortium. Since the General Services evaluation was performed less than two months prior, it remains relevant and applies to this project.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Omnia Partners Region 4 ESC awarded Contract No. R190301 through an RFP and the criteria adopted to secure responsiveness and responsibility of proposers included an evaluation of green or sustainability programs and social diversity initiatives. Moreover, Blaisdell's Business Solution displays a particular focus on sustainability which is corroborated by the following certifications: Certified Woman-Owned Business Enterprise, Certified member of the California Green Business Network of Alameda County, BBB Accredited Business. Specifically, to the City of Berkeley, Blaisdell's Business Solution supported the implementation of the City's Environmentally Preferable Purchasing through an established re-use and recycle program.

ALTERNATIVE ACTIONS CONSIDERED

The alternative considered was to conduct a formal bid solicitation. However, after researching the market, assessing departmental needs and considering transaction and eventual transition expenses, it was found that costs and risks of an RFP outweigh the benefits of piggybacking off the Region 4 Contract. A City RFP on its own will not improve pricing because of lack economies of scale.

CONTACT PERSON

David Sprague, Fire Chief, 510-981-3473

Attachments:
1: Resolution

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

PURCHASE ORDER: BLAISDELL'S BUSINESS PRODUCTS FOR OFFICE FURNITURE AND EQUIPMENT FOR FIRE HEADQUARTERS

WHEREAS, the Fire Department is moving into a new Fire Headquarters and City Emergency Operations Center; and

WHEREAS, as part of that project, the City must purchase office furniture and small equipment to furnish the facility, and

WHEREAS, City Council Resolution No. 69,313-N.S. authorized the City Manager to piggyback off the Omnia Partners Region 4 ESC awarded Contract No. R190301 for the issuance of Purchase Orders to Blaisdell's Business Products for the purchase of office supplies, small equipment and office furniture to conduct daily activities; and

WHEREAS, Omnia Partners Region 4 ESC awarded Contract No. R190301 allows the City to secure office supplies, printing paper, small equipment and office furniture at most advantageous prices and, at the same time, adds service value as the result of a long-term partnership with Blaisdell's Business Products.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or designee, is authorized to issue purchase orders with Blaisdell's Business Products for the purchase of miscellaneous office supplies, small equipment and office furniture for Fire Headquarters using the Omnia Partners Region 4 ESC Contract No. R190301 for an amount not to exceed $1,500,000 through May 31, 2026, with the option of one (1) single-year extension if the Omnia contract is extended.

12

Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing & Community Services

Subject: Golden Bear Homes Partnership Transfer

RECOMMENDATION

Adopt a resolution:

1. Approving the transfer of the Managing General Partner role for Golden Bear Homes, LP from Bay Area Community Services (BACS) to Hearthstone Housing Foundation (Hearthstone); and
2. Approving BACS' assignment and Hearthstone's assumption of BACS' obligation under the loan and regulatory agreements for Golden Bear Homes; and
3. Authorizing the City Manager or designee to execute all original or amended documents to effectuate this action.

CURRENT SITUATION AND ITS EFFECTS

Memar Properties, Inc (MPI) is seeking City approval to change the ownership partnership of Golden Bear Homes, a City-funded Homekey project. Golden Bear Homes, LP is currently made up of MPI (as the administrative general partner) and BACS (as the Managing General Partner), with MPI providing property management and operational support, and BACS providing compliance oversight and supportive services to residents. BACS is interested in increasing organizational capacity for other existing and upcoming projects and intends to exit the partnership.

MPI identified Hearthstone as their preferred replacement partner. Hearthstone is a nonprofit organization that has operated since 1992. It has managed a total of 270 rental projects in its organizational lifetime. Hearthstone's current portfolio includes 177 low-income rental housing projects, including many Homekey projects that serve Extremely Low-Income households. The majority serve formerly homeless households, people with disabilities, or senior households. Hearthstone currently manages 11 rental projects in the Greater Bay Area and 3 rental projects in Alameda County, one of which is a Homekey project.

Hearthstone will be responsible for securing welfare exemption from the County annually and overseeing compliance with all regulatory agreements. Additionally, on-site wraparound supportive services for the 43 formerly homeless individuals, previously

provided by BACS, will be provided by the Housing Consortium of the East Bay (HCEB). HCEB is partnering with MPI on University Homes, which is also a Homekey project, and manages 7 other projects serving very low-income and vulnerable populations in the Greater Bay Area. Both Hearthstone and HCEB are qualified to step into their proposed roles at Golden Bear Homes.

Since Golden Bear Homes received funding from the State of California Housing and Community Development's (HCD) Homekey program, HCD will also need to approve the change in ownership. Pending City and HCD approval, MPI estimates the transfer can happen within a few months (likely early 2026). Health, Housing, and Community Services staff will work with the Golden Bear Homes team on the transfer and amending City documents to reflect the updated partnership.

FISCAL IMPACTS OF RECOMMENDATION

There are no expected fiscal impacts. The City entered into a loan agreement with Golden Bear Homes, LP for $8.46 million in capital and operations subsidy funding to support the project. Currently, there are no expected additions to this loan.

BACKGROUND

On December 14, 2021, Council approved three resolutions (70,136- N.S., 70,137- N.S., and 70,138 – N.S.) reserving $8,463,535 in affordable housing funds for the Golden Bear Homes permanent supportive housing project at 1620 San Pablo as proposed by a partnership between MPI and BACS. These resolutions also authorized City staff to take actions needed for the City's participation in the State of California's HCD Homekey program, including entering into standard agreement with the HCD. The reservation described came from City affordable housing funds, including general funds received pursuant to Measure P, and Permanent Local Housing Allocation funds.

Golden Bear Homes, LP completed an initial phase of rehab focused on accessibility upgrades in December 2022 and achieved full occupancy in January 2023. The team recently completed the second and final phase of construction work, including landscaping and installation of a modular unit with community and services space.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There will be no environmental impacts related to the transfer, and the project will remain as housing for homeless adults.

RATIONALE FOR RECOMMENDATION

Golden Bear Homes, in its current configuration, is no longer compatible with BACS' organizational priorities. Transferring the Managing General Partner role to Hearthstone, whose mission includes prioritizing housing and providing supportive services to homeless, will support the ongoing operation of Golden Bear Homes as permanent supportive housing for formerly homeless adults.

ALTERNATIVE ACTIONS CONSIDERED
None considered.

CONTACT PERSON
Kelly deWolfe, Community Development Project Coordinator, HHCS, (510) 981-5424

Attachment:
1: Resolution

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

AUTHORIZING THE OWNERSHIP TRANSFER OF GOLDEN BEAR HOMES, LP FROM BAY AREA COMMUNITY SERVICES TO HEARTHSTONE HOUSING FOUNDATION

WHEREAS, in 2021, the City of Berkeley (City) provided a development loan to Golden Bear Homes, LP to acquire and rehabilitate Golden Bear Homes, located at 1620 San Pablo Ave, Berkeley, CA, and operate the property as permanent supportive housing for formerly homeless individuals; and

WHEREAS, Golden Bear Homes, LP is comprised of Memar Properties, Inc. (MPI) as the administrative general partner providing property management and operational support and Bay Area Community Services (BACS) as the Managing General Partner providing compliance oversight and supportive services; and

WHEREAS, BACS is interested in increasing its organizational capacity for existing and upcoming projects and wishes to exit Golden Bear Homes, LP; and

WHEREAS, in early 2025, MPI began exploring the option to transfer the Managing General Partner role of Golden Bear Homes to another entity with the experience and mission to provide housing with supportive services to extremely low-income households; and

WHEREAS, in July 2025, MPI submitted a letter to the City requesting transfer of the Managing General Partner for Golden Bear Homes, LP from BACS to Hearthstone Housing Foundation (Hearthstone) with supportive services provided by Housing Consortium of the East Bay; and

WHEREAS, the City's existing Development Loan Agreement with Golden Bear Homes, LP requires City approval of any transfers, including partnership transfers.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City approves the transfer of the Managing General Partner role for Golden Bear Homes, LP from BACS to Hearthstone Housing Foundation.

BE IT FURTHER RESOLVED that the Council approves BACS' assignment and Hearthstone Housing Foundation's assumption of BACS' obligations under the loan agreement and regulatory agreement for Golden Bear Homes.

BE IT FURTHER RESOLVED the City Manager, or designee, is hereby authorized to execute all original or amended documents or agreements to effectuate this action; a signed copy of said documents, agreements, and any amendments will be kept on file in the Office of City Clerk.

13

Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing & Community Services

Subject: Contract No. 104289-1 Amendment: Jackson & Coker for Locums Tenens Psychiatrists

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 104289-1 with vendor Jackson & Coker Locum Tenens, LLC to provide locum tenens psychiatrists in an amount of $500,000 for a not to exceed amount of $1,464,480 through June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the scope of work in the amount of $500,000 are currently available in the Fiscal Year 2026 budget in Health (Short/Doyle) Fund 316.

CURRENT SITUATION AND ITS EFFECTS

This service provides a safety net for consumers when the Mental Health Division's Adult Mental Health Clinic experiences a shortage of staff allowed to prescribe medication. This contract amendment will allow intermittent usage of locum tenens medication services through Jackson & Coker Locum Tenens, LLC to ensure clients have access to medication. Locum tenens are licensed and qualified Psychiatrists or Psychiatric Nurse Practitioners who have a temporary placement at the contracting facility. The Mental Health Division is planning to submit a Request for Proposals for this service before the end of the fiscal year and is requesting to amend this contract to add sufficient funding to continue providing this service while that process takes place.

BACKGROUND

Over the last several years the Mental Health Division has experienced great difficulty in filling vacant positions for staff who can prescribe psychiatric medications. Due to a variety of factors, including the Medi-Cal expansion through the Affordable Care Act, an existing shortage of psychiatrists in the region has been greatly exacerbated. By contracting with a locum tenens, the City is able to provide constant services when there is staffing turnover, long term vacancies or additional short-term staffing needs.

To provide necessary medication prescription and monitoring services while attempting to fill staff vacancies, the City entered into Contract No. 9880 with J&C on March 17, 2015,

for locum tenens services with a contract limit of $24,900. When recruitment efforts did not lead to permanent staffing, contract amendment 9880A increased the contract limit to $49,900 on June 19, 2015. Due to continued staff vacancies and an approaching contract limit, contract amendment 9880B was executed on July 24, 2015, to increase the contract limit to $99,900. Because of ongoing staff shortages, contract amendment 9880C was executed on August 24, 2016, to increase the contract limit to $174,900. When recruitment efforts again did not lead to permanent staffing, on January 2, 2018, contract amendment 9880D (ERMA Contract No. 104289-1) increased the contract limit to $400,000.

Primarily due to staffing shortages throughout the region, and the significant increases in hourly rates for locum tenens psychiatrists, on June 11, 2021, Contract No. 9880E (ERMA Contract No. 104289-1) was executed to increase the amount by $564,480 for a revised contract amount not to exceed $964,480. On August 9, 2022, Contract No. 9880F (ERMA Contract No. 104289-1) was executed to reflect updated provider rates in Exhibit B that matched other local comparable medical providers. On May 16, 2024, the term of the contract was extended to June 30, 2026, all other aspects of the contract remained in full force and effect.

Hourly rates for locum tenens psychiatrists and psychiatric nurse practitioners have increased significantly since this contract was originally executed, due to the staffing shortages throughout the region. This contact amendment increases the contract limit and ensures the City will provide quality mental health care when there are staffing vacancies. The clear desire is to have career staff working in the clinic, but locum tenens capacity is needed to continue to serve our clients with medication during potential vacancies. This amendment will provide sufficient funds to ensure that there will be no interruption in medication services.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, sustainability opportunities, or climate impacts associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Jackson & Coker offers locums tenens that provide psychiatric prescriber services to Medi-Cal, uninsured, disenfranchised, and underserved populations. These services are necessary for the provision of mental health treatment provided by the City. These services will only be utilized during staff shortages and are not a replacement for permanent staffing.

ALTERNATIVE ACTIONS CONSIDERED

The City is required to provide necessary medication prescription and monitoring services for individuals with mental illness. A shorter contract period and a smaller amount of funding were considered, but this would require the Mental Health Division to return with more frequent amendments to this contract over time.

CONTACT PERSON
Jeffrey Buell, Manager of Mental Health Services, (510) 981-7682
Conor Murphy, Associate Management Analyst, HHCS, (510) 981-7611

Attachments:
1: Resolution

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

CONTRACT NO. 104289-1 AMENDMENT WITH JACKSON & COKER FOR LOCUM TENENS PSYCHIATRISTS

WHEREAS, Berkeley Mental Health ("BMH") Division has a successful partnership with Jackson & Coker Locum Tenens, LLC ("J&C"), providing locums tenens psychiatry services for BMH clients; and

WHEREAS, J&C is an essential provider of psychiatry services in Berkeley; and

WHEREAS, J&C offers locum tenens that provide psychiatry services, provided by licensed psychiatrists, to Medi-Cal, uninsured, disenfranchised, and underserved populations; and

WHEREAS, J&C's services support mental health goals of improving the health and well-being of the community during periods of staff shortages; and

WHEREAS, the City of Berkeley entered into Contract No. 9880 with J&C on March 17, 2015, for a term ending on June 30, 2016, for an expenditure contract limit not to exceed $24,900, and

WHEREAS, the City of Berkeley entered into Contract No. 9880A with J&C on June 19, 2015, for an expenditure contract not to exceed $49,900, and extended the term to June 30, 2017; and

WHEREAS, the City of Berkeley entered into Contract No. 9880B with J&C on July 24, 2015, by Resolution No. 67,174-N.S., for an expenditure contract increasing the amount by $50,00 for a revised contract amount not to exceed $99,900; and

WHEREAS, the City of Berkeley entered into Contract No. 9880C with J&C on August 24, 2016, by Resolution No. 67,3034-N.S., for an expenditure contract increasing the amount by $75,00 for a revised contract amount not to exceed $174,900; and

WHEREAS, the City of Berkeley entered into Contract No. 9880D (ERMA Contract No. 104289-1) with J&C on January 2, 2018, by Resolution No. 67,330-N.S., increasing the amount by $225,100 for a revised contract amount not to exceed $400,000; and

WHEREAS, the City of Berkeley entered into Contract No. 9880E (ERMA Contract No. 104289-1) with J&C on June 11, 2021, by Resolution No. 69,721-N.S., increasing the amount by $564,480 for a revised contract amount not to exceed $964,480, and extending the term to June 30, 2024; and

WHEREAS, the City of Berkeley entered into Contract No. 9880F (ERMA Contract No. 104289-1) with J&C on August 9, 2022, by Resolution No. 69,721-N.S., for an expenditure contract limit not to exceed $964,480 was executed to reflect updated provider rates in Exhibit B that matched other local comparable medical providers; and

WHEREAS, funds are currently available in the Fiscal Year 2026 budget in Health (Short/Doyle) Fund 316.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to execute a contract amendment with Jackson & Coker Locum Tenens, LLC for locum tenens psychiatrists through June 30, 2026, in an amount not to exceed $500,000 for a total contract amount not to exceed $1,464,480. A record signature copy of said contract and any amendments to be on file with the Office of the City Clerk.

14

Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Janelle Rodrigues, Director, Human Resources

Subject: Adoption of Side Letter Agreements between the City of Berkeley and the Berkeley Fire Fighters Association (BFFA), Berkeley Fire EMS Professionals Association (BFEMSA), and Berkeley Fire Chief Officers Association (BFOA) to clarify the calculation and reporting of special compensation under CalPERS regulations

RECOMMENDATION

Adopt a Resolution approving Side Letter Agreements between the City of Berkeley and the Berkeley Fire Fighters Association (BFFA), Berkeley Fire EMS Professionals Association (BFEMSA), and Berkeley Fire Chief Officers Association (BFOA) to clarify the calculation and reporting of special compensation under CalPERS regulations.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts of the recommendation. The Side Letter Agreements memorialize and clarify the original intent and current practices of the City in how calculation and reporting of special compensation is conducted.

CURRENT SITUATION AND ITS EFFECTS

This report requests City Council adopt a resolution memorializing the three Side Letter Agreements with the City's Fire Associations to align reporting practices for special compensation with CalPERS regulations. Each Side Letter memorializes the method by which specific incentive and premium pays are reported to CalPERS to ensure ongoing compliance.

The City and its Fire labor groups have collaborated to review CalPERS reporting requirements for specialty and incentive pays. The proposed Side Letters clarify how such compensation is calculated and reported in compliance with Government Code sections 20630, 20636, 7522.34 and related regulations. Specifically, the Side Letter Agreements address, confirm, and clarify that holiday pay was intended to be, has been, and will continue to be utilized in the calculation of regular rate of pay from which other incentive and specialty pay calculations were determined.

BACKGROUND

The City's review of pension reporting practices in collaboration with CalPERS identified a need for clarity regarding special compensation reporting for Fire classifications. These Side Letters confirm alignment with CalPERS' guidance and ensure consistent application across all Fire bargaining units.

The City met and conferred with the BFFA, BFEMSA, and BFOA on each of the agreed upon Side Letters. Thereafter, CalPERS MOU Unit and Compliance Units reviewed and affirmed compliance between the agreements and the regulations, so long as the agreements were memorialized and a resolution adopted by the governing body, together with other administrative implementation requirements.

The parties have agreed to enter into the Side Letters as provided in this resolution and this resolution would support the compliance requirements for the City to provide the specialty compensation and incentive pay as originally intended.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental or climate impacts.

RATIONALE FOR RECOMMENDATION

Adoption of these Side Letters provides regulatory compliance, accuracy in pension reporting, and transparency across labor agreements.

ALTERNATIVE ACTIONS CONSIDERED

No alternatives are recommended. Not approving the resolution could result in continued ambiguity and risk of reporting noncompliance.

CONTACT PERSON

Janelle Rodrigues, Director, Human Resources, 510-981-6807

Attachments:

1: Resolution

Exhibit A: Side Letter Agreement Between the City of Berkeley and the Berkeley Fire Fighters Association Regarding CalPERS Reporting of Special Compensation

Exhibit B: Side Letter Agreement Between the City of Berkeley and the Berkeley Fire EMS Professionals Association Regarding CalPERS Reporting of Special Compensation

Exhibit C: Side Letter Agreement Between the City of Berkeley and the Berkeley Fire Chief Officers Association Regarding CalPERS Reporting of Special Compensation

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

ADOPTING SIDE LETTER AGREEMENTS WITH THE BERKELEY FIRE FIGHTERS' ASSOCIATION, BERKELEYCHIEF OFFICERS ASSOCIATION, AND BERKELEY FIRE EMS PROFESSIONALS' ASSOCIATION REGARDING CALPERS REPORTING OF SPECIAL COMPENSATION

WHEREAS, the City of Berkeley and the Berkeley Fire Fighters Association (BFFA) are parties to a Memorandum of Understanding effective July 1, 2023, through June 30, 2026, and both parties desire to clarify the reporting of special compensation to CalPERS; and

WHEREAS, the City of Berkeley and the Berkeley Fire EMS Professionals Association (BFEMSA) are parties to a Memorandum of Understanding effective July 1, 2023, through June 30, 2026, and both parties desire to clarify the reporting of special compensation to CalPERS; and

WHEREAS, the City of Berkeley and the Berkeley Fire Chief Officers Association (BFOA) are parties to a Memorandum of Understanding effective July 1, 2023, through June 30, 2026, and both parties desire to clarify the reporting of special compensation to CalPERS; and

WHEREAS, each Side Letter Agreement confirms that special compensation shall be calculated and reported in accordance with California Government Code Sections 20630, 20636, and 7522.34 and California Code of Regulations Sections 571 and 571.1; and

WHEREAS, the City Council has reviewed and considered the Side Letter Agreements as presented by the City Manager.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute the Side Letter Agreements with the Berkeley Fire Fighters Association, the Berkeley Fire EMS Professionals Association, and the Berkeley Fire Chief Officers Association.

Exhibits
A: Side Letter Agreement Between the City of Berkeley and the Berkeley Fire Fighters Association Regarding CalPERS Reporting of Special Compensation

B: Side Letter Agreement Between the City of Berkeley and the Berkeley Fire EMS Professionals Association Regarding CalPERS Reporting of Special Compensation

C: Side Letter Agreement Between the City of Berkeley and the Berkeley Fire Chief Officers Association Regarding CalPERS Reporting of Special Compensation

Amendment No. 1
To The
Memorandums of Understanding
Between The
City of Berkeley
And
Berkeley Fire Fighters Association

Effective immediately as of the latest execution date below by either the City of Berkeley (the "City") or Berkeley Fire EMS Professionals Association ("Association") (collectively, the "Parties"), the current Memorandum of Understanding ("MOU") between the Parties effective July 1, 2023 to June 30, 2026, is amended to include the following provision, which is incorporated by reference and given full effect as if originally included in each MOU:

SPECIAL COMPENSATION

For purposes of clarity, the City and the Association hereby confirm, acknowledge, and ratify that all current and former employees covered under this, and prior Agreements will have special compensation calculated and reported to CalPERS as follows:

(1) Special compensation is calculated for all employees covered under this Agreement based on the currently effective pay schedule adopted by the governing body of the City, as revised from time to time and posted on a publicly available pay schedule; and
(2) Special compensation is calculated for all employees covered under this Agreement based on all reportable hours in compliance with Government Code 2 Sections 20630, 20636, 7522.34 and California Code of Regulations Sections 571 and 571.1, as amended, and the guidance issued thereunder; and
(3) In compliance with the above regulations, and for the avoidance of doubt, the parties agree to the following which shall be incorporated into the agreement under Article 2 Section 12 CERTIFICATION, SKILL, AND EDUCATION INCENTIVES:

> *The special compensation listed in this section 11 shall be paid at the indicated rate or percentage of base pay. When a holiday occurs, the employee's regular rate of pay for purposes of calculating the special compensation will include base pay plus the hourly equivalent of holiday pay. Holiday pay will only be included in the pay period in which the holiday is accrued, and some pay periods may not include holiday pay if no holidays occur during that time.*

and;
(4) The above paragraphs #1 through #3 represents the understanding of the Parties for all periods covered by the current and prior Agreements.

EXECUTION

By signing below, I affirm and certify that I am authorized to execute this Amendment on behalf of the represented organization as noted.

CONFIDENTIAL

For the Berkeley Fire EMS Professionals Association:

Name (Printed)

Signature

Date

Title

For the City of Berkeley:

Name (Printed)

Signature

Date

Title

Amendment No. 1
To The
Memorandums of Understanding
Between The
City of Berkeley
And
Berkeley Fire Fighters Association

Effective immediately as of the latest execution date below by either the City of Berkeley (the "City") or Berkeley Fire EMS Professionals Association ("Association") (collectively, the "Parties"), the current Memorandum of Understanding ("MOU") between the Parties effective July 1, 2023 to June 30, 2026, is amended to include the following provision, which is incorporated by reference and given full effect as if originally included in each MOU:

SPECIAL COMPENSATION

For purposes of clarity, the City and the Association hereby confirm, acknowledge, and ratify that all current and former employees covered under this, and prior Agreements will have special compensation calculated and reported to CalPERS as follows:

(1) Special compensation is calculated for all employees covered under this Agreement based on the currently effective pay schedule adopted by the governing body of the City, as revised from time to time and posted on a publicly available pay schedule; and
(2) Special compensation is calculated for all employees covered under this Agreement based on all reportable hours in compliance with Government Code 2 Sections 20630, 20636, 7522.34 and California Code of Regulations Sections 571 and 571.1, as amended, and the guidance issued thereunder; and
(3) In compliance with the above regulations, and for the avoidance of doubt, the parties agree to the following which shall be incorporated into the agreement under Article 2 Section 12 CERTIFICATION, SKILL, AND EDUCATION INCENTIVES:

> *The special compensation listed in this section 11 shall be paid at the indicated rate or percentage of base pay. When a holiday occurs, the employee's regular rate of pay for purposes of calculating the special compensation will include base pay plus the hourly equivalent of holiday pay. Holiday pay will only be included in the pay period in which the holiday is accrued, and some pay periods may not include holiday pay if no holidays occur during that time.*

and;
(4) The above paragraphs #1 through #3 represents the understanding of the Parties for all periods covered by the current and prior Agreements.

EXECUTION

By signing below, I affirm and certify that I am authorized to execute this Amendment on behalf of the represented organization as noted.

CONFIDENTIAL

For the Berkeley Fire EMS Professionals Association:

Name (Printed)

Signature

Date

Title

For the City of Berkeley:

Name (Printed)

Signature

Date

Title

Amendment No. 1
To The
Memorandums of Understanding
Between The
City of Berkeley
And
Berkeley Chief Fire Officers Association

Effective immediately as of the latest execution date below by either the City of Berkeley (the "City") or Berkeley Chief Fire Officers Association ("BFCOA" or "Association") (collectively, the "Parties"), the current Memorandum of Understanding ("MOU") between the Parties effective July 1, 2023 to June 30, 2026, and all prior MOU's between the Parties, including those dated July 1, 2021 to June 30, 2023; July 1, 2020 to June 30, 2021; June 16, 2017 to June 27, 2020; July 1, 2015 to June 17, 2017; June 24, 2012 to June 30, 2015; June 27, 2010 to June 23, 2012; July 2, 2006 to June 26, 2010; July 9, 2000 to July 1, 2006; June 30, 1996 to July 8, 2000; and all other MOUs between the Parties effective prior to June 30, 1996, are amended to include the following provisions, which is incorporated by reference and given full effect as if originally included in each MOU:

SPECIAL COMPENSATION

For purposes of clarity, the City and the Association hereby confirm, acknowledge, and ratify that all current and former employees covered under this, and prior Agreements will have special compensation calculated and reported to CalPERS as follows:

(1) Special compensation is calculated for all employees covered under this Agreement based on the currently effective pay schedule adopted by the governing body of the City, as revised from time to time and posted on a publicly available pay schedule; and
(2) Special compensation is calculated for all employees covered under this Agreement based on all reportable hours in compliance with Government Code 2 Sections 20630, 20636, 7522.34 and California Code of Regulations Sections 571 and 571.1, as amended, and the guidance issued thereunder; and
(3) In compliance with the above regulations, and for the avoidance of doubt, the parties agree to the following which shall be incorporated into the agreement as additions to each corresponding Sections 2.1.9 (Emergency Medical Technician Differential); 2.1.12 (Longevity Pay); 2.3 (Bilingual Premium Pay); 2.8 (Incident Command Systems Certification Pay):

The special compensation listed in this section shall be paid at the indicated rate or percentage of base pay. When a holiday occurs for a member eligible for holiday pay, the employee's regular rate of pay for purposes of calculating the special compensation will include base pay plus the hourly equivalent of holiday pay. Holiday pay will only be included in the pay period in which the holiday is accrued, and some pay periods may not include holiday pay if no holidays occur during that time.

and;
(4) The above paragraphs #1 through #3 represents the understanding of the Parties for all periods covered by the current and prior Agreements.

CONFIDENTIAL

EXECUTION

By signing below, I affirm and certify that I am authorized to execute this Amendment on behalf of the represented organization as noted.

For the Berkeley Chief Fire Officers Association:

_____
Name (Printed)

_____
Signature

_____
Date

_____
Title

For the City of Berkeley:

_____
Name (Printed)

_____
Signature

_____
Date

_____
Title

15

Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Janelle Rodrigues, Director, Human Resources

Subject: Adoption of Side Letter Agreement with Berkeley Police Association to clarify the calculation and reporting of special compensation under CalPERS regulations

RECOMMENDATION

Adopt a Resolution approving the Side Letter Agreement between the City of Berkeley and the Berkeley Police Association (BPA) to clarify and confirm the compounding and reporting of special compensation under CalPERS regulations.

FISCAL IMPACTS OF RECOMMENDATION

Adoption of a Resolution approving the Side Letter Agreement is consistent with current practices to the extent possible and may result in CalPERS compliance corrections to pensionable specialty pay that does not increase City costs.

CURRENT SITUATION AND ITS EFFECTS

This report requests City Council approval of a Side Letter Agreement with the Berkeley Police Association to align the reporting of special compensation with applicable CalPERS regulations. The amendment confirms the compounding methodology for all current and prior MOUs to ensure consistent and accurate pension reporting.

Following CalPERS compliance review, the City and the Berkeley Police Association agreed to amend the Memorandum of Understanding (MOU) to ensure compliance with reporting special compensation, consistent with California Government Code sections 20630, 20636, 7522.34 and related regulations. Adoption of the Side Letter clarifies the City's approach and ensures transparency in compensation reporting.

The City and BPA have collaborated to review CalPERS reporting requirements for specialty and incentive pays and the compounding methodology. The proposed Side Letters clarify how such compensation is calculated and reported in compliance with Government Code sections 20630, 20636, 7522.34 and related regulations. Specifically, the Side Letter Agreements address, confirm, and clarify which specialty and incentive pays are reportable to CalPERS and articulates the methodology for compounding calculations for such pay.

BACKGROUND

The City's review of pension reporting practices in collaboration with CalPERS identified a need to clarify how special compensation items such as educational incentives, bilingual pay, and assignment premiums are compounded and reported to CalPERS. During this review the parties identified discrepancies in pensionable and nonpensionable specialty pays that were reported to CalPERS. This Side Letter corrects and addresses those discrepancies.

The City met and conferred with the BPA regarding the agreed upon Side Letter. Thereafter, CalPERS MOU Unit and Compliance Unit reviewed and affirmed compliance between the agreement and the regulations, so long as the agreement was memorialized and a resolution adopted by the governing body, together with other administrative implementation requirements.

The parties have agreed to enter into the Side Letter as provided in this resolution and this resolution would support the compliance requirements for the City to provide the specialty compensation and incentive pay and compounding as closely as possible to the original intent of the parties. This Side Letter memorializes that understanding and confirms compliance with CalPERS guidance.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental or climate impacts.

RATIONALE FOR RECOMMENDATION

Approval of this Side Letter supports accurate pension reporting, ensures continued compliance with CalPERS requirements, and promotes transparency and consistency in labor agreements.

ALTERNATIVE ACTIONS CONSIDERED

No alternatives are recommended. Not approving the resolution could result in continued ambiguity and risk of reporting noncompliance.

CONTACT PERSON

Janelle Rodrigues, Director, Human Resources, 510-981-6807

Attachments:

1: Resolution

Exhibit A: Side Letter Agreement Between the City of Berkeley and the Berkeley Police Association Regarding Special Compensation Compounding

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

ADOPTING SIDE LETTER AGREEMENTS WITH THE BERKELEY POLICE ASSOCIATION TO CLARIFY THE CALCULATION AND REPORTING OF SPECIAL COMPENSATION UNDER CALPERS REGULATIONS

WHEREAS, the City of Berkeley and the Berkeley Police Association are parties to a Memorandum of Understanding (MOU) effective July 1, 2023 through June 30, 2026; and

WHEREAS, both parties desire to clarify and memorialize how special compensation is calculated, compounded, and reported to CalPERS regarding the current and all prior MOUs; and

WHEREAS, the Side Letter Agreement, attached hereto and incorporated herein, confirms that the compounding and reporting of special compensation complies with California Government Code Sections 20630, 20636, and 7522.34, and the California Code of Regulations Sections 571 and 571.1; and

WHEREAS, the City Council has reviewed and considered the Side Letter Agreement as presented by the City Manager.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute the Side Letter Agreement between the City of Berkeley and the Berkeley Police Association.

Exhibits
A: Side Letter Agreement Between the City of Berkeley and the Berkeley Police Association Regarding Special Compensation Compounding

EXHIBIT A

Amendment
To The
Memorandums of Understanding
Between The
City of Berkeley
And
Berkeley Police Association

Effective immediately as of the latest execution date below by either the City of Berkeley (the "City") or Berkeley Police Association ("BPA") (collectively, the "Parties"), the current Memorandum of Understanding ("MOU") between the Parties effective July 1, 2023 to June 30, 2026, and all prior MOU's between the Parties dated: July 6, 1997 to July 7, 2001; July 8, 2001 to June 30, 2007; July 1, 2007 to June 25, 2011; June 26, 2011 to July 5, 2014; July 6, 2014 to June 30, 2017; July 1, 2017 to June 30, 2021; and July 1, 2021 to June 30, 2023, are amended to include the following provisions as a new Exhibit A, which is incorporated by reference and given full effect as if originally included in each MOU:

EXHIBIT A
SPECIAL COMPENSATION

For purposes of clarity, the City and the Association hereby confirm, acknowledge, and ratify that all current and former employees covered under this Agreement, and prior Agreements will have special compensation calculated and reported to CalPERS as follows:

(1) All special compensation within the meaning of California Code of Regulations Sections 571 and 571.1, as amended, is compounded for all employees covered under this Agreement for purposes of calculating and reporting compensation under Government Code Sections 20630, 20636, and 7522.34 and the guidance issued thereunder;

(2) The City of Berkeley shall compound special compensation as provided in this Amendment which shall be incorporated into the MOU as new section 13.7: Each item of special compensation as listed in the following charts (the first for Classic Members, *i.e.*, those individuals who became CalPERS members prior to January 1, 2013; the second for New Members, *i.e.*, those individuals who became CalPERS members on or after January 1, 2013) shall compound in the order listed below which represents the order the item of special compensation was established from the oldest item of special compensation to the newest. The initial calculation for compounding shall multiply base wage by the oldest special compensation percentage, add the result to the base wage, then apply the next applicable special compensation percentage to the new total, and so on until all reportable special compensation listed is fully calculated.

Classic Member Specialty Pay Compounding Sequence:

Special Compensation Category	Special Compensation Type	MOU Section
Holiday Pay	Holiday Pay	23
Premium	Temporary Upgrade Pay	17.1
Special Assignment Pay	Detective Division Premium (Homicide Detail)	13.1
Special Assignment Pay	Lead Worker/Supervisor Premium	13.2
Incentive	Longevity Pay	15
Educational Incentive	Educational Incentive	13.3
Special Assignment Pay	Bilingual Premium Pay	13.4
Educational	Peace Officer Standards and Training (POST)	13.5
Educational	Educational Incentive	13.6

PEPRA Member Specialty Pay Compounding Sequence:

Special Compensation Category	Special Compensation Type	MOU Section
Holiday Pay	Holiday Pay	23
Special Assignment Pay	Detective Division Premium (Homicide Detail)	13.1
Special Assignment Pay	Lead Worker/Supervisor Premium	13.2
Incentive	Longevity Pay	15
Educational Incentive	Educational Incentive	13.3
Special Assignment Pay	Bilingual Premium Pay	13.4
Educational	Peace Officer Standards and Training (POST)	13.5
Educational	Educational Incentive	13.6

(3) Special compensation is calculated for all employees covered under this Agreement based on the currently effective pay schedule adopted by the governing body of the City, as revised from time to time and posted on a publicly available pay schedule; and

(4) Special compensation is calculated for all employees covered under this Agreement based on all reportable hours in compliance with Government Code Sections 20630, 20636, 7522.34 and California Code of Regulations Sections 571 and 571.1, as amended, and the guidance issued thereunder; and

(5) The parties agree to the following revisions:

[RENUMBERED 14.3]~~13.4~~ Field Training Officer Special Assignment:
Employees assigned as Field Training Officers shall receive a ten percent (10%) differential during any calendar year when actually working as a Field Training Officer. If an employee

is assigned as a Field Training Officer while on regular duty and not while on overtime, this differential for hours worked on regular duty shall be reported to CalPERS as Supervisor Special Assignment Pay.

[RENUMBERED 13.1]~~13.6 Homicide Detail~~~~Crime Scene Investigator Premium~~ Detective Division Premium, (Homicide Detail)

~~A Police Sergeant assigned to the Homicide Detail shall receive a four percent (4%) salary differential. If a Police Sergeant is assigned to the Homicide Detail while on regular duty and not while on overtime, this differential for hours worked on regular duty shall be reported to CalPERS as Detective Division Special Assignment Pay. A Police Officer assigned to the Homicide Detail shall receive a three percent (3%) salary differential. If a Police Officer is assigned to the Homicide Detail while on regular duty and not while on overtime, this differential for hours worked on regular duty shall be reported to CalPERS as Detective Division Special Assignment Pay~~

Homicide Detail is an investigative division which consists exclusively of individuals in detective assignments. Therefore, the pay described in this section shall be reported to CalPERS as Detective Division Premium Pay.

~~Police Officers and Police Sergeants who are regularly assigned to the Homicide Detail as part of their normal duties shall receive a salary differential in recognition of the specialized and continuous nature of the assignment.~~

Police Officers shall receive a three percent (3%) salary differential.

Police Sergeants shall receive a four percent (4%) salary differential.

This differential applies only while the employee is assigned to the Homicide Detail and performing the associated duties as part of their regular work schedule. ~~This premium is designated as Special Assignment Pay and is intended to compensate for the advanced investigative duties required in this assignment.~~

[RENUMBERED 13.2]~~13.3~~ Lead Worker/Supervisor Premium ~~Supervisor Special Assignment~~

When a Police Sergeant is regularly assigned to function as the Field Training Officer Supervisor they
shall receive a five percent (5%) salary differential while occupying that position. If an employee is assigned as the Field Training Officer Supervisor, while on regular duty and not while on overtime, this differential for hours worked on regular duty shall be reported to CalPERS as Supervisor Special Assignment Pay.

[RENUMBERED 14.1]~~13.2~~ Special Response Team (S.R.T)

An employee assigned as a member of the Special Response Team (S.R.T.) shall receive a five percent (5%) salary differential when involved in an active S.R.T. incident. If an employee is assigned as a member of the Barricaded Subjects Hostage Negotiation Team while on regular duty and not while on overtime, those hours worked as a S.R.T. member on regular duty shall be reported to CalPERS as Hazard Premium Pay.

[RENUMBERED 14.2] ~~13.1~~ Explosives Ordinance Technician
An employee assigned as an Explosives Ordinance Technician shall receive double their regular straight-time rate for that time spent (from call to completion) in dealing with explosives. Said double time shall be the total compensation for such time spent, whether on regular duty time or when called in from off-duty. If an employee is assigned as an Explosive Ordinance Technician while on regular duty and not while on overtime, those hours worked as an Explosive Ordinance Technician on regular duty shall be reported to CalPERS as Hazard Premium Pay~~.~~

SECTION 15: LONGEVITY PAY
Effective September 3, 2023, the longevity premium structure shall be discontinued and replaced with the following:
Upon the anniversary date of the beginning of the following years of service as an employee in a classification represented by the Association, shall receive the following differentials above their base rate of pay:
• Eighth (8th) Year of Service: three percent (3%)
• Twelfth (12th) Year of Service: an additional three percent (3%) for a total of six percent (6%)
• Fifteenth (15th) Year of Service: an additional three percent (3%) for a total of nine percent (9%)
• Eighteenth (18th) Year of Service: an additional three percent (3%) for a total of twelve percent (12%)
Employees who have already reached these levels of service shall receive the new premiums effective immediately.
Laterals: Employees who have prior years of service, as a sworn peace officer with a Federal, State, City, County, District or Tribal agency or laterals with equivalent experience as determined by the Chief of Police and the Director of Human Resources may have their prior years of service calculated toward longevity after they have ~~satisfactorily~~ completed five (5) years of service with the City in a classification represented by the Association. This benefit shall not be retroactively applied.
This Longevity Pay shall be reported to CalPERS as Longevity Pay Incentive Pay.

[RENUMBERED 13.3]~~13.5 Hazard Premium Pay~~Educational Incentive - ~~M~~
Mental Health Crisis Intervention Pay:
~~All sworn employees shall receive a Hazard Premium Pay called Mental Health Crisis Intervention Pay equal to two percent (2.0%) of base salary, which pay shall be provided on all hours the employee is in a paid status. This pay shall be in recognition of the fact that the City's sworn personnel are routinely and consistently exposed to uniquely hazardous conditions arising from law enforcement interactions with the mentally ill and are required to complete training intended to enhance sworn personnel's ability to perform the hazardous and specialized mental health related law enforcement duties which Berkeley's sworn personnel are consistently and routinely asked to perform, including arrests, potential arrests and addressing other mental health related disputes~~

All sworn employees who have successfully completed an educational course, as determined by the Chief of Police, ~~-~~which focuses on the abilities of sworn employees to interact with the

mentally ill or complete mental health-related law enforcement duties, which Berkeley's sworn personnel are consistently and routinely required to perform, including arrests, potential arrests, and addressing other mental health-related disputes, shall receive Mental Health Crisis Intervention Pay equal to two percent (2.0%) of base salary. This pay shall be provided on all hours the employee is in a paid status. Employees who have not completed the requisite educational course or certificate will not be eligible for this pay.

[RENUMBERED 13.4]~~SECTION 14:~~ BILINGUAL PREMIUM PAY

~~The Chief of Police, or their designee, may make a Bilingual Premium Pay Special Assignment of an employee who is able to demonstrate verbal communication skills in a language other than English, including Braille and sign language, and who routinely and consistently utilizes these bilingual skills for the City of Berkeley. Candidates for the Bilingual Premium Pay Special Assignment will be selected in a manner similar to the manner used to select Field Training Officers. The employee must agree to use the bilingual skill during their normal work shift regardless of assignment.~~ Employees in the bargaining unit are routinely and consistently assigned to positions requiring communication skills other than English. In recognition thereof, t~~T~~he City shall provide Bilingual Premium Pay ~~shall be a~~equal to five percent (5%) of~~to~~ base pay, ~~shall apply~~applicable to all employees who demonstrate communication proficiency in a language other than English, including Braille and sign language. The pay shall be applied to all hours in which the employee is in~~a~~ paid status. This pay and shall be reported to CalPERS as Bilingual Premium ~~Special Assignment~~ Pay. The employee must agree to use the bilingual skill during their normal work shift regardless of assignment.

[RENUMBERED 13.5]~~13.7~~ Peace Officer Standards and Training (POST)

In addition to the salary set forth in the Exhibit "A" of this Agreement, employees covered by this Agreement who qualify under regulations promulgated by the California Commission on Peace Officer Standards and Training shall receive the following educational/training incentive compensation. To receive the Intermediate Certificate and/or Advanced Certificate differential pay below, employees must submit documents required by the Berkeley Police Department Professional Standards Division verifying POST eligibility, including but not limited to copies of college transcripts, proof of a college degree and other related forms. Failure of the employee to submit documents required by the Professional Standards Division shall delay the POST incentive pay eligibility until such time as the employee provides all required documentation.

13.~~7~~5.1 Intermediate Certificate: An employee who possess a Peace Officers Standards and Training Intermediate Certificate shall receive a five percent (5%) differential to base salary and such payment shall be reported to CalPERS as Peace Officers Standards and Training Certificate Pay as a form of Educational Pay.

13.~~7~~5.2 Advanced Certificate: An officer who possess a Peace Officers Standards and Training Advanced Certificate, the employee shall receive a two percent (2%) differential to base salary and such payment shall be reported to CalPERS as Peace Officers Standards and Training Certificate Pay as a form of Educational Pay.

13.~~7~~5.3 An employee may simultaneously receive the Intermediate and Advanced

Certificate differential for a total differential of seven percent (7%).

[RENUMBERED 13.6]~~13.8~~ Educational Incentive

Constitutional Humane Impartial Neighborhood and Community Oriented DEI-Centered ("KIND") Policing: ~~Education Incentive~~

Effective September 3, 2023, employees will receive a three percent (3.0%) differential above their base rate for the KIND policing education incentive.

Effective the first full pay period after July 1, 2024, employees will receive an additional one percent (1.0%) for a total four percent (4.0%) differential above their base rate for the KIND policing education incentive.

The City will administer a program of training and recordkeeping for this program and provide paid time for members to attend such trainings. In order to continue to qualify for this incentive, the Department will offer, and members must complete, a minimum 30-hour certification, consisting of classroom and/or field training, by December 31, 2024. Each subsequent year, the Department will offer, and members must complete 15 hours of continuing education by December 31. Trainings must either be provided by the Police Department or approved by the Police Chief or their designee. The City will begin to schedule trainings associated with the KIND incentive within 90 days of the adoption of this Agreement by City Council. Non-departmental trainings must be pre-approved by the Police Chief, or their designee, and must be obtained through an accredited college or university, a nationally recognized professional organization, or a continuing education course from a certified provider. To satisfy the hourly requirement, trainings must be in the following areas of study and must include trainings across at least (ten) 10 different categories:

- Active Bystandership for Law Enforcement
- Anti-Racism
- Communication Skills
- Community-Oriented Policing
- Constitutional Policing
- Criminal Law and Procedure
- Cultural Competence
- De-escalation Techniques
- Diversity, Equity, Inclusion & Belonging
- Empathy
- Ethics
- Impartial Investigation Techniques
- Implicit Bias Prevention
- Probable Cause
- Procedurally Just Policing
- Respectful Treatment of Others
- Other similar forms of training as approved by the City Manager

Eligibility for the differential will be paused during periods of non-compliance. Once the member has come into compliance by fulfilling all missing hours, the differential will be restored, effective the next full pay period. Training hours that a member completes to come into compliance with a previous year's compliance requirement shall only count toward the previous year's requirement, and the member must separately, fully, and timely complete the current year's required hours to remain in compliance for the current year.

New and lateral hires will have the balance of the calendar year of their hire and the following calendar year to complete their 30-hour certification. The training hours required for compliance will be prorated for members who are on protected leaves according to the length of the leave.
Employees who are disciplined for sustained charges that conflict with the core values of the KIND differential such as excessive force, dishonesty, and/or discrimination/bias will be required to complete additional hours of KIND training, commensurate with the severity of the offense. For sustained offenses warranting suspension in excess of two weeks, members will be required to re-complete the 30-hour certification.
This differential shall be reported to CalPERS as an educational incentive in accordance with California Code of Regulations 571 and 571.1.

(6) The above paragraphs (1) through (5) represent the understanding of the Parties for all periods covered by the current and prior Agreements.

EXECUTION

By signing below, I affirm and certify that I am authorized to execute this Amendment on behalf of the represented organization as noted.

AGREED TO FOR THE CITY

_____
Paul Buddenhagen
City Manager
City of Berkeley

AGREED TO FOR THE UNION

_____
Niel Egbert
President
Berkeley Police Association

APPROVED AS TO FORM

_____
Jacob Kalinski
Rains Lucia Stern St. Phalle & Silver

_____
Farimah Faiz Brown
City Attorney

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Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin Fong, Director, Information Technology

Subject: Contract No. 32100079 Amendment: ePlus Technology Inc., for Cohesity Backup Software, Maintenance and Support.

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32100079 to increase the spending authority with ePlus Technology Inc. ("ePlus"), for Cohesity backup software, maintenance and support services increasing the amount by $110,000 for a total not-to-exceed amount of $718,400 from November 1, 2020 to November 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Funding for software maintenance and support services in the amount of $110,000 is allocated for Fiscal Year (FY) 2026 in the Department of Information Technology's Cost Allocation Fund. Spending for software, maintenance and support in future fiscal years is subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

CURRENT SITUATION AND ITS EFFECTS

The City currently utilizes Cohesity DataProtect ("DP"), provided through ePlus, as its enterprise backup and disaster recovery ("DR") solution for email, websites, applications, and database servers. DP is a modern, cloud-based platform that streamlines and simplifies backup and recovery processes, delivering efficiency gains through faster backups, quicker and more reliable recovery, and enhanced security. The system also reduces administrative burden by requiring less staff intervention, while its advanced capabilities ensure resilience and adaptability to the City's evolving technological needs.

Staff have found DP to be consistently reliable, providing effective and dependable backup and recovery capabilities. Based on this performance, staff recommend extending maintenance and support through November 2026 to ensure the City's backup and disaster recovery systems continue to operate effectively, supporting daily operations and the delivery of essential services to the Berkeley community.

The DP and DR solution, provided by ePlus, supports the City's Strategic Plan goal to create a resilient, safe, connected, and prepared City.

BACKGROUND

In February 2020, the City issued Request for Proposals No. 20-11386-C for a new enterprise backup and disaster recovery solution. The City received four qualifying responses, which were evaluated by a review committee against operational, technological, and fiscal requirements. Following this competitive evaluation process, the committee determined that the proposal from ePlus for the DP solution with hosted Cloud Storage best met the City's needs. This implementation has provided the City with five years of reliable backup and recovery capabilities.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The DP solution eliminates the City's reliance on approximately 350 magnetic tape cartridges each year. The manufacturing and recycling of these cartridges did not align with the City's Green IT goals, and their elimination reduces environmental impact.

In addition, the solution removes the need to transport backup tapes to and from offsite storage facilities. This change not only reduces transportation costs but also decreases greenhouse gas emissions, further supporting the City's sustainability objectives while improving operational efficiency.

RATIONALE FOR RECOMMENDATION

Renewing maintenance and support through November 2026 ensures the City continues to benefit from vendor updates, technical support, and security enhancements, while maintaining the stability of a proven platform that plays a critical role in daily operations and service delivery to the Berkeley community.

ALTERNATIVE ACTIONS CONSIDERED

At this time, staff does not recommend pursuing an alternative platform, as the current solution continues to meet the City's operational needs effectively. Staff recommend a one-year renewal to ensure continuity of service while providing an opportunity to re-assess competitive market offerings that address the City's long-term backup and disaster recovery requirements via a new RFP.

CONTACT PERSON

Kevin Fong, Director, Department of Information Technology, 981-6541

Attachments:
1: Resolution

RESOLUTION NO. ##,###–N.S.

CONTRACT NO. 32100079 AMENDMENT: EPLUS TECHNOLOGY INC. FOR COHESITY BACKUP SOFTWARE, MAINTENANCE AND SUPPORT

WHEREAS, the City of Berkeley requires a reliable, secure, and efficient enterprise backup and disaster recovery system to safeguard critical production email, websites, applications, and database servers; and

WHEREAS, in February 2020 the City issued Request for Proposals No. 20-11386-C to replace its aging and inefficient tape-based backup system, which no longer met operational requirements; and

WHEREAS, after a competitive evaluation process, the City selected ePlus Technology Inc. ("ePlus") to provide implementation services for the Cohesity DataProtect solution ("DP"); and

WHEREAS, on July 28, 2020, by resolution No. 69,520-N.S., the City Council authorized the City Manager to execute a contract with ePlus for DP; and

WHEREAS, continued vendor maintenance and support are necessary to ensure ongoing access to software updates, security patches, and technical assistance, thereby maintaining the resiliency of critical City systems; and

WHEREAS, funding for software, maintenance, and support is available in the Department of Information Technology's Fiscal Year (FY) 2026 Cost Allocation Fund, and spending in future fiscal years is subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

NOW THERFORE BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or delegate is authorized to amend Contract No. 32100079 to increase the spending authority with ePlus, for DP software, maintenance and support services increasing the amount by $110,000 for a total not-to-exceed amount of $718,400 from November 1, 2020 to November 30, 2026.

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Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Contract: Paymun Building & Development, Inc. for the K-Dock Restroom Renovation Project

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the K-Dock Restroom Renovation Project (Bid Specification No. 25-11743-C); and
2. Rejecting the bid from ERA Construction, Inc., the fourth lowest bidder and deem ERA Construction, Inc. ineligible to protest against Argos Construction, apparent lowest bidder, Paymun Building & Development, Inc., apparent second lowest bidder, and Green Bay Remodeling, Inc., apparent third lowest bidder; and
3. Rejecting the bid from Argos Construction as non-responsive; and
4. Accepting the bid of Paymun Building & Development, Inc. as the lowest responsive and responsible bidder on the Project; and
5. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Paymun Building & Development, Inc., for the K-Dock Restroom Renovation Project, in an amount not to exceed $440,000, which includes a contract amount consisting of base bid of $368,000, additive bid item in the amount of $32,000, and a 10% contingency in the amount of $40,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2026 budget in the Marina Fund (Fund 608) and will be recommended for appropriation through the FY 2026 first amendment to the appropriations ordinance in the Measure T1 Bond Fund (Fund 511). No other funding is required, and no other projects will be delayed due to this expenditure.

CONTRACTOR	$368,000
Additive Bid Item.....	$32,000
10% Contingency	$40,000
Total construction cost	$440,000

Source of funds

Marina Fund	$107,400
Measure T1	$332,600
Total construction cost ……..	$440,000

CURRENT SITUATION AND ITS EFFECTS

Built in the 1960's, K-Dock Restroom is an existing public restroom at the Berkeley Waterfront that is in need of renovation in order to provide quality amenities to the public. The following project elements will be renovated: two existing sinks will be replaced with four sinks in total, two in the slip-holder's restroom and two in the public restroom; five toilets and a urinal will be replaced with six toilets, each in their own fully walled-in room with mechanical ventilation; and two non-operational showers will be replaced with a single new ADA accessible shower. Two infant changing stations will be added and various restroom accessories will be added. A new bottle water filling station will be installed on the outside of the K-Dock. Staff recommends that a contract for this project be awarded to Paymun Building & Development, Inc.

BACKGROUND

The City conducted a competitive Invitation For Bid (IFB) process in July, 2025, and the bid opening was on August 26, 2025. Thirteen (13) bids were received from a low bid of $348,000 to a high bid $1,070,000 for the base bid work (see Attachment 2: Bid Abstract). The City has determined that Paymun Building and Development, Inc. meets the California public construction code definition of lowest responsive and responsible bidder. References for Paymun Building and Development, Inc. proved satisfactory. Staff therefore recommends the contract be awarded to Paymun Building and Development, Inc.

On August 29, 2025, the City received a bid protest from ERA Construction Inc. (ERA), the apparent fourth lowest bidder against Argos Construction, apparent lowest bidder, Paymun Building & Development, Inc., apparent second lowest bidder, and Green Bay Remodeling, Inc., apparent third lowest bidder. The City is required to comply with the Project Manual, and specifically the Mandatory Bid Protest Procedures on Document 00 2114, Article 4, Section 4.01E, Page 00 2113-4 of the Project Manual, which states the following: *"Only Bidders who the City otherwise determines are responsive and responsible are eligible to protest a Bid; protests from any other Bidder will not be considered. In order to determine whether a protesting Bidder is responsive and responsible, City may evaluate all information contained in any protesting Bidder's Bid, and conduct the same investigation and evaluation as City is entitled to take regarding an Apparent Low Bidder."*

City staff evaluated ERA's bid and deemed the bid non-responsive. Thus. ERA is ineligible to protest the project. A copy of the bid evaluation letter is attached as Attachment 3.

To further determine the lowest responsive and responsible bidder, Staff evaluated Argos Construction, apparent lowest bidder's bid proposal. Argos Construction failed to acknowledge Addendum No. 2 in the bid proposal.

While the City has discretion to waive inconsequential defects in a bid, the City cannot do so when the defect may affect the amount of the bid. (See *Ghilotti Construction v. City of Richmond* (1996) 45 Cal.App.4th 897, 904 ("… [A] bid which substantially conforms to a call for bids may, though it is not strictly responsive, be accepted if the variance cannot have affected the amount of the bid or given a bidder an advantage or benefit not allowed other bidders or, in other words, if the variance is inconsequential"). Here, Addendum No.2 contained changes to technical specifications that could have affected the amount of Argo's bid and gave Argos an advantage for the lowest bid price. Therefore, Argo's bid is non-responsive.

Staff evaluated the bid proposal of Paymun Building & Development, Inc. (Paymun), apparent second lowest bidder, and found two minor irregularities: 1) they did not fill out the company name on Document 004113, and 2) they did not fill out Tax ID No. on Document 004214. These minor irregularities did not affect the amount of the bid. The City has discretion to waive inconsequential defects in bids. Accordingly, staff determined that Paymun Building & Development, Inc. was the lowest responsive and responsible bidder.. Staff recommends that a contract for this project be awarded to Paymun Building & Development, Inc.

The Living Wage Ordinance does not apply to this project since construction contracts are, pursuant to City policy, subject to State prevailing wage laws. The contractor will need to submit a certification of Compliance for the Equal Benefits Ordinance. The contract will not be subject to the Community Workforce Agreement.

ENVIRONMENTAL SUSTAINABILITY

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The work will also comply with the conditions contained in the Bay Conservation Development Commission (BCDC) Permit, and City of Berkeley Building Permit.

As a maintenance project, this project meets the criteria for a Categorical Exemption pursuant to CEQA Guidelines Section 15301 (Existing Facilities), since the project involves minor alteration (renovation) of an existing public facility with no expansion of existing use. On August 6, 2025, the City recorded a Notice of Exemption (NOE) for the project with the Alameda County Clerk.

RATIONALE FOR RECOMMENDATION

This project is part of the City's ongoing effort to update and maintain the deteriorated infrastructure at the Berkeley Marina. The project will help the City advance Strategic

Plan Long-term goal number 1 to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

ALTERNATIVE ACTIONS CONSIDERED
None

CONTACT PERSON
Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700
Nelson Lam, Supervising Civil Engineer, PRW, 981-6395

Attachments:
1: Resolution
2: Bid Abstract Summary
3: Review of Bid Protest, Bid Proposal Letter

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

CONTRACT: PAYMUN BUILDING & DEVELOPMENT, INC. FOR THE K-DOCK RESTROOM RENOVATION PROJECT

WHEREAS, the K-Dock Restroom, located at 201 University Avenue at the Berkeley Waterfront is in need of renovation; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this project; and

WHEREAS, an invitation for bids was duly advertised in July 23, 2025, bids were opened on August 26, 2025, and the City received thirteen bids; and

WHEREAS, the City rejected the bid from ERA Construction, Inc., the fourth lowest bidder and deemed ERA Construction, Inc ineligible to protest against Argos Construction, apparent lowest bidder, Paymun Building & Development, Inc., apparent second lowest bidder, and Green Bay Remodeling, Inc., apparent third lowest bidder; and

WHEREAS, the City rejected the bid from Argos Construction as non-responsive; and

WHEREAS, the City has determined that Paymun Building and Development, Inc. meets the California public construction code definition of lowest responsible and responsible bidder upon waiving inconsequential defects. References for Paymun Building and Development, Inc. proved satisfactory; and

WHEREAS, funding is available in the FY 2026 budget in the Marina Fund (Fund 608) and will be recommended for appropriation through the FY 2026 first amendment to the appropriations ordinance in the Measure T1 Bond Fund (Fund 511); and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specification No. 25-11743-C for the K-Dock Restroom Renovation Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley accepts the bid of the lowest responsive and responsible bidder, Paymun Building and Development, Inc.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions, or change orders until completion of the project in accordance with the approved plans and specifications with Paymun Building and Development, Inc. for the K-Dock Restroom Renovation in an amount not to exceed $440,000, which includes a contract amount consisting of base bid of $368,000, additive bid item in the amount of $32,000, and a 10% contingency in the amount of $40,000 for unforeseen circumstances. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.

Attachment 2 - Bid Abstract

Internal

Finance Department
General Services Division

City of Berkeley
Abstract of Bid Worksheet

Bid Date: 8/26/2025
Spec. # 25-11743-C

FOR: K-Dock Restroom Renovation Project

required w/ bid

	Bidders	Base Bid	Addenda (1)	Addenda (2)	Exp/Fin	NF	OS	Tax ID	Bid Bond	EBO	SC
1	Greenbay Remodeling, INC.	$372,207.36	x	x					x		
2	Greentech Industry, INC	$405,950.00	X	X					X		
3	One Workplace Construction	$645,300.00	x	x							
4	Wickman Development & Construction	$1,070,000.00	x	x							
5	CWS Construction Group	$598,500.00	x	X							
6	Rubicon Builders	$478,000.00	x	x							
7	BuildCorp, Inc.	$472,680.00									
8	DMR Builders	$514,510.00	x	x							
9	PAYMUM BUILDING & DEVELOPMENT INC.	$368,000.00	x	x							
10	Grand Construction	$420,000.00									
11	SDM Construction	$415,000.00	x	x							
12	ERA Construction	$389,487.00	X	X							
13	Argos Construction	$348,000.00	X								

Bid Recorder: Tanisha Gainer *Tanisha Gainer* Date 08/28/2025

Bid Opener: Roop Soorma *RSoorma* Date 08/27/2025

Project Manager: Robert Chan *Robert Chan* Date 08/28/2025

finance@cityofberkeley.info

PARKS RECREATION & WATERFRONT

Via Email:
mich1064@aol.com

October 2, 2025

Mr. Enrique Avila
ERA Construction, Inc.
1220 Marin Avenue
San Pablo, CA 94806

SUBJECT: REVIEW OF BID PROTEST, BID PROPSAL
K-Dock Restroom Renovation Project
Specification No. 25-11743-C

Dear ERA Construction Inc:

The City of Berkeley (City) has completed review of the Bid Protest for the K-Dock Restroom Renovation Project (Project). The City finds ERA Construction, Inc. (ERA) ineligible to protest.

Background Facts and Bid Protest Requirements

On July 23, 2025, the City released Specification No. 25-11743-C for bid. The project involves renovating an existing slip holder restroom into a public restroom and separate slip holder restroom with shower room, work includes, demolition and waste tracking requirements, site security, temporary portable toilet facilities for public use while existing restroom is closed for construction, new perforated panels, doors, interior walls, ADA accessible ramps and stair, security fence, interior improvements, signage, HVAC and Mechanical components, motion activated seismic shut-off valve for gas-meter (included in Mechanical components), plumbing fixtures, water bottle filler, and electrical components including lighting. On August 26, 2025, the City of Berkeley received and opened 13 bids. Bids ranged from a low base bid of $348,000 to a high base bid of $1,070,000.

The Bid Protest

On August 29, 2025, the City received a bid protest from ERA.

The City is required to comply with the Project Manual, and specifically the Mandatory Bid Protest Procedures on Document 00 2114, Article 4, Section 4.01E, Page 00 2113-4 of the Project Manual, which states the following:

> "Only Bidders who the City otherwise determines are responsive and responsible are eligible to protest a Bid; protests from any other Bidder will not be considered. In order to determine whether a protesting Bidder is responsive and responsible, City may evaluate all information contained in any protesting Bidder's Bid, and conduct the same investigation and evaluation as City is entitled to take regarding an Apparent Low Bidder."

After evaluating ERA's bid, the City has determined ERA's bid was non-responsive due to the incompleteness of Part C of ERA's Statement of Qualifications in the bid solicitation, as well as the following issues:

1. ERA did not list any project to demonstrate ERA's continuously operating entity engaging in the performance of similar work in accordance with Project Manual, Document 00 4513 Statement of Qualifications for Construction Projects, Article 1.01 Minimum Bidder Qualifications, Item B. Bidders must have three (3) years experience as a continuously operating entity engaged in the performance of similar work.

2. ERA listed one project completed in the past year in attached Exhibit A, Page 1 for the "Niven Park Playground. Drainage, Concrete, ADA. Pathway Landscape, Sitework, Fencing." ERA did not list any project to demonstrate successful experience with type of work of this Project, and completed two (2) projects of a similar nature and complexity in accordance with Project Manual, Document 00 4513 Statement of Qualifications for Construction Projects, Article 1.01 Minimum Bidder Qualifications, Item C. Bidders must demonstrate successful experience with type of work of this Project, to include, within the past year, completed two (2) projects of a similar nature and complexity with a contract dollar amount of (i.) at least 75% of the amount of Bidder's Bid or (ii.) 125% of such amount in the aggregate.

3. ERA did not respond to Question 6 Prevailing Wage Provisions on page 00 4513-4 of the Attachment "A" – Statement of Qualification Questionnaire in the Project Manual.

4. ERA did not provide the name of project superintendent, and name of project scheduler. ERA did not provide list key personnel that will be assigned to Work the current project and their experience/training with the projects listed. ERA provided Exhibit "A" in the bid proposal, however, the required information is missing in Exhibit "A" in accordance with Page 00 4513-5, Part C: Experience of Prime Contractor.

5. ERA did not provide required information related such as a) Architect/Engineer, b) Construction Manager/Project Manager, b) Total Change Order Amount, c) Change Order exceed 10% of original contract sum, d) Time Extensions Granted, and e) stop notices filed by Subcontractors or Suppliers. ERA provided Exhibit "A" in the bid proposal, however, the required information is missing in Exhibit "A" in accordance with Page 00 4513-6 Recent Projects, Provide information about three (3) of its most currently completed projects. Names and references must be current and verifiable.

This listing will be used to assess compliance with the stated minimum qualifications in Section 1.01. If a separate sheet is used, it must contain all of the following information.

Read in its entirety, the cumulative effect of the above findings provides that ERA's bid proposal is defective, and fails to meet the criteria set forth on Page 00 4513-3, ATTACHMENT "A" – STATEMENT OF QUALIFICATION QUESTIONNAIRE: "Bidders shall complete the entire Statement of Qualification Questionnaire and submit it in accordance with Document 00 2113 (Instructions to Bidders) and Document 00 4513 (Statement of Qualifications). Failure to complete the questionnaire or inclusion of any false statement(s) shall be ground for immediate disqualification."

As explained above, the City deems the ERA's bid is non-responsive thus ERA is ineligible to protest the project. This determination is final.

Please contact Nelson Lam, at NeLam@berkeleyca.gov should you have any questions.

Thank you,

Scott Ferris
Director of Parks, Recreation & Waterfront Department

cc:
Nelson Lam, Supervising Civil Engineer
Robert Chan, Assistant Civil Engineer

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Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation and Waterfront

Subject: License Agreement for Temporary Parking for Tom Bates Regional Sports Complex

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a license agreement and any amendments with the East Bay Regional Park District (EBRPD) for the City of Berkeley to use a portion of the North Basin Strip at McLaughlin Eastshore State Park for 18 months as temporary parking for Tom Bates Regional Sports Complex visitors during construction.

FISCAL IMPACTS OF RECOMMENDATION

This recommendation has no fiscal impact as there is no cost associated with the license agreement to use a portion of the North Basin Strip.

CURRENT SITUATION AND ITS EFFECTS

The Tom Bates Regional Sports Complex is one of the most highly used sports facilities in the region, serving around 19,000 youth and adult athletes every year. The City of Berkeley (City) is preparing to construct much-needed Phase 2 improvements including restrooms, a meeting facility, a storage room, six pickleball courts, and an additional grass soccer field on-site. The construction activity will use a large portion of the Sports Complex's existing parking lot to stage vehicles, equipment, and materials. During this construction period, the City will use a portion of the North Basin Strip (owned by EBRPD) to temporarily provide parking for visitors. The proposed location for the temporary parking lot is an existing paved site west of the current lot.

On February 7, 2023, the EBRPD Board of Directors passed Ordinance No. 2023-02-025 (Exhibit B) authorizing its General Manager to enter into a License Agreement (Exhibit A) granting the City temporary use of a portion of the North Basin Strip for Tom Bates Regional Sports Complex visitor parking. Council approval is needed for the City Manager to execute the License Agreement with EBRPD.

BACKGROUND

The North Basin Strip is west of the Tom Bates Regional Sports Complex and is operated by EBRPD as part of the McLaughlin Eastshore State Park Regional Shoreline.

In 2007, the City entered into a Ground Lease agreement with EBRPD for the Tom Bates Regional Sports Complex property (formerly known as Gilman Fields) at 400 Gilman Street in Berkeley. As part of the Ground Lease agreement, the City agreed to construct improvements on the property. The City is now preparing to construct “Phase II Improvements,” which will build much-needed restrooms, a meeting facility, a storage room, six pickleball courts, and a grass soccer field on-site.

This construction is a Strategic Plan Priority Project advancing the City’s goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities. The construction is funded by Measure T1 bonds, the Capital Improvement Fund, and the Parks Tax.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The license agreement provides the City temporary use of an existing paved area on EBRPD property that was previously used as overflow parking for the Golden Gate Fields Racetrack for several decades. There is no environmental impact associated with this license agreement.

RATIONALE FOR RECOMMENDATION

The Tom Bates Regional Sports Complex is one of the most highly used sports facilities in the region. The License Agreement allows the City to maintain public access to this high-demand resource that serves Berkeley and the region while the existing parking lot is used to stage construction activities.

CONTACT PERSON

Scott Ferris, Director, Parks Recreation and Waterfront, 981-6700

Attachments:

1: Resolution

- Exhibit A: License Agreement
- Exhibit B: East Bay Regional Park District Ordinance No. 2023-02-025

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

LICENSE AGREEMENT FOR TEMPORARY PARKING FOR TOM BATES REGIONAL SPORTS COMPLEX

WHEREAS, in 2007, the City of Berkeley ("City") entered into a Ground Lease agreement with the East Bay Regional Park District ("EBRPD") for the property at 400 Gilman Street in Berkeley, now known as the Tom Bates Regional Sports Complex; and

WHEREAS, as part of the Ground Lease, the City agreed to complete improvements on the leased premises; and

WHEREAS, the City will construct Phase II improvements including restrooms, a meeting room, a storage room, six pickleball courts, and an additional grass soccer field on the leased premises, and staging for the construction will occupy a large portion of the Sports Complex parking lot; and

WHEREAS, the EBRPD Ordinance No. 2023-02-025, passed February 7, 2023, authorizes and directs the agency's General Manager to grant a license agreement with the City for the use of an approximately one-half acre area, located west of the Tom Bates Regional Sports Complex and within McLaughlin Eastshore State Park Regional Shoreline known as the "North Basin Strip," to serve as a temporary parking lot for visitors during the construction period.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a license agreement and any amendments with the East Bay Regional Park District for the City to use a portion of the North Basin Strip at McLaughlin Eastshore State Park Regional Shoreline for 18 months as temporary parking for Tom Bates Regional Sports Complex visitors.

Exhibits
A: License Agreement
B: East Bay Regional Park District Ordinance No. 2023-02-025

LICENSE AGREEMENT

for

TEMPORARY PARKING FOR TOM BATES REGIONAL SPORTS COMPLEX

EAST BAY REGIONAL PARK DISTRICT
and
CITY OF BERKELEY

McLAUGHLIN EASTSHORE STATE PARK

This AGREEMENT is made and entered into this _____ day of _____, 2025, (herein referred to as the "Effective Date") by and between the EAST BAY REGIONAL PARK DISTRICT, a California special district, hereinafter called "PARK DISTRICT," and the CITY OF BERKELEY, a political subdivision of the State of California, hereinafter called "CITY". PARK DISTRICT and CITY are referred to collectively herein as the "Parties."

RECITALS

1. PARK DISTRICT is the owner of a 47.15-acre property (herein referred to as the "North Basin Strip Property") located in Berkeley and comprised of two parcels identified as Alameda County Assessor's Parcel Nos. 060 -2529-001-004 and 060 -2529-002-01; and

2. The North Basin Strip Property is operated by the PARK DISTRICT as part of the McLaughlin Eastshore State Park, subject to the terms and conditions of the 2002 *Eastshore State Park General Plan* and the 2013 *Operating and Management Agreement* executed by the PARK DISTRICT and the California Department of Parks and Recreation (hereinafter referred to as "State Parks"); and

3. The PARK DISTRICT leases to the CITY an adjacent 15.73-acre property identified as Alameda County Assessor's Parcel No. 060 -2529-001-06 and known as the Tom Bates Regional Sports Complex and commonly referred to as the "Gilman Fields" (and so named in this agreement) under the terms and conditions of the 2007 *Ground Lease*; and

4. The CITY is preparing to construct the Phase II Improvements at the Gilman Fields, first described in the *Ground Lease*, and the construction activities will necessitate the staging of vehicles, equipment, and materials on a large portion of the Gilman Fields parking lot; and

5. Therefore, the CITY wishes to use a portion of the PARK DISTRICT's North Basin Strip for temporary parking for Gilman Fields visitors; and

6. The temporary use of this section of the North Basin Strip Property for parking is consistent with Section III, Chapter D, item 3 of the *Eastshore State Park General Plan* and Section 15 of the *Operating and Management Agreement;* and

7. The PARK DISTRICT has secured the necessary concurrence from State Parks, pursuant to Section 15 of the *Eastshore State Park General Plan* and Section 15 of the *Operating and Management*

Agreement; and

8. The CITY shall secure the required permit from the Bay Conservation and Development Commission ("BCDC"), which is necessary for this licensed use because the greater portion of the North Basin Strip Property is located within BCDC's jurisdiction.

Therefore, PARK DISTRICT, for a good and valuable consideration and in further consideration of the faithful performance and observance by CITY of all the terms and conditions herein contained, does hereby grant to CITY a license for the use of a portion of the North Basin Strip Property.

The license is granted by PARK DISTRICT and accepted by CITY upon the following terms and conditions and CITY does hereby agree with PARK DISTRICT as follows:

1. LICENSED PREMISES

Subject to the terms and conditions set forth in this agreement, PARK DISTRICT hereby licenses to CITY and CITY hereby licenses from PARK DISTRICT a 75-foot-wide by 385-foot-long portion of that property identified as Alameda County Assessor's Parcel No. 060 -2529-001-04 and 060 -2529-002-01, hereinafter referred to as the "Licensed Premises." The 28,875-square-foot Licensed Premises are depicted in Exhibit A, attached hereto.

2. TERM

The term of this License shall be eighteen (18) months, commencing on the Effective Date ("Term"). Notwithstanding anything herein contained to the contrary, PARK DISTRICT shall also have the right to terminate this License as to all or any portion of the Licensed Premises if PARK DISTRICT requires the Licensed Premises to be devoted to park development or other park-related purposes. Said termination shall become effective upon PARK DISTRICT giving CITY ninety (90) days' prior written notice thereof. In the event that PARK DISTRICT terminates the License or the License automatically terminates pursuant to this section, PARK DISTRICT shall not be liable for any damage caused to CITY due to the early termination, and CITY expressly waives any claim for damages due to termination of the License.

3. PURPOSE

The purpose of this License is to provide temporary public vehicular parking for the users of the adjacent Gilman Fields while the Gilman Fields parking lot is impacted by the Phase II Improvements construction project.

4. TITLE OF PARK DISTRICT

CITY hereby acknowledges the title of PARK DISTRICT in and to the Licensed Premises and agrees never to assail or to resist said title. CITY agrees that it has not nor will it hereafter acquire any rights or interest in the Licensed Premises, nor does CITY have nor will it obtain any right or claim to the use of the Licensed Premises beyond those specifically granted in this License.

5. PARK ACCESS

CITY may access the Licensed Premises from 8:00am to 11:00pm, corresponding to the Gilman Fields operational hours.

6. TERMS OF USE

CITY's use of the Licensed Premises is subject to the following terms and conditions:

a) The CITY shall obtain all necessary permits for the improvements on the Licensed Premises and the operation of a parking lot on the Licensed Premises.
b) The CITY shall construct the improvements and operate the parking lot in accordance with all applicable local, state, and federal laws, rules, and regulations.
c) The CITY shall install sufficient additional cyclone fencing to secure the Licensed Premises and prevent unauthorized vehicular ingress during the Gilman Fields' closed hours.
d) However, the CITY shall include a 10'-wide gap in the center of the newly constructed southern fence for emergency vehicle and pedestrian/bicyclist ingress and egress, with a bollard in the middle to prevent vehicular trespass to the southern portion of the North Basin Strip Property.
e) The CITY shall install signage directing San Francisco Bay Trail and North Basin Strip Property pedestrians and cyclists to travel along the northern, western, and southern fencelines of the Licensed Premises, to avoid vehicles entering and exiting the Licensed Premises.
f) The CITY shall install signage to indicate that the Licensed Premises are for the sole use of Gilman Fields visitors on a temporary basis, that parking lot hours are 8:00am to 11:00pm, and that overnight parking is prohibited.
g) The CITY shall install its own lock on the daisy chain of locks and keep the gate locked from 11:00pm to 8:00am.
h) The CITY shall construct four Americans with Disabilities Act-compliant parking spaces.
i) The CITY shall keep the Licensed Premises free of litter and weeds.
j) CITY shall not leave or allow to remain on the Licensed Premises any garbage, refuse, debris, construction equipment or materials associated with the Phase II Improvements project, or any personal property.

If CITY violates any of the terms of use, PARK DISTRICT shall promptly notify the CITY of such violations, and the CITY shall have ten (10) calendar days to cure such violations. If the CITY fails to cure within ten (10) calendar days following notice by PARK DISTRICT, CITY will pay PARK DISTRICT any actual and reasonable costs incurred by PARK DISTRICT; provided, however, if the cure would reasonably take longer than ten (10) days to complete, CITY will be deemed to be in compliance if it commences the cure within such ten (10) day period and diligently prosecutes the same to completion.

7. REVOCATION

PARK DISTRICT may suspend or revoke this license in the event that CITY violates the terms of this License after providing written notice and an opportunity to cure.

8. CLEAN-UP AND SURRENDER OF LICENSED PREMISES TO PARK DISTRICT

At the expiration of the Term, or when CITY no longer requires access to and use of the Licensed Premises, or in the event that PARK DISTRICT revokes this License for CITY's failure to abide by the terms and conditions, whichever occurs sooner, CITY shall, at its sole expense, properly remove all of its fencing, gate, and signage from the Licensed Premises, and shall leave the Licensed Premises in as good order and condition as it was delivered to CITY as of the Effective Date.

If CITY fails to cure within thirty (30) calendar days following notice by PARK DISTRICT, CITY agrees to promptly reimburse PARK DISTRICT for any actual and reasonable costs incurred by PARK DISTRICT in repairing any damage done to the Licensed Premises caused by CITY's occupation or use, excepting reasonable wear and tear, and damage by the elements; provided, however, if the cure would reasonably take longer than thirty (30) days to complete, CITY will be deemed to be in compliance if it commences the cure within such thirty (30) day period and diligently prosecutes the same to completion.

9. NOTICES

All notices pursuant to this License other than the above notification for access in Section 10 hereinabove shall be addressed as set forth below or as either party may subsequently designate by written notice and shall be sent through the United States mail, email or by personal delivery. Email notices must clearly state that it is a notice given under this License.

TO: PARK DISTRICT
Land Acquisition Department
East Bay Regional Park District
2950 Peralta Oaks Court
Oakland, CA 94605-5369
ATTN: Land Acquisition Department
Or by email to:
landacquisition@ebparks.org

TO: CITY
Scott Ferris
Director of Parks, Recreation and Waterfront
City of Berkeley
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704

10. DAMAGE AND DESTRUCTION

If during the Term any of the Licensed Premises is wholly or partially destroyed from any cause, PARK DISTRICT shall have no obligation to repair or restore such damage and may elect, by written notice at any time after such damage or destruction occurs, to terminate this LICENSE effective the date of such notice. PARK DISTRICT's written notice will include a description of the cause of such damage if known. If such damage renders the area no longer suitable for CITY's use, CITY may elect to terminate the License and shall provide PARK DISTRICT with written notice.

If such damage is caused by the actions of CITY then CITY shall restore said Licensed Premises to substantially the same condition as immediately before the damage. In the event of damage caused by the CITY, CITY shall notify PARK DISTRICT within ten (10) business days and subsequently shall submit plans for repair to PARK DISTRICT for PARK DISTRICT's review and approval, which shall not be unreasonably withheld, conditioned or delayed. The PARK DISTRICT reserves the right to require CITY to temporarily or permanently vacate the Licensed Premises if the PARK DISTRICT deems any condition on the Licensed Premises to be unsafe for occupancy, upon written notice that includes a description of the reason(s) the

Licensed Premises has been deemed no longer safe for occupancy and the cause of such condition if known.

11. INDEMNIFICATION

CITY shall indemnify, save, protect, defend and hold harmless PARK DISTRICT, its boards, officers, employees, agents and contractors from and against any and all loss, liability, expense, claims, costs, suits and damages, including attorney's fees, arising out of or connected with CITY'S use and possession of the Licensed Premises, except to the extent that such damages or claims are due to the gross negligence, willful misconduct or intentional acts or intentional omissions of PARK DISTRICT or any of its officers, employees, agents, contractors, successors, assigns, and invitees.

As to claims arising from this License or from CITY's use and possession of the Licensed Premises, no party is liable to any other party for any of the following: (A) indirect or consequential loss; (B) loss of profits, loss of prospective economic advantage or benefit, or loss of business opportunity, whether direct or indirect; or (C) punitive or exemplary damages.

CITY agrees that the use of the equipment herein described within Licensed Premises shall be operated with all reasonable diligence and precaution to avoid damage or harm to the land, property, or personnel of PARK DISTRICT.

12. INSURANCE

a) CITY shall procure and keep in force during the term of the License, at CITY's own cost and expense, the following policies of insurance with companies licensed to do business in the State of California and which are acceptable to PARK DISTRICT in PARK DISTRICT'S sole opinion. CITY shall, within fifteen (15) days from the date of the License, supply PARK DISTRICT with a copy of any policy certified to be a true and complete copy of the original showing that such insurance is in force prior to commencement of the term. Coverage shall be at least as broad as:

1. Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than $1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit will apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit will be twice the required occurrence limit.

2. Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if CITY has no owned autos, covering hired, (Code 8) and non-owned autos (Code 9), with limit no less than $1,000,000 per accident for bodily injury and property damage.

3. Workers' Compensation: as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than $1,000,000 per accident for bodily injury or disease.

4. Contractors Pollution Liability and/or Asbestos Pollution Liability and/or Errors & Omissions applicable to the work performed, with a limit no less than $2,000,000 per claim or occurrence and $4,000,000 aggregate per policy period of one year.

   Each of the above policies must contain a provision that policy shall not be cancelled or materially changed without thirty (30) days' prior written notice to PARK DISTRICT. No cancellation provision in any insurance policy shall be construed in derogation of the continuous duty of CITY to furnish the required insurance during the term of the License.

b) The insurance policies are to contain, or be endorsed to contain, the following provisions:

1. Additional Insured Status. PARK DISTRICT, its officers, directors, officials, agents, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of CITY including materials, parts or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to CITY's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 forms if later revisions used).

2. Primary Coverage. For any claims related to this contract, CITY's insurance coverage will be primary insurance coverage at least as broad as ISO CG 20 01 04 13 as respects the PARK DISTRICT, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by PARK DISTRICT, its officers, directors, officials, agents, employees, or volunteers will be excess of CITY's insurance and will not contribute with it.

3. Self-Insured Retentions. Self-insured retentions must be declared to and approved by PARK DISTRICT. PARK DISTRICT may require CITY to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

4. Acceptability of Insurers. Insurers must maintain a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to PARK DISTRICT.

5. Verification of Coverage. CITY will furnish PARK DISTRICT with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by PARK DISTRICT before work commences. However, failure to obtain the required documents prior to the work beginning will not waive CITY's obligation to provide them. PARK DISTRICT reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

6. Failure of Coverage. Failure, inability or refusal of CITY to take out and maintain during the entire term of this License any and all of the insurance as aforesaid shall at the option

of PARK DISTRICT constitute a breach of this License and justify immediate termination of the same.

If required, CITY shall cause to be procured and maintained in force during all times this License is in effect and during the time any of the work herein referred to is being performed, and six months thereafter, public liability and property damage insurance, including completed operations, contractual, and owned and non-owned automobiles in the sum of one million and no/100 dollars ($1,000,000.00) combined single limit. PARK DISTRICT and its directors, officers, agents and employees shall be named as additional insureds in such insurance coverage which shall be filed with PARK DISTRICT prior to the time of issuance of this License. Said certificate shall provide that such insurance coverage will not be canceled or reduced without at least 30 days' prior written notice to the PARK DISTRICT Representative.

CITY will be permitted to self-insure in lieu of the requirements for insurance secured from a private carrier. CITY shall submit a letter of self-insurance signed by a duly authorized representative to the PARK DISTRICT evidencing that CITY's self-insurance program is in full force and effect.

13. CONFLICT OF INTEREST

Neither PARK DISTRICT, nor any director, employee, agent, representative, contractor or supplier of PARK DISTRICT, may in connection with this License (A) give to or receive from any director, officer, employee, or agent of CITY or its affiliate anything that is more than a nominal cost or value, or (B) enter into any business arrangement with any director, officer, employee, or agent of CITY or its affiliate without CITY's prior written consent.

14. RECORDS AND INSPECTION

Up until 24 months from the end of the calendar year in which this License is terminated, (A) PARK DISTRICT and CITY shall retain all records related to this License and, (B) the other Party may inspect at any time all records to confirm that the requirements of this License are met.

15. ELECTRONIC SIGNATURES

This License may be executed by electronic signature(s) and transmitted either by facsimile or in a portable document format ("pdf") version by email and such electronic signature(s) shall be deemed as original for purposes of this License and shall have the same force and effect as a manually executed original.

16. COUNTERPARTS

The exchange of counterpart signature pages between the Parties constitutes execution and delivery of this License. Executed signature pages sent by email, scan or otherwise by photocopy are valid means of delivery.

17. SEVERABILITY AND SAVINGS

Each provision of this License is severable, and any determination of invalidity of any provision does not affect any other provision.

18. PRIOR AGREEMENTS

This License supersedes all prior and contemporaneous representations, agreements, or commitments between the Parties concerning the subject matter of this License.

19. RESOLUTION OF DISPUTES

If a dispute arises between the Parties relating to this License, the Parties agree to resolve the dispute first by negotiation in good faith. If the dispute cannot be resolved by direct negotiation, the Parties agree to mediate the dispute before initiating litigation or arbitration. All mediation and arbitration fees and costs must be paid equally and each party shall bear its own attorneys' fees and costs in connection with such mediation and arbitration.

IN WITNESS WHEREOF, the Parties have executed this License effective as of the last date set forth below.

LICENSOR

EAST BAY REGIONAL PARK DISTRICT

By: _____
Sabrina Landreth
General Manager

Date: _____

Approved as to Form:

By: _____
Jason Rosenberg
Assistant District Counsel

Date: _____

LICENSEE

CITY OF BERKELEY

By: _____
Paul Buddenhagen
City Manager, City of Berkeley

Date _____



EXHIBIT A: LICENSED PREMISES
NORTH BASIN STRIP
MCLAUGHLIN EASTSHORE STATE PARK

EAST BAY REGIONAL PARK DISTRICT

ORDINANCE NO.: 2023 – 02 – 025

February 7, 2023

AUTHORIZATION TO AMEND THE GROUND LEASE WITH THE CITY OF BERKELEY AT THE TOM BATES REGIONAL SPORTS COMPLEX SITE TO EXTEND THE TERM OF THE LEASE THROUGH DECEMBER 31, 2053 AND TO GRANT A LICENSE AGREEMENT FOR TEMPORARY PARKING:
MCLAUGHLIN EASTSHORE STATE PARK REGIONAL SHORELINE

WHEREAS, in December 2003, the East Bay Regional Park District (Park District) purchased a 15.73-acre property adjacent located south of Gilman Street and west of Interstate 80 from MEC Landholdings, LLC and then entered into a joint powers agreement (JPA) with the cities of Berkeley, Albany, El Cerrito, Emeryville, and Richmond for the development and operation of sports fields on the property; and

WHEREAS, the Park District and City of Berkeley (City) then entered into a Cooperative Funding Agreement which enabled the City to design and construct the sports fields and facilities; and

WHEREAS, in 2007, by No. 2007-03-070, the Park District Board of Directors authorized a 25-year Ground Lease with the City of Berkeley for the City's operation and maintenance of the Tom Bates Regional Sports Complex at the site; and

WHEREAS, Phase I of the project included the design and construction of two artificial turf soccer fields, two grass soccer fields, a grass softball field, and parking for well over one hundred cars; and

WHEREAS, Phase II of the project will include much-needed restroom facilities, a fieldhouse with storage, classroom and office space, a youth soccer field, and pickleball courts; and

WHEREAS, the City plans to fund the Phase II improvements with its local City Measure T1 bond program, passed by Berkeley voters in 2016, and because that bond measure requires that the City have a formal land tenure agreement for the 25- to 30-year length of the bond, the City has requested an early extension of the Ground Lease, which is set to expire on March 19, 2032; and

WHEREAS, the proposed amendment would extend the current term of the Ground Lease through December 31, 2053, to satisfy the land tenure requirement of the bond measure, while the City would retain the option to extend the Ground Lease up to an additional 25 years upon mutual agreement by the Park District and the City; and

WHEREAS, the City is also requesting the use of an approximately one-half acre portion of the adjacent "North Basin Strip" located within McLaughlin Eastshore State Park Regional Shoreline (MESP) to serve as a temporary parking lot for sports complex visitors during the project construction period, and the grant of a license agreement to the City for this purpose is a permissible action under the terms of the 2002 MESP General Plan; and

WHEREAS, the extension of the term of the Ground Lease is categorically exempt from California Environmental Quality Act (CEQA) requirements for preparing and processing environmental documentation pursuant to Section 15301 of State CEQA Guidelines which in part exempts the leasing of existing public facilities, and the City of Berkeley will be the lead agency responsible for compliance under CEQA for the planned Phase II improvements;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby authorizes the General Manager to amend the City of Berkeley's Ground Lease at the Tom Bates Regional Sports Complex site to extend the term of the lease through December 31, 2053, while retaining the City's option to further extend the Ground Lease up to an additional 25 years upon mutual agreement by the Park District and the City; and

BE IT FURTHER RESOLVED that the General Manager is hereby authorized to grant a license agreement to the City for the use of an approximately one-half acre area, located adjacent to the sports complex and within McLaughlin Eastshore State Park Regional Shoreline, to serve as a temporary parking lot for sports complex visitors during the project construction period; and

BE IT FURTHER RESOLVED that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director Corbett, seconded by Director Echols, and adopted this 7th day of February, 2023 by the following vote:

FOR: Colin Coffey, Ellen Corbett, Elizabeth Echols, Dee Rosario, Dennis Waespi, Olivia Sanwong, John Mercurio.

AGAINST: None.
ABSTAIN: None.
ABSENT: None.

Dennis Waespi
Board President

CERTIFICATION
I, Yolande Barial Knight, Clerk of the Board of Directors of the East Bay Regional Park District, do hereby certify that the above and foregoing is a full, true and correct copy of Resolution No. 2023-02-025 adopted by the Board of Directors at a regular meeting held on February 7, 2023.

Yolande Barial Knight

East Bay Regional Park District
Healthy Parks Healthy People

Tom Bates Regional Sports Complex Lease Renewal

McLaughlin Eastshore State Park



O:\GIS\CMcKaskey\Projects\Parks\McLaughlinEastshore_ES\ASD\Landles_TomBatesLeaseRenewalles_TomBatesLeaseRenewal.aprx Date: 1/9/2023

19

Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhaggen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Mills Act Contract – 1619 Walnut Street

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Noemi Ruelas for the maintenance and restoration of a City Structure of Merit property at 1619 Walnut Street.

FISCAL IMPACTS OF RECOMMENDATION

Approving the Mills Act contract for the City Structure of Merit property at 1619 Walnut Street would reduce the property tax bills for the owners by approximately $12,000 in year one, approximately 16% of which ($2,000) would be diverted from Berkeley's tax revenue. Final amounts are determined by Alameda County after contract execution. This will be an annual impact to the City's tax revenue, as the contract runs for ten years, in comparable annual amounts, and automatically renews annually thereafter unless notice of nonrenewal is given. In turn, the work plan commits the owners to spending the anticipated tax savings on restoring the landmarked property. The Mills Act also specifies procedures for cancellation of the contract for a breach of conditions.

Council approval will allow property tax reduction for this property to begin in the 2026-2027 fiscal year.

CURRENT SITUATION AND ITS EFFECTS

On June 6, 2019, the property at 1619 Walnut Street was designated as a City of Berkeley Structure of Merit, making the property owner eligible to take advantage of the Mills Act (see Attachment 2).

On September 4, 2025, the Landmarks Preservation Commission (LPC) reviewed the proposal by the present owner, Noemi Ruelas, to enter into a Mills Act contract for 1619 Walnut Street, including a proposed scope of work and maintenance schedule, and voted 5-1-0-1 to recommend approval of the Mills Act Contract application to City Council (Moved/Second Finacom/Crandall; Yes: Crandall, Finacom, Orbuch, Leuschner, Montgomery; No: Schwartz; Abstain: none; Absent: Plese).

BACKGROUND

The Mills Act allows owners of historic properties to voluntarily enter into individual contracts with the City, in order to obtain limited ad valorem tax relief at the discretion of host jurisdictions, in exchange for maintaining and restoring their historic property. The property tax savings are offered to create an incentive for owners to maintain their historic properties, to designate historic properties that are currently not protected, and to purchase and upgrade already dilapidated historic properties.

In Berkeley, owners of properties designated by the LPC as a Landmark or a Structure of Merit may apply for a Mills Act contract. The Alameda County Assessor uses a formula, consistent with the provisions of the Mills Act, to determine the amount of property tax reduction, which applies a capitalization rate to the calculated net operating income for the property under the Mills Act contract. The Mills Act application includes a ten-year work plan to restore and maintain the subject property. The total investment in the work plan is intended to equal or exceed the total amount of the property tax relief over the contract period.

On February 24, 1998, the Berkeley City Council passed Resolution No. 59,355-N.S., which authorizes the local use of the Mills Act of 1972, as amended, which is codified in California Government Code Section 50280-90 and Revenue and Taxation Code Section 439.

In 2011, State law was amended to include more specific requirements regarding inspection, fees, and cancellation. The amendments clarified that the local legislative body may require fees for providing services pursuant to the Mills Act; shall inspect the property prior to a new agreement and then every five years thereafter; and shall cancel the contract if it determines that the owner has breached the conditions of the contract. As a result of these amendments, Land Use Planning fees for the approval and monitoring of these contracts were added in July 2012, with fee rates periodically adjusted to keep up with staff costs.

RATIONALE FOR RECOMMENDATION

In order to qualify for Mills Act consideration, 1) the property must qualify as historic; 2) the contract must adequately meet the requirements for Mills Act contracts; and 3) the type of improvements outlined in the work plan must meet the City standards, which require that tax savings be used according to the rules and regulations outlined in the Act.

The property located at 1619 Walnut Street is eligible for the Mills Act contract because it is a Berkeley Structure of Merit. The contract template has been reviewed by the City Attorney's Office for conformance to all relevant City and State regulations. The contract includes a comprehensive work plan that the property owner has agreed to complete within the first ten-year contract period (see Attachment 3) and that provides

for the “preservation of the qualified historical property and, when necessary, to restore and rehabilitate the property to conform to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior’s Standards for Rehabilitation, and the State Historical Building Code” (California Government Code Section 50281(b)(1)).The LPC has concluded that the proposed work plan meets the standards adopted by the City Council, and the costs of the proposed improvements are anticipated to equal or exceed the tax savings afforded the owners.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS
Approval of the contract would encourage historic resource rehabilitation, materials conservation, and construction and demolition waste diversion.

ALTERNATIVE ACTIONS CONSIDERED
The Council could deny the application if it found that it did not satisfy the requirements of the Act.

CONTACT PERSON
Jordan Klein, Director, Planning and Development Department, 510-981-7534
Allison Riemer, Senior Planner/LPC Secretary, 510-981-7433

Attachments:
1. Draft City Council Resolution
2. Notice of Decision, Structure of Merit Designation for 1619 Walnut Street, effective date July 24, 2019
3. Rehabilitation Plan, dated August 27, 2025
4. LPC Staff Report September 4, 2025

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

AUTHORIZING THE CITY MANAGER TO EXECUTE A MILLS ACT CONTRACT AND ANY NECESSARY AMENDMENTS WITH NOEMI RUELAS, FOR THE MAINTENANCE AND RESTORATION OF A HISTORIC PROPERTY LOCATED AT 1619 WALNUT STREET, IN RETURN FOR THE OWNER TO OBTAIN A PROPERTY TAX REDUCTION

WHEREAS, on February 24, 1998, the Berkeley City Council adopted Resolution No. 59,355-N.S. which authorized the use of Mills Act contracts; and

WHEREAS, on June 6, 2019, 1619 Walnut Street was designated as a City of Berkeley Landmark, which renders it eligible to take advantage of the Mills Act; and

WHEREAS, on September 4, 2025, the Landmarks Preservation Commission reviewed the proposed projects listed in the Mills Act Contract Application for 1619 Walnut Street, and recommended that the City Council enter into a Mills Act contract with the property owner; and

WHEREAS, the City of Berkeley Mills Act program requires each contract to be approved by the City Council and signed by the City Manager; and

WHEREAS, the City Council, in light of all evidence, finds that the contract is consistent with the purposes of the Mills Act program.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is authorized to execute a Mills Act Contract and any necessary amendments with Noemi Ruelas for the maintenance and restoration of the historic property located at 1619 Walnut Street and in return offer a property tax reduction for a period of at least ten years, with a recorded copy of such contract and amendments to be on file in the Office of the City Clerk and Alameda County Clerk-Recorder.

LANDMARKS PRESERVATION COMMISSION

NOTICE OF DECISION

DATE OF COMMISSION DECISION: June 6, 2019
DATE NOTICE MAILED: July 8, 2019
APPEAL PERIOD EXPIRATION: July 23, 2019
EFFECTIVE DATE OF DECISION (Barring Appeal or Certification): July 24, 2019[1]

1619 Walnut Street – Las Casitas Apartments

Landmark application #LMIN2019-0001 for the consideration of City Landmark or Structure of Merit designation status for a multi-unit residential property – APN 058-2179-025-00.

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following designation:

DESIGNATION: Structure of Merit

APPLICANT: Petition of Berkeley Residents prepared by Scott Wheeler, 1619 Walnut Street, Apt. A, Berkeley, CA 94709

ZONING DISTRICT: R-2A, Restricted Multiple-Family Residential

ENVIRONMENTAL REVIEW STATUS: Categorically exempt under the California Environmental Quality Act Guidelines, Section 15061(3).

The application materials for this project are available online at:
http://www.cityofberkeley.info/zoningapplications

FINDINGS AND APPROVED APPLICATION ARE ATTACHED TO THIS NOTICE

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1 Pursuant to BMC Section 1.04.070, if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day. Pursuant to BMC Section 3.24.190, the City Council may "certify" any decision of the LPC for review, within fifteen days from the mailing of the NOD. Such certification shall stay all proceedings in the same manner as the filing of a notice of appeal.

COMMISSION VOTE: 5-3-0-0 (one vacancy)

YES: ALLEN, CHAGNON, FINACOM, OLSON, O'MALLEY

NO: ABRANCHES DA SILVA, CRANDALL, SCHWARTZ

ABSTAIN:

ABSENT:

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):

To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley; or by facsimile to (510) 981-6901. The City Clerk's telephone number is (510) 981-6900.
2. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).
3. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
    a. The basic fee for persons other than the applicant is $500. This fee may be reduced to $100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
    b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is $500, which may not be reduced.
    c. The fee for all appeals by Applicants is $2500.

If no appeal is received, the landmark designation will be final on the first business day following expiration of the appeal period.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.

2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must including the following information:

   A. That this belief is a basis of your appeal.

   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.

   C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

   If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

PUBLIC COMMENT:

Communications to Berkeley boards, commissions or committees 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 a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. 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 secretary to the relevant board, commission or committee for further information.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Alison Lenci, at (510) 981-7410 or alenci@cityofberkeley.info. All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, between 8 a.m. and 4 p.m., Monday through Friday.

ATTACHMENTS:

1. Findings
2. Landmark Application, received **MAY 16, 2019**



ATTEST:
Fatema Crane, Secretary
Landmarks Preservation Commission

cc: Residents
City Clerk
Initiator and Application Author:
Petition of Berkeley Residents prepared by
Scott Wheeler
1619 Walnut Street, Apt. A
Berkeley, CA 94709

Property Owner;
David Downs
1777 Lafayette Street, Unit #128
Santa Clara, CA 95050

ATTACHMENT 1

DRAFT FINDINGS

JUNE 6, 2019

1619 Walnut Street – Las Casitas Apartments

Landmark application #LMIN2019-0001 for the consideration of City Landmark or Structure of Merit designation status for a residential property.

City of Berkeley Landmark Application LMIN2019-0001

PROJECT DESCRIPTION

Structure of Merit designation of the property at 1619 Walnut Street, Las Casitas Apartments.

CEQA FINDINGS

1. The project is found to be exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15061.b.3 of the CEQA Guidelines (activities that can be seen with certainty to have no significant effect on the environment).

LANDMARK PRESERVATION ORIDNANCE FINDINGS

2. Pursuant to Berkeley Municipal Code (BMC) Section 3.24.110.B Paragraph 2.c of the Landmarks Preservation Ordinance (LPO), the Landmarks Preservation Commission of the City of Berkeley (Commission) finds that the subject main building is a good example of Spanish Eclectic architecture. The building was constructed between 1927 and 1928, during the period of the Spanish Eclectic style (1915 - 1935). It includes many identifiable features of the Spanish Eclectic style, including a flat roof with parapet walls, narrow tile covered shed roofs with regularly laid tapered mission style tile, asymmetrical façade, stucco walls, stain glass windows, decorative window grills, decorative iron sconces and door knockers and arcaded walkways.

FEATURES TO BE PRESERVED

1. This Structure of Merit designation shall apply to the subject property and the following distinguishing features shall be preserved:

   Features of the Site:

   - Two semi-circled scored pathways, one along the side (south) property line and one along the side (north) property line;
   - Five elongates diamond shape cutouts along the length of the southern pathway;
   - Decorative cement urn at southwest corner of the site;
   - Rounded Archway reading ‘Las Casitas’ at the southwest corner of the site; and
   - Semi-circled scored stairways and stucco retaining walls leading to each apartment unit entrance on the south façade.

   Features of the Main Building:

   - All extant, exterior building features characteristic of the Spanish Eclectic style;
   - Two-story building with slightly recessed basement level 2-car garage;
   - Horizontal wood board and batten garage doors on front, west façade;
   - Flat parapet roof with three symmetrically placed false gables;
   - Asymmetrical façade;
   - All regularly laid tapered mission style tile;
   - Four narrow tile covered shed roofs with regularly laid tapered mission style tile along south façade;
   - Semi-rough, rusticated stucco material;
   - Wrought iron elaborations including:
     - Two faux balcony grills, one on west façade and one on south façade;
     - Two handrails, one for unit A and one for unit B;
     - Six foot long balcony on second story south façade;
     - Seven encased door awnings connected to the building with U-shaped bars;
     - Seven exterior light fixtures, fashioned in a three-fourth circular pattern; and
     - Seven unit identification plaques with doorbells and unit letter cutouts.
   - Sixteen wood framed casement windows (4 on the west façade, 4 on the south façade, 2 on the east façade, and 6 on the north façade);
   - Nine wood framed stained glass windows (1 on the west façade, 8 on the south façade);
   - Twenty wood framed double sliding windows on the east and north façade;
   - Two wood framed double-hung windows on the east façade;
   - Two wood framed fixed windows on east façade;
   - Seven wood doors along south façade, each inset with 12 true divided light glass panes;
   - Seven wood doors with screened windows along north façade; and
   - Seven hammered copper door knob plates.

CITY OF BERKELEY
Ordinance #4694 N.S.

LANDMARK APPLICATION

Las Casitas Apartments: 1619 Walnut Street Berkeley 94709 in 1939 (photographer unknown)



Las Casitas Apartments: 1619 Walnut Street Berkeley 94709 in May 2019 (photo: Scott Wheeler)



Note: The elm in the 1939 photo recently died of Dutch elm disease. Tenants replanted this new elm from its own seedlings.

Planning and Development Department Land Use Planning Division

City of Berkeley
Ordinance #4694 N.S.

LANDMARK APPLICATION

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1. Street Address: 1619 Walnut Street

City: Berkeley
County: Alameda
Zip: 94709

2. Assessor's Parcel Number: 58-2179-25

Block and Lot: Block D, Lot 8
Tract: Percy Tract

Dimensions: Lot size 6800, Building size 5003

Cross Streets: Cedar and Virginia

3. Is property on the State Historic Resource Inventory? No
Form #

Is property on the Berkeley Urban Conservation Survey? No
Form #

4. Application for Landmark includes:

a. Building: ☑ **Garden:** ☑ **Other features:**
b. Landscape or Open Space: ☑ **Natural Designed** **Other**

c. Historic Site:

d. District:

e. Other:

5. Historic Name: Las Casitas
Commonly Known Name: Las Casitas - metal arch over driveway reads: "Las Casitas" (please refer to numberous attached photos).

6. Date of Construction: 1927 and 1928

a. Factual: ☑ **b. Approximate:**

Source of Information: Old permits, maps and photographs courtesy of Berkeley Architectural Heritage Association (BAHA). Please also section 19 Bibliography.

7. Architect: William John Alexander Doctor

8. Builder: William I. Rush

9. Style: Spanish/Mission Revival, Spanish Colonial, aka Spanish Renaissance

10. Original Owners: Madge L. Rush

Original Use: Apartments

11. Present Owners: WholeLife Homes

12. Present Use: Apartments

Residential: Single Family Duplex Multiple ☑

Commercial: Office Store Industrial Hotel

Institutional: School Hospital Other

Current Zoning: Restricted multi-family residential (R-2A)

Adjacent Property Zoning: Same, R-3 to the east

13. Present Condition of Property:

Exterior: Excellent Good Fair ☑ **Poor**

Interior: Excellent Good ☑ **Fair Poor**

Grounds: Excellent Good ☑ **Fair Poor**

Has the property's exterior been altered? A fire escape on north side was either original or added (no information was found and it isn't mentioned on the 1927 and 1928 conversion permits).

14. Description:

Exterior Building Description of Las Casitas, 1619 Walnut Street:

West Façade - facing Walnut Street

The façade consists of semi-rough textured stucco siding with four large encased windows. A slightly sloping center parapet and three symmetrically placed false gables conceal a flat roof. The gables on the NW and SW sides continue at least five feet around the corners of the building. Each gable contains over hanging eaves with broad exposed V-joint rafters and all gables are covered with regularly-laid straight barrel mission tiles.

The NW corner of the West façade portrays a slightly sloping asymmetrical line from the roof to the bottom end of the structure. Encased within this line is a round arched entrance way leading to the North side and the rear of the building.The SW side of the West façade also portrays a round arched opening. Although somewhat smaller, it displays a wrought iron elaboration for the building number designation, 1619. Left adjacent to the smaller rounded archway opening is a wood encased stained glass window. The right adjacent side displays a large four foot high urn identical to the one at Sunny Gables at 1631 - 1633 Walnut Street, the "sister" building in architectural design to Las Casitas.

Additional elaborations include a large wrought iron wall faux balcony grille and the beautiful and elegant wrought iron rounded archway stating the name Las Casitas. This wrought iron arch provides the pathway and driveway to the building. The lower portion of the West façade contains two slightly recessed garages, displayed and set off by broad flat stucco beam structures that continue with the West stucco façade. Additional features include two ground level stucco garden planters designed for architectural landscape enhancement.

Las Casitas arch with driveway and stained glass 2nd floor (south side)



Front wall with “1619” wrought iron house number and large urn:



Modern photo of southwest corner of 1619 Walnut Street



Stained glass front (west side - needs restoration)



South Façade - entrance way to Las Casitas

The South façade building exterior is semi-rough textured stucco. The roof is flat with the illusion of a varying level at the SE end of the façade. Three large casement windows enhance the upper half of the building. In addition to window enhancement, three projected decorative ornamental roof elements adorn the side of the façade. Uniquely appearing as an ornamental feature, the projected elements actually contain three of the building's apartment closets. Each projected roof element is secured with a wide flat beam and all have regularly laid straight barrel mission tiles. Wood framed stained glass windows are an architectural feature of each projected element. The smallest decorative projection, that being closest to the West façade, displays a smaller sized wood encased stained glass window with the additional elaboration of a wrought iron faux balcony grille extending from the window. At the SE end of the façade, a fourth projected decorative ornamental element is actually part of a closet and a bedroom. This projection also displays a smaller wood encased stained glass window and regularly laid straight barrel mission tiles. Providing the connecting unity and harmony between the third and the fourth projected elements, there is a six foot length balcony with the elaboration of a wrought iron railing.

The lower half of the façade displays one casement window. Four wood encased stain glass windows display on the lower level. This level includes entrance to the seven apartment dwellings. Unique and individual, each entrance provides a personal stairway and door entrance to each unit. All stairways are cement and provide stucco walls and gently-sloping barriers between the units. Wrought iron hand rails display on the wall next to the staircase. Each door displays rectangular wooden sash windows, (also known as muntins), and a decorative elaboration of a hammered copper door knob plate. Above the door, a wrought iron encased door awning is attached to the door's side stucco exterior with wrought iron U shaped braces. Shaped metal representing leaves display decoratively entwined around the exterior light fixtures, and in turn, the fixture is protected by the decorative elaboration of wrought iron strips fashioned in a three-fourths circular pattern. Adjacent to each doorway, a wrought iron identification plaque with doorbell and a unit letter cutout identify the units A through G. A stucco decorative vent design graces the building at the lower façade midpoint.

A and B entrances (south side of the building)



Apt B stained glass and faux balcony with metal arch in foreground



Apt F projected element balcony (south side)



Apt A stained glass looking south fully restored by Avalon Glass Works July 2018:



Apt F steps and apartment entranceway barriers



Apt A front door with original hammered metal doorknob plate and number plate



East Façade - Back Yard and Patio Area

Similar to the previously mentioned façades, the East façade displays rough textured stucco exterior. This façade presents two levels with the upper level displaying the termination of the previously mentioned flat roof and two very large casement windows in the center of the façade. The lower level's flat roof lies dropped twenty feet below the formerly mentioned roof line. At no angle or level of the flat roof line does the East façade display the use of barrel mission tiles. The lower level is unique in that there are six angles forming the projected element. The second flat side displays three wood encased windows: one is a double sliding window, another displays a permanently closed pane, and the third displays a very small Spanish Revival style window. The third flat side displays two wood encased double sliding windows, and the fourth flat side displays one large wood encased double sliding window.

Extending from the final lower level angle is the continuation of the façade to the firstly mentioned flat roof height. The lower level of this sub façade displays two wood encased double sliding windows. The upper level of this recessed façade displays three asymmetrically placed wood encased windows. While the largest on the northeast side is permanently closed, the window left adjacent displays a double sliding window. The far left adjacent window is another example of a small wood encased Spanish Revival style window. The East façade of Las Casitas displays the only examples of very small Spanish Revival style windows.

Both upper and lower levels of the recessed sub façade display projected stucco elaborations. Although appearing decorative, these projected elements provide exterior storage space. The lower level's recessed fifth and sixth angle area is enhanced with a small outside patio.

Rear of building and garden: upper floor is Apt F and lower floor is bedroom of Apt G



Projected element used as storage



North Façade - The Rear Side of Las Casitas

The rough stucco surface on the north façade predominately displays eighteen windows of two styles and various sizes, seven entrance/exit apartment unit doors, and two fire escape stairways providing an entrance/exit for four doorways to the north side pathway.

The most northwest side displays six wood encased, casement windows, one large and two smaller, identically placed on the upper and lower levels. Two doorways, identically placed on each level lead to a fire escape pathway. The door on the superior level leads directly to a wrought iron rail encased fire escape landing, five feet long by three feet wide which provides direct access to the descending wrought iron, rail encased stairway. Ceasing before the doorway to the lower unit, the stairway continues as a railed four feet by three feet cement landing in front of the lower unit's doorway. Railed cement steps continue the descent from this landing to the pathway along the rear of the building.

The prominent physical features adjacent to the wrought iron fire escape are: the wood doorway at the lower level pathway leading to the building's boiler room; left adjacent to the boiler room door, a wood panel enclosure containing a gas meter; a one foot diameter stovepipe ascending two feet above the height of the north wall; and a five inch softly rounded projected element which transverses from the stovepipe to the end of the northeast façade. This projected element decoratively displays the division of the superior and inferior unit levels.

Continuing toward the east, the upper level displays two, side by side, wood encased, double sliding windows with a decorative air vent, centrally place two feet above them. The lower level displays a grand, six feet long by four feet wide wood encased, double sliding window centrally placed below the two superior windows.

The most unique feature along the north wall is the three sided projected element, widths of four feet, eight feet and four feet. This element creates an ornamental design to the otherwise flat north façade. Extending from the pathway to the upper level, the projected element continues until approximately three feet from the flat roof. At the three foot demarcation, the element changes and extends to a flat surface at the four foot wide façades therefore creating right angles to the flat wall. On the west, the right angle creates a projected triangle overhang above one of the two, wood encased, double sliding windows while on the east, the projected triangle creates a overhang above the unit's rear doorway that leads directly to the building's second fire escape staircase. At the lower level, the projected element area displays two, wood encased, double sliding windows and a rear unit doorway directly below the one superior. Unique from all other north side doors. this door displays a non opening window above it, and the door opens onto two cement steps leading directly to the rear pathway.

The remaining north east side façade, on the superior level, displays a five feet wide by twenty five feet long railed, wrought iron fire escape landing providing rear entrance/exit

for two units - the previously mentioned upper doorway and the doorway most near the east side of the building. A wrought iron, wall side ascending step ladder leads from the landing to the roof, and a railed, wrought iron stairway extends from the landing to the north side pathway. Three small wood encased, double sliding windows display on the upper level between the doorways. The lower level displays two wood encased, double sliding windows and a unit doorway above one cement step leading to the north side pathway.

Recessed approximately twenty feet from the east corner of the north element, is the one remaining doorway which steps directly onto flat surface cement. All rear doorways at Las Casitas are wood and have an eighteen inch by twenty three inch small hinged opening, screened window at the door's superior end.

The seventy five foot north side pathway is semi circled, scored cement displaying an artistic design similar to the building's front entrance pathway. The area below the north west side fire escape provides space for landfill and recycling bins. Four feet wide and twelve feet long gardening spaces, adjacent to the north side pathway, display beneath the grand, double sliding window and the north east fire escape area. Trees, shrubs and various flowers grace the building.

North side of 1619 Walnut (photo is facing east)



Apt B back door with window (north side)



Back (north side)scored pathway



Description of the Physical Grounds at Las Casitas

The wrought iron archway provides the entrance to the pathway and driveway to Las Casitas. On the left of this pathway is firstly, the entrance to the utility room, and thereafter, the seven individual stairways, A through G, leading to the direct and private entrance into each apartment unit. Between units A and B, B and C, D and E, and F and G there are garden spaces provided due to the stairway extension of each unit from the building wall. Barriers on each gardening space connect to the extending steps providing a continuous barrier line from the utility room to unit G. This barrier is raised approximately five inches from the pathway. Due to gardening spaces, various plants, shrubs and trees grace the building's side - ferns, sage, succulents. aloe and bougainvillea. The most notable foliage are the two pink camellia trees next to units A and B. A number of A W doctor's buildings have light pink or pink camellia trees near their entrance way. Buildings sited are the addresses 619, 642, and 843 Arlington, 791 Vicente, 1545 Beverly Place, 1570 Hawthorne and 1851 Catalina.

The right pathway barrier displays a rough stucco surface with a four feet high wall. This barrier is twenty seven feet long with a one foot wide top shelf along its entire length. The length of the wall and the width of the top allow for three indented slightly peaked archways under the top side providing for gardening space due to the pathway's edge being around twelve inches from the indented wall. Extending from the stucco wall is a five foot high wooden plank fence that continues to the first structure on the southeast side of the property. This fence additionally allows for gardening space about one foot in front of the fence. Along the entire right side pathway various plants, shrubs, and trees grace the area. Foliage includes plum trees, ferns, ivy, spider plants, roses, a lemon tree with the most notable foliage being a large brugmansia and fragrant jasmine along the majority of the fence.

The semi-circled scored cement path and driveway to Las Casitas displays artistic design. The path, approximately seven and one half feet wide, continues from the front of the entrance of the building to the middle of the last apartment unit. Within the pathway's seventy five foot length are five elongated diamond shaped cutouts. The longest at twenty feet displays near the entrance of the pathway. The shortest at six feet is approximately thirty four inches from the first. At twenty four inches from the shortest cutout, the three remaining cutouts, each approximately eleven and one half feet long with a thirty four inch spacing between each one are displayed. All diamond shaped cutouts provide an area for grass and lawn in the very center of the pathway.

Extending from the scored cement path and driveway, blacktop covers the majority of the backyard area. From the south side fence to the six foot high planked wooden fence on the north side of the property, the backyard area measures fifty three feet wide and twenty seven feet from the last apartment to the garage entrance. Within the fifty three foot area, and at the east side of the backyard, there are five one car garage spaces. The garage adjacent to the south side fence protrudes eight feet in front of the remaining four. All display rough stucco surface on the exterior and wood on the interior. All five spaces display one continuous flat roof, a height of nine feet with a seven foot

car opening. The garage most south and the fourth in line heading to the north side have wooden doors while the remainder are open.

The north west corner of the backyard provides a cemented patio measuring eighteen feet long by fifteen feet wide. The residents have provided a table, chairs and potted plants and flowers for community enhancement and enjoyment.

The remainder of the backyard area is composed of various small trees, plants and flowers, The tenant community displays lemon, oak, redwood and pine trees, bougainvillea, dahlia, iris, lobelia and alyssum. In addition the backyard provides space for a vegetable and herb garden.

Rear garages facing NE



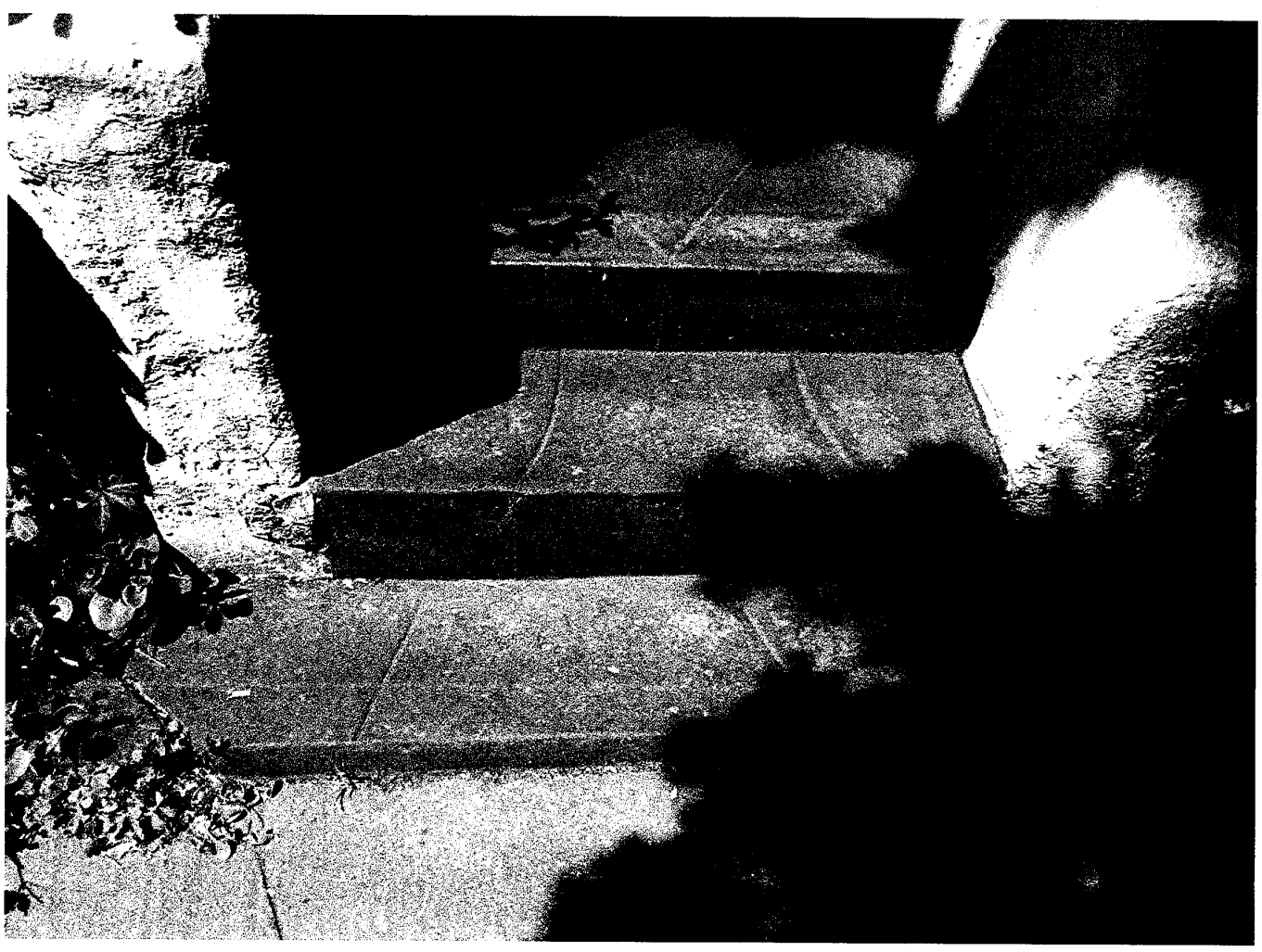
Southermost rear garage of five rear garages (photo is facing east):



Elongated diamond shaped cutout in driveway



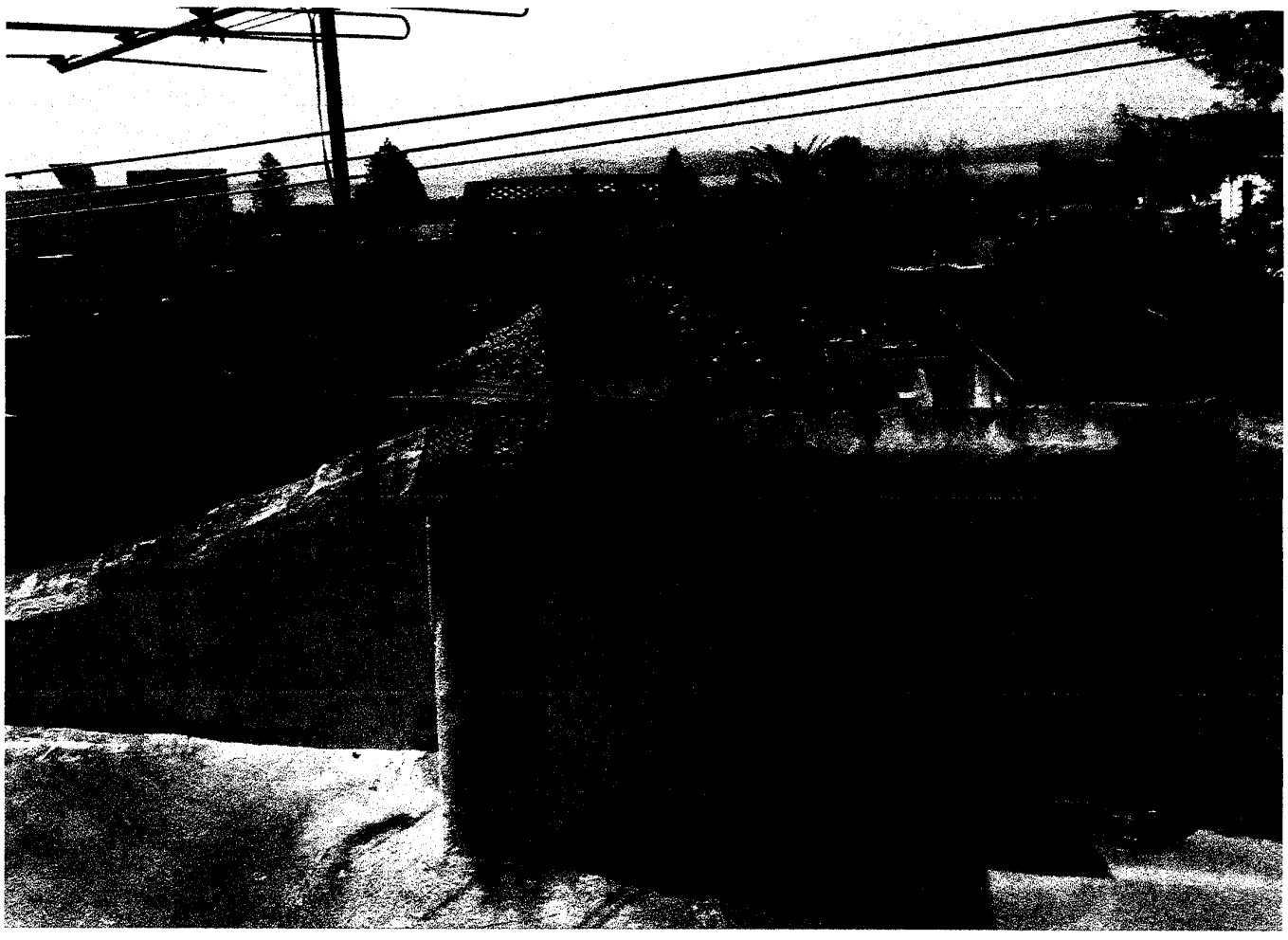
Apt G steps and scores



Fireplace and Chimney information for Las Casitas

The units at Las Casitas contain both faux and viable fireplaces. The living room areas of units E and G display small faux fireplaces. Unit F displays a very small faux fireplace in the larger bedroom, and also displays a formerly working fireplace in the living room area. Presently, a working steam radiator stands on the fireplace hearth. Units A and B currently display the only working fireplaces in the building. The chimneys for units A and B are centrally located on the roof's west side. The chimney for Unit F is centrally located on the building's roof.

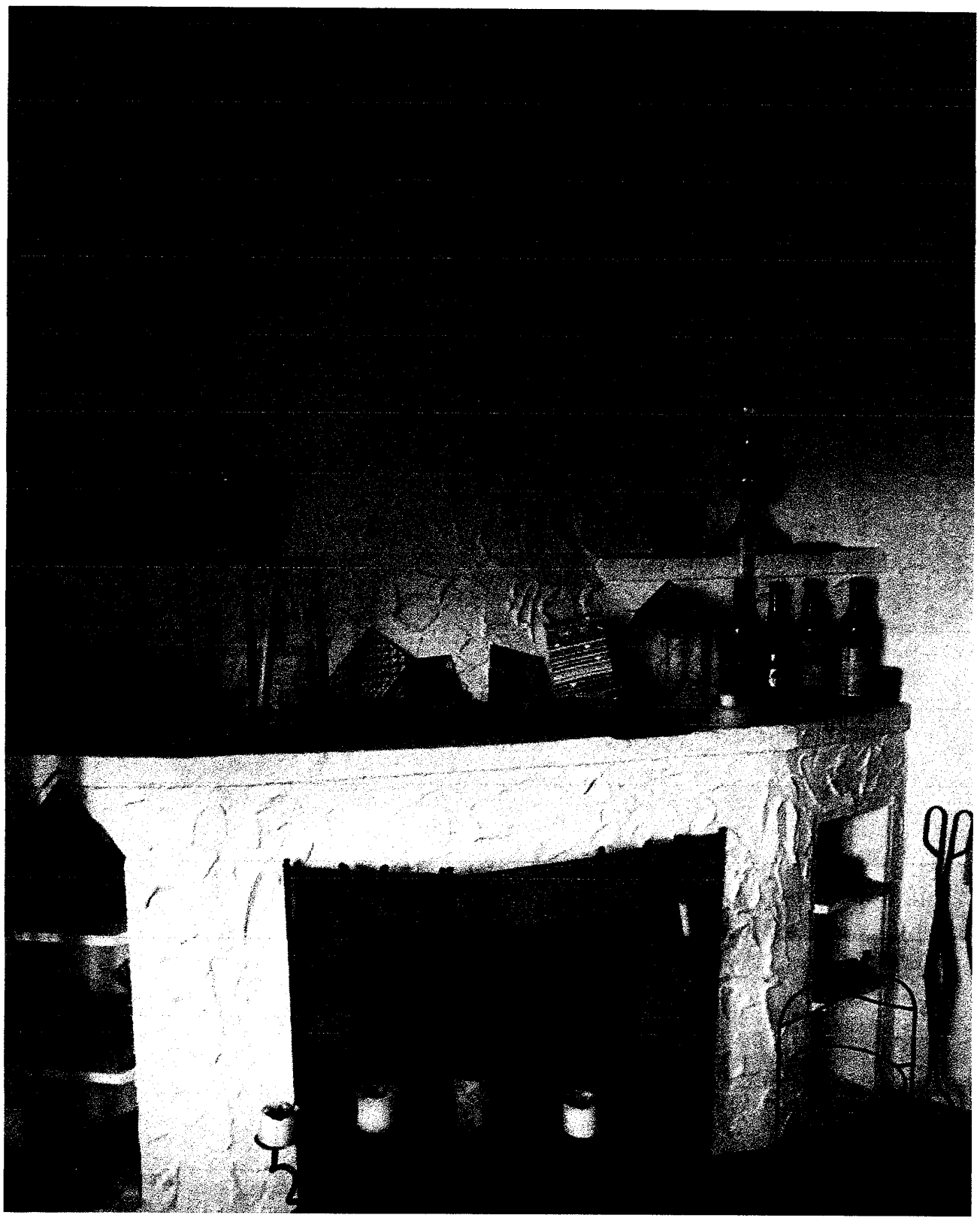
Chimneys for Apts A and B located at the center western edge of the roof:



Foreground – chimney for Apt F facing west (A and B chimneys in the background)



Apt A Pueblo-style fireplace with “cake frosting” stucco



Features to Be Preserved:

The distinguishing features of Las Casitas include:

Overall Features

- Semi rough textured stucco on all elements
- Slightly sloping center parapet
- Three symmetrical overhanging eaves
- Round arch entrance way providing path to the north side of building
- Round arch opening providing space for building street number identification
- Regularly laid straight barrel mission tiles on over hanging eaves and south side projected elements
- Decorative cement urn on west side identical to that of the "sister" building at Sunny Gables at 1631-1633

Wrought Iron Elaborations

- Rounded archway stating the name Las Casitas at the entrance to the pathway and driveway
- Plaque for building street number designation at small rounded arch on west side
- Two faux balcony grills, one on the west side, the other on the south side
- Six foot length balcony between the projected elements on the south side
- Two hand rails, one each for units A and B stairways
- Seven encased door awnings connected to the building with U shaped bars
- Seven exterior light fixtures fashioned in a three-fourth circular pattern
- Seven unit identification plaques with doorbell and unit letter cutout

Stucco Elaborations

- Two ground level garden planters on west side
- Five projected external storage spaces on north side
- Two decorative stucco air vents, one on the south side and one on the north side

Projected Decorative Elements

- Three projected elements with tiles on the south side
- One projected element without tiles on the south side
- One six sided projected element on the east side
- One three sided projected element on the north side
- Two projected triangle shaped elements on the north side

Windows

Nine wood framed stained glass windows

- One at 41 inches by 29 inches on the west side
- Two at 40 inches by 17 inches on the south side
- Six at 34 inches by 28 inches on the south side

Sixteen wood framed casement windows (hand-crafted and individually-designed):

- Two at 40 inches by 54 inches, each with eighteen handcrafted true divided panes, 11 inches by 6 inches on the west side
- Two at 46 inches by 65 inches, each with eighteen handcrafted true divided panes, 13 inches by 8 inches on the west side
- Three at 46 inches by 65 inches, each with eighteen handcrafted true divided panes, 13 inches by 8 inches on the south side
- One at 58 inches by 59 inches with twenty four handcrafted true divided panes, 13 inches by 7 inches on the south side
- Two at 40 inches by 58 inches, each with eight handcrafted true divided panes, 17 inches by 12 inches on the east side
- Two at 52 inches by 65 inches, each with twenty four handcrafted true divided panes, 11 inches by 8 inches on the north side
- Four at 40 inches by 29 inches, each with nine handcrafted true divided panes, 11 inches by 8 inches on the north side

Twenty wood framed double sliding windows

- All located on the east and north side, ranging in size from, the smallest at 28 inches by 24 inches to the largest at 6 feet by 4 feet.

Two wood-framed Spanish Revival style

- One at 12 inches by 8 inches on the east side projected element
- One at 20 inches by 10 inches on the superior level east side.

Two wood-framed non-opening windows:

- One at the east side projected element
- One at the superior level east side

Doors

- Seven wood doors, 84 inches by 34 inches, each with a 56 inch by 24 inch inset of twelve handcrafted true divided glass panes, 12 inches by 7 inches at the south side entrance/exit way
- Seven hammered copper door knob plates on south side doors
- Seven wood doors, each 84 inches by 34 inches, each with an 18 inch y 23 inch small hinge opening with screened windows at the north side entrance/exit

Stairs, Pathways and Back yard

- Seven semi circled scored stairways to each unit's door way
- Stucco walls and barriers between each unit
- Two semi circled scored pathways, one on the south side and the other on the north side
- Two very old pink camellia trees and various other vegetation along the entire south side pathway
- Five elongated diamond shaped cutouts along the length of the south pathway
- Back yard patio, 18 feet by 15 feet

Apt C leaded glass china cabinet doors restored in July 2018 by Scott Wheeler (A)



Apt A leaded glass china cabinet and cookbook cubby



Architectural features and elaborations of significance within the interior structure of Las Casitas

Mission and Pueblo Influence

Smooth textured stucco walls
Rough textured stucco walls
Ceiling beams
Fireplace chimneys
Rounded archways

Spanish Revival Influence

Smooth textured stucco walls
Rough textured stucco walls
Enlivened flat stucco walls
Fireplace chimneys
Rounded archways
wrought iron wall sconces
wrought iron lighting fixtures
Casement windows
Tiny small wood windows
Asymmetrically placed windows

Mediterranean Style Influence

Plain smooth textured walls
Rough textured walls
Small wall niches and cabinets
Wall sconces
Chandeliers

Probable Influences: Chicago, Prairie and English Manor styles

Leaded and/or stained glass windows (FL Wright Chicago)
Stained glass cabinet doors (please see attached photo of home at 619 Arlington).

15. History:

Per William John Alexander Doctor's Canadian birth certificate:

William John Alexander Doctor
Born: 27 March 1871 in Carleton, Ontario, Canada

Per his record in the California, Death Index:

Name:William Alexander Doctor
Social Security #: 552-30-3208
Birth Date: 26 Mar 1874
Birth Place: Canada
Death Date: 24 Mar 1949
Death Place: Alameda County, California
Mother's Maiden Name: Simpson
Father's Surname: Doctor

Although he declared in the 1930 U.S. Census that he immigrated to the U.S. in 1901, it appears that 1914 was his actual immigration year.

William Alex Doctor in the U.S., Border Crossings from Canada to U.S., 1914
Name: William Alex Doctor
Arrival Date: 24 Nov 1914
Race: Scottish
Age: 37 [actually, 43]
Record Type Manifests
Birth Country: Canada
Port of Arrival: Eastport, Idaho, USA
Residence Country: Canada

In 1916, Doctor lived in Richmond.

In 1923, Doctor lived at 1541 Grant Street in Berkeley and worked at 410 15th Street in Oakland.

In 1924, Doctor was registered to vote at 847 Arlington Avenue.

At the time that he designed the buildings on Walnut Street (Las Casitas & Sunny Gables), he was living in the Sunset District of San Francisco.

By 1930, he was back in Berkeley, living at 1547 Josephine Street, and in 1935–1940, his home was at 3120 Deakin Street (info from his 1930 and 1940 U.S. Census records).

William A. Doctor was possibly vain about his age, perhaps pretending to be younger than he was. This could explain the varying birth dates in his vital records.

Doctor is also mentioned in Jacobsen's Biographical Index of American Artists (with an alternative wrong birth year):

Name:William Alexander Doctor
Birth Year: 1874
Death Year: 1949

Source: Jacobsen's Biographical Index of American Artists. Artists native to the United States or working in the United States from 1606 to 2002. Four volumes. Edited by Anita Jacobsen. Carrollton, TX: A.J. Publications, 2002. (JacBIAA)

Doctor was unbound to architectural orthodoxies, apparently feeling quite free to blend styles that he felt compatible, yet separated even by centuries, hence the introduction of his signature English Manor-style stained glass in this (1619 Walnut) Spanish Colonial, Mission Revival edifice. Per the Oakland Tribune in 1937 he built an English Provincial styled home following his prolific 1920s. BAHA records indicate that he designed more than thirty homes in Berkeley. His design of 619 Arlington's windows is clearly influenced by Frank Lloyd Wright's Chicago stained glass (see close-up photograph attached).

From: The Biographical Dictionary of Architects in Canada (Please note: all italicized text is quoted):

Doctor, William Alexander

DOCTOR, William Alexander (1876-1949) is an obscure architect who was active in Vancouver from 1908 until late 1918. He first appeared in partnership with Sholto Smith in 1908, but this association was dissolved in early 1909 and Doctor practiced on his own until 1910 when he formed another brief partnership with Ormond Higman, an engineer. In 1913 he opened another office, this time with W.F.T. Stewart and Hugh S. Davie, and they remained active as a partnership until 1918. ***Their best known work is a convincing Beaux-Arts scheme for the Vancouver Police Headquarters, East Cordova Street (1913-14). This project was initially won in a competition by Doctor in 1912 when he was working under his own name (Vancouver Daily World, 18 June 1912, 13)****. Their firm was one of thirty architectural firms from the United States and Canada who later submitted an entry in the competition for the Vancouver Civic Centre in 1914 but their submission was not premiated (C.R., 14ix, 6 Jan. 1915, 8).* ***Doctor later moved to Berkeley, Calif. and continued to work as an architect after 1920****. He died in Alameda, Calif. on 24 March 1949 (D. Luxton, Building the West: The Early Architects of British Columbia, 2003, 461, 497)*
(works in Vancouver unless otherwise noted)
HIGMAN & DOCTOR

POINT GREY ROAD, near Stephens Street, residence for William L. Keate, 1910 (Northwest Architect [Portland, Ore], ii, Oct. 1910, illus. plates)
NEW WESTMINSTER, B.C., People's Trust Co., Columbia Street, office building, 1911 (C.R., 14v, 12 July 1911, 64)
NORTH VANCOUVER, B.C., St. Alice Hotel, Second Street West, c. 1911 (BCPA, Modern Architecture (in Vancouver), 1911, illus.)
W.A. DOCTOR

HUDSON BAY INSURANCE CO., Hastings Street West near Burrard Street, office building, 1911 (C.R., 14v, 27 Sept. 1911, 61; dwgs. at Vancouver City Archives)
POINT GREY, B.C., residence for Frederick W. Sterling, Second Avenue West near Blanca Street, 1912 (C.R., 14vi, 10 Jan. 1912, 62-3)
SIXTH AVENUE WEST, near Balsam Street, residence for Dr. William F. Mackay, 1912 (C.R., 14vi, 3 Jan. 1912, 65, t.c.)
DOCTOR, STEWART & DAVIE

WEST 26th AVENUE, at Alexander Street, residence for H.E.A. Robertson, 1912; demol. (Vancouver Daily World, 22 Oct. 1912, 5; Vancouver b.p. 346, 14 Oct. 1912; inf. Patrick Gunn, Vancouver)
FIRST CHURCH OF CHRIST SCIENTIST, Georgia Street, extensive interior alterations to the existing church, 1912-13 (Vancouver Daily World, 2 Dec. 1912, 24)
VANCOUVER POLICE HEADQUARTERS, East Cordova Street at Gore Avenue, competition-winning design by Doctor, 1912; built 1913-14 (Vancouver Daily World, 22 Feb. 1913, 19, descrip.; C.R., 14viii, 28 Oct. 1914, 1326-27, illus. & descrip.; dwgs. at Vancouver City Archives)
W.A. DOCTOR

OAKLAND, CALIF., The Knight Apartments, Desmond Street at 51st Street, for Harry C. Knight, 1922-23 (Oakland Tribune, 18 March 1923, Development Section, 2-3, illus. & descrip.)
OAKLAND, CALIF., East Bay Country Club, on the Crow Canyon Road, off the Dublin Highway, 1923-24 (Oakland Tribune, 30 Sept. 1923, Development Section, 3, illus. & descrip.)

New Homes for Moraga Tract Oakland Tribune 23May1937

An English Provincial home, part of brick and part of wood, is to be built by Mr. and Mrs Emil J Bouchet The architect is William A. Doctor. This home will have seven rooms, all on one floor.

Lake Merrit electric fountain designed by WA Doctor (Oakland Tribune 13Sep1925)

MONUMENTAL FOUNTAIN FOR LAKE URGED

The electric fountain featured by the Dons of Peralta at their recent fiesta was designed by William A. Doctor, who last year designed the Viking Ship which took first prize in the "Nights of Venice" pageant. This fountain was designed to create public interest in a permanent fountain to be located in Lake Merrit. In this connection it is pointed out that a beautiful electric fountain was built in Denver, Colorado, and is operated every evening between the hours of 8:.30 and 9:15 p. m. at a cost of approximately $30 a day. Says Herry C. Knight, president of the Mutual Business Club:

"Such a fountain in Lake Merrit would become known all over the United States and add to the reputation of this city.

"The electric fountain which operated during the past few days for the Dons of Peralta was built entirely by members of the Mutual Business Club. The Fountain Committee of the club consisted of William A. Doctor, designer; Abe Bekins, Gardner Buss, Ralph Smith, Thomas Bacon, E. M. Hynes Wm. H. Picard, Ray Salisbury and Harry C. Knight. William A. Doctor designed the fountain and E. M. Hynes, auto electrician, installed the wiring. William H. Picard installed the plumbing and the firm of Magnus Smith with Ralph Smith in charge worked out the entire decoration and color schemes. The canvas was furnished by the firm of Marcus & Merrick. Chanslor & Lyon furnished a battery of six spot lights, Bekins Van & Storage Company, did a large amount of work on the fountain. Assistance was also rendered by Thomas L. Bacon, Robert Reed of the Emeryville Hardware & Tool Company, the electrical engineers of the Pacific Gas and Electric Company, Ralph E. York and City Fire Chief Short.

16. Significance:

1619 Walnut is an excellent example of the Romantic-eclectic style blend, predominantly Mission Revival, Spanish Colonial Revival, including unusual influences from English Manor stained glass. W. A. Doctor was already a seasoned and premiated internationally-recognized architect, having emigrated from Vancouver, B.C. in his early fifties, apparently ready for an exciting Chapter Two of his unusual career.

The Great Berkeley Fire of 1923 came at a moment of the late Arts & Crafts period and it accelerated already burgeoning interest and movements away from wood-frame and brown shingle construction to the far less flammable stone, plaster and stucco construction surfaces

From: https://en.wikipedia.org/wiki/1923_Berkeley,_California_fire

The 1923 Berkeley Fire was a conflagration that consumed some 640 structures, including 584 homes in the densely-built neighborhoods north of the campus of the University of California in Berkeley, California on September 17, 1923.

Although the exact cause was never determined, the fire began in the undeveloped chaparral and grasslands of Wildcat Canyon, just east of the ridgeline of the Berkeley Hills, and was propelled over the ridge and southwestward just south of Codornices Creek by a strong, gusty, and intensely dry northeasterly wind. The fire quickly blew up as it swept through the La Loma Park and Northside neighborhoods of Berkeley, overwhelming the capabilities of the Berkeley Fire Department to stop it. A number of UC students fought the advance of the fire as it approached the north edge of the University of California campus, at Hearst Avenue. The other edge of the fire was fought by firefighters as it advanced on downtown Berkeley along the east side of Shattuck Avenue north of University Avenue. Firefighters were rushed in from neighboring Oakland, and San Francisco sent firefighters by ferry across the bay.

Firefighting efforts were hampered by the inadequacy of water mains in northern Berkeley, where rapid development after the 1906 San Francisco earthquake had outgrown the water supply in the fire area. Firefighters trying to fight the fire connected to hydrants in the area that hissed dry and were hampered also by the predominance of cedar shake roofs. The strong and dry wind lifted burning shakes off burning houses and quickly spread the fire. The fire was halted only when the northeasterly winds died down and were replaced by the cool, humid afternoon sea breeze. The fire lines were established at Hearst and Shattuck Avenues, where larger diameter water mains delivered a reliable water supply for firefighting.

Building styles in North Berkeley changed dramatically after the 1923 fire, with stucco and tile roof homes largely, but not entirely, replacing the wood-sided and cedar-shaked construction styles popularized by the Berkeley Hillside Club before the fire.

As a belated result of the fire, the City of Berkeley constructed a fire station in the hills at 2931 Shasta Road (at Queens Road) just below Grizzly Peak Blvd, in 1948.[1] In the early 2000s, this station was replaced and relocated to a nearby site just above Grizzly Peak Blvd. at 3000 Shasta Road,[2] on the interface between the residential area and Tilden Regional Park, very close to the putative origin of the 1923 fire.

From: American Shelter, by Lester Walker

The Spanish Colonial Style is a mixing of styles derived from the Mediterranean world, unified by the use of arches, courtyards, plain white wall surfaces, and red tile roofs. Architects were inspired by many sources: the adobe and Spanish Colonial buildings of southern California, late Moorish architecture, medieval Spanish church architecture, the Baroque architecture of Colonial Spain and Portugal, and the Pueblo and Mission styles. The Spanish Colonial Revival Style began to gain acceptance with the popularity of Spanish Colonial buildings in the San Diego Exposition. Further impetus came from designers who sought wider sources for this "Spanish Renaissance." The style became popular in areas with a Hispanic past: Southern California, New Mexico, southern Arizona, Texas, and Florida. It lasted from 1915 to 1940, but around 1925, it became a craze. Models such as mission churches, California Ranch Style houses, and Mexican Baroque forts were used for the design of all sorts of public buildings as well as single family homes. The style was essentially a continuation of the Mission Style which initiated the Spanish Revival movement.

From: http://www.antiquehome.org/Architectural-Style/mission.htm:

Mission Revival

Mission Revival style—also called California Mission or simply Mission—was part of the Art & Crafts movement in the early part of the 20th century. Taking its character from the Spanish Franciscan mission churches of the Southwestern US, it was especially well adapted to warm climate areas like California and the deserts. Its popularity was fueled by the success of Arthur Page Brown's California State Building shown at the 1893 World's Columbian Exposition. The style was subsequently adopted by Santa Fe Railway for its train stations. Other creative boosters sought to distinguish Southwestern regional architecture by creating Mission style resorts and public buildings for tourists.

Like other Art & Crafts architectural forms, Mission style also incorporated well-crafted inglenooks and built-in cabinetry, beamed ceilings, and handmade metal details like cabinet hardware and lighting fixtures. Interiors often had rough plastered walls with curved corners and coved ceilings. Tile accents are may be found but usage is

restrained. In the Southwest, clay tile floors cool interiors spaces during the warm season.

Originating in the West, Mission style was popular from about 1900 to 1940. Though most popular in California and the desert Southwest, the style diffused from West to East instead of vice versa with many fine examples occurring throughout the country.

The style is quite simple with covered archways and half-rounded windows, smooth stucco walls that mimic the adobe walls of the Spanish missions, and flat or shallow sloped tile roofs. Towers and roof parapets are often found. Extended roofs may form covered arcades with large square pillars or columns—a feature that allows building interiors to remain relatively cool in hot climates.

As the Mission style evolved there was significant borrowing from both the Craftsman bungalow and Prairie School styles. A contemporary version of what might be called Neo-Mission is currently a very popular house style throughout the Desert Southwest.

General Characteristics

Mission style houses incorporate many of the following characteristics:

Simple, smooth stucco or plaster siding
Broad, overhanging eaves
Exposed rafters
Either hipped or gabled tile roof
Roof parapets
Large square pillars
Twisted columns
Arched entry and windows
Covered walkways or arcades
Round or quatrefoil window
Restrained decorative elements usually consisting of tile, iron, and wood

From: http://www.antiquehome.org/Architectural-Style/spanish-revival.htm:

Spanish Revival Architecture of the 20th Century
Informal eclectic style is fanciful and romantic
Spanish Eclectic Style

The romantic Spanish Revival style—or alternately Spanish Eclectic— refers to the architectural style that was built from about 1915 to about 1940. Like Mission Revival, Spanish Revival was influenced by Spanish Colonial architecture of earlier centuries. Unlike its immediate predecessor, Mission, Spanish Revival was more ornate with

stylistic detail apparent in both large features and small, such as intricately patterned tilework and wrought iron hardware.

After the Panama-California Exposition in 1915, the Spanish Revival style caught hold. The growth of California and the film industry during the 1920s and 1930s facilitated the dissemination of the Spanish Revival style. Though it is a prominent housing style in the Southwest US as well as Florida and Texas, it is less common in Northern states.

Spanish Revival is an extremely eclectic style. Many Mediterranean touches are combined to create an exotic, but harmonious appearance. Influences include Spanish Baroque, Moorish, and Gothic elements. Tile roofs and stucco exteriors are characteristic with half rounded doors and windows. Elaborate tilework, applied relief ornamentation, and wrought iron grillwork is used to create frames around doorways and windows, and is used widely as decorative accents throughout the house. Towers and columns are often seen as are balustrades, cantilevered balconies, covered porches, and arcaded walkways. Front entrances were often highly ornamented and many were balanced by a commanding triple-arched focal window.

General Characteristics

The following are typical features of Spanish Revival houses:

Asymmetrical
Low-pitched flat, gable, or hip roof, typically with no overhang
Tile roof
Half round arches, doors, and windows
Stucco over adobe brick, or adobe brick exterior walls
Plaster interior walls
Ornate tile, wrought iron, and wood work

Historic Value:

National State County City ☑ **Neighborhood** ☑

Architectural Value:

National State County City ☑ **Neighborhood** ☑

More significance may potentially follow the above.

17. Is the property endangered? Potentially, based upon Scott Wheeler's Jan 29th conversation with property manager Michael White.

18. Photographs: **Date** Photograph #1 is from 1939 **Repository:** BAHA
Photographer: Unknown

All other attached color photographs are current.

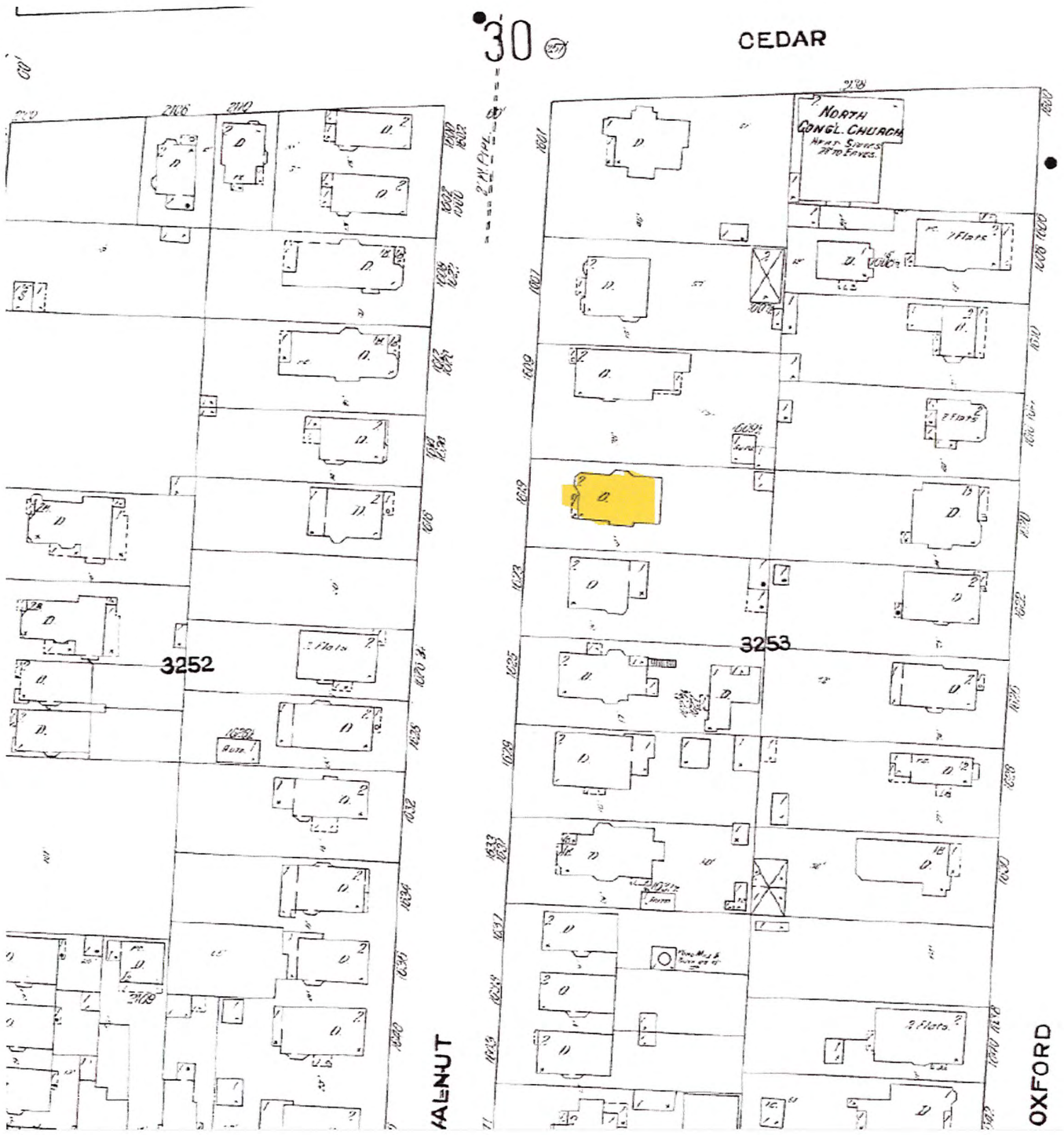
Microfiched building permits are variously dated from July 19th, 1921 through October 31st, 1944.

Note: Included in the application are approximately one dozen photographs of this and other homes designed by W.A. Doctor individually or Doctor & Hodgson. Please refer to the earlier Description and History sections.

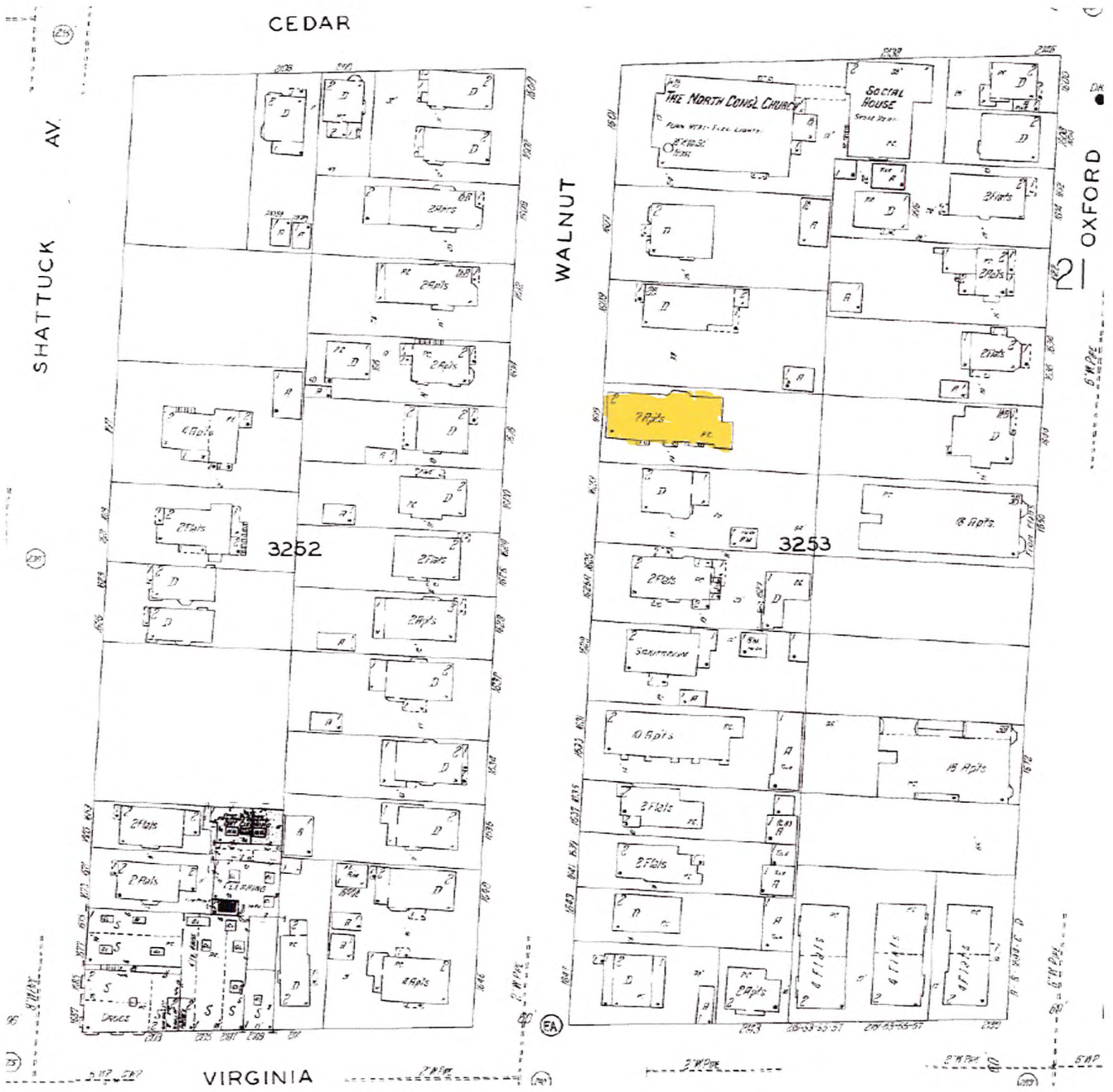
Berkeley Building Permits — Architects - 1909-1946

Year	Permit	St. #	Street	Owner	Architect/Designer	Contractor/Builder
1924	**18850**	1570	Hawthorne	Hills, Elijah C.	Doctor & Hodgson	Hills, Elijah C
1925	**22931**	859	Santa Barbara	Solomon, C.E.	Doctor & Hodgson	Solomon Bros.
1925	**23229**	1046	Cragmont	Solomon Bros.	Doctor & Hodgson	Solomon Bros.
1924	**16124**	2945	Ashby	Bramlage, Mabel M.	Doctor, W.A.	Bramlage, Evan D.
1924	**16189**	1514	Le Roy	Ulsh, R.L.	Doctor, W.A.	Houle, Henry
1924	**16310**	1853	Catalina	Bramlage, Mabel M	Doctor, W.A.	Bramlage, Evan D.
1924	**16311**	1849	Catalina	Bramlage, Mabel M.	Doctor, W.A.	Bramlage, Evan D.
1924	**16626**	1215	Virginia	Rayburn, Anna	Doctor, W.A.	Henderson, Edward F.
1924	**17714**	1121	Spruce	Levy, L.S.	Doctor, W.A.	Knight, Harry C.
1924	**18180**	1611	Euclid	Bramlage, Mabel M.	Doctor, W.A.	Bramlage, Evan D.
1924	**18853**	2237	Spaulding	Latour, I.H.	Doctor, W.A.	Roby & Son, Daniel B.
1924	**19097**	2218	Spaulding	Latour, I.H.	Doctor, W.A.	Roby & Son, Daniel B.
1925	**20246**	793	Vincente	Adams, Leonard/Millie	Doctor, W.A.	Bramlage, E.D.
1925	**20247**	791	Vincente	Adams, Leonard/Millie	Doctor, W.A.	Bramlage, E.D.
1925	**22165**	869	Santa Barbara	Solomon Bros.	Doctor, W.A.	Solomon Bros.
1925	**22668**	723	Colusa	Palmer, M/M J.C.	Doctor, W.A.	Bramlage, E.D.
1925	**23620**	1631	Walnut	Rush, W.I.	Doctor, W.A.	Rush, B.B.
1938	**46095**	531	Grizzly Peak	Woods, Francis N.	Doctor, W.A.	White, W.R.
1938	46096	531	Grizzly Peak	Woods, Francis N.	Doctor, W.A.	White, W.R.
1940	48878	1947	Ashby	Curtis, N.D.	Doctor, W.A.	Duncan, Robert
1940	**49038**	1637	Seventh	Mouritz, Desmond	Doctor, W.A.	Hawkins, Herbert J.
1940	**49349**	1085	Creston	Geavens, Roy C.	Doctor, W.A.	Duncan, Robert
1942	52480	1085	Creston	Gravem, Roy	Doctor, W.A.	Gravem, Roy
1923	**13914**	1545	Beverly	Siefert, Emily A.	Doctor, William A.	Campbell, Douglas
1923	**14725**	843	Arlington	Bramlage, Evan D.	Doctor, William A.	Bramlage, Evan D.
1923	**14875**	1745	Madera	Nicholson, Charles H.	Doctor, William A.	Nicholson, Charles H.
1923	**14983**	847	Arlington	Bramlage, Mabel M.	Doctor, William A.	Bramlage, Evan D.
1923	**15314**	649	Arlington	Bramlage, Mabel M.	Doctor, William A.	Bramlage, Evan D.
1923	**15598**	2295	San Pablo	Rexy Mfg. Co.	Doctor, William A.	Knight, Harry C.
1923	**15635**	1741	Vine	Hill, Mrs. H.E.	Doctor, William A.	Bramlage, Evan D.
1923	**15636**	1749	Vine	Hill, Mrs. H.E.	Doctor, William A.	Bramlage, Evan D.
1923	**15637**	905	Spruce	Bramlage, Evan D.	Doctor, William A.	Bramlage, Evan D.
1926	**25943**	2532	Cedar	Cleaveland, Newton	Doctor, William A.	Henderson, Edward F.

1911 Sanborn map



1929 Sanborn map



1570 Hawthorne (1924 Doctor & Hodgson) – Builder: Elijah C. Hills & C.E. Solomon - Owner: Elijah C. Hills & C.E. Solomon



1046 Cragmont (1925 Doctor & Hodgson) – Builder: Solomon Bros. - Owner: Solomon Bros.



619 Arlington (1923 William Alexander Doctor) – Builder: Evan D. Bramlage - Owner: Mabel M. Bramlage



619 Arlington (above) – close-up of stained glass front windows



2532 Cedar (1926 William Alexander Doctor) – Builder: Edward F. Henderson - Owner: Newton Cleaveland



1851 Catalina (1924 William Alexander Doctor) – Builder: Evan D. Bramlage - Owner: Mabel M. Bramlage



1611 Euclid (1924 William Alexander Doctor) – Builder: Evan D. Bramlage - Owner: Mabel M. Bramlage



2237 Spaulding (1924 William Alexander Doctor) – Builder: Roby & Son, Daniel B. - Owner: I.H. Latour



791 and 793 Vicente (1925 William Alexander Doctor) – Builder: Evan D. Bramlage - Owner: Leonard & Millie Adams



869 Santa Barbara (1925 William Alexander Doctor) – Builder: Solomon Bros. - Owner: Solomon Bros.



1631 Walnut (1925 William Alexander Doctor sister building to 1619 Walnut)— Builder: - B.B. Rush- Owner: W.I. Rush



1619 Walnut (1927 William Alexander Doctor) – Builder: D.B. Roby - Owner: Madge L. Rush

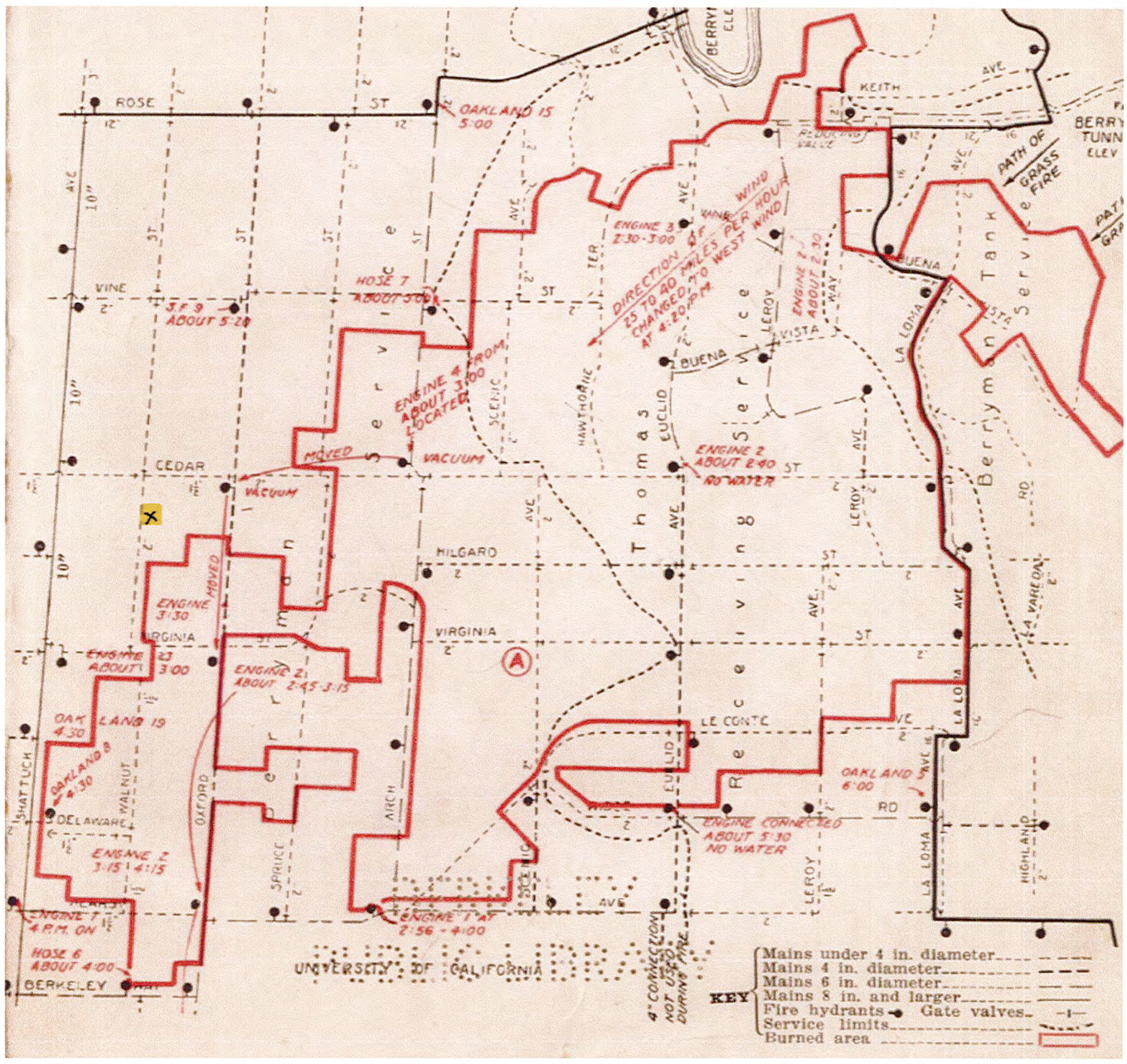


1749 Vine (1923 William Alexander Doctor) – Builder: Evan D. Bramlage - Owner: Mrs. H.E. Hill



The great Berkeley Fire of 17 September 1923

This is a map of the extent of the September 17, 1923 Berkeley Fire – just escaping was the northern half of Walnut Street, the block south of Cedar Street, including 1619 Walnut (see 'X' highlighted with yellow). Following the fire WA Doctor's designs and in particular his use of stucco and other fireproof materials became increasingly popular.



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20. Recorder: Scott M. Wheeler, PhD Date: 19 February 2019

Organization 1619 Walnut Street Berkeley Tenants Association: Scott Wheeler, Nan Noonan, Jerry Mandel, Oswald Haase and J. Kay Tolman.

Acknowledgements

We wish acknowledge and thank the following contributors, without whose critical contributions and expert assistance this project would never have been possible. Thank you!

The staff at Landmarks and Planning:
Fatema Crane and Alison Lenci

Anthony Bruce, Lesley Emmington and Daniella Thompson (BAHA)

Berkeley/Kensington architects:
Erick Moreau, Ralph Panecaldo, Cornelia van der Have and Paul Weir

EXTERIOR REHABILITATION SCHEDULE

Feature	Character Defining?	Condition	Recommended Treatment	Schedule	Budgets (from bids)
Stucco siding	Yes	Poor	Repair as part of rehabilitation work outlined herein	2030	$20,000
Windows - front and south side	Yes	Poor	Replace 21 windows with new to match existing including repair and reuse of stained glass as interior lites	2028-30	$65,000
Entry doors - south side	Yes	Poor	Replace 7 entry doors with new to match existing including sdalvage and reuse of ornamental escutcheon plates	2028-30	$28,000
Driveway	Yes	Poor	Replace patterned concrete paving to match existing including removal, restoration and reinstallation of ornamental iron arch and its supports	2032	$75,000
Ornamental wrought-iron wall-mounted unit identification plaques	Yes	Fair	Repair and where irreparable replace with new to match	2035	$5,000
Ornamental wrought-iron wall-mounted lanterns at front and south side	Yes	Fair	Repair and replamp	2035	$10,000
Metal awnings at south side entry doors	Yes	Poor	Replace entry doors with new to match existing	2032	$17,500
				Total Estimated 10yr. Budget	**$220,500**

GENERAL NOTES:

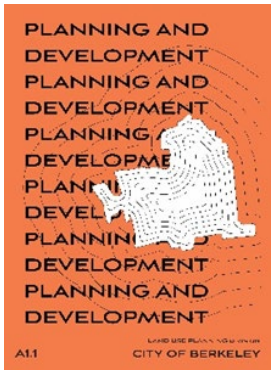
A. This proposed 10 year work plan is focused on the rehabilitation of primary exterior features and materials.
B. The proposed work plan exceeds the estimated Mills Act tax reduction per the accompanying spreadsheet.
C. This focused work plan represents only a portion of current and future historic rehabilitation and maintenance work.

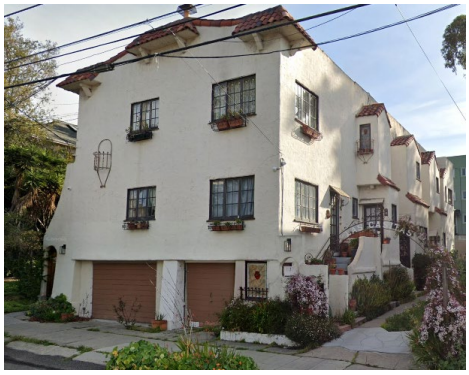
Landmarks Preservation Commission Staff Report

App #LMMM2025-0002

September 4, 2025

Mills Act Contract Application at 1619 Walnut Street - Las Casitas Apartments





Quick Facts	Project Description:
Applicant: Mark Hulbert **Property Owner:** Noemi Ruelas **Project Address:** 1619 Walnut Street **GP Land Use:** Medium Density Residential (MDR) **Zoning:** Restricted Multiple-Family Residential (R-2A) **Historic District:** No **CEQA:** N/A **Submittal Date:** June 3, 2025 **Date Deemed Complete:** July 3, 2025 **Project Planner:** Allison Riemer	The applicant is seeking a Mills Act contract for a Structure of Merit multifamily property.
	Permits Requested:
	N/A
	Staff Recommendation:
	Approve the proposed rehabilitation schedule and recommend favorable action to City Council.

VICINITY MAP SHOWING NEARBY CITY LANDMARKS & DISTRICTS

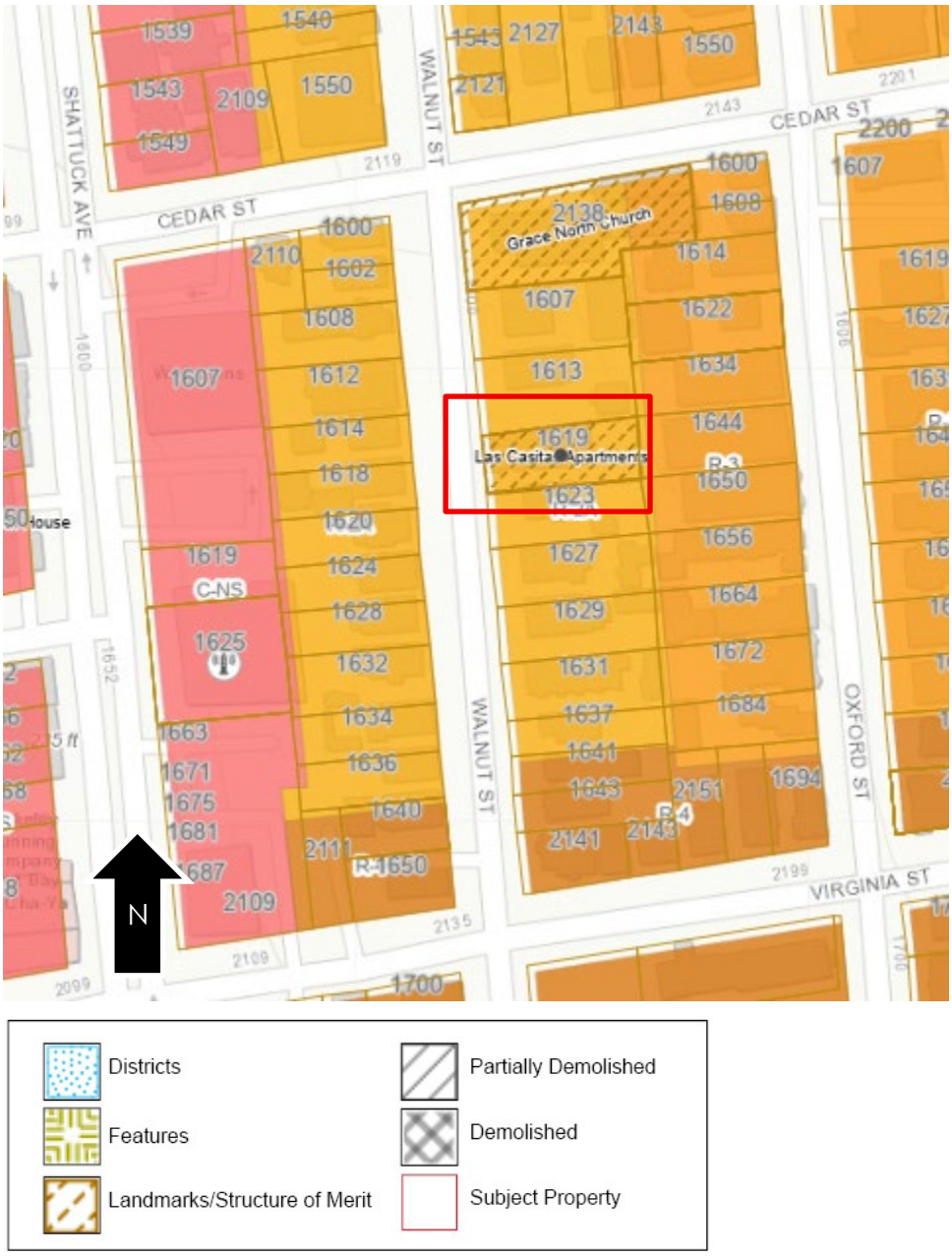


Figure 1: Vicinity and Zoning Districts Map

AERIAL

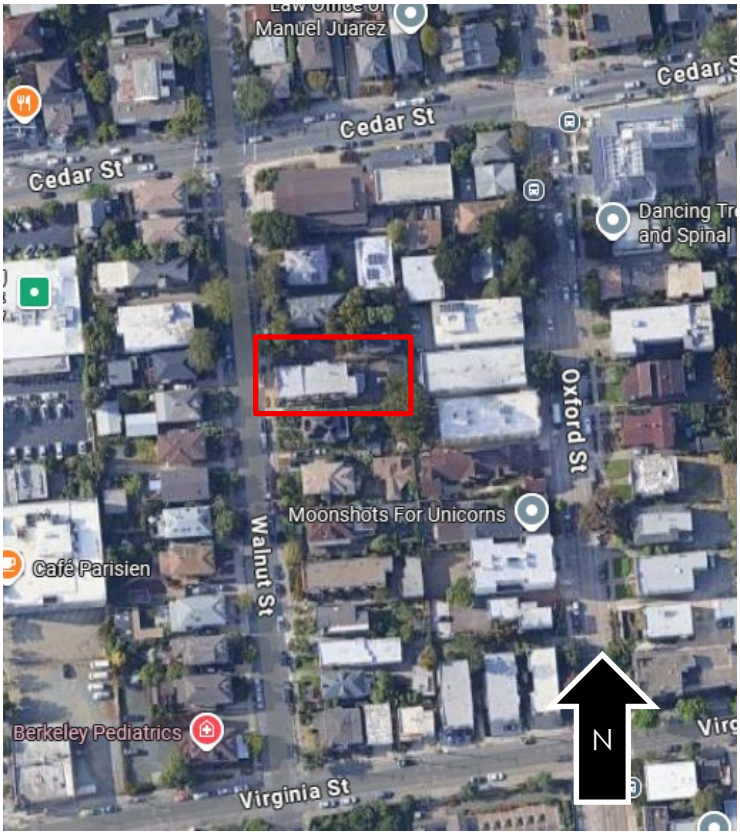


Figure 2: Aerial Image (Source: GoogleEarth 2025)

STREET ELEVATION



Figure 3: Southwest elevation (Source: Google Maps, 2025)

BACKGROUND

The building at 1619 Walnut Street was constructed between 1927 and 1928, and features elements of the Spanish Eclectic style, including a flat roof with parapet walls, narrow tile covered shed roofs with regularly laid tapered mission style tile, asymmetrical façade, stucco walls, stain glass windows, decorative window grills, decorative iron sconces and door knockers and arcaded walkways. It is two stories over a partial garage and basement, with a one-story wing at the rear, and contains seven apartments. An ornamental wrought iron archway is at the driveway entrance. The site features two semi-circled scored pathways, one along the south side property line, and the other along the north side property line. Additional architectural details can be found in Attachment 1.

The subject property was designated a City Structure of Merit in 2019; see Attachment 4. On June 3, 2025, the applicant, on behalf of the property owner, submitted a Mills Act Contract Application for the property.

ANALYSIS

The applicant's historic architect, who is also serving as the historic resource consultant, prepared the Mills Act submittal in line with the City's program requirements. The Mills Act application includes the following components:

1) Historic Architectural Summary for the subject property (Attachment 1), which includes a list of the Features to be Preserved, which are also character-defining features.

2) A Rehabilitation Plan (Attachment 2), which outlines the projects identified for restoration, rehabilitation, and maintenance of the property over the ten-year contract period; and

3) A financial analysis spreadsheet for estimating the potential Mills Act tax savings for this request, based on property-specific figures calculated using standard formulas.

The purpose of this review is to confirm the eligibility of the property to participate in the program and verify the validity of the identified work plan items. Should the City enter into a Mills Act Contract with the property owner, the Alameda County Assessor's Office will be responsible for verifying the figures provided by the applicant, conducting calculations, and applying actual property tax reductions on future tax bills beginning in 2026.

All improvements included in the Rehabilitation Plan (Attachment 2) relate to restoring the historic, character-defining features of the building and site, or extending the Structure of Merit's useful life. Based on the rehabilitation plan (Attachment 2), all of the proposed work items can be considered "ordinary maintenance and repair" since they do not include a change to the character of any of the exterior features, and therefore, would be exempt

from the requirements of a Structural Alteration Permit (SAP), pursuant to the Landmarks Preservation Ordinance (Berkeley Municipal Code Section 3.24.260). If any future work is proposed to go beyond the scope of "ordinary maintenance and repair," it would be subject to prior approval by the Commission.

The work plan items appear to be justifiable in that they constitute restoration, repair, rehabilitation, and continued maintenance of the subject property. Further, the work plan would provide for the property's "use, maintenance and restoration as to retain its characteristics as property of historical significance," as provided for in the Mills Act, Government Code Sections 50280 et. Seq., as authorized by the Berkeley City Council per Resolution No. 59,355 – N.S. For these reasons, staff concludes that the proposed rehabilitation plan items represent improvements that are consistent with the requirements of the Mills Act.

MILLS ACT CONTRACT PROPOSAL

The intent of the Mills Act is to provide property tax relief so that the property owners entering into Mills Act Contracts with the City will reinvest a significant portion of the property tax savings resulting from the Contract into preserving and/or restoring their property. The applicant's proposed 10-year plan of improvements is provided in Attachment 2, and summarized in Table 1, below.

Table 1. Summary of Rehabilitation Schedule & Recommended Treatments

Feature	**Treatment (as recommended by historic resource consultant)**	**Estimated Year of completion**
Stucco siding	Repair	2030
Windows- west and south	Replace 21 windows with new to match existing, and repair and reuse stained glass as interior lites.	2030
Entry doors- south side	Replace 7 seven entry doors with new to match existing, including salvage and reuse of ornamental escutcheon plates	2030
Driveway	Replace patterned concrete paving to match existing including removal, restoration, and reinstallation of ornamental iron arch and its supports	2032
Wrought iron wall-mounted unit identification plaques	Repair, and where irreparable replace with new to match	2035
Wrought iron wall-mounted lanterns at front and south side	Repair and relamp	2035
Metal awnings at south entry doors	Replace with new to match existing	2032

Per the applicant's calculations in Attachments 2 and 3, the owner's work plan represents a full reinvestment of the savings into the property (i.e. spending $220,500 on the 10-year work plan, while saving $148,880 in property tax reduction over the 10-year period).

RECOMMENDATION

Staff has determined that all work proposed in the Mills Act Contract work plan provides for the property's "use, maintenance and restoration as to retain its characteristics as property of historical significance," and advises the Commission to recommend that City Council approve the Mills Act Contract request for the subject property.

Environmental Review

The review of the Mills Act contract is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) "Review for

Exemptions."

Attachments

1. Historic Architectural Summary, dated May 28 and July 31, 2025
2. Rehabilitation Plan, dated July 31, 2025
3. Financial Analysis Spreadsheet, received August 27, 2025
4. Notice of Decision – Structure of Merit Designation, June 6, 2019
5. Project Estimates, received June 30 and August 1,2025

20

Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Contract: DC Electric for On-Call Electrical Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with DC Electric to provide on-call electrical services for a three-year period from December 1, 2025 to November 30, 2028, in an amount not to exceed $375,000, with an option to extend for two additional one-year terms. The service rates will be adjusted annually in accordance with the pricing outlined in the awarded bid.

FISCAL IMPACTS OF RECOMMENDATION

There are funds available in the adopted FY2026 Public Works Budget (Funds 127, 134, and 142) for electrical on-call services. Funding for future years is subject to Council approval of the funds in the Fiscal Years 2027-2028 Budget.

CURRENT SITUATION AND ITS EFFECTS

Public Works' existing contracts for on-call electrical services are older than five years and set to expire at the end of fiscal year 2026. To avoid disruption in maintenance, repair and installations for the City's electrical infrastructure, it is necessary to execute a new contract based on the results of the recent competitive solicitation.

On-call electrical services provides support on critical electrical projects and tasks, including:

- Traffic and Pedestrian Signal Installation, Maintenance and Repair
- Conduit Repairs and Support of Electric Vehicle Charges in City-Owned Garages
- Parking, Parks, Pathway and Street Light Installation, Maintenance and Repair
- Indoor Electrical Services and Repairs

The City conducted Invitation to Bid Specification No. 25-11728-C, released on August 12, 2025, with proposals due no later than September 25, 2025. The City received five

proposals in response. The selection committee, composed of subject matter experts from Public Works evaluated all proposals.

The evaluation criteria used to rate the proposals were as follows:

- Project Approach (20%),
- Expertise and References (25%),
- Cost (25%), and
- Ability to Perform Services Listed in the Scope of Services (30%).

DC Electric was selected as one of the most responsive bidders to the solicitation. Additional vendors are anticipated to be selected once the reference check process is completed.

This contract will support the City's facilities and is in alignment with the City's Strategic Plan, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

Public Works maintains the City's electrical infrastructure, which includes 223 traffic signals and 8,000 streetlights, along internal electrical systems within City facilities. These systems are essential systems to provide needed traffic control, illumination and access to electricity for staff and citizens. However, Public Works does not have the staffing capacity and expertise required to support all the needs of the City's electrical systems. These systems need regular maintenance and repair to run optimally and function efficiently. Public Works also lacks the staffing capacity required to install or upgrade lighting and electrical systems, so the Department utilizes vendors for support.

DC Electric responded to the bid invitation and were selected as a responsive bidder. The selected vendor has the adequate staff and equipment necessary to service the City. This contract will ensure clear guidelines and standardized prices for electrical services for City assets.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Regular maintenance and repair of electrical systems is essential for optimizing system performance, prolonging equipment lifespan and minimizing the environmental impact of these systems. Well-maintained electrical systems operate more efficiently, which leads to consuming less energy and reducing carbon emissions.

RATIONALE FOR RECOMMENDATION

The City requires reliable and responsive electrical services to maintain the electrical infrastructure and assets of City facilities. This agreement ensures ongoing service and prevents potential disruption to City operations.

The on-call electrical services contract will address the City's needs, while stabilizing costs and fees. The selected service provider will be utilized as needed to ensure the City has adequate resources available for electrical installation, maintenance and repair.

ALTERNATIVE ACTIONS CONSIDERED

If Public Works does not contract for electrical services, there will be delays and increased costs associated with maintaining and updating the City's electrical infrastructure.

CONTACT PERSON

Joy Brown, Operations Manager, (510) 981-6629
Aaron Baker, Facilities Maintenance Superintendent, (510) 981-6452
Tucker Brofft, Senior Management Analyst, (510) 981-5375
Erika Barros, Associate Management Analyst, (510) 981-6462

Attachments:
1: Resolution
2: Abstract of Bids

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

CONTRACT: DC ELECTRIC FOR ON-CALL ELECTRICAL SERVICES

WHEREAS, the City conducted RFP Solicitation No. 25-11728-C with bids due no later than September 25, 2025; and

WHEREAS, the City received five proposals and a selection committee, composed of subject matter experts from the Department of Public Works , evaluated the bids; and

WHEREAS, DC Electric was selected as one of the most responsive and highest-scoring vendors; and

WHEREAS, funding is available in the FY2026 adopted budget in the Public Works Electrical Division Fund 127, Fund 134 and Fund 142 budgets. Funding for future years is subject to Council's approval of the proposed citywide budget for Fiscal Years 2027-2028.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with DC Electric to provide on-call electrical services for Public Works Electrical Division for a three-year period from December 1, 2025 to November 30, 2028 in an amount not to exceed $375,000, with an option to extend for two additional one-year terms. The service rates will be adjusted annually in accordance with the pricing outlined in the awarded bid.

Finance Department
General Services Division

City of Berkeley
Abstract of Bid Worksheet

For: On-Call Electrical Services
Spec. 25-11728-C **DATE: 09/25/2025**

	Bidders		Local Vendor	WC	NF	OS	SC	LW	EBO
1	St. Francis Electrical, LLC			X	X	X	X	X	X
2	DC Electric Group, Inc.			X	X	X	X	X	X
3	OBR Electric, LLC								
4	Ray's Electric			X	X	X	X	X	X
5	Quality Control Electric								
6									
7									
8									
9									
10									

Bid Recorder: Tanisha Gainer *Tanisha Gainer* DATE 09/29/2025

Bid Opener: Sherri Degnan *Sherri Degnan* Sherri Degnan (Sep 29, 2025 16:21:50 PDT) DATE 09/29/2025

Project Manager: Tucker Brofft *Tucker Brofft* DATE 09/30/2025

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD: 510.981.6903 Fax: 510.981.7390
E-mail: finance@ci.berkeley.ca.us

2511728-C - Abstract1

Final Audit Report 2025-09-30

Created:	2025-09-29
By:	Roopreet Soorma (RSoorma@berkeleyca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAngN2D78zfDHDMpQ99o7T2_8dG7ZW8q5f

"2511728-C - Abstract1" History

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Document e-signed by Sherri Degnan (SDegnan@berkeleyca.gov)
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Document e-signed by Tucker Brofft (TBrofft@berkeleyca.gov)
Signature Date: 2025-09-30 - 2:22:13 PM GMT - Time Source: server

Agreement completed.
2025-09-30 - 2:22:13 PM GMT

Adobe Acrobat Sign

21

Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Contract No. 32500098 Amendment: Pacific Site Management Landscaping Services for Gilman Street and Interstate 80 Interchange Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32500098 with Pacific Site Management to increase the spending authority by $300,000, for a new total not to exceed of $600,000 and extending the contract through June 30, 2028, and executing a reimbursement agreement with the Alameda County Transportation Commission for up to $300,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the contract amendment will come from Alameda County Transportation Commission (ACTC) in an amount of $200,000 and $100,000 from the Public Works Department FY 2026 budget. City resources are comprised of a combination of Sanitary Sewer, Clean Storm Water, Zero Waste, and Measure BB Local Streets and Roads Funds. The City has entered into an agreement with ACTC to assume landscape maintenance responsibility associated with the plant establishment period (PEP) of the Gilman/I80 Interchange Project. Per the agreement, ACTC will reimburse the City for costs of the landscape maintenance work for the period between November 1, 2025, and April 30, 2028. ACTC will also reimburse City for administration of this PEP effort.

CURRENT SITUATION AND ITS EFFECTS

The Public Works Department does not have staff assigned to perform landscape maintenance and this amendment to the existing landscape maintenance contract with Pacific Site Management will cover additional work at the Gilman/I80 Interchange for the two-and-a-half-year period between November 1, 2025, and April 30, 2028.

Contract No. 32500098 was approved by City Council through Resolution No. 70,804-N.S. on September 30, 2024, and is managed by Public Works to address onsite landscaping needs at City facilities. The City amended the contract through Resolution No. 71,672-N.S. on February 25, 2025 to add funds and extend the term to cover ongoing services and future projects, such as maintenance of new green infrastructure locations.

Typical maintenance tasks include removing competitive species, removing sediment, trash, and debris, and maintaining irrigation, and other Green Infrastructure (GI) components. Maintenance tasks may also include a range of other activities including repairing small erosion problems, pruning trees, removing graffiti, and replanting or reseeding areas.

BACKGROUND

In April 2023, under Specification No. 23-11564, the City released a Request for Proposals (RFP) and convened a panel of stakeholders which selected Pacific Site Management as the most responsive and responsible bidder for providing landscaping services at City facilities managed by the Health, Housing and Community Services Department. These standards and landscaping services were also applicable to the services required to meet the City's traffic circle and green infrastructure maintenance needs. Therefore, Public Works utilized Specification No. 23-11564 to execute contract No. 32500098.

The Gilman/I80 Interchange improvements and long-term infrastructure maintenance responsibility rests with the City. Council adopted Resolution No. 71,457-N.S. which approved the execution of the Project Specific Maintenance Agreement (PSMA) with Caltrans for the Gilman/I80 Interchange including the pedestrian overcrossing bridge. The PSMA was executed on March 6, 2025. As the project was delivered in partnership, ACTC has requested that the City manage the initial maintenance period and commit remaining project funding to pay for the initial project maintenance period. After the initial project maintenance period, maintenance responsibilities will follow the PSMA as part of the City's regular responsibilities.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no anticipated negative environmental effects or climate impacts of this action. This contract amendment provides for proper maintenance of the landscaping and green infrastructure installations at the Gilman/I80 interchange, which slow runoff by dispersing it to vegetated areas, which promote infiltration and evapotranspiration, and use bioretention to improve the water quality of stormwater runoff. Any vegetative debris generated from their services will be converted into usable compost.

RATIONALE FOR RECOMMENDATION

Pacific Site Management is contracted to the City with demonstrated experience in providing landscaping maintenance services. Approving this amendment saves staff time and City funds by avoiding another RFP process for services identical to those outlined in Specification No. 23-11564.

ALTERNATIVE ACTIONS CONSIDERED

There is no alternative action at this time. If the contract amendment is not authorized, the City will inform ACTC that the City is unable to manage the PEP work.

CONTACT PERSON
Peni Basalusalu, Deputy Public Works Director, 510-981-6485
Joy Brown, Operations Manager, Public Works, 510-981-6629

Attachments:
1: Resolution
Exhibit A: PEP Maintenance Areas

RESOLUTION NO. 70,804-N.S.

CONTRACT NO. 32500098 AMENDMENT: PACIFIC SITE MANAGEMENT: LANDSCAPING SERVICES FOR PUBLIC WORKS

WHEREAS, the City of Berkeley Department of Public Works, is committed to providing state-of-the-art, well-maintained infrastructure, amenities, and facilities; and

WHEREAS, the City Council approved Resolution No.64,507-N.S. on June 3, 2009, establishing a Bay-Friendly landscaping policy for City projects; and

WHEREAS, the City Council approved Resolution No.69,090-N.S. on September 10, 2019 adopting a Green Infrastructure Plan; and

WHEREAS, Pacific Site Management was selected as the most qualified vendor by the City's Request for Proposal process to meet a Bay-Friendly, Green Infrastructure Plan in April 2023, under Specification No. 23-11564, which included bidding from multiple vendors, draft proposals, and pricing; and

WHEREAS, Pacific Site Management and the City executed Contract No. 32500098, which was approved by Council on September 30, 2024, through Resolution No. 70,804-N.S. for an amount not to exceed $150,000; and

WHEREAS, Pacific Site Management's Contract No. 32500098 was expanded by Council on February 25, 2025 through Resolution No. 71,672-N.S. to $300,000 and extended to June 30, 2027; and

WHEREAS, with additional landscaping service needs at the Gilman/I80 Interchange and Alameda County Transportation Commission (ACTC) asking the City for support to complete the plant establishment period (PEP) and offering to reimburse the City's costs for that support through executing a reimbursement agreement; and

WHEREAS, adding this additional PEP work to Pacific Site Management's Contract No. 32500098, expanding the contract not to exceed amount to $600,000 to cover the cost of the work for a two-and-a-half-year period, and extending the contract to June 30, 2028 is the recommended way to efficiently support ACTC's request.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to execute an amendment to Contract No. 32500098 with Pacific Site Management to increase the spending authority by $300,000, for a new total not to exceed of $600,000 and extending the contract through June 30, 2028.

AND BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to execute a reimbursement agreement with ACTC for up to $300,000 establishing the details of the agreement for the City to perform the PEP work for ACTC's Gilman/I80 Interchange Improvement Project and for ACTC to reimburse all of the City's costs associated with managing and performing the PEP work. A record signature copy of said contract and any amendments will be on file in the City Clerk Department.

Exhibit:
A: Gilman/I80 PEP Areas Map

Public Works Gilman/I80 PEP Area maps

October 2025

NOTE

1. FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.
2. DO NOT CULTIVATE BIOFILTRATION SWALES.
3. ALL AREAS TO BE CULTIVATED WILL INCLUDE WEED GERMINATION.

ABBREVIATIONS

CWG - CULTIVATE AND WEED GERMINATION

BERKELEY

City of Berkeley

Caltrans

Need to Verify

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	80	6.4/6.8	435	621

Leah Haygood
LICENSED LANDSCAPE ARCHITECT

May 19, 2021
PLANS APPROVAL DATE

LEAH HAYGOOD
Signature
8-31-23
Renewal Date
3-1-21
Date

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

HAYGOOD & ASSOCIATES
647 SANTA BARBARA ROAD
BERKELEY, CA 94707

ALAMEDA CTC
1111 BROADWAY #800
OAKLAND, CA 94607

TOM BATES REGIONAL SPORTS COMPLEX

GRAVEL MULCH
1556 SQFT
4 RHA MOU
22 BAC TWI
16 DECORATIVE BOULDERS (3'-4' Dia)
10 CEA POI

R/W

CITY R/W

SAN FRANCISCO BAY TRAIL

"F1" LINE

WEST FRONTAGE Rd

MATCH LINE (PP-2)

CWG
58 SQYD
5 DECORATIVE BOULDERS (3'-4' Dia)
GRAVEL MULCH
523 SQFT
2 CHO TEC

Blue

WB ON RAMP

"GI1" LINE

6 RHA MOU
WOOD MULCH
4.35 CY
CWG
48 SQYD

GILMAN St POC

WB ROUTE 80

MATCH LINE (PP-4)

MATCH LINE (PP-5)

PLANTING PLAN
SCALE: 1" = 20'

6 REPLACED PER ADDENDUM No. 6 DATED OCTOBER 14, 2021

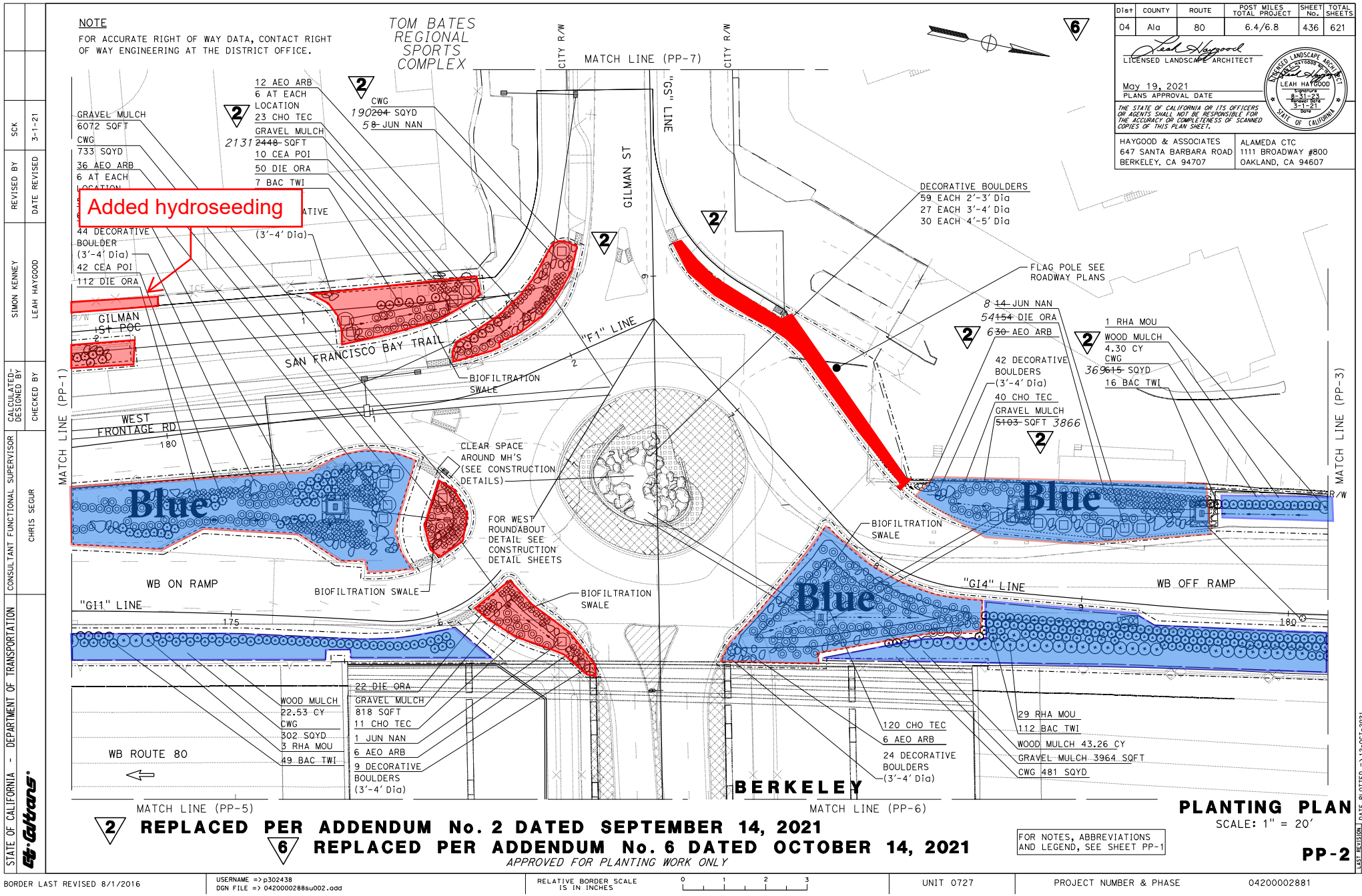
APPROVED FOR PLANTING WORK ONLY

PP-1

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION | CONSULTANT FUNCTIONAL SUPERVISOR: CHRIS SEGUR | CALCULATED-DESIGNED BY | CHECKED BY | SIMON KENNEY | LEAH HAYGOOD | REVISED BY | SCK | DATE REVISED | 3-1-21

LAST REVISION 03-01-21 | DATE PLOTTED => 12-OCT-2021 | TIME PLOTTED => 09:36

BORDER LAST REVISED 8/1/2016 | USERNAME => p302438 | DGN FILE => 0420000288su001.dgn | RELATIVE BORDER SCALE IS IN INCHES 0 1 2 3 | UNIT 0727 | PROJECT NUMBER & PHASE 04200002881


NOTE
FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.
TOM BATES REGIONAL SPORTS COMPLEX
MATCH LINE (PP-7)
CITY R/W
"G5" LINE
GILMAN ST
Added hydroseeding
GRAVEL MULCH 6072 SQFT
CWG 733 SQYD
36 AEO ARB
6 AT EACH LOCATION
44 DECORATIVE BOULDER (3'-4' Dia)
42 CEA POI
112 DIE ORA
12 AEO ARB
6 AT EACH LOCATION
23 CHO TEC
GRAVEL MULCH 2131 2448 SQFT
10 CEA POI
50 DIE ORA
7 BAC TWI
CWG 190 204 SQYD
5 8 JUN NAN
(3'-4' Dia)
GILMAN 1ST POC
SAN FRANCISCO BAY TRAIL
"F1" LINE
BIOFILTRATION SWALE
WEST FRONTAGE RD
MATCH LINE (PP-1)
CLEAR SPACE AROUND MH'S (SEE CONSTRUCTION DETAILS)
FOR WEST ROUNDABOUT DETAIL SEE CONSTRUCTION DETAIL SHEETS
DECORATIVE BOULDERS
59 EACH 2'-3' Dia
27 EACH 3'-4' Dia
30 EACH 4'-5' Dia
FLAG POLE SEE ROADWAY PLANS
8 14 JUN NAN
54 154 DIE ORA
6 30 AEO ARB
42 DECORATIVE BOULDERS (3'-4' Dia)
40 CHO TEC
GRAVEL MULCH 5103 SQFT 3866
1 RHA MOU
WOOD MULCH 4.30 CY
CWG 369 615 SQYD
16 BAC TWI
MATCH LINE (PP-3)
Blue
WB ON RAMP
"G1" LINE
BIOFILTRATION SWALE
"G4" LINE
WB OFF RAMP
WOOD MULCH 22.53 CY
CWG 302 SQYD
3 RHA MOU
49 BAC TWI
22 DIE ORA
GRAVEL MULCH 818 SQFT
11 CHO TEC
1 JUN NAN
6 AEO ARB
9 DECORATIVE BOULDERS (3'-4' Dia)
120 CHO TEC
6 AEO ARB
24 DECORATIVE BOULDERS (3'-4' Dia)
29 RHA MOU
112 BAC TWI
WOOD MULCH 43.26 CY
GRAVEL MULCH 3964 SQFT
CWG 481 SQYD
WB ROUTE 80
BERKELEY
MATCH LINE (PP-5)
MATCH LINE (PP-6)
Dist | COUNTY | ROUTE | POST MILES TOTAL PROJECT | SHEET No. | TOTAL SHEETS
04 | Ala | 80 | 6.4/6.8 | 436 | 621
LICENSED LANDSCAPE ARCHITECT
May 19, 2021
PLANS APPROVAL DATE
LEAH HAYGOOD
Signature 8-31-23
Renewal Date 3-1-21
Date
THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.
HAYGOOD & ASSOCIATES
647 SANTA BARBARA ROAD
BERKELEY, CA 94707
ALAMEDA CTC
1111 BROADWAY #800
OAKLAND, CA 94607
2 REPLACED PER ADDENDUM No. 2 DATED SEPTEMBER 14, 2021
6 REPLACED PER ADDENDUM No. 6 DATED OCTOBER 14, 2021
APPROVED FOR PLANTING WORK ONLY
FOR NOTES, ABBREVIATIONS AND LEGEND, SEE SHEET PP-1
PLANTING PLAN
SCALE: 1" = 20'
PP-2
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CONSULTANT FUNCTIONAL SUPERVISOR
CHRIS SEGUR
CALCULATED-DESIGNED BY
CHECKED BY
SIMON KENNEY
LEAH HAYGOOD
REVISED BY
DATE REVISED
SCK
3-1-21
BORDER LAST REVISED 8/1/2016
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RELATIVE BORDER SCALE IS IN INCHES
UNIT 0727
PROJECT NUMBER & PHASE
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LAST REVISION 03-01-21
DATE PLOTTED => 12-OCT-2021
TIME PLOTTED => 09:36

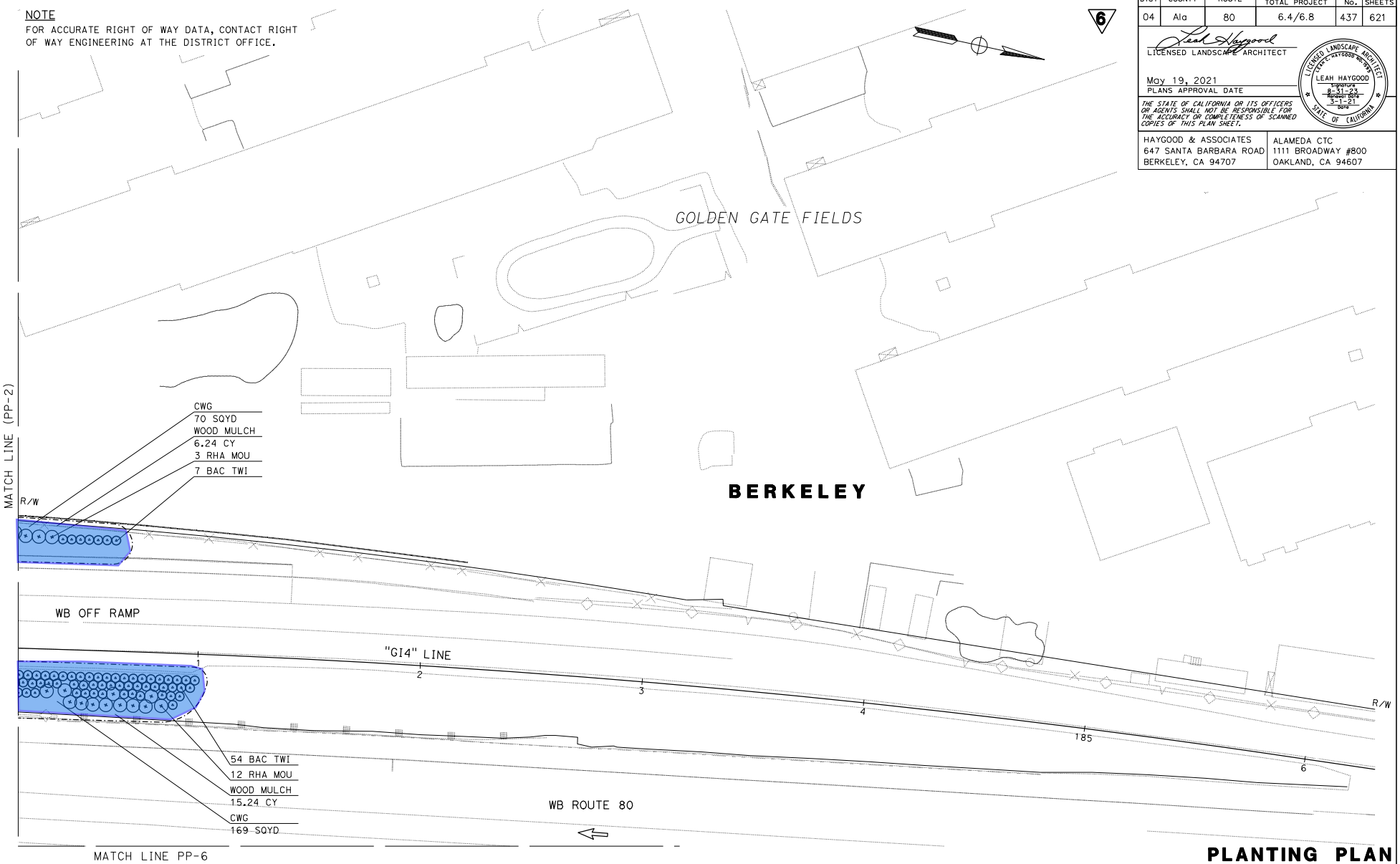
NOTE
FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	80	6.4/6.8	437	621

Leah Haygood
LICENSED LANDSCAPE ARCHITECT
May 19, 2021
PLANS APPROVAL DATE
LEAH HAYGOOD Signature 8-31-23 Renewal Date 3-1-21 Date
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ALAMEDA CTC
1111 BROADWAY #800
OAKLAND, CA 94607



6 REPLACED PER ADDENDUM No. 6 DATED OCTOBER 14, 2021
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FOR NOTES, ABBREVIATIONS AND LEGEND, SEE SHEET IP-1

PLANTING PLAN
SCALE: 1" = 20'

PP-3

	REVISED BY	DATE REVISED
	SCK	3-1-21

CALCULATED-DESIGNED BY: SIMON KENNEY
CHECKED BY: LEAH HAYGOOD
CONSULTANT FUNCTIONAL SUPERVISOR: CHRIS SEGUR
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans

LAST REVISION 03-01-21
DATE PLOTTED => 12-OCT-2021
TIME PLOTTED => 09:37

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UNIT 0727
PROJECT NUMBER & PHASE 04200002881

NOTE

FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	80	6.4/6.8	438	621

LICENSED LANDSCAPE ARCHITECT

May 19, 2021
PLANS APPROVAL DATE

LEAH HAYGOOD Signature 8-31-23 Renewal Date 3-1-21 Date

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HAYGOOD & ASSOCIATES
647 SANTA BARBARA ROAD
BERKELEY, CA 94707

ALAMEDA CTC
1111 BROADWAY #800
OAKLAND, CA 94607

MATCH LINE (PP-1)

"C5" LINE

GILMAN St POC

EB ROUTE 80

EROSION CONTROL (TYPE 1)
(SEE EROSION CONTROL PLANS)

EROSION CONTROL (TYPE 2)
(SEE EROSION CONTROL PLANS)

"GI2" LINE

Exist BIOFILTRATION SWALE

GRAVEL MULCH
2361 SQFT
34 CHO TEC

EB OFF RAMP

POC ABOVE

R/W

"F2A" LINE

EASTSHORE HWY

POC COLUMNS Typ

MATCH LINE (PP-5)

CITY R/W

ENVIRONMENTALLY SENSITIVE AREA

BERKELEY

CITY R/W

6 REPLACED PER ADDENDUM No. 6 DATED OCTOBER 14, 2021

APPROVED FOR PLANTING WORK ONLY

FOR NOTES, ABBREVIATIONS AND LEGEND, SEE SHEET IP-1

PLANTING PLAN

SCALE: 1" = 20'

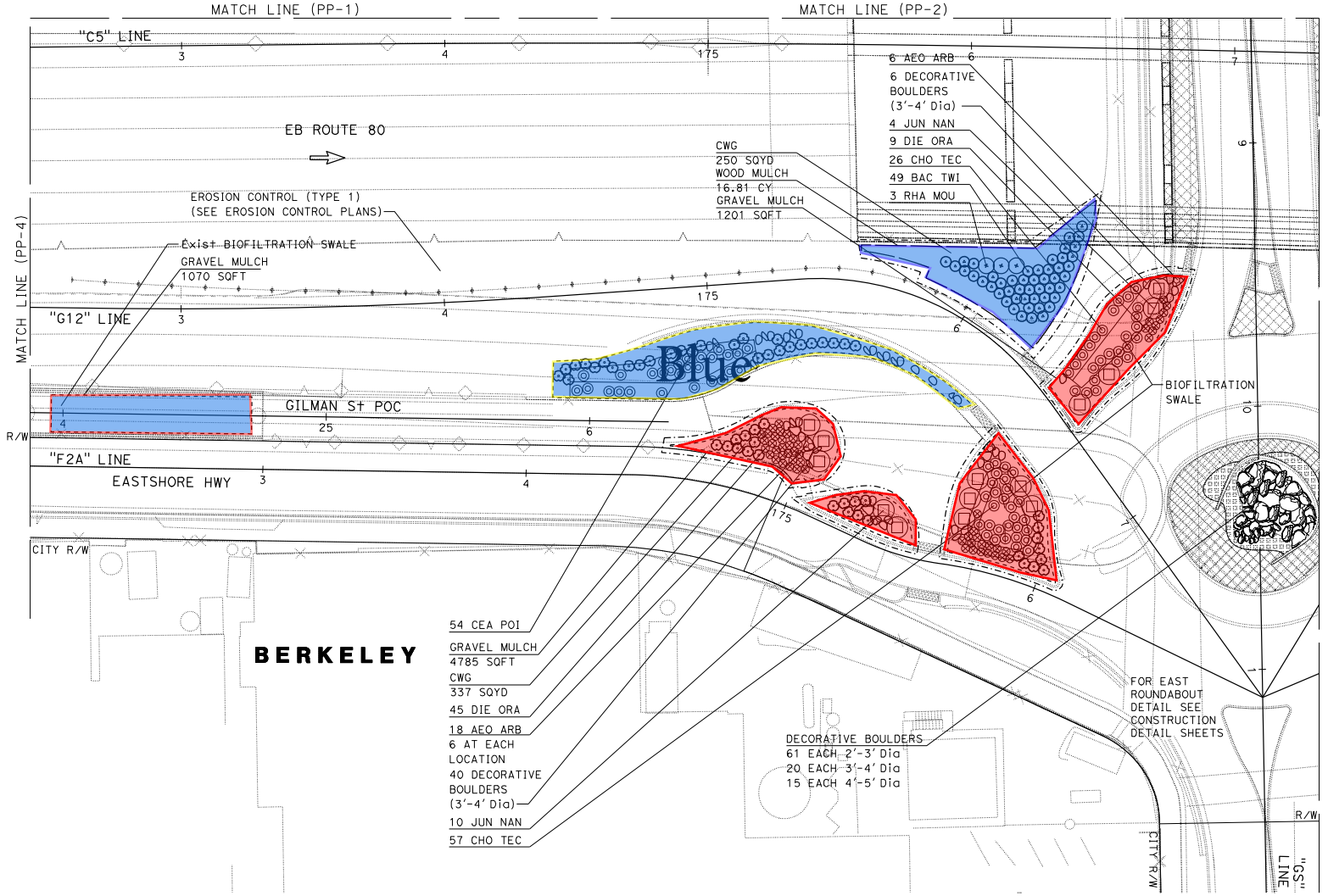
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LAST REVISION DATE PLOTTED => 12-OCT-2021
TIME PLOTTED => 09:37

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	CONSULTANT FUNCTIONAL SUPERVISOR	CALCULATED-DESIGNED BY	CHECKED BY	REVISED BY	DATE REVISED
Caltrans	CHRIS SEGUR	SIMON KENNEY	LEAH HAYGOOD	SCK	3-1-21

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NOTE
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Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	80	6.4/6.8	439	621

Leah Haygood
LICENSED LANDSCAPE ARCHITECT
May 19, 2021
PLANS APPROVAL DATE

LICENSED LANDSCAPE ARCHITECT — LEAH HAYGOOD — Signature — Renewal Date 8-31-23 — 3-1-21 — DATE — STATE OF CALIFORNIA

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HAYGOOD & ASSOCIATES
647 SANTA BARBARA ROAD
BERKELEY, CA 94707

ALAMEDA CTC
1111 BROADWAY #800
OAKLAND, CA 94607

REVISED BY	DATE REVISED
SCK	3-1-21

CALCULATED-DESIGNED BY	CHECKED BY
SIMON KENNEY	LEAH HAYGOOD

CONSULTANT FUNCTIONAL SUPERVISOR: CHRIS SEGUR

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans

6 REPLACED PER ADDENDUM No. 6 DATED OCTOBER 14, 2021
APPROVED FOR PLANTING WORK ONLY

FOR NOTES, ABBREVIATIONS AND LEGEND, SEE SHEET IP-1

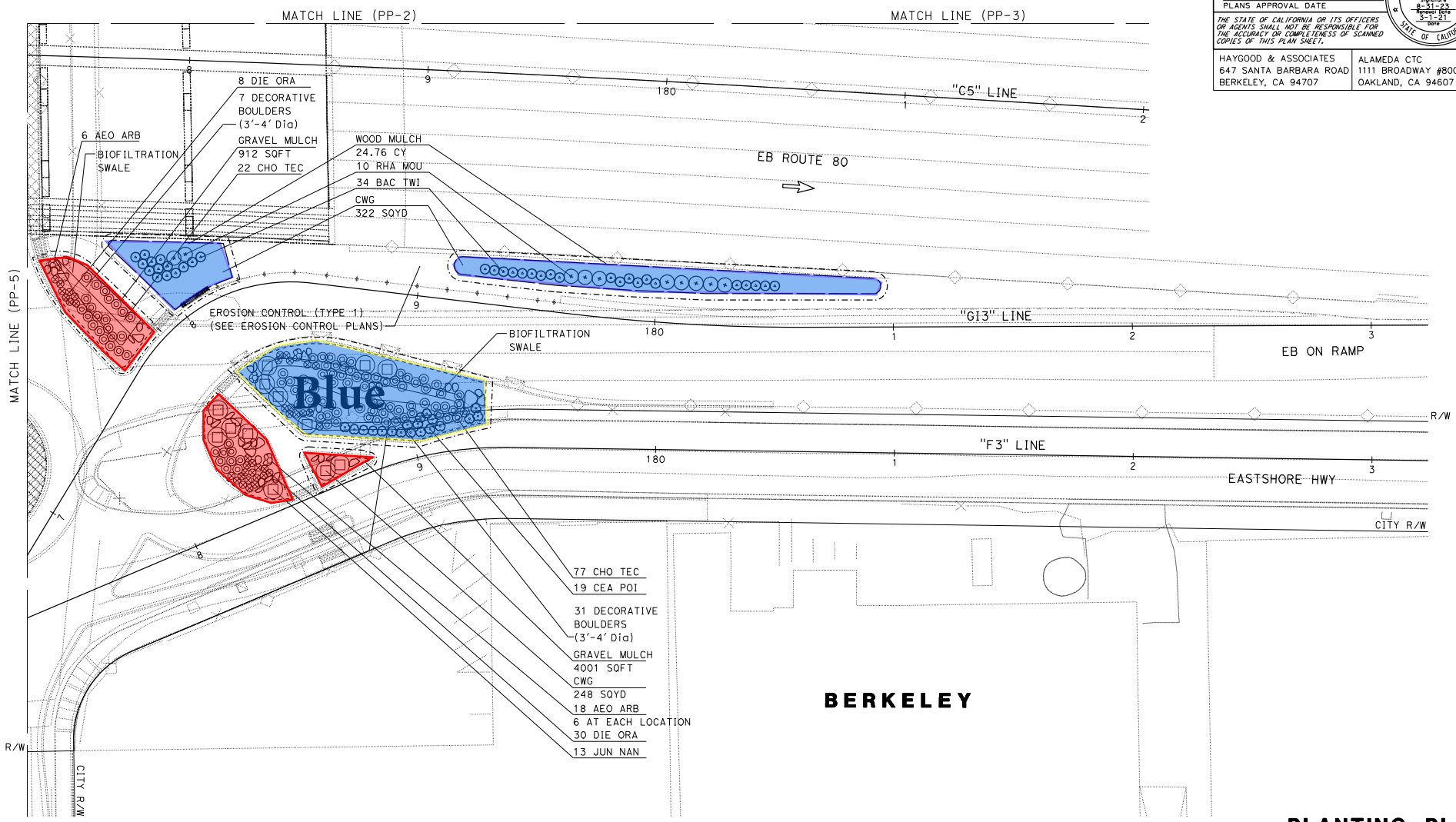
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SCALE: 1" = 20'

PP-5

LAST REVISION 03-01-21 | DATE PLOTTED => 12-OCT-2021 | TIME PLOTTED => 09:37

BORDER LAST REVISED 8/1/2016 | USERNAME => p302438 | DGN FILE => 0420000288su005.dgn | RELATIVE BORDER SCALE IS IN INCHES 0 1 2 3 | UNIT 0727 | PROJECT NUMBER & PHASE 04200002881

NOTE
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Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	80	6.4/6.8	440	621

LICENSED LANDSCAPE ARCHITECT
May 19, 2021
PLANS APPROVAL DATE
LEAH HAYGOOD Signature 8-31-23 Renewal Date 3-1-21 DATE
LICENSED LANDSCAPE ARCHITECT STATE OF CALIFORNIA

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HAYGOOD & ASSOCIATES
647 SANTA BARBARA ROAD
BERKELEY, CA 94707

ALAMEDA CTC
1111 BROADWAY #800
OAKLAND, CA 94607

REVISED BY	DATE REVISED
SCK	3-1-21

CALCULATED-DESIGNED BY	CHECKED BY
SIMON KENNEY	LEAH HAYGOOD

CONSULTANT FUNCTIONAL SUPERVISOR: CHRIS SEGUR

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans

6 REPLACED PER ADDENDUM No. 6 DATED OCTOBER 14, 2021
APPROVED FOR PLANTING WORK ONLY

FOR NOTES, ABBREVIATIONS AND LEGEND, SEE SHEET IP-1

PLANTING PLAN
SCALE: 1" = 20'

PP-6

LAST REVISION 03-01-21 | DATE PLOTTED => 12-OCT-2021 | TIME PLOTTED => 09:37

BORDER LAST REVISED 8/1/2016 | USERNAME => p302438 | DGN FILE => 0420000288su006.dgn | RELATIVE BORDER SCALE IS IN INCHES 0 1 2 3 | UNIT 0727 | PROJECT NUMBER & PHASE 04200002881

22

Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Contract: On-Call Handrail Fabrication and Installation Services, Bailey Fence Company, Inc.

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with Bailey Fence Company, Inc. for on-call handrail fabrication and installation services for a three-year period from January 1, 2026, through December 31, 2028, in an amount not to exceed $150,000.

FISCAL IMPACTS OF RECOMMENDATION

Initial funding for the consultant contract is available in Fiscal Year (FY) 2026 in the Capital Improvement Fund (501). Funding for FY 2027 through FY 2029 is subject to appropriation in the future fiscal years' capital budget based on the department's needs for handrail fabrication and installation services. Work will be performed on an as-needed basis through individual task orders.

CURRENT SITUATION AND ITS EFFECTS

The City released a Request for Proposals (RFP) on August 13, 2025 (Specification No. 25-11676-C) seeking a qualified contractor to provide as-needed fabrication and installation of handrails at public paths and stairways throughout the City. On the RFP closing date of September 10, 2025, the City received one proposal, from Bailey Fence Company, Inc. Staff evaluated Bailey Fence Company's proposal and determined that it meets all RFP requirements. Bailey Fence Company, Inc. was the sole respondent to the RFP, and their submission was found to be responsive and in line with the City's needs. City staff reviewed the firm's qualifications and checked references to verify the company's experience and capability, with references yielding positive feedback.

This contract supports the City's Strategic Plan goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

Berkeley has approximately 140 public paths and stairways within the public right-of-way. A condition survey conducted by the Berkeley Path Wanderers Association (BPWA) in May 2025 found that about 40 of these locations lack any handrail coverage,

while another 7 have handrails in need of repair or replacement. In the past, the City has addressed handrail needs through small one-off contracts or by using City staff for minor repairs. However, many projects require specialized fabrication skills and equipment that the City does not maintain in-house. Establishing an on-call contract for handrail fabrication and installation services will streamline the delivery of these critical safety improvements. Rather than issuing separate bids for each project, City staff will be able to quickly engage the on-call contractor to design, fabricate, and install handrails as need arises and as funds are available. This approach saves time, reduces administrative costs, and ensures important safety enhancements are completed in a timely manner.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no negative environmental effects of this action. The contract will help ensure accessibility compliance for City infrastructure improvements, supporting pedestrian mobility and reducing reliance on vehicle transportation.

RATIONALE FOR RECOMMENDATION

Bailey Fence Company, Inc. demonstrated the qualifications and experience necessary to perform the required services. The company's proposal met all RFP requirements and their pricing is reasonable for the specialized nature of the work. Having an on-call contractor will allow the City to respond efficiently to handrail installation needs as they arise from capital improvement projects, ADA compliance requirements, and maintenance needs.

ALTERNATIVE ACTIONS CONSIDERED

Council could choose not to award this contract, which would require the City to re-solicit for these services or procure handrail services on a project-by-project basis. This would result in delays to accessibility improvements and potentially higher costs due to the specialized nature of the work.

CONTACT PERSON

Wahid Amiri, Deputy Director, Public Works, (510) 981-6396
Ronald A. Nevels, Manager of Engineering, Public Works, (510) 981-6439
Terrence Salonga, Interim Supervising Civil Engineer, Public Works, (510) 981-6447

Attachments:
1: Resolution – Contract with Bailey Fence Company, Inc.
2: Abstract of Bids

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

CONTRACT: BAILEY FENCE COMPANY, INC. FOR ON-CALL HANDRAIL FABRICATION AND INSTALLATION SERVICES

WHEREAS, on August 13, 2025, the City released Request for Proposals Specification No. 25-11676-C seeking qualified contractors to provide on-call handrail fabrication and installation services in public rights-of-way; and

WHEREAS, on September 11, 2025, the City received one submission from Bailey Fence Company, Inc., which was reviewed and found to meet the City's requirements; and

WHEREAS, Bailey Fence Company, Inc. has been determined by City staff to be qualified and responsive to the City's request for on-call handrail fabrication and installation services; and

WHEREAS, funding will be identified and requested for appropriation as project needs arise in future fiscal years.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract with Bailey Fence Company, Inc. for on-call handrail fabrication and installation services for the contract period of January 1, 2026 through December 31, 2028 in an amount not to exceed $150,000. A record signature copy of said contract shall be on file in the Office of the City Clerk

Finance Department
General Services Division

City of Berkeley
Abstract of Bid Worksheet

For: 25-11676
Spec. PW Engineering On-Call Handrail service **DATE: 9/11/2025**

	Bidders		Local Vendor	WC	NF	OS	SC	LW	EBO
1	Bailey Fence Company			X	X	X	X	X	X
2									
3									
4									
5									
6									
7									
8									
9									
10									

Bid Recorder: Roop Soorma RSoorma DATE 09/11/2025

Bid Opener: Sherri Degnan Sherri Degnan DATE 09/11/2025

Project Manager: Terrence Salonga DATE 09/11/2025

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Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works Department

Subject: Contracts: On-Call Industrial Hygiene and Regulatory Compliance Services

RECOMMENDATION

Adopt four Resolutions authorizing the City Manager to execute the following contracts, and any amendments, extensions or other change orders for on-call industrial hygiene (IH) services and on-call regulatory compliance (RC) services, each for a contract period of January 1, 2026 to January 1, 2029:

1. IH: Acumen Industrial Hygiene, Inc for an amount not to exceed $100,000;
2. IH: Millennium Consulting Associates for an amount not to exceed $100,000;
3. IH: Ninyo & Moore Geotechnical & Environmental Sciences Consultants: for an amount not to exceed $100,000; and
4. RC: Geosyntec Consultants, Inc. for an amount not to exceed $4,000,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the Industrial Hygiene contracts for Fiscal Year (FY) 2026 is available in the adopted Public Works budget in the Capital Improvement Fund (501). Funding for the Regulatory Compliance Services contract for FY 2026 is available in the adopted FY 2026 budget for the Zero Waste Fund (601). Funding for FY 2027, FY 2028, and FY 2029 is subject to appropriation in the future fiscal years' budget for the Capital Improvement Fund and the Zero Waste Fund and would be evaluated in the future based on the department's need for industrial hygiene and regulatory compliance services.

CURRENT SITUATION AND ITS EFFECTS

Public Works is responsible for the maintenance and construction of City buildings including fire stations, senior centers, public garages, and multi-storied office buildings. Many of these buildings were constructed prior to 1980 and may contain hazards. In addition, Public Works is also responsible for the post-closure maintenance, monitoring, and reporting for the closed Berkeley Landfill (also known as Cesar Chavez Park, and located on the shoreline of the San Francisco Bay). To meet these obligations, Public

Works sought consultant(s) to provide industrial hygiene and hazardous material assessment services primarily related to construction and demolition activities, and landfill post-closure maintenance consulting and compliance.

A Request for Qualifications (RFQ) was issued August 6, 2025, (Specification No. 25-11744-C) seeking qualified firms or individuals to provide on-call industrial hygiene and/or regulatory compliance services. Firms or individuals were able to submit a proposal to provide industrial hygiene consulting services only, regulatory compliance services only, or both.

On August 26, 2025, the City received Statements of Qualifications (SOQs) from six firms. Four firms for only industrial hygiene services, one firm for only regulatory compliance services, and one firm for both scopes of services. A panel of City staff reviewed the industrial hygiene SOQs and selected Acumen Industrial Hygiene, Millennium Consulting Associates, and Ninyo & Moore Geotechnical & Environmental Sciences Consultants as the best qualified firms to meet the City's needs. A separate panel of City staff reviewed the regulatory compliance services SOQs and selected Geosyntec Consultants, Inc. as the best qualified firm to meet the City's needs.

On-Call Industrial Hygiene services and Regulatory Compliance services is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

The City seeks this contract with Geosyntec to provide regulatory compliance services due to the increased requirements at the closed landfill including: radiological testing, chemical sampling, and other compliance activities associated with the Bay Area Air Quality Management District Abatement Order. Geosyntec provides the City with a level of subject matter expertise on landfill regulatory compliance required to meet the increased regulatory requirements. Existing City staff do not possess this subject matter expertise.

In June 2015, the City issued an RFP for On-Call Industrial Hygiene Services (Specification No. 15-10954). One firm was selected and a not to exceed (NTE) contract for $50,000 was awarded. City Council approved Resolution 69,612-N.S in June 2016, which authorized a contract amendment increasing the NTE amount to $200,000. The expiration date of this contract was extended to June 30, 2025.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Geosyntec's regulatory compliance services for landfill post-closure maintenance consulting and compliance will ensure that the City maintains compliance with Bay Area Air Quality Management District, San Francisco Bay Regional Water Quality Control Board, and CalRecycle regulations that relate to environmental protection and sustainability. Since 2024, additional compliance activities have been required at the closed Berkeley Landfill. Geosyntec can provide technical expertise and knowledge on

emerging trends and technologies related to closed landfill infrastructure, maintenance, and monitoring. The City does not have the in-house capability or expertise required for the increased compliance demands at the closed Berkeley Landfill.

Acumen Industrial Hygiene, Millennium Consulting Associates, and Ninyo & Moore Geotechnical & Environmental Sciences Consultants will assist the City with sampling and reporting for lead, asbestos, and other hazardous materials in City facilities. Contracting with these firms allows the City to ensure construction and renovation projects meet health and safety standards for workers, employees, and the public.

RATIONALE FOR RECOMMENDATION

Acumen Industrial Hygiene, Millennium Consulting Associates, and Ninyo & Moore Geotechnical & Environmental Sciences Consultants are all highly qualified industrial hygiene firms. Geosyntec is a highly qualified regulatory compliance firm. The City does not have the capability to provide these services in-house. Establishing on-call contracts allows City staff to retain services as-needed, quickly, and based on a standard fee schedule.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered. The City does not have the staff expertise or resources to provide the necessary services.

CONTACT PERSON

Wahid Amiri, Deputy Director, Public Works, (510) 981-6396
Ronald A. Nevels, Manager of Engineering, Public Works, (510) 981-6439
Elmar Kapfer, Supervising Civil Engineer, Public Works, Phone # (510) 981-9391

Attachments:
1: Resolution: Contract with Acumen Industrial Hygiene
2: Resolution: Contract with Millennium Consulting Associates
3: Resolution: Contract with Ninyo & Moore Geotechnical & Environmental Sciences Consultants
4: Resolution: Contract with Geosyntec Consultants, Inc.
5: Bid Abstract

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

ACUMEN INDUSTRIAL HYGIENE FOR ON-CALL INDUSTRIAL HYGIENE SERVICES

WHEREAS, on August 6, 2025, the City released a Request for Qualifications (Specification No. 25-11744-C) seeking firms or individuals to provide on-call industrial hygiene and/or regulatory compliance services; and

WHEREAS, firms or individuals were able to submit a proposal to provide industrial hygiene consulting services only, regulatory compliance services only, or both; and

WHEREAS, on August 26, 2025, the City received 5 submissions, 4 of which included submissions for the industrial hygiene scope of services which were reviewed and rated; and

WHEREAS, the submission from Acumen Industrial Hygiene has been found to be fully qualified and responsive to the City's request; and

WHEREAS, funding will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Acumen Industrial Hygiene for on-call industrial hygiene services for City-owned facilities from January 1, 2026, to January 1, 2029, for an amount not to exceed $100,000 with the option to extend for two (2) additional one-year terms. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

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

MILLENNIUM CONSULTING ASSOCIATES HYGIENE FOR ON-CALL INDUSTRIAL HYGIENE SERVICES

WHEREAS, on August 6, 2025, the City released a Request for Qualifications (Specification No. 25-11744-C) seeking firms or individuals to provide on-call industrial hygiene and/or regulatory compliance services; and

WHEREAS, firms or individuals were able to submit a proposal to provide industrial hygiene consulting services only, regulatory compliance services only, or both; and

WHEREAS, on August 26, 2025, the City received 5 submissions, 4 of which included submissions for the industrial hygiene scope of services which were reviewed and rated; and

WHEREAS, the submission from Millennium Consulting Associates has been found to be fully qualified and responsive to the City's request; and

WHEREAS, funding will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Millennium Consulting Associates for on-call industrial hygiene services for City-owned facilities from January 1, 2026, to January 1, 2029, for an amount not to exceed $100,000 with the option to extend for two (2) additional one-year terms. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

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

NINYO & MOORE GEOTECHNICAL & ENVIRONMENTAL SCIENCES CONSULTANTS FOR ON-CALL INDUSTRIAL HYGIENE SERVICES

WHEREAS, on August 6, 2025, the City released a Request for Qualifications (Specification No. 25-11744-C) seeking firms or individuals to provide on-call industrial hygiene and/or regulatory compliance services; and

WHEREAS, firms or individuals were able to submit a proposal to provide industrial hygiene consulting services only, regulatory compliance services only, or both; and

WHEREAS, on August 26, 2025, the City received 5 submissions, 4 of which included submissions for the industrial hygiene scope of services which were reviewed and rated; and

WHEREAS, the submission from Ninyo & Moore Geotechnical & Environmental Sciences Consultants has been found to be fully qualified and responsive to the City's request; and

WHEREAS, funding will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Ninyo & Moore Geotechnical & Environmental Sciences Consultants. for on-call industrial hygiene services for City-owned facilities from January 1, 2026, to January 1, 2029, for an amount not to exceed $100,000 with the option to extend for two (2) additional one-year terms. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

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

CONTRACT: GEOSYNTEC CONSULTANTS, INC. FOR ON-CALL REGULATORY COMPLIANCE SERVICES

WHEREAS, on August 6, 2025, the City released a Request for Qualifications (Specification No. 25-11744-C) seeking firms or individuals to provide on-call industrial hygiene and/or regulatory compliance services; and

WHEREAS, firms or individuals were able to submit a proposal to provide industrial hygiene consulting services only, regulatory compliance services only, or both; and

WHEREAS, on August 26, 2025, the City received 5 submissions, 2 of which included submissions for the regulatory compliance services scope of services, which were reviewed and rated; and

WHEREAS, the highest rated firm was considered the best qualified to meet the City's needs; and

WHEREAS, the submission from Geosyntec Consultants, Inc. has been found, by City staff, to be the highest rated firm, responsive to the City's request; and

WHEREAS, funding is available in the FY 2026 budget in the Zero Waste Fund 601, and funding in future years will be identified and requested for appropriation as projects arise.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Geosyntec Consultants, Inc. for on-call regulatory compliance services for the contract period of January 1, 2026, through January 1, 2029, in an amount not to exceed $4,000,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

Finance Department
General Services Division

City of Berkeley
Abstract of Bid Worksheet

For: On-Call Industrial Hygiene for City Facilities and Landfill
Spec. 25-11744-C **DATE: 8/26/2025**

	Bidders		Local Vendor	WC	NF	OS	SC	LW	EBO
1	Intertek			X	X	X	X	X	X
2	Acumen			X	X	X	X	X	X
3	Langan			X	X	X	X	X	X
4	Millennium Consultants			X	X	X	X	X	X
5	GeoSyntec			X	X	X	X	X	X
6	Ninyo & Moore			X	X	X	X	X	X
7									
8									
9									
10									

Bid Recorder: Tanisha Gainer *Tanisha Gainer* DATE 17/10/2025

Bid Opener: Roop Soorma *RSoorma* DATE 17/10/2025

Project Manager: Priya Chopra *Priya Chopra* DATE 17/10/2025

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD: 510.981.6903 Fax: 510.981.7390
E-mail: finance@ci.berkeley.ca.us

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Office of the City Manager

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Multi-Year Purchase Orders with Papé Kenworth Inc. for Parts and Related Equipment for Kenworth, Peterbilt, and PACCAR Medium-and Heavy-Duty Trucks

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute purchase orders with Papé Kenworth, Inc., an authorized dealer of Kenworth Truck Company, a Division of PACCAR Inc., for parts and related equipment used on Kenworth, Peterbilt, and PACCAR medium and heavy-duty trucks, in an amount not to exceed $380,000, for a period of three-years.

FISCAL IMPACTS OF RECOMMENDATION

The FY 2026 Adopted Public Works Department (Fund 672) Budget includes adequate funding to support for this purchase agreement. Funding for FY 2027 and FY 2028 are subject to future Council approval.

CURRENT SITUATION AND ITS EFFECTS

The Public Works Department requires ongoing access to manufacturer certified service and maintenance parts to ensure the safe and reliable operation of the City's medium and heavy-duty fleet. This purchase order will provide original equipment manufacturer (OEM) parts and components for both routine maintenance and emergency repairs for Kenworth, Peterbilt, and PACCAR trucks.

Per the City's Purchasing Manual, Council authorization is required for any vendor with an annual spend exceeding $100,000. Establishing a three-year purchase order with Papé Kenworth, Inc. will consolidate prior year agreements, ensure continuity of service, and maintain compliance with City procurement requirements.

The City's competitive bidding requirements for this purchase have been satisfied by using Sourcewell Contract No. 032824-KTC. Papé Kenworth, Inc. is an authorized regional dealer for Kenworth Truck Company, a Division of PACCAR Inc., and will provide genuine OEM parts, warranty support, and technical assistance as needed. Papé Kenworth is one of several vendors used by Public Works for this class of equipment.

Truck parts are routinely needed to maintain and repair the City's fleet. This purchase order will support continued fleet reliability and aligns with the City's Strategic Plan goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

The City Charter allows the City to purchase goods without undergoing a competitive bid process if the City utilizes pricing obtained by another entity through a competitive process. On February 8, 2024, Sourcewell released Request for Proposal No. 032824 for Class 4–8 Chassis and Cabs with Related Equipment, Accessories, and Services. The solicitation was released for approximately forty-nine days, and twenty-six proposals were submitted. Upon review of proposals, the Sourcewell Proposal Evaluation Committee selected Kenworth Truck Company, a Division of PACCAR Inc., as the most responsive and responsible proposer to meet the specifications, thereby awarding Contract No. 032824-KTC.

On July 5, 2024, Sourcewell executed a contract with Kenworth Truck Company, authorizing participating agencies to purchase trucks, equipment, and related parts and services through authorized regional dealers, including Papé Kenworth Inc. Article 5, Section A of the referenced contract states that participating entities may issue purchase orders directly to the Supplier's authorized dealers using the pre-negotiated pricing and terms of the Sourcewell contract.

Throughout the year, Public Works purchases parts via cooperative contracts to ensure that City departments receive the best pricing. These parts are specialized and require OEM authorization to ensure compatibility, quality, and warranty compliance.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City prioritizes maintaining its vehicles in the most efficient and environmentally responsible condition possible.

Timely preventive maintenance supported by the use of OEM parts helps extend vehicle life, minimize breakdowns, and maintain compliance with emissions standards. Well-maintained equipment also supports the City's ongoing transition from diesel to renewable fuels and, where operationally and technically feasible, to an all-electric fleet. The use of OEM components aligns with the City's Fleet Electrification and Sustainability goals, by ensuring existing vehicles remain in optimal operating condition until replacement with zero-emission alternatives becomes feasible.

RATIONALE FOR RECOMMENDATION

Purchasing OEM parts from Papé Kenworth Inc. is the most cost-effective method of maintaining the City's medium and heavy-duty trucks in safe and reliable working condition. The use of genuine OEM parts ensures proper fit, performance, and warranty compliance, reducing vehicle downtime and extending the service life of existing equipment. Maintaining an adequate supply of OEM parts also ensures that Public

Works can complete preventive maintenance and repair work in a timely manner, minimizing the risk of service interruptions to City operations.

Utilizing pricing obtained through Sourcewell Contract No. 032824-KTC satisfies the City's competitive bidding requirements and ensures the most competitive pricing available.

ALTERNATIVE ACTIONS CONSIDERED

Public Works could procure non-OEM or aftermarket parts. However, aftermarket parts may not meet manufacturer specifications and could void existing warranties or reduce vehicle performance and reliability. Utilizing genuine Kenworth OEM parts through Papé Kenworth Inc., ensures proper fit, quality, and continued warranty protection.

CONTACT PERSON

Joy Brown, Operational Manager, (510) 981-6629
Don Colbert, Acting Equipment Superintendent, (510) 981-6467

Attachment:
1: Resolution

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

MULTI-YEAR PURCHASE ORDERS: PAPÉ KENWORTH INC. FOR PARTS AND RELATED EQUIPMENT FOR KENWORTH, PETERBILT, AND PACCAR MEDIUM AND HEAVY-DUTY TRUCKS

WHEREAS, original equipment manufacturer (OEM) medium and heavy-duty truck parts are needed by the City; and

WHEREAS, on February 8, 2024, Sourcewell released Request for Proposal No. 032824 for Class 4-8 Chassis and Cabs with Related Equipment, Accessories, and Services; the solicitation remained open approximately forty-nine days, and twenty-six proposals were submitted; and

WHEREAS, upon review of proposals, the Sourcewell Proposal Evaluation Committee selected Kenworth Truck Company, a Division of PACCAR Inc., as the best most responsive proposer to meet the specifications, thusly awarding Contract No. 032824-KTC; and

WHEREAS, Papé Kenworth Inc. is an authorized regional dealer for Kenworth Truck Company and will provide genuine OEM parts, warranty support, and technical assistance to the City under the pricing and terms of Sourcewell Contract No. 032824-KTC; and

WHEREAS, for all Sourcewell contracts, the administrative fee is paid by the Supplier directly to Sourcewell and is not passed on to the City; and

WHEREAS, funds for this purchase are available in the Public Works Department Equipment Maintenance Fund (672) for FY 2026, with future year funding to be appropriated through Annual Appropriations Ordinance #1 for a total not-to-exceed amount of $380,000.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute purchase orders with Papé Kenworth Inc. for service and maintenance parts for parts and related equipment for Kenworth, Peterbilt, and PACCAR medium and heavy-duty trucks in an amount not to exceed $380,000 for a three-year period ending December 31, 2028.

25

Transportation and Infrastructure Commission

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Transportation and Infrastructure Commission

Submitted by: Ren Zaro, Commission Chair

Subject: Recommendation to Rename "5 ½ Street" Alleyway as Jeronimus Alley

RECOMMENDATION

Adopt a Resolution, by at least a two-thirds Council majority, renaming the alleyway running parallel between 5th and 6th streets, located between Camelia Street and Virginia Street, unofficially labeled as "5 ½ Street," to "Jeronimus Alley" in honor of Wayne Jeronimus.

FISCAL IMPACTS OF RECOMMENDATION

The funding required for the new signage and installation is estimated to cost $2,400 and is available in the FY 2026 adopted budget in General Fund 011.

CURRENT SITUATION AND ITS EFFECTS

As part of its September 21, 2023 meeting, the Transportation and Infrastructure Commission (TIC) heard a request from the Berkeley Path Wanderers Association to name the alleyway running parallel between 5th and 6th streets, located between Camelia Street and Virginia Street, as "Jeronimus Alley" in honor of Wayne Jeronimus. At its October 16, 2025 meeting, the Commission considered and acted by voting to recommend to Council that they approve the name change to Jeronimus Alley:

> **Action:** It was Moved / Seconded (Leung / Moss) to recommend to the City Council that they approve the name change of “5-1/2 Street” to Jeronimus Alley for the alleyway running parallel between 5th and 6th Streets from Camelia to Virgina Street.
>
> **Vote**:
> Ayes: Fike; Gattu; Hothi; Leung; Lutzker; Moss; Walton; Zaro
> Noes: None; Abstain: None; Absent: Scheider; Recused: None
> Motion passed

As per City policy (Resolution No. 71,544–N.S., Appendix A), public facilities should generally not be named after living persons. To override this policy, a two-thirds majority vote of the City Council would be required.

BACKGROUND
Wayne Jeronimus worked for the City of Berkeley Housing Department from 1976 to 2000, where he was part of a team working to provide affordable housing within city limits. He led the City's popular first-time homebuyers' program and worked on a project to preserve Victorian cottages for limited-income residents.

Currently, there is no officially recognized name for this alleyway, though on Google Maps, it is unofficially labeled as "5 ½ Street".

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
As this alleyway has no addresses, there would be no impact on public services as a result of the naming.

RATIONALE FOR RECOMMENDATION
The Transportation and Infrastructure Commission considered the naming request to be reasonable and appropriate, as Mr. Jeronimus has had a positive effect on the community during his lifetime, and the current unofficial name of the alleyway does not have significant historical or geographical importance.

ALTERNATIVE ACTIONS CONSIDERED
None.

CITY MANAGER
The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON
Mark Helmbrecht, Secretary, Transportation and Infrastructure Commission
510-981- 6403

Attachments:
1: Resolution

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

NAMING THE ALLEYWAY BETWEEN 5TH AND 6TH STREETS, LOCATED BETWEEN CAMELIA ST AND VIRGINIA ST, AS "JERONIMUS ALLEY"

WHEREAS, Wayne Jeronimus worked for the City of Berkeley Housing Department from 1976 to 2000, where he was part of a team working to provide affordable housing within city limits, led the City's popular first-time homebuyers program, and worked on a project to preserve Victorian cottages for limited-income residents; and

WHEREAS, the Berkeley Path Wanderers Association submitted a request to name the alleyway running parallel between 5th and 6th Streets, located between Camelia St and Virginia St, to "Jeronimus Alley" in honor of Wayne Jeronimus; and

WHEREAS, the Transportation and Infrastructure Commission, at its meeting on September 21, 2023, heard a request to name “5-1/2 Street” as Jeronimus Alley; and

WHEREAS, the Transportation and Infrastructure Commission, at its meeting on October 16, 2025, considered and took action by voting to recommend to the City Council that they approve naming “5-1/2 Street” as Jeronimus Alley; and

WHEREAS, the City Council's Policy for Naming and Renaming Public Facilities allows for a public facility to be named after a living person if the City Council approves the resolution by a two-thirds vote; and

WHEREAS, the cost to install eight (8) street signs on posts would total approximately $2,400 and is available in the adopted FY 2026 Budget.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the alleyway running parallel between 5th and 6th streets, located between Camelia Street and Virginia Street, shall be named "Jeronimus Alley" in honor of Wayne Jeronimus.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to take all necessary steps to implement this resolution, including the installation of appropriate signage.

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

26

CONSENT CALENDAR
November 18, 2025

To: Honorable Mayor Ishii and Members of the City Council

From: Councilmember Terry Taplin

Subject: Recommendations for the Formulation of Advanced Fiscal Policies to Institutionalize Strategic Bond Issuance, Optimize Municipal Investment Returns, and Leverage Intergovernmental and Philanthropic Capital Funding.

RECOMMENDATION

1. **Structured Bond Issuance Framework**
   Refer to the City Manager assessment, analysis, and presentation to the Council of a potential comprehensive fiscal policy every two years that institutionalizes, codifies, and makes publicly accessible a regular, predictive schedule for general obligation bond issuance. This potential policy, in addition to and alongside existing practices, may be informed by actuarial and capital market analysis of the City's bonding capacity and be modeled on established frameworks utilized in fiscally disciplined jurisdictions such as San Francisco, Santa Monica, and others. The goal is to remediate the City's substantial deferred maintenance liabilities and strategically advance the Capital Improvement Program (CIP).

2. Modernize Investment Policy. Refer to the City Manager the enactment of a detailed review and performance benchmarking of the City's current investment policies, ordinances, and resolutions. Based on this review, the City Manager may consider:
   - Amendments to align Berkeley's portfolio management practices with those of peer jurisdictions in the Bay Area;
   - Asset strategies that maintain compliance with CA Government Code §53600 et seq. while improving yields through enhanced diversification and duration matching.

3. Comparative Bond Issuance Analysis and Timeline
   Refer the City Manager to conduct a comprehensive analysis of historical general obligation bond issuance and debt service rates in Berkeley and comparable jurisdictions. The analysis may consider the following:
   - Examine 30 years of municipal bond trends, showing the consistency of low interest rates during fiscally disciplined cycles;
   - Compare Berkeley's historical borrowing costs with those of San Francisco, Santa Monica, Palo Alto, and other cities;
   - Demonstrate the efficacy of maintaining a regular issuance schedule every 6–10 years to preserve low borrowing rates and steady bond ratings;

- Present a 30-year fiscal projection showing that with prudent debt layering and consistent retirement of obligations, Berkeley can issue up to $250–$300 million in bonds in successive tranches while maintaining fiscal health and AAA-quality debt service coverage ratios, and examine the impact on deferred infrastructure liabilities.

The City Manager is requested to return with a projected 25–30 year financing timeline that identifies capital milestones, projected issuances, debt service loads, and cost-saving thresholds compared to inflation-driven delays. This timeline shall be paired with policy recommendations to ensure adherence to long-range financial planning objectives.

POLICY COMMITTEE RECOMMENDATION

M/S/C (Kesarwani/Blackaby) to send the item to Council with a Qualified Positive Recommendation with the changes as proposed by Councilmember Taplin as follows:

1. Structured Bond Issuance Framework

Refer to the City Manager assessment, analysis, and ~~development and~~ presentation to the Council of a potential ~~of a~~ comprehensive fiscal policy every two years that institutionalizes, codifies, and makes publicly accessible, ~~codifies current practices,~~ a regular, predictive schedule for general obligation bond issuance. This potential policy, in addition to and alongside existing practices, ~~should~~ may be informed by actuarial and capital market analysis of the City's bonding capacity and be modeled on established frameworks utilized in fiscally disciplined jurisdictions such as San Francisco, ~~and~~ Santa Monica, ~~and others~~. The goal is to remediate the City's substantial deferred maintenance liabilities and strategically advance the Capital Improvement Program (CIP).

2. Modernize Investment Policy. ~~and Establish a Capital Grant Matching Fund~~

Refer to the City Manager the enactment of a detailed review and performance benchmarking of the City's current investment policies, ordinances, and resolutions. Based on this review, the City Manager may consider ~~should recommend~~:

- Amendments to align Berkeley's portfolio management practices with those of peer jurisdictions in the Bay Area;
- Asset strategies that maintain compliance with CA Government Code §53600 et seq. while improving yields through enhanced diversification and duration matching;

~~Establishment of a dedicated Capital Grant Matching Fund, capitalized with a designated portion of net investment returns, to maximize Berkeley's competitiveness in securing grants under federal programs such as the Infrastructure Investment and Jobs Act (IIJA), the Inflation Reduction Act (IRA), and state-funded resilience initiatives.~~

3. ~~Develop a~~ Comparative Bond Issuance Analysis and Timeline

Refer the City Manager to conduct a comprehensive analysis of historical general obligation

bond issuance and debt service rates in Berkeley and comparable jurisdictions. The analysis may consider the following ~~should:~~

- Examine 30 years of municipal bond trends, showing the consistency of low interest rates during fiscally disciplined cycles;
- Compare Berkeley's historical borrowing costs with those of San Francisco, Santa Monica, ~~and~~ Palo Alto, and other cities;
- Demonstrate the efficacy of maintaining a regular issuance schedule every 6–10 years to preserve low borrowing rates and steady bond ratings;
- Present a 30-year fiscal projection showing that with prudent debt layering and consistent retirement of obligations, Berkeley can issue up to $250–$300 million in bonds in successive tranches while maintaining fiscal health and AAA-quality debt service coverage ratios, and examine the impact on deferred infrastructure liabilities.

CURRENT SITUATION AND ITS EFFECTS

Berkeley faces a growing infrastructure deficit exceeding $1 billion, driven by long-deferred maintenance, rising construction costs, and insufficient capital funding mechanisms. The City's investment-grade bond ratings (Moody's Aa2; S&P AA) position it favorably to issue debt at competitive rates, yet the absence of a formalized bond issuance framework prevents the City from fully leveraging its credit capacity.

Waterfront Capital Liabilities

Key waterfront and Marina-related projects facing urgent capital needs include:

- Berkeley Pier Replacement: Closed in 2015 due to structural failure. Replacement is estimated at $50–70 million, with annual cost escalation exceeding 6%.
- Marina Infrastructure Overhaul: Docks, utility lines, lighting, and gangways require comprehensive upgrades. Estimated need: $15–25 million.
- Shoreline Armoring and Seismic Resilience: Required for adaptation to sea-level rise. Estimated capital: $20+ million.
- Access and Surface Improvements: ADA-compliant realignments and pavement reconstruction are estimated at $5–8 million.

The Marina Fund remains fiscally constrained and cannot absorb these capital needs without structural subsidy or external financing.

City Facility Repair and Seismic Modernization Needs

Deferred maintenance and life-safety deficiencies persist across several major civic structures:

- Frances Albrier Community Center: Seismic retrofitting and HVAC modernization estimated at $15 million.
- Old City Hall: Unoccupied due to seismic risk and systems degradation. Renovation estimated at $50–60 million.
- Veterans Memorial Building: Structural stabilization and ADA compliance upgrades estimated at $35–40 million.
- MLK Jr. Civic Center: Systemic repairs for HVAC, elevators, and roofing exceed $20 million.

The 2018 Citywide Facilities Condition Assessment categorized more than 60% of buildings as in "poor" or "failing" condition, with an annual cost escalation rate estimated at 6–10%.
The absence of an integrated financial roadmap has resulted in cost inefficiencies and diminished public confidence. Berkeley's long-standing practice of episodic, reactive capital funding has inhibited the City's capacity to effectively address urgent infrastructure vulnerabilities and to plan for resilience-oriented modernization.

BACKGROUND

Numerous California municipalities—including San Francisco, Oakland, and San José—have successfully implemented coordinated fiscal strategies combining systematic bond issuance with active investment management and capital matching mechanisms. These jurisdictions have improved capital delivery while lowering financing costs and increasing access to competitive grants.
In contrast, Berkeley's recent experience with public bond measures underscores the need for clearer fiscal governance and improved public engagement:

- Measure T1 (2016): Authorized $100 million in general obligation bonds. Although initially successful, several project components exceeded their original budgets due to planning and management challenges:
    - Strawberry Creek Park: 40% over budget due to unexpected subsurface conditions and underestimation of permitting costs.
    - Ohlone Park Renovations: Experienced project delays, contractor bid variability, and scope creep, resulting in a 25% cost increase from original estimates.
    - Willard Clubhouse: Required extensive ADA and systems upgrades not captured in initial scoping.

- These overruns stemmed from factors including inflationary pressures in construction markets, insufficient early-stage geotechnical assessments, evolving regulatory requirements, and staffing limitations in project management. Lack of contingency funding and rigid project timelines exacerbated these challenges, eroding community trust and highlighting the need for greater fiscal agility and programmatic transparency in future capital cycles.

- Measure L (2022): A $650 million bond proposal for infrastructure investment failed to reach the two-thirds voter threshold. Analysts and civic groups—including the Berkeley Budget & Finance Policy Committee, the League of Women Voters of Berkeley, Berkeley Neighborhoods Council, and Berkeleyans for a Livable City—identified the following issues in post-election assessments:

    - Insufficient project prioritization and lack of transparency.
    - Poor public communication of long-term fiscal benefits.
    - Limited accountability frameworks following Measure T1;

- Inadequate voter outreach and engagement.

- These critiques were substantiated in multiple forums. The Berkeley Budget & Finance Policy Committee published their concerns in meeting minutes from September 2022, highlighting a failure to articulate value to voters and the absence of a multi-year capital financing strategy. The League of Women Voters issued a position paper recommending improved fiscal transparency, while Berkeleyans for a Livable City conducted a comparative policy analysis drawing on best practices from Palo Alto and Emeryville. Collectively, these analyses underscore the need for a holistic fiscal strategy that integrates investment management with proactive capital financing.

RATIONALE

The integration of strategic bond issuance and modernized investment policy is essential to Berkeley's long-term fiscal health. These reforms will:

- Enhance the City's ability to execute capital projects on time and within budget;
- Reduce long-term liabilities and cost escalations associated with deferred maintenance;
- Maximize internal financing capacity and improve competitiveness in external funding rounds.
- Provide predictable financial planning horizons aligned with capital programming.
- Strengthen public confidence through greater transparency and fiscal discipline.

Strategically leveraging investment earnings via a matching grant fund is a forward-looking mechanism that turns financial efficiency into external revenue, magnifying the City's capital resources. This model aligns with both fiduciary best practices and intergovernmental funding paradigms that increasingly prioritize local match capacity.

Furthermore, comparative analysis of historical municipal bond service costs reveals that jurisdictions adhering to a consistent 6–10 year issuance schedule tend to stabilize borrowing costs, maintain high bond ratings, and secure favorable investor confidence. This layered approach to debt issuance and retirement avoids fiscal spikes, allows for transparent cash flow forecasting, and aligns debt service with infrastructure life cycles.

Based on peer practices and Berkeley's current assessed valuation growth, it is fiscally viable to issue a series of general obligation bonds totaling $250–$300 million over the next 25–30 years, without breaching responsible debt thresholds. Doing so would allow the City to systematically address its backlog of infrastructure liabilities, minimizing cost escalation due to delays and creating a financially resilient public capital framework.

FISCAL IMPACTS OF RECOMMENDATION

Implementation costs may include consulting and legal services for policy drafting and portfolio reallocation. However, the long-term fiscal benefits include:

- Avoidance of inflation-driven capital cost increases;
- Greater access to grant programs requiring local matches of 20–50%;
- Higher returns on city investments through optimized strategies;
- Lower borrowing costs through well-timed bond issuances;
- Multiplicative gains in external revenue through matching mechanisms.

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Improved access to capital will support environmentally strategic projects including:

- Coastal flood resilience and shoreline restoration;
- Decarbonization of public buildings and fleet electrification;
- Sustainable stormwater management;
- Transit and multimodal infrastructure expansion.

A dedicated matching fund will allow the City to aggressively pursue funding from climate-focused programs such as FEMA's BRIC, CalEPA Green Infrastructure Grants, and the California Resilience Challenge.

ALTERNATIVE ACTIONS CONSIDERED

- Maintain Status Quo: Fails to address growing infrastructure needs and rising costs.
- Ad Hoc Bond Measures: Inefficient, lacks transparency, and depends on unpredictable electoral outcomes.
- New Dedicated Tax Instruments: Politically complex and time-intensive with uncertain outcomes.

CONTACT PERSON

Terry Taplin, Councilmember, District 2
Phone: (510) 981-7120
Email: ttaplin@berkeleyca.gov

ATTACHMENTS

1. FY 2025–2029 Capital Improvement Program (CIP)

2. City of Berkeley Investment Policy

3. Berkeley Waterfront Specific Plan (Draft, November 2024)

4. Measure T1 Bond Policies and Procedures Manual

5. Measure L Bond Measure Information (November 2022)

6. Infrastructure Assessment Report (2021)

7. Budget & Finance Committee Agenda Packet (April 24, 2025)

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Cecilia Lunaparra
Councilmember Berkeley District 7

CONSENT CALENDAR
November 18, 2025

To: Honorable Members of the City Council

From: Councilmember Lunaparra (Author), Mayor Ishii (co-sponsor), Vice Mayor Humbert (co-sponsor), Councilmember Blackaby (co-sponsor)

Subject: Sanctuary City Contracting Ordinance Updates

RECOMMENDATION

Adopt the proposed amendments to the Sanctuary City Contracting Ordinance (BMC 13.105) to mirror key definitions with the language in the new Sanctuary City Ordinance and shorten the Right to Cure time period from 90 days to 30 days.

BACKGROUND

The City of Berkeley adopted the Sanctuary City Contracting Ordinance in 2018 to "protect the privacy, safety, dignity, and quality of life of the members of the Berkeley community, especially targeted immigrants and religious minorities" by prohibiting the award of city contracts to "vendors acting as ICE data brokers, or those providing extreme vetting services." This ordinance has been a vital tool for ensuring that the protected personal information of Berkeley residents and visitors is protected and City of Berkeley resources are used in a manner consistent with Berkeley values and our Sanctuary City policies.

RATIONALE FOR RECOMMENDATION

The current Sanctuary City Contracting Ordinance bars the City of Berkeley from awarding city contracts to "vendors acting as ICE data brokers, or those providing extreme vetting services." However, in recent months, large swaths of the federal government have been used for immigration enforcement purposes, including the U.S. Department of Homeland Security and its component agencies, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, U.S. Citizenship and Immigration Services, and more[1].

The Berkeley City Council recently passed, unanimously, the Sanctuary City Ordinance, which, among other things, provides clarity and further definition for several key terms. This item's proposed amendments to the Sanctuary City Contracting Ordinance, drafted in consultation with the City Attorney's Office, mirror these definitions from the Sanctuary City Ordinance to ensure congruence within the Berkeley Municipal Code. Notably, this item defines "Immigration Authority" as "any person or agency engaging in efforts to investigate, enforce, or assist in the investigation or enforcement of federal

[1] https://www.washingtonpost.com/national-security/2025/10/08/fbi-agents-reassigned-immigration/

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immigration law against natural persons," not just ICE. This item also mirrors the Sanctuary City Ordinance's definition of "Protected Personal Information."

This item also proposes shortening the Right to Cure time period from 90 days to 30 days. In its current form, if the ordinance is alleged to have been violated, a person or entity may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce the Sanctuary City Contracting Ordinance if the alleged violation is not remedied within 90 days after the allegation is first made in writing. This means that, if a City of Berkeley vendor is alleged to be sharing data with immigration authorities, it could take up to three months before corrective action is taken to safeguard the privacy of Berkeley residents, uphold Berkeley values, and enforce local law, risking immeasurable harm. Recognizing this, other municipalities have 30-day Right to Cure time periods for ordinances that protect the privacy of their residents. For example, San Francisco (Sec. 19B.8.(c)) and San Diego (Sec. 210.0109(a)(1)) both have 30-day Right to Cure time periods in their respective Surveillance Ordinances. This proposed change to Berkeley's Sanctuary City Contracting Ordinance would match this timeline, further safeguarding our privacy and our values. To ensure that this remains feasible for City staff, the item tolls the 30-day notice period during City Council recesses, as recommended to the Author by the City Attorney's Office.

CURRENT SITUATION AND ITS EFFECTS

The Sanctuary City Ordinance declares the following:

- The City of Berkeley is home to people of diverse racial, ethnic, and national backgrounds, including a large immigrant population.
- Immigrants are valuable and essential members of the City of Berkeley community.
- A relationship of trust between the City of Berkeley's immigrant community and the City of Berkeley, its departments, programs, and personnel is central to the public safety of Berkeley residents.
- This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members may fear approaching police when they are victims of or witnesses to crimes, or may fear seeking basic health services or attending school, to the detriment of public safety and the wellbeing of all Berkeley residents.
- Entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments.
- Multiple studies have proven that jurisdictions that do not assist in immigration enforcement are safer and economically more prosperous compared to other jurisdictions – including a 2017 report by the Center for American Progress that shows on average there are 35.5 fewer crimes committed per 10,000 people in sanctuary jurisdictions, the average annual income is $4,353 higher, the poverty rate is 2.3% lower, and unemployment is 1.1% lower.

By ensuring that all of our Sanctuary City policies are aligned, we can ensure they are as effective as possible at defending Berkeley's values and protecting our residents' rights to due process.

FISCAL IMPACTS OF RECOMMENDATION
No anticipated impacts.

ENVIRONMENTAL SUSTAINABILITY
No anticipated impacts.

Attachments:
1. Amended Ordinance

CONTACT PERSON
Councilmember Cecilia Lunaparra, 510-981-7170
Jonah Gottlieb, Chief of Staff

Chapter 13.105

SANCTUARY CITY CONTRACTING*

Sections:

13.105.010 Title.

13.105.020 Definitions.

13.105.030 Prohibition on Use of City Resources.

13.105.040 Investigation and Reporting.

13.105.050 Enforcement.

13.105.060 Severability.

13.105.070 Construction.

13.105.080 Chapter Supersedes Existing Law and Regulations.

13.105.090 Effective Date.

* Ordinance No. 7650-N.S adds the provisions of this chapter as Chapter 13.104. It has been editorially renumbered to account for the preexisting Chapter 13.104.

13.105.010 Title.

This ordinance shall be known as the Sanctuary City Contracting Ordinance. (Ord. 7650-NS § 1 (part), 2019)

13.105.020 Definitions.

A. "City" means the City of Berkeley, California.

B. "Data Broker" (also commonly called information broker, information reseller, data aggregator, and information solution provider) means either of the following:

1. The collection of information, including Pprotected Ppersonal Iinformation about consumers, from a wide variety of sources for the purposes of reselling such information to their customers, which include both private-sector businesses and government agencies;

2. The aggregation of data that was collected for another purpose from that for which it is ultimately used.

C. "Extreme Vetting" means data-mining, threat modeling, predictive risk analysis, or other similar services. Extreme Vetting ~~Does~~ does not include the following:

1. The City's computer-network health and performance tools;

2. Cybersecurity capabilities, technologies and systems used by the City of Berkeley Department of Information Technology to predict, monitor for, prevent, and protect technology infrastructure and systems owned and operated by the City of Berkeley from potential cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer based activity.

D. ~~"ICE" means the United States Immigration and Customs Enforcement, and any subdivision thereof.~~ Immigration Authority" means any person or agency engaging in efforts to investigate, enforce, or assist in the investigation or enforcement of federal immigration law against natural persons, including but not limited to the U.S. Department of Homeland Security or its component agencies, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or U.S. Citizenship and Immigration Services.

E. "Person or Entity" means any private natural person, corporation, institution, subsidiary, affiliate, or division under operating control of such person; the parent entities that have operating control over such person, and the subsidiaries, affiliates and divisions under operating control of such parent entity. Government entities and employees are expressly excluded from this definition. (Ord. 7650-NS § 1 (part), 2019)

F. "Protected Personal Information" means any information that identifies, relates to, describes, or is capable of being associated with a particular individual, including but not limited to a person's name, birthdate, Social Security Number or Individual Taxpayer Identification Number, telephone number, home or work address, driver's license number, place of birth, or biometric information.

13.105.030 Prohibition on Use of City Resources.

A. No officer, employee, department, board, commission, City Council, City Manager, or other entity of the City shall enter into a new, amended, or extended contract or agreement with any Person or Entity that provides ~~ICE~~ an Immigration Authority with any "Data Broker" or "Extreme Vetting" services as defined herein, unless a waiver is granted based on a specific determination that no reasonable alternative exists, taking into consideration the following:

1. The intent and purpose of this ordinance;

2. The availability of alternative services, goods and equipment; and

3. Quantifiable additional costs resulting from use of available alternatives.

The following processes shall be followed in considering a waiver: The City Manager or designee shall file a waiver request. The Council shall make the final decision on granting the waiver.

B. All public works, construction bids, requests for information, requests for proposals or any other solicitation issued by the City shall include notice of the prohibition listed above.

C. For the purpose of determining which Person or Entity provides ~~ICE~~ an Immigration Authority with Data Broker or Extreme Vetting services, the City Manager shall rely on:

1. Information available on federal contracting websites, or in the absence of those, another common source of federal data;

2. A declaration under the penalty of perjury executed by the Person or Entity, affirming that they do not provide Data Broker or Extreme Vetting services to ICE an Immigration Authority.

D. Any Person or Entity identified as a supplier of Data Broker or Extreme Vetting services to ~~ICE~~ an Immigration Authority and potentially affected by this Section shall be notified by the City Manager of the determination. Any such Person or Entity shall be entitled to a review of the determination by appeal to the City Manager. Request for such review shall be made within thirty (30) business days of notification, or seven (7) business days of the date of a City solicitation or notice of a pending contract or purchase, of interest to the Person or Entity seeking review. Any Person or Entity vendor so identified may appeal the City Manager's determination to the City Council, within fifteen (15) business days of the determination. (Ord. 7650-NS § 1 (part), 2019)

13.105.040 Investigation and Reporting.

A. The City Manager, or their designee, shall review compliance with Section 13.105.030. The City Manager may initiate and shall receive complaints regarding violations of Section 13.105.030. All officers, employees, departments, boards, commissions, and other entities of the City shall cooperate with the City Manager in any investigation of a violation of Section 13.105.030.

B. By November 1 of each year, the City Manager shall schedule and submit to the City Council a written, public report regarding compliance with Section 13.105.030 over the previous year. At minimum, this report must (1) detail with specificity the steps taken to ensure compliance with Section 13.105.030, (2) disclose any issues with compliance, including any violations or potential violations of this Ordinance, and (3) detail actions taken to cure any deficiencies with compliance. (Ord. 7650-NS § 1 (part), 2019)

13.105.050 Enforcement.

A. *Right to Cure.* This Chapter does not provide a private right of action upon any person or entity to seek injunctive relief against the City or any employee unless that person or entity has first provided written notice to the City Manager by serving the City Clerk, regarding the specific alleged violations of this Chapter. If the alleged

violation is substantiated and subsequently cured, a notice shall be posted in a conspicuous manner on the City's website that describes, to the extent permissible by law, the corrective measures taken to address the violation.

B. *Cause of Action.* If a specific alleged violation is not remedied within 30 ~~90~~ days of that written notice, a person or entity may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this Ordinance; provided, however, that if the City receives notice of a potential violation pursuant to section 12.105.050(A) while the City Council is on recess, the 30-day period shall be tolled during the pendency of the recess.

C. *Civil Penalties.* If the City is found liable in a cause of action brought by an individual under subsection B. above for a violation that is the result of arbitrary or capricious action by the City or an employee or agent thereof in their official capacity, the City shall be liable for a civil penalty no greater than $5,000 per violation, as determined by the court. In determining the amount of civil penalty, the court shall consider prior violations of this ordinance by the City department that committed the violation.

D. *Attorney's Fees and Costs.* A court shall award a plaintiff who prevails on a cause of action under subsection B. reasonable attorney's fees and costs in an amount not to exceed $15,000.

E. *Limitations on Actions.* Any person bringing an action pursuant to this ordinance must first file a claim with the City pursuant to Government Code section 905 or any successor statute within four years of the alleged violation.

F. Any contracting Person or Entity knowingly or willingly supplying false information in violation of Section 13.105.030C.2., shall be guilty of a misdemeanor and up to a $1,000 fine. (Ord. 7650-NS § 1 (part), 2019)

13.105.060 Severability.

The provisions in this Ordinance are severable. If any part or provision of this Ordinance, or the application of this Ordinance to any person or circumstance, is held invalid, the remainder of this Ordinance, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue to have force and effect. (Ord. 7650-NS § 1 (part), 2019)

13.105.070 Construction.

The provisions of this Ordinance are to be construed broadly to effectuate the purposes of this Ordinance. (Ord. 7650-NS § 1 (part), 2019)

13.105.080 Chapter Supersedes Existing Law and Regulations.

The provisions of this chapter shall supersede any conflicting law or regulations. (Ord. 7650-NS § 1 (part), 2019)

13.105.090 Effective Date.

This Ordinance shall take effect on July 1, 2019. (Ord. 7650-NS § 1 (part), 2019)

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Office of the City Manager

PUBLIC HEARING
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Department of Planning and Development

Subject: Adoption of Berkeley Building Codes, including Local Amendments to California Building Standards Code

RECOMMENDATION

Conduct a public hearing, and upon conclusion adopt the second reading of Ordinance No. 7,988-N.S. repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions where the modifications or changes are substantially equivalent to changes or modifications that were previously filed by the City and were in effect as of September 30, 2025.

SUMMARY

The purpose of this report is to provide background on the 2025 California Building Standards Code, identify key changes from the 2022 midcycle adoption to 2025 Code editions, and summarize the proposed local amendments which include:

- Amendment to the 2025 California Building Code Part 1, to clarify and provide consistency between the codes for fire resistive requirements supporting fire-rated construction.
- Adoption of the 2025 California Building Code Part 2 Appendix H Signs, to provide specific code provisions for the installation of signs.
- Amendment to the 2025 California Electrical Code Part 3, clarifying the separation requirement for conductors of different services, to provide additional safety to service personnel when working on electrical equipment.
- Retain previously adopted local amendments to the 2022 California Building Code Part 2 with Mid-Cycle Supplement, to retain Berkeley's more stringent requirements for repairs to existing buildings, technical amendments to structural standards, Exterior Elevated Elements (E3) technical amendments, and Emergency Housing, and readopting Appendices I – Patio Covers, J - Grading and Q – Emergency Housing.

- Retain previously adopted local amendments to the 2022 California Residential Code Part 2.5 with Mid-Cycle Supplement, to retain Berkeley's more stringent requirements for technical structural standards, Climatic and Geographic Design Criteria, and readopting Appendices BB - Tiny Houses, BF - Patio Covers, Appendix BI - Light Straw-Clay Construction, Appendix BJ - Strawbale Construction, Appendix BK - Cob Construction (Monolithic Adobe), and Appendix CI Swimming Pool Safety Act.

- Retain previously adopted local amendments to the 2022 California Plumbing Code Part 5 with Mid-Cycle Supplement, to require installation of motion activated gas shut-off valves in construction of new buildings, and alterations or additions to existing buildings containing fuel gas piping for which a mechanical or plumbing permit is issued.

- Retain previously adopted local amendments to the 2022 California Green Buildings Standards Code (*CAL*Green) Part 11 with Mid-Cycle Supplement, to retain Berkeley's more stringent electric vehicle charging requirements in all building types, reduction in cement use, and construction waste management.

The 2022 California Building Standards Code with Mid-Cycle Supplement, with local amendments, is currently adopted in the Berkeley Municipal Code, Title 19 under Ordinance 7,906-N.S., as the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical, Existing and Green Codes (Berkeley Building Codes).

FISCAL IMPACTS OF RECOMMENDATION

Adoption of the 2025 California Buildings Standards Code, with the proposed local amendments, will have the typical fiscal impacts for staff training, purchase of new code books and reference material, updates to public facing forms and documents, and other administrative tasks.

CURRENT SITUATION AND ITS EFFECTS

As part of a regular three-year cycle, the State Building Standards Commission has published the 2025 California Building Standards Code that must go into effect no later than January 1, 2026. The California Building Standards Code (California Code of Regulations, Title 24) includes the Building Code (Part 2), Residential Code (Part 2.5), Electrical Code (Part 3), Mechanical Code (Part 4), Plumbing Code (Part 5), Energy Code (Part 6), Historical Code (Part 8), Existing Building Code (Part 10), and Green Building Standards Code (Part 11). The Codes provide for minimum uniform standards for health and safety related to the built environment and for their enforcement through a system of permits, plan review, and inspections.

The ordinance proposed for Council adoption, supported by the resolution of findings, provides for the adoption of the referenced California Codes along with certain local

amendments, effective January 1, 2026. If this ordinance does not become effective by January 1, 2026, the 2025 California Building Standards Code will automatically become effective on that date, and the City will not be able to maintain or implement the local amendments tailored to Berkeley. The last day to file for a building permit to be reviewed under the current 2022 Codes will be Wednesday, December 31, 2025.

The City's building-related codes include local amendments reflecting operations and local climatic, geological, and topographical conditions that need to be included as part of the adoption of the new code. Under state law, local jurisdictions may adopt other administrative provisions appropriate to the locality and may adopt stricter code provisions for non-residential construction if justified by findings of local climatic, geological, or topographical conditions. With the passage of AB-130, local jurisdictions may only adopt modifications affecting residential construction if they are substantially similar to previously adopted modifications that were in effect prior to September 30, 2025, with limited exceptions.

Staff are currently working to develop new local reach codes that would establish stricter requirements related to energy efficiency, in order to increase the resilience of new buildings and improve local public health outcomes. Those reach codes are not included in the attached ordinance; staff anticipate advancing those codes for City Council review in early 2026.

This ordinance, with the local amendments, supports the City's Strategic Plan goals to create a resilient, safe, connected, and prepared city, and to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment. The proposed actions also support emergency housing provisions to assist in the declared homeless shelter crisis.

BACKGROUND

The Council last adopted new California Building Standards Code with local amendments on May 7, 2024, taking effect on July 1, 2024. As with the last code adoption, staff is conducting community outreach to inform future applicants and other community members that all permit applications submitted on or before December 31, 2025, will be reviewed under the currently adopted 2022 building codes. Outreach includes notifications on the City website, announcements on the Permit Service Center website, notification flyers at the Permit Service Center and around 1947 Center Street, and email notifications to local building professionals.

When the Department reopens on January 2, 2026, after the New Year's Day holiday, new permit applications will be reviewed for conformance to the 2025 California Building Standards Code with adopted local amendments.

Berkeley Building Code (Chapter 19.28)

The 2025 Berkeley Building Code adopted in BMC Chapter 19.28 includes numerous

model code changes published by the State of California, including reformatting, relocating Wildland Urban Interface (WUI) standards to a separate WUI Code, and changes that impact occupiable roofs, use and occupancies, fire protection features, means of egress, structural modifications, and special inspections, among others. These changes are designed to enhance protection of public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures.

Previous amendments are retained to the Berkeley Building Code, with administrative provisions to assist in facilitating the City of Berkeley's Amnesty Program for existing undocumented dwelling units. In addition, Section 113 Board of Appeals in Chapter 1, Scope and Administration, has been renamed Means of Appeal and amended to comply with the California Building Code. The Appeals Board has been changed from the Housing Advisory Commission (HAC) to the City Council. This change is being made due to recent court decisions requiring appeals of Building Code determinations to be heard by the City Council, and also because the HAC members do not necessarily have the technical expertise required by the Building Code.

A new local amendment is being introduced to remove an exception which has created inconsistencies between the California Building Code and the California Residential Code, regarding fire-resistance requirements for structural elements supporting fire-resistive construction. Retention of the exception could allow some buildings to be constructed with a reduced level of fire protection, compromising occupant safety.

Berkeley Residential Code (Chapter 19.29)
The 2025 Berkeley Residential Code adopted in BMC Chapter 19.29 includes numerous model code changes further refining prescriptive provisions for the construction of dwellings and including reformatting, relocating WUI standards to a separate WUI Code, increased seismic restraint requirements for appliances, increasing fire protection features, additional insulation standards, increased smoke alarm requirements, among others. These changes are designed to enhance protection of public health, safety and general welfare as they relate to the construction and use of residential buildings and structures.

Berkeley Electrical Code (Chapter 19.30)
The 2025 Berkeley Electrical Code adopted in BMC Chapter 19.30 is proposed to incorporate a new local amendment clarifying the separation requirement for conductors of different systems, services, or meters. This amendment aims to enhance the safety of occupants, service personnel, and first responders during the utilization, servicing, or operation of these systems, especially considering the aging building stock within the City and the presence of older electrical systems lacking the safety features of modern electrical equipment.

Berkeley Mechanical Code (Chapter 19.32)
The 2025 Berkeley Mechanical Code adopted in BMC Chapter 19.32 incorporates the

prior local Berkeley amendment to require installation of residential kitchen range hoods with a minimum air flow of 100 cfm and maximum sound rating not exceeding 3 sones over residential stoves and cooktops. This local amendment is proposed for readoption.

Berkeley Plumbing Code (Chapter 19.34)
The 2022 California Plumbing Code, adopted in BMC Chapter 19.34, incorporates the prior local amendment in response to a referral from the Disaster and Fire Safety Commission, adopted by the City Council on June 1, 2021. This amendment requires mandatory installation of motion activated gas shut-off valves whenever a plumbing or mechanical permit is issued for buildings containing fuel gas piping, regardless of permit valuation. This amendment is intended to reduce or prevent serious gas-related fires or explosions in the event of a major seismic event. This local amendment is proposed for readoption.

Berkeley Energy Code (Chapter 19.36)
The 2025 Berkeley Energy Code adopted in BMC Chapter 19.36 introduces the Long-Term System Cost metric, updated weather data for Berkeley's climate zone, and higher efficiency requirements for building envelopes. Laboratory spaces are now included, prescriptive baselines favor electric heat pumps, and new requirements cover pipe insulation, lighting controls, and fast-service commercial kitchens with 800-amp electrical service, and is proposed for readoption without local amendments.

No new City amendments were incorporated into the 2025 Berkeley Energy Code.

Berkeley Green Code (Chapter 19.37)
The 2025 California Green Building Standards Code (CALGreen), adopted in BMC Chapter 19.37, introduces more stringent measures for both residential and nonresidential development. Key updates strengthen requirements for EV infrastructure, bicycle parking, and building deconstruction and reuse. Local amendments are also proposed for modification to align with changes in the model code while preserving Berkeley's previously adopted higher standards for EV charging, low-carbon concrete, and construction and demolition waste diversion. No cost-effectiveness study is required for local amendments to CALGreen.

No new city amendments were incorporated into the 2025 Berkeley Green Code. The existing Berkeley amendments continue to support the 2025 CALGreen requirements for EV charger installations, as recommended in the Berkeley Electric Mobility Roadmap. EV charging infrastructure is a critical component to electric vehicle adoption, and it is significantly more expensive to install as a retrofit than during new construction. Ensuring that newly constructed residential and nonresidential parking has EV charging capability will reduce the long-term costs of EV infrastructure installation, while helping to increase EV adoption, and ultimately help to decrease greenhouse gas emissions associated with transportation.

Berkeley's Electric Mobility Roadmap emphasizes that being able to charge at home or at work is critical for supporting EV ownership and that, increasingly, daytime charging at work or other nonresidential locations can leverage surplus renewable energy. To get to zero net carbon by 2045, in line with State goals, Berkeley wants at least 610 workplace EV charging stations. Requiring EV charging station installation in new multifamily, nonresidential, and hotel/motel buildings, in concert with EV charging readiness requirements for residential and nonresidential developments, will substantially facilitate electric vehicle adoption in Berkeley.

Previous Local Amendments

Previous local amendments, with some revisions and updates in code language and code sections, are recommended for continuance in the re-enacted Berkeley Building Code (BMC Chapter 19.28). These include:

- Article 1. Scope and Administrative Provisions – local amendments concerning permits, applications, fees, undocumented units, appeals, violations, unsafe buildings, and safety assessment placards.
- Article 3. Wood Burning Appliances – local amendment reducing the health risks caused by wood smoke based upon Berkeley's climatic conditions.
- Article 4. Projection into Public Right of Way – an administrative amendment concerning revocation, removal and indemnification regarding construction in the Right of Way.
- Article 5. Existing Buildings – adopting 2025 California Existing Building Code and certain chapters of the 2024 International Existing Building Code to reduce the risk from earthquakes.
- Article 6. Repairs to Existing Buildings and Structures – establishing updated regulations for the repairs of damaged structures to comply with the Stafford Act, which authorizes the Federal Emergency Management Agency (FEMA) to fund the repair and restoration of eligible facilities damaged in a declared disaster, and requires that the repair and restoration be "on the basis of the design of such facility as it existed immediately prior to the major disaster and in conformity with current applicable codes, specifications and standards."
- Article 7. Amendments to Structural Standards – addressing Berkeley's close proximity to major earthquake faults. The Tri-chapter Uniform Code Committee (TUCC), which is part of the International Code Council East Bay Chapter, has recommended several structural amendments to previous code editions which are being retained for the 2025 California Building and Residential Codes.
- Article 8. Construction of Exterior Appurtenances – establishing more stringent construction standards for exterior elevated elements and continuing the amendments adopted in July 2015 following the balcony collapse at 2020 Kittredge Street.

- Article 9. Emergency Housing Appendix Q (formally Appendix P) – establishing local amendments reflecting the particular characteristics and needs of Berkeley's emergency shelter responses.

Previous local amendments that are recommended for continuance in the re-enacted Berkeley Residential Code (BMC Chapter 19.29) include:

- Adoption of the California Residential Code Appendices BI (formally Appendix AR) – light straw-clay construction, BJ (formally Appendix AS) - Strawbale Construction, and Appendix BK - Cob Construction in support of sustainable construction practices which reduce environmental impact and provide increased thermal efficiencies.
- Adoption of the California Residential Code Appendix BB (formally Appendix AQ) for tiny houses used as dwelling units, relaxing various code requirements as they apply to smaller homes in response to the California housing crisis.
- Adoption of the California Residential Code Appendix BF - Patio Covers to provide design specifications for patio cover appurtenances.
- Adoption of the California Residential Code Appendix CI - Swimming Pool Safety Act to provide design specifications for swimming pool safety.
- Section 19.29.060 Technical Amendments to Structural Standards – addressing Berkeley's close proximity to major earthquake faults.

Previous local amendments that are recommended for continuance in the re-enacted Berkeley Green Code (BMC Chapter 19.37) include:

- Section 19.37.040 Electric vehicle (EV) charging for new construction amendments requiring additional EV infrastructure for new construction projects.
- Section 19.37.040 Construction and Demolition debris amendments to require that 100% asphalt, concrete, excavated soil and land-clearing debris be diverted from disposal by recycling, reuse, and salvage, in addition to the general 65% diversion requirement.
- Section 19.37.040 Low-carbon concrete requirement, which requires that cement used in concrete mix design be reduced by not less than 25 percent.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Adoption of the 2025 Berkeley Building Codes with continuing local amendments is important to meeting Berkeley's Climate Action Plan, Zero Waste, and Fossil Fuel Free Berkeley goals. The Berkeley Green Code, through expanded EV charging and low-carbon concrete requirements, limits the greenhouse gas emissions associated with transportation (currently about 60% of Berkeley's total emissions) and the use of concrete, a common building product that is responsible for approximately 8% of global carbon emissions. In addition, the increased diversion requirements for construction and

demolition materials keeps waste out of landfills. Continued implementation of the Energy Code and Green Code, including the verification of compliance through the building permit and inspection process, results in new buildings operating on cleaner energy, which supports Berkeley's Climate Action and Fossil Fuel Free City goals.

Therefore, this action is not subject to the California Environmental Quality (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment. Cal. Code Regs., tit. 14, § 15061(b)(3). Further, the action is exempt from CEQA because it is an action taken by a regulatory agency to protect the environment. Cal. Code Regs., tit. 14, §15308.

RATIONALE FOR RECOMMENDATION

State model codes will go into effect on January 1, 2026 without local amendments, unless the City Council adopts or re-adopts such local amendments as proposed in the Ordinance which accompanies this report. Adoption of local amendments and findings will adapt the state codes to better meet the needs of Berkeley's particular administrative, topographic, geologic and climatic conditions. The purpose of the non-administrative local amendments is to provide a higher level of safety than is reflected in the 2025 codes adopted by the State. The fire and seismic danger and other local conditions, as described in detail in the attached resolution of local conditions, justify Berkeley code amendments that are stricter than the California Building Standards Code.

According to the California Building Standards Commission, the repeal of prior code is often overlooked by municipalities and is critically important to ensure that obsolete provisions are expressly repealed.

ALTERNATIVE ACTIONS CONSIDERED

The City Council could choose to adopt the California Buildings Standards Code with fewer, or no, local amendments; or to take no action and allow the state mandated codes to take effect without local amendments specifically designed for Berkeley.

CONTACT PERSONS

David Lopez, Chief Building Official, Planning and Development Department, 510-981-7441
Jeff Jensen, Assistant Building Official, Planning and Development Department, 510-981-7427
Kurt Hurley, Green Building Program Manager, Planning and Development Department, 510-981-7501

Attachments:
1: Code Adoption Ordinance
2: Public Hearing Notice

ORDINANCE NO. 7,988-N.S.

REPEALING AND REENACTING BERKELEY MUNICIPAL CODE CHAPTERS 19.28 (BERKELEY BUILDING CODE), 19.29 (BERKELEY RESIDENTIAL CODE), 19.30 (BERKELEY ELECTRICAL CODE), 19.32 (BERKELEY MECHANICAL CODE), 19.34 (BERKELEY PLUMBING CODE), 19.36 (BERKELEY ENERGY CODE), AND 19.37 (BERKELEY GREEN CODE)

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

Section 1. That Berkeley Municipal Code Chapter 19.28 is hereby repealed and reenacted to read as follows:

Chapter 19.28

BERKELEY BUILDING CODE

Sections:

19.28.010 Adoption of the California Building Code

Article 1. Scope and Administrative Provisions
19.28.020 Adoption of Chapter 1 Scope and Administration

Article 2. Fire and Smoke Protection Feature Provisions
19.28.030 Technical Amendments to Fire and Smoke Protection Features

Article 3. Wood Burning Appliances
19.28.040 Wood Burning Appliances

Article 4. Projection into Public Right of Way
19.28.050 Encroachment into the Public Right of Way - Revocation and Removal Indemnification and Hold Harmless

Article 5. Existing Buildings
19.28.060 Adoption of 2025 California Existing Building Code and certain Chapters of the 2024 International Existing Building Code by Reference

Article 6. Repairs to Existing Buildings and Structures
19.28.070 Adoption of Regulations for the Repairs of Existing Structures

Article 7. Amendments to Structural Standards
19.28.080 Technical Amendments to Structural Standards

Article 8. Construction of Exterior Appurtenances
19.28.090 Technical Amendments for Construction of Exterior Projecting

Elements and Appurtenances

Article 9. Emergency Housing
19.28.100 Emergency Housing and Emergency Housing Facilities

19.28.010 Adoption of the California Building Code.

A. The California Building Code, 2025 edition, as adopted in Title 24 Part 2 of the California Code of Regulations, including Appendices H, I, J and Q, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. One copy of this Code is on file in the office of the City Clerk of the City of Berkeley.

B. The California Historical Building Code, 2025 edition, as adopted in Title 24 Part 8 of the California Code of Regulations, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. One copy of this Code is on file in the office of the City Clerk of the City of Berkeley.

C. The California Existing Building Code, 2025 edition, as adopted in Title 24 Part 10 of the California Code of Regulations, including Appendix A, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. One copy of this Code is on file in the office of the City Clerk of the City of Berkeley.

D. This Chapter shall be known as the "Berkeley Building Code" and shall be referred to in this Chapter as "this Code."

E. This Chapter will become effective on January 1, 2026, and shall not apply to any building permit submitted by December 31, 2025.

Article 1. Scope and Administrative Provisions

19.28.020 Adoption of Chapter 1 Scope and Administration

Chapter 1 of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

CHAPTER 1 SCOPE AND ADMINISTRATION

SECTION 101 – GENERAL

101.1 Title. These regulations shall be known as the Berkeley Building Code, hereinafter referred to as “this Code”.

101.4 Referenced codes. The other codes specified in Sections 101.4.1 through 101.4.10, and referenced elsewhere in this Code, shall be considered part of the requirements of this Code to the extent prescribed in each such reference.

101.4.1 Gas. The provisions of the Berkeley Mechanical Code, based on the 2025 California Mechanical Code, and the Berkeley Plumbing Code, based on the 2025 California Plumbing Code, as amended herein, shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.2 Mechanical. The provisions of the Berkeley Mechanical Code, based on the 2025 California Mechanical Code, as amended herein, shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.3 Plumbing. The provisions of the Berkeley Plumbing Code, based on the 2025 California Plumbing Code, as amended herein, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the Berkeley Plumbing Code shall apply to private sewage disposal systems.

101.4.4 Residential property maintenance. The provisions of the Berkeley Housing Code, as adopted in Chapter 19.40, shall apply to existing residential buildings and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

Notwithstanding any provisions contrary in this Chapter, any building or portion thereof constructed in compliance with the Berkeley Building Code shall not be deemed to be in violation of the Housing Code provisions that may conflict.

101.4.5 Fire prevention. The provisions of the Berkeley Fire Code based on the 2025 California Fire Code, as adopted in Chapter 19.48, shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.6 Energy. The provisions of the Berkeley Energy Code, based on the 2025 California Energy Code, as amended herein, shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.7 Existing buildings. The provisions of the Berkeley Existing Building Code, based on the 2025 California Existing Building Code, as amended herein, shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

101.4.8 Wildland-Urban Interface. The provisions of the Berkeley Wildland-Urban Interface Code, based on the 2025 California Wildland-Urban Interface Code and adopted in Chapter 19.49, shall apply to building materials, systems and/or assemblies used in the exterior design and construction of new, altered, additions to and demolition of buildings, structures or premises located within a wildland-urban interface (WUI) area.

101.4.9 Electrical. The provisions of the Berkeley Electrical Code, based on the 2025 California Electrical Code, as amended herein, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.10 Green. The provisions of the Berkeley Green Code, based on the 2025 California Green Building Standards Code, as amended herein, shall apply to enhanced design and construction of buildings through the use building concepts having a reduced negative impact or the positive environmental impact and encouraging sustainable construction practices.

101.5 References to prior codes. Unless superseded and expressly repealed, references in City forms, documents and regulations to the chapters and sections of former Berkeley Building Code editions, shall be construed to apply to the corresponding provisions contained within the 2025 Berkeley Building Code Ordinance No. X,XXX–N.S. and all ordinances amendatory thereof. Any ordinances or parts of ordinances in conflict herewith are hereby superseded and expressly repealed.

SECTION 103 – DIVISION OF BUILDING AND SAFETY

103.1 Creation of enforcement agency. The Division of Building and Safety is hereby created and the official in charge thereof shall be known as the building official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. The building official shall be appointed by the City Manager.

103.3 Deputies. In accordance with the prescribed procedures of the City of Berkeley, the building official shall have the authority to appoint an assistant building official, building inspectors, plans examiners, housing inspectors, permit technicians, and other technical officers and employees. Such employees shall have powers as delegated by the building official.

SECTION 104 – DUTIES AND POWERS OF BUILDING OFFICIAL

104.2.3 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved.

Exception: Reserved

104.7 Official records. The building official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise required for a longer period by the retention of public record policy of the city.

104.7.1 Approvals. A record of applications received, approved plans, permits and certificates issued shall be maintained by the building official and shall be available for public inspection during business hours in accordance with applicable laws.

104.7.2 Inspections. The building official shall keep a record of each inspection made, including notices of violations issued, notices and orders issued, administrative citation warning letters issued, citations issued and appeals received showing the findings and disposition of each.

104.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the building official for either shall be in writing and shall be retained in the official records.

104.7.4 Tests. The building official shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

104.7.5 Fees. The building official shall keep a record of invoices issued, fees collected and fees refunded in accordance with Section 109.

104.9.1 Materials and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working condition with documentation justifying the condition, labeled and graded as required and expressly approved by the building official.

Add a new Subsection 104.10 to read:

104.10 Unpermitted dwelling units. When a building permit record for a residential unit does not exist, the building official is authorized to make a determination of when the residential unit was constructed and then apply the building standards in effect when the residential unit was determined to be constructed or the current building standards,

whichever is the least restrictive, provided the building or portion thereof does not become or continue to be a substandard or unsafe building. The Building Official is authorized to accept reasonable alternatives to the requirements of the prior or current code editions when dealing with unpermitted dwelling units.

SECTION 105 – PERMITS

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar non-occupiable uses, provided that the floor area *does* not *exceed* than 120 square feet (11.15 m2), there is an existing primary structure on site and no electrical, plumbing and/or mechanical systems are installed. *It is permissible that these structures still be regulated by Section 710A, despite exemption from permit.*
2. Fences, other than swimming pool barriers, not over 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

1. **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. **Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. **Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Building and Safety Division for

that purpose. Such application shall not become valid until accepted by the Division as complete and applicable fees paid. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building and location of work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work as required in Section 109.3.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed expired 365 days after the date of filing, or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days per extension. The extension shall be requested in writing and justifiable cause demonstrated on a form furnished by the Building and Safety Division for that purpose. Requests for time extensions shall be accompanied by the payment of a fee set by resolution of the City Council. An application, once abandoned, shall be deemed expired and a new application will be required to be submitted.

Exception. If an application is associated with a code enforcement case, the dates specified in the code enforcement notices take precedence over the timelines specified in this section.

105.5.1 Expiration of Permit. On or after January 1, 2019, every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 12 months after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days per extension calculated from the date of expiration. The extension shall be requested in writing and justifiable cause demonstrated. (See Health and Safety Code Section 18938.5 and 18938.6.)

When a permit is deemed invalid, suspended or abandoned, a new permit is required to complete the work. The new permit application and plans shall be filed describing the remaining work to be completed. Fees shall be assessed based on the valuation of the work remaining to be completed or itemized as allowed by the City of Berkeley fee schedule as adopted. If a site visit or other review is required to determine the extent of the remaining work, a fee may be charged to make such determination.

For the purposes of this section “suspended or abandoned” shall mean that a completed and approved city inspection, per California Building Code Section 110.3, has not been performed for the work approved under the issued permit in the time period the permit is active.

The issuance of a building permit shall not exempt the permittee or any other person from compliance with deadlines imposed in any notice and/or order to correct a code violation issued by the City. If a permit is for a project associated with a code enforcement case, the dates specified in the code enforcement notices take precedence over the timelines specified in this section.

105.8 Permit Conditions. The building official is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the building official.

SECTION 107—CONSTRUCTION DOCUMENTS

107.5 Retention of construction documents. One set of approved construction documents shall be retained by the building official for a period of not less than 5 years from date of completion of the permitted work, or as required by state or local laws.

SECTION 109 – FEES

109.1 Payment of fees. Except when fees are deferred, a permit application shall not be deemed valid until the fees set forth by resolution of City Council have been paid. Except when fees are deferred, a permit shall not be valid until the fees as set forth by resolution of City Council have been paid, nor shall an amendment to a permit be released until the additional fees, if any, have been paid.

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fee as set forth by resolution of the City Council. Fees for permits and inspections and other related services under this Code shall be assessed and paid as set forth by resolution of the City Council. Unless waived or deferred as provided by local regulations, a plan review fee and other fees as specified in the resolution shall be paid at the time of submitting any documents for review and additional fees as specified in the resolution shall be paid at issuance of the permit.

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permit shall be subject to a fee as set forth by resolution of the City Council twice the amount and in addition to the permit fees for the portion of the scope of work performed without the permit.

109.7 Re-inspection fees. A re-inspection fee, as set forth by resolution of the City Council, may be assessed for each re-inspection when such portion of work for which an inspection is scheduled is not complete, is required to be reinspected after receiving a

previously approved inspection for the same work, or when corrections previously called for are not made.

This section applies for the following conditions:

1. When the work is not ready for inspection when the inspector arrives at the site.
2. When excessive scheduling of inspections for work not yet completed at the site.
3. When the approved plans, permit and inspection card are not readily available to the inspector at the work site.
4. For failure to provide access on the date for which the inspection is requested.
5. When work deviates from the approved plans and no approved revision to approved plans has been obtained by the permittee.
6. When other reasons, as determined by the building official, requires a re-inspection fee to be assessed.

Re-inspection fees shall not be required each time a job is disapproved for failure to comply with the requirements of this Code.

The applicant shall pay the re-inspection fee as set forth by resolution of the City Council. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

SECTION 112 – SERVICE UTILITIES

112.1 Authority for Connection of service utilities. A person shall not make connections from a utility, a source of energy, fuel, or power, or a water system or sewer system to any building or system that is regulated by this code for which a permit is required, until authorization to connect has been obtained from the building official.

112.4 Authority to connect utilities. Clearance for connection of one utility, either gas or electrical, will be withheld until final building, electrical, plumbing, and/or mechanical inspections are made and approval has been given for any new building or change in occupancy classification to an existing building for which connection to such utilities is sought, unless approval has been first obtained from the building official.

112.5 Unsafe utility services. Unsafe utility services are hereby declared to be public nuisances and shall be abated, repaired, rehabilitated, demolished or removed in accordance with the procedures set forth in Chapter 19.40 of the Berkeley Municipal Code (BMC) for residential buildings and Berkeley Building Code for all other buildings, or any alternate procedure that may be adopted by the City of Berkeley. In addition, the City Attorney may pursue other appropriate actions to prevent, restrain, correct or abate the violation as provided for in the BMC. Remedies under this section are cumulative. When utility services are maintained in violation of this Code and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

112.6 Authority to disconnect utilities in emergencies. The building official or building official's authorized representative shall have the authority to disconnect electrical power or other energy service supplied to the building, structure, system or ~~building~~ service equipment therein regulated by this Code in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The building official or building official's authorized representative shall, whenever possible, notify the serving utility, and the owner of the building, structure or electrical system or equipment and any building occupants of the decision to disconnect prior to taking such action and shall notify them, in writing, of the disconnection as soon as possible thereafter.

112.7 Authority to condemn electrical, plumbing and/or mechanical systems and equipment. Whenever the building official determines that an electrical, plumbing, or mechanical system or equipment regulated by this Code is hazardous to life, health or property, the building official may order in writing that such systems or equipment either be removed or restored to a safe condition. The written notice shall fix a reasonable time limit for compliance with such order. Persons shall not use or maintain defective systems or equipment after receiving such notice except as may be provided therein.

When equipment or an installation is to be disconnected, a written notice of such disconnection and the reasons therefore shall be given within 24-hours of the order to disconnect to the serving utility, the owner and occupants of the building, structure or premises.

When equipment or an installation is maintained in violation of this Code and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

Unsafe electrical, plumbing, and/or mechanical systems or equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in Chapter 19.40 of the BMC for residential buildings and Berkeley Building Code for all other buildings, or any alternate procedure adopted by the City of Berkeley. In addition, the City Attorney may pursue other appropriate action to prevent, restrain, correct or abate the violation as provided for in the BMC. Remedies under this section are cumulative.

112.8 Connection after order to disconnect. Persons shall not make connections to a service utility, a source of energy, fuel, or power, or a water system or sewer system or equipment that has been disconnected or ordered to be disconnected by the building official, or the use of which has been ordered to be discontinued by the building official, until the building official authorizes the reconnection and use of the disconnected systems or equipment.

SECTION 113 – BOARD OF APPEALS

Section 113 Means of Appeals

113.1 Appeals Procedure. The City Council shall hear and decide on appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of this code. A property owner may appeal an order, decision, or determination of the Building Official within 10 calendar days of the date of mailing of the appealable action. The notice of appeal shall contain a statement of the reasons for the appeal and be filed with the City Clerk of the City of Berkeley. The City Clerk shall forward one copy thereof to the Building Official, who shall transmit to the City Council all their records pertaining to the decision being appealed.

Section 113.1.1 Payment of Fees and Fines. Prior to the deadline to appeal, the property owner must pay the appeal fee, per the adopted fee schedule, in addition to an advance deposit of the fine or file an application for an advanced deposit hardship waiver. If the hardship waiver is not granted, the fine must be deposited to the City within 14 days of mailed notice of that decision. No hearing will be scheduled prior to receipt of payment or approval of the hardship waiver.

Section 113.1.2 Stay of Proceedings. The filing of the notice of appeal shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken until determination of the appeal as hereinafter provided, unless the Building Official determines that such a stay could result in an imminent threat to public safety.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The City Council shall not have authority to waive requirements of this code.

113.3 Decisions. The City Council shall review the action of the Building Official and shall do one of the following:

a. Refer the matter back to the Building Official.

b. If the facts stated in or ascertainable from the Notice of Appeal, the written statement of the building official setting forth the reason for their decision, and the other papers, if any, constituting the record do not, in the opinion of the City Council, warrant further hearing, the City Council may affirm the decision of the Building Official. Such decision shall be final.

c. If, in the opinion of the City Council, said facts warrant further hearing, the City Council shall set the matter for hearing and shall give notice of the time and place of said hearing by mailing a copy of such notice by certified mail to the address of the appellant as stated in the Notice of Appeal, at least ten (10) days before the time fixed for the hearing. The City Council may continue the hearing from time to time.

d. Following such hearing, the City Council shall reverse, affirm wholly or partly modify any decision of the Building Official, or make any other decisions or determinations or impose such conditions as the facts warrant. Such decision or determination shall be final.

e. If none of the above actions have been taken by the City Council within thirty (30) days from the date the appeal first appears on the City Council agenda, then the decision of the Building Official shall be deemed affirmed and the appeal shall be deemed dismissed.

f. The appeal is set for hearing but the disposition of the appeal has not been determined within ninety (90) days from the date the appeal first appears on the City Council agenda, then the decision of the Building Official shall be deemed affirmed and the appeal deemed dismissed.

113.4 Administration. The Building Official shall take action without delay in accordance with the decision of the City Council.

SECTION 114 – VIOLATIONS

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law. Violations of this code are misdemeanors, but may be cited or charged, at the election of the enforcing officer, building official, or City Attorney, as infractions, subject to an election by the defendant under Penal Code Subsection 17(d). Nothing in this Section shall prevent any other remedy afforded by law.

SECTION 116 - UNSAFE STRUCTURES AND EQUIPMENT

116.1 Unsafe conditions. Structures or existing equipment that are or hereafter become structurally or otherwise unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a structural or fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

116.5.1 Restoration and Abatement process: All such unsafe buildings, equipment, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in Chapters 1.24, 19.28, 19.40 and/or 19.44 of the BMC as applicable. As an alternative, the building official, or other employee or official of this jurisdiction as designated by the City Council, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

116.6 Safety Assessment Placards.

116.6.1 Intent. This section establishes standard placards to be used to indicate the condition of a structure for occupancy after a natural or human-caused disaster and a rapid evaluation by authorized personnel. The building official or authorized representatives shall post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

116.6.2 Application of provisions. The provisions of this section are applicable to all buildings and structures of all occupancies regulated by the City of Berkeley. The City Council may extend the provisions as necessary.

116.6.3 Definitions.

116.6.3.1 Safety Assessment. Safety Assessment is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

116.6.3.2 Placards. Following are titles and descriptions of the official jurisdiction placards to be used to designate the condition of a building structure for continued occupancy, partial or conditional occupancy, or unsafe to enter. Copies of placards are on file in the Building and Safety Division of the Planning and Development Department.

INSPECTED – Lawful Occupancy Permitted is to be posted on any building or structure wherein no apparent hazard has been found. This placard is not intended to mean there is no damage to the building or structure, but that any damage that occurred does not present a hazard to occupants.

RESTRICTED USE is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

UNSAFE – Do Not Enter or Occupy is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Building or structures posted with this placard shall not be entered under any circumstances except as authorized in writing by the building official, or the building official's authorized representative. Safety assessment teams shall be authorized to enter these building at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

116.6.4 Content of placard. The BMC Section number and the words "City of Berkeley" shall be permanently affixed to each placard.

116.6.5 Unlawful to remove. Once a placard has been attached to a building or structure, it is not to be removed, altered or covered until done so by an authorized representative of the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

Article 2. Fire and Smoke Protection Features

19.28.030 Fire and Smoke Protection Features.

Chapter 7 of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

Section 711 – Floor and Roof Assemblies.

711.2.3 Supporting construction. The supporting construction shall be protected to afford the required fire-resistance rating of the horizontal assembly supported.

Exception: In buildings of Type IIB, IIIB or VB construction, the construction supporting the horizontal assembly is not required to be fire-resistance rated at the following:

1. Horizontal assemblies at the separations of incidental uses as specified by Table 509.1 provided that the required fire- resistance rating does not exceed 1 hour.
2. RESERVED ~~Horizontal assemblies at the separations of dwelling units and sleeping units as required by Section 420.3.~~
3. Horizontal assemblies at smoke barriers constructed in accordance with Section 709.

Article 3. Wood Burning Appliances

19.28.040 Wood Burning Appliances.

Chapter 31 of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

Section 3115 - Wood Burning Appliances.

3115.1 Purpose. The purpose of this section is to reduce the health risks caused by wood smoke under the climatic conditions applicable to Berkeley.

3115.2 Definitions. For purposes of this section the following terms shall be defined as set forth below.

1. “EPA” means the United States Environmental Protection Agency.
2. “EPA Certified” means any wood heater that is labeled “EPA Certified” in accordance with the standards in Title 40, Part 60, Subpart AAA, of the Code of Federal Regulations or equivalent, in effect at the time the wood heater is installed.

3. “Pellet heater” means wood heaters that burn pellet fuel exclusively and are either EPA-certified or exempted under EPA requirements set forth in Part 60 Title 40, Subpart AAA, of the Code of Federal Regulations, February 26, 1988.

4. “Wood-burning” means an appliance that burns wood or any wood-based solid fuel, including but not limited to wood pellets.

5. “Wood burning cooking device” means any wood-burning device that is designed or primarily used for cooking.

6. “Wood-burning fireplace” means any permanently-installed masonry or factory-built wood-burning appliance, either open or with doors in front of the combustion chamber, which is neither a wood heater as defined in 40 CFR 60.531 nor designed and used for cooking.

3115.3 Allowable wood-burning fireplace. No wood-burning fireplace or wood heater as defined in 40 CFR 60.531, that is not EPA certified or exempted by under EPA requirements may be installed in any occupancy.

Exception:

1. Existing masonry fireplaces may be repaired in accordance with the applicable codes in effect at the time of the proposed repair or reconstruction. For purposes of this exception, the term repair includes resurfacing the combustion chamber, but does not include replacing any other part of the combustion chamber.

2. Wood burning cooking devices are not prohibited by this section.

3115.4 Documentation. Any person planning to install a wood-burning fireplace or heating stove must submit verifiable documentation to the City showing that the appliance conforms to the requirements of this section.

Article 4. Projection into Public Right of Way

19.28.050 Encroachments into the Public Right of Way – Revocation, Removal, Indemnification and Hold Harmless.

Chapter 32 of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

SECTION 3202 – ENCROACHMENTS

3202.5 Projection into the Public Right of Way – Revocation, Removal, Indemnification and Hold Harmless.

Any permits granted pursuant to this Code which allow any projection upon, over, or under the public right of way may be revoked by the City at any time. Upon such revocation, the permittee or permittee's successor(s) or assignee(s) shall forthwith remove such projection at permittee's cost and expense and without any cost or expense whatsoever to the City.

Any person who is granted a permit pursuant to the provisions of this Code which allows a projection upon, over or under the public right of way shall by the issuance of such permit thereby indemnify and hold harmless the City of Berkeley, its officers and employees of and from any and all liabilities, claims, demands, actions or causes of action for injury or injuries to any person or persons or death or deaths of any person or persons or damage to property arising out of or occasioned in any way by the issuance of said permit, the work performed pursuant to such permit, or the existence of such projection. The obligation of such indemnification and hold harmless provision shall be applicable to the successor(s) and assignee(s) of the permittee.

Article 5. Existing Buildings

19.28.060 Adoption of 2025 California Existing Building Code and certain Chapters of the 2024 International Existing Building Code by reference.

2025 California Existing Building Code (CEBC), including Appendix A, is adopted in its entirety subject to the modifications thereto which are set forth below.

DIVISION II SCOPE AND ADMINISTRATION
All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any CEBC administrative provisions that may conflict.

101.9 Adoption of Certain Chapters of the 2024 International Existing Building Code by reference.

When seismic retrofit is not otherwise required by this Code, the following Chapters of the 2024 International Existing Building Code (IEBC) published by the International Code Council contained in the IEBC Appendix A are hereby adopted by reference as applicable to the types of buildings as designated therein as though fully set forth herein:

Chapter A2, Earthquake Hazard Reduction in Existing Reinforced Concrete and Reinforced Masonry Wall Buildings with Flexible Diaphragms

Article 6. Repairs to Existing Buildings and Structures

19.28.070 Adoption of Regulations for the Repairs of Existing Structures.

Add a new Subsection 405.2.7 to Chapter 4 Section 405 of the California Existing Building Code.

405.2.7 Seismic Evaluation and Design Procedures for Repairs. The seismic evaluation and design shall be based on the procedures specified in the California Building Code or ASCE 41 *Seismic Evaluation and Retrofit of Existing Buildings*. The procedures contained in Appendix A Chapters A1, A3 and A4 of the California Existing Building Code and Appendix A Chapter A2 of the International Existing Building Code shall be permitted to be used as specified in Section 405.2.7.2.

405.2.7.1 Compliance with CBC level seismic forces. Where compliance requires the use of full seismic forces, the criteria shall be in accordance with one of the following:

1. One-hundred percent of the values in the California Building Code. Where the existing seismic force-resisting system is a type that can be designated as "Ordinary," the values of R, Ω_o, and C_d used for analysis in accordance with Chapter 16 of the California Building Code shall be those specified for structural systems classified as "Ordinary" in accordance with Table 12.2-1 of ASCE 7, unless it is demonstrated that the structural system will provide performance equivalent to that of a "Detailed," "Intermediate" or "Special" system.

2. ASCE 41, using a Tier 3 procedure and the two-level performance objective in Table 405.2.7.1.

Table 405.2.7.1
PERFORMANCE OBJECTIVES FOR USE IN ASCE 41 FOR COMPLIANCE WITH FULL SEISMIC FORCES

RISK CATEGORY (Based on CBC Table 1604.5)	STRUCTURAL PERFORMANCE LEVEL FOR USE WITH BSE-1N EARTHQUAKE HAZARD LEVEL	STRUCTURAL PERFORMANCE LEVEL FOR USE WITH BSE-2N EARTHQUAKE HAZARD LEVEL
I	Life Safety (S-3)	Collapse Prevention (CP)
II	Life Safety (S-3)	Collapse Prevention (CP)
III	Damage Control (S-2)	Limited Safety (S-4)
IV	Immediate Occupancy (S-1)	Life Safety (S-3)

405.2.7.2 Compliance with reduced CBC level seismic forces. Where seismic evaluation and design is permitted to meet reduced seismic forces, the criteria used shall be in accordance with one of the following:

1. The California Building Code using 75 percent of the prescribed forces. Values of R, Ω_o, and C_d used for analysis shall be as specified in Section 405.2.7.1 Item 1.

2. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A of the California Existing Building Code (CEBC) or Appendix A of the International Existing Building Code (IEBC) as specified in Items 2.1 through 2.4 below shall be deemed to comply with this section.

2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Risk Category I or II are permitted to be based on the procedures specified in CEBC Appendix A Chapter A1, provided the design is no less stringent than required in Berkeley Municipal Code Section 19.38.130.

2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Risk Category I or II are permitted to be based on the procedures specified in IEBC Appendix A Chapter A2.

2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Risk Category I or II are permitted to be based on the procedures specified in CEBC Appendix A Chapter A3.

2.4. Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Risk Category I or II are permitted to be based on the procedures specified in CEBC Appendix A Chapter A4.

3. ASCE 41, using the performance objective in Table 405.2.7.2 for the applicable risk category. The design spectral response acceleration parameters S_{xs} and S_{x1} specified in ASCE 41 shall not be taken less than 75 percent of the respective design spectral response acceleration parameters S_{DS} and S_{D1} defined by the *California Building Code* and its reference standards.

Table 405.2.7.2
PERFORMANCE OBJECTIVES FOR USE IN ASCE 41 FOR COMPLIANCE WITH REDUCED SEISMIC FORCES

RISK CATEGORY (Based on CBC Table 1604.5)	STRUCTURAL PERFORMANCE LEVEL FOR USE WITHBSE-1E EARTHQUAKE HAZARD LEVEL	STRUCTURAL PERFORMANCE LEVEL FOR USE WITH BSE-2E EARTHQUAKE HAZARD LEVEL
I	Life Safety (S-3). See Note a	Collapse Prevention (S-5)
II	Life Safety (S-3). See Note a	Collapse Prevention (S-5)
III	Damage Control (S-2). See Note a	Limited Safety (S-4). See Note b
IV	Immediate Occupancy (S-1)	Life Safety (S-3). See Note c

a. For Risk Categories I, II, and III, the Tier 1 and Tier 2 procedures need not be considered for the BSE-1E earthquake hazard level.

b. For Risk Category III, the Tier 1 screening checklists shall be based on the Collapse Prevention, except that checklist statements using the Quick Check provisions shall be based on MS-factors that are the average of the values for Collapse Prevention and Life Safety.

c. For Risk Category IV, the Tier 1 screening checklists shall be based on Collapse Prevention, except that checklist statements using the Quick Check provisions shall be based on MS-factors for Life Safety.

~~**Table 405.2.7.3**~~
~~**REFERENCED STANDARDS**~~

~~**Standard Reference Number**~~	~~**Title**~~	~~**Referenced in Code Section Number**~~
~~ASCE 41-17~~	~~Seismic Evaluation and Retrofit of Existing Buildings~~	~~405.2.7 Table 405.2.7.1 405.2.7.2 Table 405.2.7.2~~

Article 7. Technical Amendments to Structural Standards

19.28.080 Various Technical Amendments to Structural Standards.

Chapter 17 of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

1705.3 Concrete construction. Special inspections and tests of concrete construction shall be performed in accordance with this section and Table 1705.3.

Exception: Special inspections and tests shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'_c, no greater than 2,500 pounds per square inch (psi) (17.2 MPa).
2. Continuous concrete footings supporting walls of buildings three stories or less above grade plane that are fully supported on earth or rock where:
    2.1. The footings support walls of light-frame construction.
    2.2. The footings are designed in accordance with Table 1809.7.
    2.3. The structural design of the footing is based on a specified compressive strength, f′c, not more than 2,500 pounds per square inch (psi) (17.2 MPa), regardless of the compressive strength specified in the approved construction documents or used in the footing

construction.

3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 MPa).
4. Concrete foundation walls constructed in accordance with Table 1807.1.6.2.
5. Concrete patios, driveways and sidewalks, on grade.

Chapter 19 of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below.

1905.6 Structural plain concrete. Structural plain concrete elements shall comply with this section in lieu of Section 14.1.4 of ACI 318.
1905.6.2 Seismic Design Categories C, D, E and F. Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

1. Reserved ~~Structural plain concrete basement, foundation or other walls below the base as defined in ASCE/SEI 7 are permitted in detached one- and two-family dwellings three stories or less in height constructed with stud-bearing walls. In dwellings assigned to Seismic Design Category D or E, the height of the wall shall not exceed 8 feet (2438 mm), the thickness shall be not less than 7 1/2 inches (190 mm), and the wall shall retain not more than 4 feet (1219 mm) of unbalanced fill. Walls shall have reinforcement in accordance with Section 14.6.1 of ACI 318.~~
2. Isolated footings of plain concrete supporting pedestals or columns are permitted, provided that the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

   ~~**Exception:** In detached one- and two-family dwellings three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.~~
3. Plain concrete footings supporting walls are permitted, provided that the footings have not fewer than two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. ~~For footings that exceed 8 inches (203 mm) in thickness, not fewer than~~ A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

   ~~**Exceptions:**~~
   ~~a. Where assigned to Seismic Design Category C, detached one- and two-family dwellings three stories or less in height constructed with stud-bearing walls are permitted to have plain concrete footings without longitudinal reinforcement.~~
   ~~b. For foundation systems consisting of a plain concrete footing and a plain concrete stemwall, not fewer than one bar shall be provided at the top of the stemwall and at the bottom of the footing.~~

c. ~~Footings cast monolithically with a slab-on-ground shall have not fewer than one No. 4 bar at the top and bottom of the footing or one No. 5 bar or two No. 4 bars in the middle third of the footing depth.~~

Article 8. Construction of Exterior Appurtenances

19.28.090 Technical Amendments for Construction of Exterior Projecting Elements and Appurtenances.

Chapter 12 of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below:

1202.7 Ventilation of weather exposed enclosed assemblies. Balconies, landings, decks, stairs and similar exterior projecting elements and appurtenances exposed to the weather and sealed underneath shall have cross ventilation for each separate enclosed space by ventilation openings protected against the entrance of rain and snow and as set forth in Section 2304.12.2.5. Blocking and bridging shall be arranged so as not to interfere with the movement of air. The net free ventilating area shall not be less than 1/150th of the area of the space ventilated. Ventilation openings shall comply with Section 1202.2.2. An access panel of sufficient size shall be provided on the underside of the enclosed space to allow for periodic inspection.

Exceptions:

1. An access panel is not required where the exterior coverings applied to the underside of joists are easily removable using only common tools.

2. Removable soffit vents 4 inches minimum in width can be used to satisfy both ventilation and access panel requirements.

Chapter 14 of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below:

1403.15 Projections exposed to weather. Balconies, landings, decks, stairs and similar floor projections exposed to the weather shall be constructed of naturally durable wood, preservative-treated wood, corrosion resistant (e.g., galvanized) steel, or similar approved materials.

Chapter 23 of the 2025 California Building Code is adopted in its entirety subject to the modifications thereto which are set forth below:

2304.12.2.3 Supporting members for permanent appurtenances. Naturally durable or preservative-treated wood shall be utilized for those portions of wood members that form the structural supports of buildings, balconies, porches or similar permanent building appurtenances ~~where such members are exposed to the weather without adequate protection from a roof, eave, overhang or other covering to prevent moisture or water accumulation on the surface or at joints between members~~.

~~**Exception:** Sawn lumber in buildings located in a geographical region where experience has demonstrated that climatic conditions preclude the need to use durable materials where the structure is exposed to the weather.~~

2304.12.2.4 Supporting members for permeable floors and roofs. Wood structural members that support moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, shall be of naturally durable or preservative-treated wood ~~unless~~ and shall be separated from such floors or roofs by an impervious moisture barrier. The impervious moisture barrier system protecting the structure supporting floors shall provide positive drainage of water that infiltrates the moisture-permeable floor topping.

Table 2308.10.1 WALL BRACING REQUIREMENTS [a, f, g]

Add new footnotes “f” and “g” to the end of Table 2308.10.1 to read:

f. Methods GB, PBS, HPS and SFB are not permitted in Seismic Design Categories D or E. In Seismic Design Categories D, the use of Method PCP is limited to one-story dwellings and accessory structures.
g. Methods DWB and PCP are not permitted in Seismic Design Categories E.

Article 9. Emergency Housing

19.28.100 Emergency Housing and Emergency Housing Facilities.

HCD Appendix Q of the 2025 California Building Code is adopted on an emergency basis and reproduced in its entirety subject to the modifications thereto which are set forth below:

APPENDIX Q
EMERGENCY HOUSING

SECTION Q101 - GENERAL

Q101.1 Scope. This appendix shall be applicable to emergency housing and emergency housing facilities, as defined in Section Q102. The provisions and standards set forth in this appendix shall be applicable to emergency housing established pursuant to the declaration of a shelter crisis under Government Code section 8698 et seq. and located in new or existing buildings, structures, or facilities owned, operated, erected, or constructed by, for or on behalf of the City of Berkeley on land owned or leased by the City of Berkeley.

Q101.2 Application. Notwithstanding any provisions of this Code to the contrary, the following requirements shall apply to emergency housing operated during a shelter crisis, as provided for in Government Code Section 8698 et seq. Other than the specific requirements set forth in this appendix, the facilities need not comply with the requirements of this Code for Group R occupancies unless otherwise specified in this Code.

SECTION Q102 - DEFINITIONS

Q102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

DECLARATION OF SHELTER CRISIS. The duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety. (See Government Code Section 8698)

DEPENDENT UNIT. Emergency housing not equipped with a kitchen area, toilet, and sewage disposal system. Recreational vehicles that are not self-contained and without utility service connections shall be considered dependent units.

EMERGENCY HOUSING. Housing in a permanent or temporary structure(s), occupied during a declaration of state of emergency, local emergency, or shelter crisis. Emergency housing may include, but is not limited to, buildings and structures constructed in accordance with the California Building Standards Code; and emergency sleeping cabins, emergency transportable housing units, and tents constructed in accordance with this appendix.

EMERGENCY HOUSING FACILITIES. On-site common use facilities supporting emergency housing. Emergency housing facilities include, but are not limited to, kitchen areas, toilets, showers and bathrooms with running water. The use of emergency housing facilities is limited exclusively to the occupants of the emergency housing, personnel involved in operating the housing, and other emergency personnel.

EMERGENCY HOUSING SITE. A site containing emergency housing and emergency housing facilities supporting the emergency housing.

EMERGENCY SLEEPING CABIN. Relocatable hard-sided structure constructed in accordance with this appendix, which may be occupied only for emergency housing if allowed by the enforcing agency.

EMERGENCY TRANSPORTABLE HOUSING UNIT. A single- or multiple-section prefabricated structure that is transportable by a vehicle and that can be installed on a permanent or temporary site in response to a need for emergency housing. Emergency transportable housing units include, but are not limited to, manufactured homes, mobilehomes, multifamily manufactured homes, recreational vehicles, and park trailers. For the purposes of this appendix, emergency transportable housing units may also include commercial modulars as defined in the Health and Safety Code Section 18001.8, if approved by the enforcing agency.

Emergency transportable housing units do not include factory-built housing as defined in the Health and Safety Code Section 19971.

LANDING PLATFORM. A landing provided as the top step of a stairway accessing a loft.

LOCAL EMERGENCY. Local Emergency as defined in the Government Code, Section 8558.

LOFT. A floor level located more than 30 inches (762 mm) above the main floor and open to it on at least one side with a ceiling height of less than 6 feet 8 inches (2032 mm), used as a living or sleeping space.

MANUFACTURED HOME. A structure designed to be used as a single-family dwelling, as defined in the Health and Safety Code, Section 18007.

MEMBRANE STRUCTURE. An air-inflated, air-supported, cable or frame-covered structure, not otherwise defined as a tent. (See Chapter 31 of this code.)

MOBILEHOME. A structure designed to be used as a single-family dwelling, as defined in the Health and Safety Code, Section 18008.

MULTIFAMILY MANUFACTURED HOME. A structure designed to contain not less than two dwelling units, as defined in the Health and Safety Code, Section 18008.7.

PARK TRAILER. A trailer designed for human habitation that meets all requirements in the Health and Safety Code, Section 18009.3.

RECREATIONAL VEHICLE. A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation, that meets all requirements in the Health and Safety Code, Section 18010.

STATE OF EMERGENCY. State of Emergency as defined in the Government Code, Section 8558.

TENT. A structure, enclosure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

SECTION Q103 - EMERGENCY HOUSING

Q103.1 General. Emergency sleeping cabins, emergency transportable housing units <u>including commercial modulars</u>, membrane structures and tents constructed and/or assembled in accordance with this appendix, shall be occupied only during declaration of state of emergency, local emergency, or shelter crisis.

Buildings and structures constructed in accordance with the California Building Standards Code, used as emergency housing, shall be permitted to be permanently occupied.

Q103.2 Existing buildings. Existing residential and nonresidential buildings or structures shall be permitted to be used as emergency housing and emergency housing facilities provided such buildings or structures comply with the building code provisions and/or other regulations in effect at the time of original construction and/or alteration. Existing

buildings or structures used as emergency housing shall not become or continue to be substandard buildings, as determined by the enforcing agency**.**

Q103.2.1 New additions, alterations, and change of occupancy. New additions, alterations, and change of occupancy to existing buildings shall comply with the requirements of the California Building Standards Code effective at the time of addition, alteration, or change of occupancy. The requirements shall apply only to and/or within the specific area of the addition, alteration, or change of occupancy.

Exceptions:

1. Existing buildings and structures used for emergency housing and emergency housing facilities may not be required to comply with the California Energy Code, as determined by the enforcing agency.
2. Change in occupancy shall not mandate conformance with new construction requirements set forth in the California Building Standards Code, provided such change in occupancy meets the minimum fire and life safety requirements set forth in Section Q112 of this appendix.

Q103.3 Occupant load. Except as otherwise stated in this appendix, the maximum occupant load allowed in buildings and structures used as emergency housing shall be determined by the enforcing agency, but the interior floor area shall not be less than 70 square feet (6.5 m^2) for one occupant. Where more than one person occupies the building/structure, the required floor area shall be increased at the rate of 50 square feet (4.65 m^2) for each occupant in excess of one.

Exceptions:

1. Tents.

2. Recreational vehicles and park trailers designed for human habitation that meet the requirements in the Health and Safety Code, Sections 18009.3 and 18010, as applicable

3. For emergency housing, including emergency sleeping cabins, the minimum interior floor area may be reduced to 53 square feet (4.9 m^2) if the enforcing agency determines that 53 square feet (4.9 m^2) is adequate space for a single-occupancy sleeping unit.

Q103.4 Fire and life safety requirements not addressed in this appendix. If not otherwise addressed in this appendix, fire and life safety measures, including, but not limited to, means of egress, fire separation, fire sprinklers, smoke alarms, and carbon monoxide alarms, shall be determined and enforced by the enforcing agency.

Q103.5 Privacy. Emergency housing shall be provided with a privacy lock on each entrance door and all windows for use by the occupants.

Q103.6 Heating. All sleeping areas shall be provided with adequate heating as determined by the enforcing agency.

SECTION Q104 - EMERGENCY SLEEPING CABINS

Q104.1 General. Emergency sleeping cabins shall have an interior floor area of not less than 70 square feet (6.5 m^2) for one occupant. Where more than one person occupies the cabin, the required floor area shall be increased at the rate of 50 square feet (4.65 m^2) for each occupant in excess of one. The interior floor area shall not exceed 400 square feet (37 m^2), excluding lofts.

Q104.2 Live loads. Emergency sleeping cabins shall be designed to resist intrusion of wind, rain, and to support the following live loads:

1. Floor live loads not less than 40 pounds per square foot (1.92 kPa) of floor area.
2. Horizontal live loads not less than 15 pounds per square foot (718 Pa) of vertical wall and roof area.
3. Roof live loads not less than 20 pounds per square foot (958 Pa) of horizontal roof area.
4. In areas where snow loads are greater than 20 pounds per square foot (958 Pa), the roof shall be designed and constructed to resist these additional loads.

Q104.3 Minimum ceiling height. Habitable space and hallways in emergency sleeping cabins shall have a ceiling height of not less than 80 inches (2032 mm). Bathrooms, toilet rooms, and kitchens, if provided, shall have a ceiling height of not less than 76 inches (1930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions.

Exception: Ceiling heights in lofts constructed in accordance with Section Q108 are permitted to be less than 80 inches (2032 mm).

Q104.4 Means of egress. Emergency sleeping cabins shall be provided with at least two forms of egress placed remotely from each other. One form of egress may be an egress window complying with Section Q104.4.1. When a loft is provided, one form of egress shall be an egress window complying with Section Q104.4.1, provided in the loft space.

Q104.4.1 Egress window. The bottom of the clear opening of the egress window shall not be more than 44 inches (1118 mm) above the floor. The egress window shall have a minimum net clear opening height of 24 inches (610 mm), and a minimum net clear opening width of 20 inches (508 mm). The egress window shall have a minimum net clear opening area of 5 square feet (0.465 m^2).

Q104.5 Plumbing and gas service. If an emergency sleeping cabin contains plumbing or gas service, it shall comply with all applicable requirements of the California Plumbing Code and the California Mechanical Code.

Q104.6 Electrical. Emergency sleeping cabins shall be provided with all of the following installed in compliance with the California Electrical Code:

1. Continuous source of electricity.

Exception: The source of electricity may be an emergency generator or renewable source of power such as solar or wind power.

2. At least one interior lighting fixture.
3. Electrical heating equipment listed for residential use and a dedicated receptacle outlet for the electrical heating equipment.

   Exception: Electrical heating equipment and a dedicated receptacle outlet for the electrical heating equipment are not required if a nonelectrical source of heating is provided.
4. At least one GFCI-protected receptacle outlet for use by the occupant(s).

Q104.7 Ventilation. Emergency sleeping cabins shall be provided with means of ventilation (natural and/or mechanical) allowing for adequate air replacement, as determined by the enforcing agency**.**

Q104.8 Smoke alarms. Emergency sleeping cabins shall be provided with at least one smoke alarm installed in accordance with the California Residential Code, Section R314.

Q104.9 Carbon monoxide alarms. If an emergency sleeping cabin contains a fuel-burning appliance(s) or a fireplace(s), a carbon monoxide alarm shall be installed in accordance with the California Residential Code, Section R315

SECTION Q105 - EMERGENCY TRANSPORTABLE HOUSING UNITS

Q105.1 General. In addition to the requirements in this appendix, manufactured homes, mobilehomes, multifamily manufactured homes, commercial modulars, recreational vehicles, and park trailers used as emergency transportable housing shall comply with all applicable requirements in the Health and Safety Code, Division 13, Part 2; and Title 25, Division 1, Chapter 3, Subchapter 2.

No provisions of Sections Q111 through Q114 of this appendix shall be deemed to grant authorization for any additional work that may conflict with the standards specified in Section Q105 applicable for emergency transportable housing units.

SECTION Q106 - TENTS AND MEMBRANE STRUCTURES

Q106.1 General. Tents shall not be used to house occupants for more than 7 days unless such tents are maintained with tight wooden floors raised at least 4 inches (101.6 mm) above the ground level and are equipped with baseboards on all sides to a height of at least 6 inches (152.4 mm). Tents may be maintained with concrete slabs with the finished surface at least 4 inches (101.6 mm) above grade and equipped with curbs on all sides at least 6 inches (152.4 mm) high.

A tent shall not be considered a suitable sleeping place when it is found necessary to provide heating facilities in order to maintain a minimum temperature of 50 degrees Fahrenheit (10 degrees Celsius) within such tent during the period of occupancy.

Membrane structures installed and/or assembled in accordance with Chapter 31 of this code, may be permitted to be used as emergency housing and emergency housing facilities, as determined by the enforcing agency.

Tents and membrane structures shall comply with Chapter 31 of the California Fire Code and shall not be erected for a period of more than 180 days within a 12 month period. Tents and membrane structures shall be limited to one level located at the level of Fire Department vehicle access road or lane. Tents and membrane structures complying with Chapter 31 of the California Fire Code shall not be subject to additional provisions of Sections Q111 and Q112 of this appendix.

Tents and membrane structures used for sleeping purposes shall be equipped with single station battery powered smoke alarms installed in accordance with Section 907.2.11 of the California Fire Code.

SECTION Q107 - ACCESSIBILITY

Q107.1 General. Emergency housing shall comply with the applicable requirements in Chapter 11B and/or the US Access Board Final Guidelines for Emergency Transportable Housing.

Note: The Architectural and Transportation Barriers Compliance Board (US Access Board) issued the Final Guidelines for Emergency Transportable Housing on May 7, 2014. The final guidelines amended the 2004 ADA Accessibility Guidelines (2004 ADAAG) and the 2004 Architectural Barriers Act (ABA) Accessibility Guidelines (2004 ABAAG) to specifically address emergency transportable housing units provided to disaster survivors by entities subject to the ADA or ABA. The final rule ensures that the emergency transportable housing units are readily accessible to and usable by disaster survivors with disabilities.

SECTION Q108 - LOFTS IN EMERGENCY HOUSING

Q108.1 Minimum loft area and dimensions. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections Q108.1.1 through Q108.1.3.

Q108.1.1 Minimum area. Lofts shall have a floor area of not less than 35 square feet (3.25 m^2).

Q108.1.2 Minimum dimensions. Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

Q108.1.3 Height effect on loft area. Portions of a loft with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

Exception: Under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor

to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

Q108.2 Loft access. The access to and primary egress from lofts shall be any type described in Sections Q108.2.1 through Q108.2.4.

Q108.2.1 Stairways. Stairways accessing lofts shall comply with the California Residential Code or with Sections Q108.2.1.1 through Q108.2.1.6.

Q108.2.1.1 Width. Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches (508 mm).

Q108.2.1.2 Headroom. The headroom in stairways accessing a loft shall be not less than 74 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

Q108.2.1.3 Treads and risers. Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus 4/3 of the riser height, or
2. The riser height shall be 15 inches (381 mm) minus 3/4 of the tread depth.

Q108.2.1.4 Landing platforms. The top step of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 74 inches (1880 mm). The landing platform shall be 18 inches (457 mm) to 22 inches (559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 inches (406 mm) to 18 inches (457 mm) in height measured from the landing platform to the loft floor.

Q108.2.1.5 Handrails. Handrails shall comply with the California Residential Code, Section R311.7.8.

Q108.2.1.6 Stairway guards. Guards at open sides of stairways shall comply with the California Residential Code, Section R312.1.

Q108.2.2 Ladders. Ladders accessing lofts shall comply with Sections Q108.2.2.1 and Q108.2.2.2.

Q108.2.2.1 Size and capacity. Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm), and 10 inches (254 mm) to 14 inches (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200 pound (90.7 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm).

Q108.2.2.2 Incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

Q108.2.3 Alternating tread devices. Alternating tread devices are acceptable as allowed by the enforcing agency.

Q108.2.4 Loft guards. Loft guards shall be located along the open side of lofts. Loft guards shall not be less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less. Loft guards shall not have openings from the walking surface to the required guard height that allow passage of a sphere 4 inches (102mm) in diameter.

SECTION Q109 - LOCATION, MAINTENANCE AND IDENTIFICATION

Q109.1 Maintenance. Emergency housing and emergency housing facilities shall be maintained in a safe and sanitary condition, and free from vermin, vectors and other matter of an infectious or contagious nature. The grounds within emergency housing sites shall be kept clean and free from accumulation of debris, filth, garbage and deleterious matter. Emergency housing and emergency housing facilities shall not be occupied if a substandard condition exists, as determined by the enforcing agency.

Q109.1.1 Fire hazards. Dangerous materials or materials that create a fire hazard, as determined by the enforcing agency, shall not be allowed on the grounds within emergency housing sites.

Q109.3 Identification. Emergency housing shall be designated by address numbers, letters, or other suitable means of identification. The identification shall be in a conspicuous location facing the street or driveway fronting the building or structure. Each identification character shall be not less than 4 inches (102 mm) in height and not less than 0.5 inch (12.7 mm) in width, installed/painted on a contrasting background.

SECTION Q110 - EMERGENCY HOUSING FACILITIES <u>SANITATION REQUIREMENTS</u>

Q110.1 Drinking water. Potable drinking water shall be provided for all occupants of emergency housing.

Q110.2 Kitchens <u>and food facilities</u>. <u>Where provided, kitchens and food facilities, as defined in Section 113789 of the California Health and Safety Code, which support emergency housing sites, shall comply with applicable food safety provisions of Sections 113980 – 114094.5 of the California Health and Safety Code.</u>

Where occupants of dependent units are permitted or required to cook for themselves, a separate area shall be equipped and maintained as a common use kitchen. Refrigerated storage shall be provided for safe storage of food.

Q110.3 Toilet and bathing facilities. When dependent units are used as emergency housing, the emergency housing site shall be provided with one toilet and one bathing facility for every 15 occupants of each gender. The enforcing agency may permit different

types and ratios of toilet and bathing facilities. The approval shall be based upon a finding that the type and ratio of toilet and bathing facilities are sufficient to process the anticipated volume of sewage and waste water, while maintaining sanitary conditions for the occupants of the emergency housing.

Bathing facilities shall be provided with heating equipment which shall be capable of maintaining a temperature of 70 degrees F (21.0 degrees Celsius) within such facilities.

Lavatories with running water shall be installed and maintained in the toilet facilities or adjacent to the toilet facilities.

Q110.4 Garbage, waste and rubbish disposal. All garbage, kitchen waste and rubbish shall be deposited in approved covered receptacles, which shall be emptied when filled and the contents shall be disposed of in a sanitary manner acceptable to the enforcing agency.

SECTION Q111 - EMERGENCY HOUSING LIGHTING AND VENTILATION REQUIREMENTS

Q111.1 Lighting. Buildings or structures used for emergency housing shall be provided with natural light by means of exterior glazed openings in accordance with Section 1204.2 of the California Building Code, or shall be provided with artificial light in accordance with Section 1204.3 of the California Building Code.

Q111.2 Ventilation. Buildings or structures used for emergency housing shall be provided with natural ventilation in accordance with Section 1202.5 of the California Building Code, or mechanical ventilation in accordance with the California Mechanical Code.

SECTION Q112 - EMERGENCY HOUSING FIRE AND LIFE SAFETY REQUIREMENTS

Q112.1 Location on property. Buildings or structures used for emergency housing, including sleeping cabins, shall be located in accordance with the requirements of Section 705 and Table 705.5 of the California Building Code, based on their type of construction and fire-resistance ratings of the exterior walls. During a shelter crisis, the fire separation distances are permitted to be measured to the existing buildings on the adjacent parcels rather than to the interior lot lines, provided the open spaces are to remain unobstructed for the duration of the shelter crisis.

Q112.2 Buildings on same lot. Buildings or structures used for emergency housing, including sleeping cabins, shall be separated from each other and from other buildings on the same lot as set forth in Section 705.3 of the California Building Code. The Building Official and Fire Marshal may accept reasonable alternatives to these requirements provided reasonably equivalent fire and life safety is achieved.

Q112.3 Means of egress. Buildings or structures used for emergency housing shall be provided with means of egress complying with Chapter 10 of the California Building Code, unless modified elsewhere in this appendix.

Q112.4 Emergency escape and rescue. Each area of a building or structure used for sleeping purposes in emergency housing shall be provided with an emergency escape and rescue opening in accordance with Section 1031 of the California Building Code, unless modified elsewhere in this appendix.

Q112.5 Smoke alarms. Buildings or structures used for emergency housing, which provide sleeping accommodations, shall be equipped with single station battery powered smoke alarms installed in accordance with the location requirements of Section 907.2.11 of the California Fire Code, unless modified elsewhere in this appendix.

Q112.6 Carbon monoxide alarms. Buildings or structures used for emergency housing, which provide sleeping accommodations, and equipped with fuel-burning appliances shall be provided with carbon monoxide detection in accordance with Section 915 of the California Fire Code, unless modified elsewhere in this appendix.

Q112.7 Fire alarm. A manual fire alarm system capable of arousing sleeping occupants in accordance with Section 907.2.9.1 of the California Fire Code shall be installed in buildings, structures, or groups of buildings or structures used for emergency housing and having a gross floor area of more than 2,500 square feet or having more than 49 sleeping occupants.

Exception: Individual buildings or structures in a group of buildings or structures with sufficient separation distances to allow each building or structure to function independently in case of a fire, as approved by the Fire Marshal.

Q112.8 Automatic sprinkler systems. Fire sprinklers shall be provided for new and existing buildings or structures used for emergency housing, including sleeping cabins, which provide sleeping facilities, as required by Section 903.3 of the California Fire Code. Strict compliance with the requirements of Section 903.3 may not be required when approved by the Fire Marshal. The Fire Marshal is authorized to accept reasonably equivalent alternatives to the installation provisions of Section 903.3 when dealing with buildings or structures used for emergency housing.

Q112.9 Fire extinguishers. Portable fire extinguishers shall be provided in accordance with Section 906.1 of the California Fire Code.

Q112.10 Flammable or combustible liquids. The possession or storage of any flammable or combustible liquids or gases shall not be permitted (intact cigarette lighters excepted). The use of any type of open flame indoors is prohibited unless conditionally approved by the Fire Chief.

Q112.11 Storage in attics, under-floor and concealed spaces. Combustible materials, including but not limited to the possessions of occupants, users and staff shall not be stored in attics, under-floor spaces, or within other concealed spaces of buildings or structures used for emergency housing with sleeping accommodations.

Q112.12 Fire department access. Fire Department access to building and premises used for emergency housing shall be in compliance with Section 503, Section 504 and Appendix D of the California Fire Code, as approved by the Fire Chief.

Q112.13 Water supply. An approved fire protection water supply complying with Section 507 of the California Fire Code, or as approved by the Fire Chief, shall be provided for each structure, group of structures or premises used for emergency housing.

SECTION Q113

ADDITIONAL REQUIREMENTS

Q113.1 Operating procedures. Operating procedures including a security plan and service requirements shall be developed by the professional service provider and shown to be consistent with the shelter standards imposed by the Alameda County Social Services Agency. These procedures shall be designed to maintain order and safety within the buildings or structures used for emergency housing.

SECTION Q114

ALTERNATIVES AND MODIFICATIONS

Q114.1 Alternatives and modifications. Alternative compliance and/or modifications that are reasonably equivalent to the requirements in this appendix may be granted by the Local Administrative Authority in individual cases when dealing with buildings or structures used for emergency housing.

NOTE:
Authority Cited: Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.5, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17922.14, 17927, 17928, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1 through 18873.5, 18938.3, 18944.11, and 19990; and Government Code Section 12955.1.

Reference: Health and Safety Code Sections 17000 through 17062.5, 17910 through 17995.5, 18200 through 18700, 18860 through 18874, and 19960 through 19997; Civil Code Sections 1101.4 and 1101.5; and Government Code Sections 12955.1 and 12955.1.1. (Ord. 7613-NS § 3, 2018)

Section 2. That Berkeley Municipal Code Chapter 19.29 is hereby repealed and reenacted to read as follows:

Chapter 19.29

BERKELEY RESIDENTIAL CODE

Sections:

19.29.010 Adoption of California Residential Code.
19.29.020 Title.
19.29.030 Administrative Provisions.
19.29.040 Subsection R301.2 Climatic and Geographic Design Criteria.
19.29.050 Technical Amendments to Structural Standards.

19.29.010 Adoption of California Residential Code.

The California Residential Code, 2025 Edition, as adopted in Title 24 Part 2.5 of the California Code of Regulations, including Appendices BB, BF, BI, BJ, BK and CI is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

19.29.020 Title.

This Code shall be known as the "Berkeley Residential Code" and may be cited as "this Code".

19.29.030 Administrative provisions.

All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any California Residential Code (CRC) administrative provisions that may conflict.

For regulations governing wood burning appliances see BMC 19.28.040.

19.29.040 CRC Subsection R301.2 Climatic and geographic design criteria.

TABLE R301.2
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD[o]	WIND DESIGN				SEISMIC DESIGN CATEGORY[f]	SUBJECT TO DAMAGE FROM		
	Speed[d] (mph)	Topographic effects[k]	Special wind region[l]	Wind-borne debris zone[m]		Weathering[a]	Frost line depth[b]	Termite[c]
ZERO	95	NO	NO	NO	D_2 or E	NEGLIGIBLE	N/A	VERY HEAVY

ICE BARRIER UNDERLAYMENT REQUIRED[h]	FLOOD HAZARDS[g]	AIR FREEZING INDEX[i]	MEAN ANNUAL TEMP[j]
NO	See	ZERO	57.2°F

	Footnote ‘p’		

MANUAL J DESIGN CRITERIA[n]						
Elevation	Altitude correction factor e	Coincident wet bulb	Indoor winter design relative humidity	Indoor winter design dry-bulb temperature	Outdoor winter design dry-bulb temperature	Heating temperature difference
345	N/A	63	N/A	70	40	30
Latitude	Daily range	Indoor summer design relative humidity	Summer Design Grains	Indoor summer design dry-bulb temperature	Outdoor summer design dry-bulb temperature	Cooling temperature difference
38	16	50	-6	75	80	5

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, “negligible,” “moderate” or “severe” for concrete as determined from Figure R301.2(1). The grade of masonry units shall be determined from ASTM C34, ASTM C55, ASTM C62, ASTM C73, ASTM C90, ASTM C129, ASTM C145, ASTM C216 or ASTM C652.
b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
d. The jurisdiction shall fill in this part of the table with the wind speed from the ultimate design wind speeds map [Figure R301.2(2)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
e. The jurisdiction shall fill in this section of the table to establish the design criteria using Table 10A from ACCA Manual J or established criteria determined by the jurisdiction.
f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
g. The jurisdiction shall fill in this part of the table with: the date of the jurisdiction’s entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas); and the title and date of the currently effective Flood Insurance Study or other flood hazard study and maps adopted by the authority having jurisdiction, as amended.
h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the

effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
l. In accordance with Figure R301.2(2), where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.
o. The jurisdiction shall fill in this section of the allowable stress design table using the Ground Snow Loads in Figure R301.2(3).
p. Flood Hazard Data for the City of Berkeley:
   Date of Jurisdiction's Entry into the NFIP: December 7, 1973;
   Date of adoption of the first code or ordinance for management of flood hazards: Ordinance No. 5085-N.S., July 25, 1978;
   Date of Flood Insurance study: Aug 3, 2009;
   Panel numbers and dates of all currently effective maps adopted by the AHJ (Ordinance 7108-NS 9/29/09):
   - FEMA's "Use of Digital Flood Hazard Data" establishes that paper and digital maps are equivalent. Policy and related information are available from FEMA. The policy implements section 107 of Public Law 108-264, 118 Stat. 724 (2004)
   - Panel 13 (not available in printed form)
   - Panel 14 of 725, Map Number 06001C0014G, August 3, 2009
   - Panel 18 of 725, Map Number 06001C0018G, August 3, 2009
   - Panel 19 of 725, Map Number 06001C0019G, August 3, 2009
   - Panel 38 (not available in printed form)
   - Panel 51 (not available in printed form)
   - Panel 52 of 725, Map Number 06001C0052G, August 3, 2009
   - Panel 53 (not available in printed form)
   - Panel 54 of 725, Map Number 06001C0054G, August 3, 2009
   - Panel 56 of 725, Map Number 06001C0056G, August 3, 2009
   - Panel 57 of 725, Map Number 06001C0057G, August 3, 2009

- Panel 80 of 725, Map Number 06001C0080G, August 3, 2009

19.29.050 Technical Amendments to Structural Standards

Chapter 6 of the 2025 California Residential Code is adopted in its entirety subject to the modifications thereto which are set forth below.

Table R602.10.3(3) BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY[i, j]

Add new footnotes "i" and "j" to the end of Table R602.10.3(3) to read:

i. Methods GB, PBS, HPS and SFB are not permitted in Seismic Design Categories D_0, D_1, and D_2.

j. Method DWB are not permitted in Seismic Design Categories D_0, D_1, and D_2 where S_1 is greater than or equal to 0.75.

Add a new Subsection R602.10.4.5, to read:

R602.10.4.5 Limits on methods GB and PCP. In Seismic Design Categories D_0, D_1, and D_2, Method GB is not permitted, but gypsum board is permitted to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D_0, D_1, and D_2, the use of Method PCP is limited to one-story dwellings and accessory structures.

Section 3. That Berkeley Municipal Code Chapter 19.30 is hereby repealed and reenacted to read as follows:

Chapter 19.30

BERKELEY ELECTRICAL CODE

Sections:

19.30.010 Adoption of California Electrical Code.
19.30.020 Title.
19.30.030 Administrative provisions.
19.30.040 Amendments to the California Electrical Code

19.30.010 Adoption of California Electrical Code.
The California Electrical Code, 2025 Edition, as adopted by the California Code of Regulations, Title 24, Part 3 is hereby adopted and made a part of this Chapter as though fully set forth herein subject to the modifications thereto which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

19.30.020 Title.
This Code shall be known as the "Berkeley Electrical Code" and may be cited as "this Code".

19.30.030 Administrative provisions.
All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any administrative provisions contained in Article 89 General Code Provisions that may conflict.

19.30.040 Amendments to the California Electrical Code

Chapter 3 of the 2025 California Electrical Code is adopted in its entirety subject to the modifications thereto which are set forth below:

303.3(C) Conductors of Different Systems.

(1) 1000 Volts, Nominal, or Less. Conductors of ac and dc circuits, ~~rated 1000 volts, nominal, or less,~~ from separately derived systems, from separate services, or from separate utility meters shall not be permitted to occupy the same equipment wiring enclosure, cable, or raceway with conductors from other systems, services, or meters. All conductors shall have an insulation rating equal to at least the maximum circuit voltage applied to any conductor within the enclosure, cable, or raceway.

Secondary wiring to electric-discharge lamps of 1000 volts or less, if insulated for the secondary voltage involved, shall be permitted to occupy the same luminaire, sign, or outline lighting enclosure as the branch-circuit conductors.

Section 4. That Berkeley Municipal Code Chapter 19.32 is hereby repealed and reenacted to read as follows:

Chapter 19.32

BERKELEY MECHANICAL CODE

Sections:

19.32.010 Adoption of the California Mechanical Code.
19.32.020 Title.
19.32.030 Administrative provisions.
19.32.040 Amendments to the California Mechanical Code

19.32.010 Adoption of the California Mechanical Code.
The California Mechanical Code, 2025 Edition, as adopted in Title 24 Part 4 of the California Code of Regulations, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this

Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

19.32.020 Title.
This Code shall be known as the “Berkeley Mechanical Code” and may be cited as "this Code".

19.32.030 Administrative provisions.
All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any California Mechanical Code administrative provisions that may conflict.

19.32.040 Amendments to the California Mechanical Code

Chapter 4 of the 2025 California Mechanical Code is adopted in its entirety subject to the modifications thereto which are set forth below:

405.4.1 Exhaust Rate. For intermittent-controlled operations, the exhaust rate shall be not less than 100 ft^3/min (47.2 L/s) for range hoods or 300 ft^3/min (142 L/s) for mechanical exhaust fans and shall be rated for sound at a maximum of 3 sone at greater than or equal to 100 ft^3/min (47.2 L/s), including downdraft appliances. For continuous operated ventilation, the exhaust rate shall be not less than 50 ft^3/min (23.6 L/s) and shall be rated for sound at a maximum of 1.0 sone.

Exception: A vented range hood shall not be required in dwelling unit kitchens equipped with a local mechanical exhaust system installed in accordance with ASHRAE 62.2.

Section 5. That Berkeley Municipal Code Chapter 19.34 is hereby repealed and reenacted to read as follows:

Chapter 19.34

BERKELEY PLUMBING CODE

Sections:

19.34.010 Adoption of the California Plumbing Code.
19.34.020 Title.
19.34.030 Administrative provisions.
19.34.040 Gas Shut-Off Valves

19.34.010 Adoption of the California Plumbing Code.
The California Plumbing Code, 2025 Edition, as adopted in Title 24 Part 5 of the California Code of Regulations, including Appendices A, B and D, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto

which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

19.34.020 Title.
This Code shall be known as the “Berkeley Plumbing Code” and may be cited as "this Code."

19.34.030 Administrative Provisions.
All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any California Plumbing Code administrative provisions that may conflict.

19.34.040 Gas Shut-Off Valves

Chapter 12 of the 2025 California Plumbing Code is adopted in its entirety subject to the modifications thereto which are set forth below.

1209.0 ~~Excess Flow Valve~~ Automatic Gas Shut-Off Valves.

1209.2 General Requirements for Automatic Gas Shut-Off Valves. Automatic gas shut-off valves shall:

1. Comply with all applicable requirements of the Berkeley Plumbing Code.

2. Be tested and listed by recognized testing agencies such as the Independent Laboratory of the International Approval Services (IAS), Underwriter's Laboratory (UL), International Association of Plumbing and Mechanical Officials (IAPMO) or any other agency approved by the State of California Office of the State Architect (OSA).

3. Be installed on downstream side of the gas utility meter.

4. Be installed in accordance with the manufacturer's instructions.

5. Provide a method for expedient and safe gas shut-off in an emergency.

6. Provide a capability for ease of consumer or owner resetting in a safe manner.

1209.3 Definitions

For the purpose of this Section, terms shall be defined as follows:

AUTOMATIC GAS SHUT- OFF VALVE shall mean either a motion activated gas shut-off valve or device or an excess flow gas shut-off valve or device.

DOWNSTREAM OF GAS UTILITY METER shall mean all gas piping on the property owner's side of the gas meter and after the service tee.

MOTION ACTIVATED GAS SHUT OFF VALVE shall mean an approved gas valve activated by motion. Valves are set to activate in the event of a moderate or strong seismic event greater than 5.0 on the Richter scale.

UPSTREAM OF GAS UTILITY METER shall mean all gas piping installed by the utility up to and including the meter and the utility's service tee.

1209.4 Motion Activated Gas Shut-off Valve, Required. A listed motion activated gas shut-off valve shall be installed as follows:

1209.4.1 New Construction. In any newly constructed building or structure containing fuel gas piping.

1209.4.2 Existing Buildings with a single meter. In any existing building or structure containing fuel gas piping served by a single gas meter, when any addition, alteration or repair is made for which a mechanical or plumbing permit is issued.

1209.4.3 Existing Buildings with separate meters serving individual units or tenant spaces. In any existing building or structure containing fuel gas piping served by multiple gas meters, when any addition, alteration or repair is made to an individual unit or tenant space for which a mechanical or plumbing permit is issued. The requirement for a motion activated gas shut off valve shall apply to the gas meter serving the individual unit or tenant space and the gas meter serving common area(s).

Exceptions:

1. Existing automatic gas shut-off valves installed prior to the effective date of this Section, provided the valves are maintained in operational condition.

2. Automatic gas shut-off valves installed on a gas distribution system owned or operated by a public utility.

Note: For the purpose of the requirements of this Section, excess flow valves are not permitted to be installed as a substitute for motion activated gas shut-off valves.

1209.5 Mounting. Motion activated seismic gas shut-off valves shall be mounted rigidly to the building or structure containing the fuel gas piping, unless otherwise specified in the manufacturer's installation instructions.

Section 6. That Berkeley Municipal Code Chapter 19.36 is hereby repealed and reenacted to read as follows:

Chapter 19.36

BERKELEY ENERGY CODE

Sections:

19.36.010 Adoption of the California Energy Code.
19.36.020 Title.
19.36.030 Administrative provisions.
19.36.040 Amendments to the California Energy Code.

19.36.010 Adoption of the California Energy Code.
The California Energy Code, 2025 Edition, as adopted in Title 24 Part 6 of the California Code of Regulations, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

19.36.020 Title.
This Code shall be known as the “Berkeley Energy Code” and may be cited as "this Code”.

19.36.030 Administrative provisions.
All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any California Energy Code administrative provisions that may conflict.

Section 7. That Berkeley Municipal Code Chapter 19.37 is hereby repealed and reenacted to read as follows:

Chapter 19.37

BERKELEY GREEN CODE

Sections:

19.37.010 Adoption of the California Green Building Standards Code.
19.37.020 Title.
19.37.030 Administrative provisions.
19.37.040 Amendments to the California Green Building Standards Code.

19.37.010 Adoption of the California Green Building Standards Code.

The California Green Building Standards Code (CALGreen), 2025 Edition, as adopted in Title 24 Part 11 of the California Code of Regulations, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this Chapter. A copy of this Code is on file for use and examination by the public in the office of the City Clerk of the City of Berkeley.

19.37.020 Title.
This Code shall be known as the “Berkeley Green Code” and may be cited as "this Code".

19.37.030 Administrative provisions.
All of the administrative provisions contained in Article 1 of Chapter 19.28, the Berkeley Building Code, shall apply to this Code as well and take precedence over any California Green Building Standards Code administrative provisions that may conflict.

19.37.040 Amendments to the California Green Building Standards Code.

Chapter 3 Green Building of the California Green Building Standards Code is adopted in its entirety subject to the modifications thereto which are set forth below:

301.1.2 Residential waste diversion. The requirements of Section 4.408 shall be required for:

1. Any additions or alterations, which increase the building’s conditioned area, volume or size
2. Any building alterations with a permit valuation over $100,000
3. Any interior or exterior demolitions valued over $3,000

301.3.2 Nonresidential waste diversion. The requirements of Section 5.408 shall be required for additions ~~and~~, alterations and demolitions whenever a permit is required for work.

Chapter 4 Residential Mandatory Measures of the California Green Buildings Code is adopted in its entirety subject to the modifications thereto which are set forth below:

4.106.4.1 New one- and two-family dwellings and townhouses with attached or detached private garages, carports, or any other on-site parking. For each dwelling unit, install a ~~listed raceway to accommodate a dedicated 208/240-volt branch circuit. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel and/or subpanel shall provide capacity to install a 40-ampere 208/240-volt minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device~~ minimum 40-ampere 208/240-volt dedicated EV branch circuit in close proximity to the proposed location of an EV charger at the time of original construction in accordance with the California Electrical Code.

~~**Exception:** A raceway is not required if a minimum 40-ampere 208/240-volt dedicated EV branch circuit is installed in close proximity to the proposed location of an EV charger at the time of original construction in accordance with the California Electrical Code.~~

4.106.4.1.1 Identification. The service panel or subpanel circuit directory shall identify the overcurrent protective device ~~space(s) reserved~~ for future EV charging as "EV ~~CAPABLE~~READY". The raceway termination location shall be permanently and visibly marked as "EV ~~CAPABLE~~READY".

4.106.4.2.2 Multifamily dwellings.

1. EV ready parking spaces with receptacles.

a. **Multifamily parking facilities with assigned parking.** Where dwelling units are provided with assigned parking spaces equal to or greater than the number of dwelling units, at least one low power Level 2 EV charging receptacle shall be provided at an assigned parking space for each dwelling unit.

1. Where the total number of dwelling units exceeds the number of assigned parking spaces, all assigned parking spaces shall be provided with one low power Level 2 EV charging receptacle.

Exception: ~~Areas of parking facilities served by parking lifts, including but not limited to, automated mechanical-access open parking garages as defined in the *California Building Code*; or parking facilities otherwise incapable of supporting electric vehicle charging.~~ Areas of parking facilities served by parking lifts, provided the required percentage of EV Charger spaces are installed elsewhere.

b. **Multifamily parking facilities with unassigned parking.** Where dwelling units are provided with unassigned parking spaces equal to or greater than the number of dwelling units, at least one low power Level 2 EV charging receptacle shall be provided at an unassigned parking space for each dwelling unit.

1. Where the total number of dwelling units exceeds the number of unassigned parking spaces, all unassigned parking spaces shall be provided with one low power Level 2 EV charging receptacle.

Exception: ~~Areas of parking facilities served by parking lifts, including but not limited to, automated mechanical-access open parking garages as defined in the *California Building Code*; or parking facilities otherwise incapable of supporting electric vehicle charging.~~ Areas of parking facilities served by parking lifts, provided the required percentage of EV Charger spaces are installed elsewhere.

c. **Multifamily parking facilities with assigned and unassigned parking.** Where multifamily buildings are provided with both assigned and unassigned parking spaces equal to or greater

than the number of dwelling units, at least one low power Level 2 EV charging receptacle shall be provided for each dwelling unit at either the assigned or unassigned parking space, but not both.

d. **Receptacle power source.** EV charging receptacles in multifamily parking facilities at assigned parking spaces shall be provided with a dedicated branch circuit connected to the dwelling unit's electrical panel, unless determined as infeasible by the project builder or designer and subject to concurrence of the local enforcing agency.

Exception: ~~Areas of parking facilities served by parking lifts, including but not limited to, automated mechanical-access open parking garages as defined in the *California Building Code*; or parking facilities otherwise incapable of supporting electric vehicle charging.~~ Areas of parking facilities served by parking lifts, provided the required percentage of EV Chargers spaces are installed elsewhere.

e. **Receptacle configurations.** 208/240V EV charging receptacles shall comply with one of the following configurations:
   1. For 20-ampere receptacles, NEMA 6-20R
   2. For 30-ampere receptacles, NEMA 14-30R
   3. For 50-ampere receptacles, NEMA 14-50R

4.106.4.2.6 Hotels and motels.

1. **EV ready parking spaces with receptacles.**
   a. **Hotels and motels.** Forty (40) percent of the total number of parking spaces shall be equipped with low power Level 2 EV charging receptacles.

   Exception: ~~Areas of parking facilities served by parking lifts, including but not limited to, automated mechanical-access open parking garages as defined in the *California Building Code*; or parking facilities otherwise incapable of supporting electric vehicle charging.~~ Areas of parking facilities served by parking lifts, provided the required percentage of EV Charger spaces are installed elsewhere.

   b. **Receptacle configurations.** 208/240V EV charging receptacles shall comply with one of the following configurations:
      1. For 20- ampere receptacles, NEMA 6-20R
      2. For 30- ampere receptacles, NEMA 14-30R
      3. For 50- ampere receptacles, NEMA 14-50R

2. **EV Ready parking spaces with EV chargers.**

   a. **Hotels and motels.** Twenty-five (25) percent of the total number of parking spaces shall be equipped with Level 2 EV chargers.

   b. **EV charger connectors.** EV chargers shall be equipped with J1772 or J3400 connectors.

      Exception: ~~Areas of parking facilities served by parking lifts, including but not limited to, automated mechanical-access open parking garages as defined in the *California Building Code*; or parking facilities otherwise incapable of supporting electric vehicle charging.~~ Areas of parking facilities served by parking lifts, provided the required percentage of EV Charger spaces are installed elsewhere.

   c. An automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of 40 amperes, and installed EV chargers shall have a capacity of not less than 30 amperes.

SECTION 4.405—MATERIAL SOURCES ~~(RESERVED)~~

4.405.1 Reduction in cement use. As allowed by the enforcing agency, cement used in concrete mix design shall be reduced not less than 25 percent. Products commonly used to replace cement in concrete mix designs include, but are not limited to:

1. Fly ash
2. Slag
3. Silica fume
4. Rice hull ash

Exception: Minimum cement reductions in concrete mix designs approved by the Engineer of Record may be lower where high early strength is needed for concrete products or to meet an accelerated project schedule.

4.408.1 Construction waste management. Recycle and/or salvage for reuse 100% of excavated soil and land-clearing debris, 100% of concrete, 100% of asphalt, and a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with either Section 4.408.2, 4.408.3 or 4.408.4, or meet a more stringent local construction and demolition waste management ordinance.

Exceptions:

1. ~~Excavated soil and land-clearing debris.~~ (Reserved)

2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the jobsite.
3. The enforcing agency may make exceptions to the requirements of this section when isolated jobsites are located in areas beyond the haul boundaries of the diversion facility.

Chapter 5 Nonresidential Mandatory Measures of the California Green Buildings Code with Mid-Cycle Supplement is adopted in its entirety subject to the modifications thereto which are set forth below:

5.106.5.3 Electric vehicle (EV) charging. [N] [BSC-CG] Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section 5.106.5.3.1 EV capable spaces, Section 5.106.5.3.2 Electric vehicle charging stations ~~and associated Table 5.106.5.3.1~~, or Section 5.106.5.3.6 Electric vehicle charging stations (EVCS)-Power allocation method ~~and associated Table 5.106.5.3.6~~, and shall be provided in accordance with regulations in the *California Building Code* and the *California Electrical Code.*

Exceptions:

1. On a case-by-case basis where the local enforcing agency has determined compliance with this section is not feasible based upon one of the following conditions:
   a. Where there is no local utility power supply.
   b. Where the local utility is unable to supply adequate power.
   c. Where there is evidence suitable to the local enforcement agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may adversely impact the construction cost of the project.
2. ~~Areas of parking facilities served by parking lifts, including but not limited to, automated mechanical-access open parking garages as defined in the *California Building Code*; or parking facilities otherwise incapable of supporting electric vehicle charging.~~ Areas of parking facilities served by parking lifts, provided the required percentage of EV Charger spaces are installed elsewhere.

5.106.5.3.1 EV Capable Spaces. [N] Twenty (20) percent of the total number of parking spaces shall be EV capable spaces. Calculation for EV capable spaces shall be rounded up to the nearest whole number. ~~shall be provided in accordance with Table 5.106.5.3.1 and~~ The spaces shall comply with the following requirements:

1. Raceways complying with the *California Electrical Code* and no less than 1-inch (25 mm) diameter shall be provided and shall originate at a service panel or a subpanel(s) serving the area, and shall terminate in close proximity to the proposed location of the EV capable space and into a suitable listed cabinet, box, enclosure or equivalent. A common raceway may be used to serve multiple EV capable spaces.

2. A service panel or subpanel(s) shall be provided with panel space and electrical load capacity for a dedicated 208/240 volt, 40-ampere minimum branch circuit for each EV capable space, with delivery of 30-ampere minimum to an installed EVSE at each EVCS.
3. The electrical system and any on-site distribution transformers shall have sufficient capacity to supply full rated amperage at each EV capable space.
4. The service panel or subpanel circuit directory shall identify the reserved overcurrent protective device space(s) as “EV CAPABLE”. The raceway termination location shall be permanently and visibly marked as “EV CAPABLE.”

Note: A parking space served by electric vehicle supply equipment or designed as a future EV charging space shall count as at least one standard automobile parking space only for the purpose of complying with any applicable minimum parking space requirements established by an enforcement agency. See Vehicle Code Section 22511.2 for further details.

~~**TABLE 5.106.5.3.1—EV CAPABLE SPACES AND EVCS**~~

~~**TOTAL NUMBER OF ACTUAL PARKING SPACES**~~	~~**NUMBER OF REQUIRED EV CAPABLE SPACES**~~	~~**OTHER THAN OFFICE AND RETAIL NUMBER OF REQUIRED EVCS2, 3**~~	~~**OFFICE AND RETAIL NUMBER OF REQUIRED EVCS 2, 3**~~
~~1-9~~	~~0~~	~~0~~	~~0~~
~~10-25~~	~~4~~	~~2~~	~~3~~
~~26-50~~	~~8~~	~~4~~	~~6~~
~~51-75~~	~~13~~	~~6~~	~~8~~
~~76-100~~	~~17~~	~~8~~	~~13~~
~~101-150~~	~~25~~	~~12~~	~~19~~
~~151-200~~	~~35~~	~~18~~	~~26~~
~~201 and over~~	~~20 percent of actual parking spaces1~~	~~50 percent of EV capable spaces1~~	~~75 percent of EV capable spaces1~~

~~1. Calculation for spaces shall be rounded up to the nearest whole number.~~

~~2. Each EVCS shall reduce the number of required EV capable spaces by the same number.~~

~~3. At least one Level 2 EVSE shall be provided.~~

5.106.5.3.2 Electric vehicle charging stations (EVCS). Separate and in addition to the requirements of Section 5.106.5.3.1, fifteen (15) percent of the total number of parking spaces of Office and Retail Occupancies and ten (10) percent of the total number of parking spaces for all other nonresidential occupancies shall be EV capable spaces ~~shall be~~ provided with electric vehicle supply equipment (EVSE) to create EVCS ~~in the number indicated in Table 5.106.5.3.1~~. Calculation of required EVCS shall be rounded up to the nearest whole number. The EVCS required ~~by Table 5.106.5.3.1~~ by this section shall be provided with Level 2 EVSE or DCFC as permitted in Section 5.106.5.3.2.3. At least one minimum 6.6 kVA Level 2 EVSE shall be provided.

One EV charger with multiple connectors capable of charging multiple EVs simultaneously shall be permitted if the electrical load capacity required by Section 5.106.5.3.1 for each EV capable space is accumulatively supplied to the EV charger.

5.106.5.3.2.1 Receptacle configurations. 208/240V EV charging receptacles shall comply with one of the following configurations:

1. For 20-ampere receptacles, NEMA 6-20R
2. For 30-ampere receptacles, NEMA 14-30R
3. For 50-ampere receptacles, NEMA 14-50R

5.106.5.3.2.2 EV charger connectors. EV chargers shall be equipped with SAE J1772 with a maximum output 240 Volts AC or SAE J3400 connectors.

When using level 2 SAE J3400 SAE connectors, supplied by a 480 V 3-phase service, at least 20 percent of the EV charger connectors shall be SAE J1772 with a maximum output 240 Volts AC.

5.106.5.3.2.3 The installation of each DCFC EVSE shall be permitted to reduce the minimum number of required EV capable spaces without EVSE or EVCS with Level 2 EVSE by five, and reduce proportionally the required electrical load capacity to the service panel or subpanel.

5.106.5.3.2.4 The installation of two low power Level 2 EV charging receptacles shall be permitted to reduce the minimum number of ~~required~~ EV capable spaces ~~without EVSE~~ ~~in Table 5.106.5.3.1~~ required by Section 5.106.3.2.1 by one.

5.106.5.3.2.4.1 Raceway capacity requirements. To allow for future upgrades to the electrical conductors serving low power Level 2 charging receptacles, the listed raceway serving such receptacles shall be sized to allow the installation of a dedicated 208/240-volt 40-ampere branch circuit. Where no raceway is used, the conductors shall be sized to accommodate a 208/240-volt 40-ampere receptacle.

5.106.5.3.6 Electric vehicle charging stations (EVCS) - power allocation method. The power allocation method, based on occupancy classification, may be used as an alternative to the requirements in ~~Section 5.106.5.3.1, and~~ Section 5.106.5.3.2 ~~and associated Table 5.106.5.3.1~~. Use ~~Table 5.106.5.3.6~~ the following factors to determine the total power in kVA required based on the total number of actual parking spaces.

A. Office and Retail Occupancies: The product of the factor of 0.99kVA/parking space times the total number of parking spaces serving Office and/or Retail occupancies determines the total power in kVA for EVSE charging infrastructure required.

B. For occupancies other than Office and Retail occupancies: The product of the factor 0.66 kVA/parking space times the total number of parking spaces determines the power in kVA required for EVSE charging infrastructure required.

Power allocation method shall include the following:

1. Use any kVA combination of ~~EV capable spaces,~~ low power Level 2, Level 2 or DCFC EVSEs.
2. At least one Level 2 EVSE shall be provided.

3. Any remainder power allocation kVA from Section 5.106.3.6 Item (1) shall be converted to one additional low power Level 2 EVSE.

~~TABLE 5.106.5.3.6-EVCS—POWER ALLOCATION METHOD~~			
~~TOTAL NUMBER OF ACTUAL PARKING SPACES~~	~~MINIMUM TOTAL kVA @ 6.6 kVA~~	~~OTHER THAN OFFICE AND RETAIL TOTAL kVA REQUIRED IN ANY COMBINATION OF EV CAPABLE[3,4], LOW POWER LEVEL 2, LEVEL 2[1, 2], OR DCFC~~	~~OFFICE AND RETAIL TOTAL kVA REQUIRED IN ANY COMBINATION OF EV CAPABLE[4, 5], LOW POWER LEVEL 2, LEVEL 2[1, 2], OR DCFC~~
~~1-9~~	~~0~~	~~0~~	~~0~~
~~10-25~~	~~26.4~~	~~26.4~~	~~26.4~~
~~26-50~~	~~52.8~~	~~52.8~~	~~52.8~~
~~51-75~~	~~85.8~~	~~85.8~~	~~85.8~~
~~76-100~~	~~112.2~~	~~112.2~~	~~112.2~~
~~101-150~~	~~165~~	~~165~~	~~165~~
~~151-200~~	~~231~~	~~231~~	~~231~~
~~201 and over~~	~~20 percent if actual parking spaces x 6.6~~	~~Total required kVA = P × .20 × 6.6 Where P = Parking spaces in facility~~	~~Total required kVA = P × .20 × 6.6 Where P = Parking spaces in facility~~
~~1. Level 2 EVSE @ 6.6 kVA minimum.~~ ~~2. At least one Level 2 EVSE shall be provided.~~ ~~3. Maximum allowed kVA to be utilized for EV capable spaces is 75 percent.~~ ~~4. If EV capable spaces are utilized, they shall meet the requirements of Section 5.106.5.3.1 EV capable spaces.~~ ~~5. For office and retail buildings the maximum allowed kVA to be utilized for EV capable spaces is 25 percent.~~			

5.106.5.4.1 Existing buildings or parking areas without previously installed EV capable infrastructure [A]. When EV capable infrastructure does not exist at an existing parking facility or building, and the parking facility or building undergoes an addition or alteration listed in Section 5.106.5.4, construction shall include electric vehicle charging in compliance with ~~either~~ Section 5.106.5.3 ~~and associated Table 5.106.5.3.1, or Section 5.106.5.3.6 and associated Table 5.106.5.3.6~~ for the total number of actual parking spaces being added or altered.

5.106.5.4.2 Existing buildings or parking areas with previously installed EV capable infrastructure [A]. When EV capable infrastructure is available at an existing parking facility or building, and the parking facility or building is undergoing an addition or alteration listed in Section 5.106.5.4, construction shall include electric vehicle charging in compliance with ~~either~~ Section 5.106.5.3 ~~and associated Table 5.106.5.3.1, or Section 5.106.5.3.6 and associated Table 5.106.5.3.6~~. Install EVCS at all existing EV capable spaces, utilizing the existing allocated power and infrastructure for the total number of actual parking spaces being added or altered, prior to adding any new EV capable spaces. If the area being added or altered exceeds the existing EV capable capacity,

allocated power and infrastructure, provide additional EV charging as needed to comply with this section.

SECTION 5.405—MATERIAL SOURCES ~~(RESERVED)~~

5.405.1 Reduction in cement use. As allowed by the enforcing agency, cement used in concrete mix design shall be reduced not less than 25 percent. Products commonly used to replace cement in concrete mix designs include, but are not limited to:

1. Fly ash.
2. Slag.
3. Silica fume.
4. Rice hull ash.

Exception: Minimum cement reductions in concrete mix designs approved by the Engineer of Record may be lower where high early strength is needed for concrete products or to meet an accelerated project schedule.

5.408.3 Concrete, asphalt, excavated soil and land clearing debris. 100 percent of concrete, asphalt, trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed.

Exception: Reuse, either on-or off-site, of vegetation or soil contaminated by disease or pest infestation.

Notes:

1. If contamination by disease or pest infestation is suspected, contact the County Agricultural Commissioner and follow its direction for recycling or disposal of the material. (www.cdfa.ca.gov/)
2. For a map of known pest and/or disease quarantine zones, consult with the California Department of Food and Agriculture. (www.cdfa.ca.gov)

Section 8. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 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.

At a regular meeting of the Council of the City of Berkeley held on October 28, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

ADOPTION OF BERKELEY BUILDING CODES

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

The Department of Planning and Development is proposing that the City Council adopt the second reading of an Ordinance repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions.

The hearing will be held on November 18, 2025, 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 www.berkeleyca.gov as of **November 6, 2025**. **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 David Lopez, Chief Building Official, Manager of Building and Safety Division, Planning and Development Department, 510-981-7441.

Written comments should be mailed directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or emailed to 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. 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 for further information.

Published: October 31 and November 7, 2025 – The Berkeley Voice
Public hearing required per California Government Code section 50022.3

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 6, 2025.

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Mark Numainville, City Clerk
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Office of the City Manager

PUBLIC HEARING
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code for Consistency with State Law and Technical Edits (SLTE 2025)

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance amending the following sections of the Berkeley Municipal Code (BMC) to maintain consistency and accuracy:

- 23.202.030 Additional Permit Requirements (Residential)
- 23.202.050 R-1 Single Family Residential District
- 23.202.080 R-2 Restricted Two-Family Residential District
- 23.202.090 R-2A Restricted Multiple-Family Residential District
- 23.202.100 R-3 Multiple-Family Residential District
- 23.206.090 MU-R Mixed Use Residential District
- 23.326.030 Demolition of Residential Units
- 23.326.040 Eliminating Dwelling Units through Combination with Other Units

SUMMARY

As part of regular and routine updates, staff have prepared non-substantive Zoning ordinance amendments to maintain consistency and accuracy throughout the Zoning Ordinance and related BMC chapters.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Zoning Ordinance and related BMC Chapters are regularly reviewed for consistency with state laws related to land use and zoning. While some state laws may require more extensive amendments or require changes to the City's internal permitting

procedures to be consistent, the proposed zoning amendments constitute only minor technical amendments to maintain consistency.

The proposed Ordinance amendments are summarized below in Table 1:

Table 1 Policy Summary and Zoning Amendment Proposals

	Section	Section Title	Proposed Zoning Change	Ordinance Sections (Attachment 1)
1.	**23.202.030(A)**	**Additional Permit Requirements**	Codify existing practice of approving certain Residential Additions with a Zoning Certificate.	1
2.	**Tables 23.202-2; 23.202-5; 23.202-9; and 23.206-14**	**R-1, R-2, R-2A and MU-R Development Standards**	Clarification of maximum height being 35 *and* 3 stories.	2 3 4 6
3.	**Table 23.202-11**	**R-3 Development Standards**	Correct a transmittal error for lot coverage for interior and through lots (should be 40% coverage, not 30%).	5
4.	**23.326.030(D)(2)**	**Demolition of Residential Units**	Clarification of how Protected Unit is defined.	7
5.	**23.326.040(B)**	**Eliminating Dwelling Units through Combination with Other Units**	Clarify applicability of regulation by replacing the term “building,” with “Residential Unit(s).”	8

BACKGROUND

On October 12, 2021, the City Council passed Ordinance No. 7,787-N.S., a thorough revision of Title 23 of the Berkeley Municipal Code, to make the City’s Zoning Ordinance easier to understand and administer. The City Council gave staff direction to make minor changes to comply with state law or codify prior zoning interpretations. Staff were directed to regularly return to the Planning Commission and City Council with amendments necessary to maintain the integrity of the new Zoning Ordinance.

The proposed zoning amendments are part of the regular and routine maintenance of the Zoning Ordinance and include corrections and technical edits to ensure consistency throughout the Zoning Ordinance (***Attachment 1***).

At its meeting on October 8, 2025, the Planning Commission held a public hearing on the proposed amendments. The Commission unanimously recommended adoption of the proposed amendments.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed ordinance corrects errors, clarifies language and codifies existing practice. The proposed Zoning Ordinance amendments do not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendments would in no way have a significant effect on the environment, and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

RATIONALE FOR RECOMMENDATION

The proposed Zoning Ordinance amendments are required to ensure compliance with all applicable state laws and are necessary to maintain the integrity of the Zoning Ordinance and related BMC Chapters. All recommended changes either reflect ordinances that have previously been authorized by City Council, or that are required by state law.

ALTERNATIVE ACTIONS CONSIDERED

The Council could consider taking no action regarding the recommendations proposed by staff. In this scenario, Title 23 would remain unchanged, leaving the BMC inconsistent or outdated. This could lead to uncertainty or potentially lead to challenges in enforcement.

CONTACT PERSON

Robert Rivera, Senior Planner, Land Use and Development Department, (510) 981-7480

Attachments:
1: Draft Ordinance
2: PC Staff Report 10-08-25
3: Public Hearing Notice

ORDINANCE NO. -N.S.
AMENDMENTS TO THE RESIDENTIAL DISTRICT CHAPTER (BMC 23.202), MANUFACTURING DISTRICT CHAPTER (BMC 23.206), AND DEMOLITION AND DWELLING UNIT CONTROL CHAPTER (BMC 23.326) TO CORRECT ERRORS, CLARIFY LANGUAGE, AND CODIFY EXISTING PRACTICE

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

Section 1. That BMC Section 23.202.030(A) is amended to read as follows:

A. **Residential Additions.** See Section 23.502.020(A) ("A" Terms) for residential addition definitions.

1. **Permits Required**.

(a) In the ES-R district, residential additions require permits as follows:

i. Residential additions up to 10 percent of lot area or 200 square feet, whichever is less: Zoning Certificate.

ii. Major residential additions more than 10 percent of lot area or 200 square feet, whichever is less: Use Permit.

(b) In the R-3, R-S, R-SMU and C-T districts within the Southside Plan boundaries, any residential addition requires a Zoning Certificate.

(c) In the R-1, R-2, R-2A and MU-R districts, any residential addition requires a Zoning Certificate.

~~(c)~~(d) In the R-1H, ~~R-1AH,~~ R-2H, and R-2AH, and the R-3 district outside the Southside Plan boundaries, and in the R-4, R-5 and R-BMU districts, residential additions require permits as follows:

i. Residential additions (up to 15 percent of lot area or 600 square feet, whichever is less): Zoning Certificate.

ii. Major residential additions (all other residential additions): AUP.

Section 2. That Table 23.202-2 R-1 Development Standards within BMC Chapter 23.202.050 is amended to read as follows:

Table 23.202-2 R-1 Development Standards

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area for New Lots, Minimum	5,000 sq. ft.	23.304.020 – Lot Requirements

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Usable Open Space 1,000 sq. ft. of Gross Residential Floor Area, Minimum	150 sq. ft.	23.304.090 – Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Main Building Height, Maximum		23.304.050 – Building Height
New Buildings and Additions	35 ft. and ~~or~~ 3 stories [1]	
Within 15 ft. of Rear Property Line	22 ft.	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	10	
Maximum	40	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front [1]	5 ft.	
Rear [1]	5 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	60%	23.304.120 – Lot Coverage
Notes: [1] Front and rear setbacks must add up to at least 20 feet.		

Section 3. That Table 23.202-5 R-2 Development Standards within BMC Chapter 23.202.080 is amended to read as follows:

Table 23.202-5: R-2 Development Standards

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		23.304.020 – Lot Requirements
New Lots	5,000 sq. ft.	

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Usable Open Space, Per 1,000 sq. ft. of gross residential floor area, Minimum	150 sq. ft.	23.304.090 – Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Main Building Height		23.304.050 – Building Height
New Buildings and Additions, Maximum	35 ft. and~~or~~ 3 stories	
Within 15 feet of Rear Property Line, Maximum	22 ft.	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	10	
Maximum	50	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front [1]	5 ft.	
Rear [1]	5 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	60%	23.304.120 – Lot Coverage
Notes: [1] Front and rear setbacks must add up to at least 20 feet.		

Section 4. That Table 23.202-9 R-2A Development Standards within BMC Chapter 23.202.090 is amended to read as follows

Table 23.202-9: R-2A Development Standards

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		
New Lots	5,000 sq. ft.	23.304.010 - Lot Requirements

Usable Open Space, pe_per 1,000 sq. ft. gross residential floor area Minimum	150_sq. ft	23.304.090 – Usable Open Space
Main Building Height		23.304.050 – Building Height
New Buildings and Additions, Maximum	35 ft. and~~or~~ 3 stories	
Within 15 ft. of Rear Property Line, Maximum	22 ft.	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	20	
Maximum	60	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front [1]	5 ft.	
Rear [1]	5 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	60%	23.304.120 – Lot Coverage
Notes: [1] Front and rear setbacks must add up to at least 20 feet.		

Section 5. That Table 23.202-11 R-3 Development Standards within BMC Chapter 23.202.100 is amended to read as follows

TABLE 23.202-11: R-3 DEVELOPMENT STANDARDS

BASIC STANDARDS	OUTSIDE OF SOUTHSIDE PLAN	WITHIN SOUTHSIDE PLAN	SUPPLEMENTAL STANDARDS
Lot Area, Minimum			23.304.020 – Lot Requirements
New Lots	5,000 sq. ft.	No minimum	
Per Group Living Accommodation Resident	350 sq. ft. [1]	No minimum	

Residential Density			23.106.100 – Residential Density
Minimum (du/acre)	No minimum	60	
Maximum (du/acre)	No maximum	No maximum	
Usable Open Space, Minimum			23.304.090 – Usable Open Space
Per Dwelling Unit	200 sq. ft.	150 sq. ft. per 1,000 sq. ft. of gross residential floor area	
Per Group Living Accommodation Resident	90 sq. ft.		
Floor Area Ratio, Maximum	No maximum	3.0	
Main Building Height, Average			23.304.050 – Building Height
New Buildings and Non-Residential Additions	35 ft. and 3 stories	45 ft.	
Residential Additions	16 ft. [2]		
Lot Coverage, Maximum			23.304.120 – Lot Coverage
Interior and Through Lot	1 Story: 45%	100%	
	2 Stories: 45%		
	3 Stories: 4~~3~~0%		
Corner Lot	1 Story: 50%	100%	
	2 Stories: 50%		
	3 Stories: 45%		
Lot Line Setback, Minimum			23.304.030 - Setbacks
Front	15 ft.	10 ft.	
Rear	15 ft.	10 ft.	
Interior Side	1st Story: 4 ft.	4 ft.	
	2nd Story: 4 ft.		
	3rd Story: 6 ft.		
Street Side	1st Story: 6 ft.	4 ft.	
	2nd Story: 8 ft.		

	3rd Story: 10 ft.		
Building Separation, Minimum	1st Story: 8 ft.	No minimum	23.304.040 – Building Separation in Residential Districts
	2nd Story: 12 ft.		
	3rd Story: 16 ft.		
Notes: [1] One additional resident is allowed for remaining lot area between 200 and 350 square feet. [2] Maximum 35 ft. with an AUP.			

Section 6. That Table 23.206-14 MU-R Development Standards within BMC Chapter 23.206.090 is amended to read as follows

Table 23.206-14: MU-R Development Standards

BASIC STANDARDS		**SUPPLEMENTAL STANDARDS**
Lot Area, Minimum		23.304.020 – Lot Requirements
New Lot	No minimum	
Per Live/Work Unit	1,250 sq. ft.	
Lot Width, Minimum	40 ft.	
Usable Open Space, Minimum		23.304.090 – Usable Open Space
Per 1,000 sq. ft. of gross residential floor area	150 sq. ft.	
Per Live/Work Unit	40 sq. ft.	
Floor Area Ratio, Maximum, Non-Residential	1.5 [1]	23.106.050 - Floor Area Ratio
Residential Density (DU/acre)		23.106.100 – Residential Density
Minimum	20	
Maximum	60	
Main Building Height, Maximum		23.304.050 - Building Height
Live/work	28 ft. and 3 stories [2]	
Residential or mixed-use [3]	35 ft. and~~or~~ 3 stories	
Within 15 ft. of rear property line	22 ft.	

All other uses	35 ft. and 2 stories [4]	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front	5 ft.	
Rear	No minimum [5]	
Interior Side	No minimum	
Street Side	5 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	No maximum.	

Notes:
[1] Maximum 1.5 for buildings with 50 percent or more live/work floor area
[2] Maximum 35 ft. with a Use Permit.
[3] Mixed use is defined here as a building with 50 percent or more of gross floor area used for residential (including live/work) purposes.
[4] Maximum 3 stories for arts/craft studios and light manufacturing (with no other non-residential uses) on a block without dwelling units.
[5] Minimum 5 ft. if rear of lot abuts a street.

Section 7. That BMC Section 23.326.030(D)(2) is amended to read as follows:

2. In the event that a demolished Residential Unit is not a Protected Unit under BMC 23.326.020(A)(5)(a) or (b) and the income of the displaced household is unknown, the Residential Unit shall be presumed to have been occupied by Low- or Lower-Income renter households in the same proportion as Residential Units throughout the City. The City shall rely upon US Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy (CHAS) data to determine the number of such Residential Units that must be replaced with Affordable Units as defined in Chapter 23.328.

Section 8. That BMC Section 23.326.040(B)(1) is amended to read as follows:

1. The ~~building~~ Residential Unit(s) was removed from the rental market through a no-fault eviction during the preceding five years; or

Section 9. 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.

Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: October 8, 2025

TO: Members of the Planning Commission

FROM: Robert Rivera, Senior Planner

SUBJECT: Amendments to Title 23 for Consistency with State Law and Technical Edits (SLTE 2025)

RECOMMENDATION

Conduct a public hearing, receive public comment, and upon conclusion make a recommendation to City Council on proposed amendments to Title 23 (***Attachment 1***). The proposed changes apply to the sections of the Berkeley Municipal Code (BMC) listed below:

- 23.202.030 Additional Permit Requirements (Residential)
- 23.202.050 R-1 Single Family Residential District
- 23.202.080 R-2 Restricted Two-Family Residential District
- 23.202.090 R-2A Restricted Multiple-Family Residential District
- 23.202.100 R-3 Multiple-Family Residential District
- 23.206.090 MU-R Mixed Use Residential District
- 23.326.030 Demolition of Residential Units
- 23.326.040 Eliminating Dwelling Units through Combination with Other Units

SUMMARY

As part of regular and routine updates, staff has prepared non-substantive Zoning Ordinance amendments to maintain consistency and accuracy throughout the Zoning Ordinance.

CURRENT SITUATION AND ITS EFFECTS

The Zoning Ordinance is regularly reviewed for consistency with state laws related to land use and zoning. While some state laws may require more extensive amendments or require changes to the City's internal permitting procedures to be consistent, the proposed zoning amendments constitute only minor technical amendments to maintain consistency.

BACKGROUND

On October 12, 2021, the City Council passed Ordinance No. 7,787-N.S., which replaced Title 23 of the Berkeley Municipal Code and adopted a new Title 23 to make the City's Zoning Ordinance easier to understand and administer. The City Council gave staff direction to make minor changes to comply with state law or codify prior zoning interpretations. Staff was directed to regularly return to the Planning Commission and City Council with amendments necessary to maintain the integrity of the new Zoning Ordinance.

The proposed zoning amendments are part of the regular and routine maintenance of the Zoning Ordinance and include corrections and technical edits to ensure consistency throughout the Zoning Ordinance. **(*Attachment 1*)**

DISCUSSION

The proposed zoning amendments are technical, non-substantive changes intended to correct errors, clarify language, and codify existing practices. The following revisions are proposed:

Table 1 Policy Summary and Zoning Amendment Proposals

	Section	Section Title	Proposed Zoning Change	Ordinance Sections (Attachment 1)
1.	**23.202.030(A)**	**Additional Permit Requirements**	• Codify Existing Practice	1
2.	**Tables 23.202-2; 23.202-5; 23.202-9; 23.206-14;**	**Development Standards**	• Clarification of maximum height being 35 *and* 3 stories.	2 3 4 6
3.	**Table 23.202-11**	**Development Standards**	• Correct a transmittal error for lot coverage for interior and through lots. 3 stories should permit a 40% coverage not 30%.	5
4.	**23.326.040(B)**	**Eliminating Dwelling Units through Combination with Other Units.**	• Correct the term building which should be Residential Unit(s)	7

	Section	Section Title	Proposed Zoning Change	Ordinance Sections (Attachment 1)
5.	**23.326.030(D)(2)**	**Demolition of Residential Units**	• Clarification of the application of the section condition	8

ENVIRONMENTAL REVIEW

The proposed ordinance corrects errors, clarifies language and codifies existing practice. The proposed Zoning Ordinance amendments do not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendments would in no way have a significant effect on the environment, and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

NEXT STEPS

Upon a recommendation from the Planning Commission, the City Council will conduct a public hearing on the proposed ordinance.

CONTACT PERSON

Robert Rivera, Senior Planner, Planning and Development Department, 510-981-7480

ATTACHMENTS

1. Draft Planning Commission Resolution

   Exhbit A. Zoning Ordinance Amendments
2. Public Hearing Notice

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
AMENDMENTS TO BMC TITLE 23 ZONING

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

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, November 18, 2025** at **6:00 P.M.** a public hearing will be conducted to consider the Planning and Development Department proposal to amend the following sections of the City's Zoning Ordinance (Title 23) in order to maintain consistency and accuracy throughout the Berkeley Municipal Code (BMC). The proposed amendments do not include any substantive policy changes.

- 23.202.030 Additional Permit Requirements (Residential)
- 23.202.050 R-1 Single Family Residential District
- 23.202.080 R-2 Restricted Two-Family Residential District
- 23.202.090 R-2A Restricted Multiple-Family Residential District
- 23.202.100 R-3 Multiple-Family Residential District
- 23.206.090 MU-R Mixed Use Residential District
- 23.326.030 Demolition of Residential Units
- 23.326.040 Eliminating Dwelling Units through Combination with Other Units

The hearing will be held on November 18, 2025 at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Robert Rivera, Senior Planner at (510) 981-7480

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of November 06, 2025. **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.**

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 in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in

the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

Published: November 7, 2025 – The Berkeley Voice

Public Hearing required by BMC 23.412.050 and Govt Code 65853; notice provided according to Govt Code 65090 and BMC 23.404.040.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 06, 2025.

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Mark Numainville, City Clerk
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Berkeley City Councilmember, Mark Humbert, District 8
mhumbert@cityofberkeley.info
Berkeley Mayor, Adena Ishii
Berkeley City Councilmember, Rashi Kesarwani, District 1
Berkeley City Councilmember, Cecilia Lunaparra, District 7
2180 Milvia Street, 5th Floor
Berkeley, CA 94704

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ACTION CALENDAR
November 18, 2025

To: Members of the Berkeley City Council

From: Councilmember Mark Humbert (Author), Mayor Adena Ishii (Co-Author), Councilmember Rashi Kesarwani (Co-Author), Councilmember Cecilia Lunaparra (Co-Author)

Subject: Pausing City of Berkeley authorization for Mills Act Agreements

RECOMMENDATION

Adopt a Resolution pausing the City of Berkeley's authorization to use Mills Act Agreements for historic property preservation, deferring or denying all pending applications as of November 19, 2025, and allowing existing contracts to expire without renewal unless the City Council takes future action to reauthorize the program.

FINANCIAL IMPLICATIONS

Mills Act contracts reduce City property tax revenues by providing tax relief to participating property owners. At a time when Berkeley faces significant short-term budget shortfalls and long-term structural deficits, pausing the program will prevent further erosion of the property tax base and allow existing contracts to expire naturally over their remaining terms, gradually restoring full property tax revenues to the City. Passing this item would also reduce staff time associated with the preparation and execution of Mills Act Agreements. This item would therefore incur no increased costs for the City and may, to a degree, improve the City's financial circumstances.

BACKGROUND

The Mills Act (California Government Code §50280 et seq.) was introduced in response to the potential demolition of the historic Hotel Del Coronado in southern California.[1] This State law authorizes, but does not require, cities to enter into contracts with owners of qualified historical properties to provide property tax reductions in exchange for commitments to maintain and restore the properties' historical characteristics. The Berkeley City Council authorized participation in the Mills Act program through Resolution No. 59,355-N.S. on February 24, 1998, enabling property owners to apply

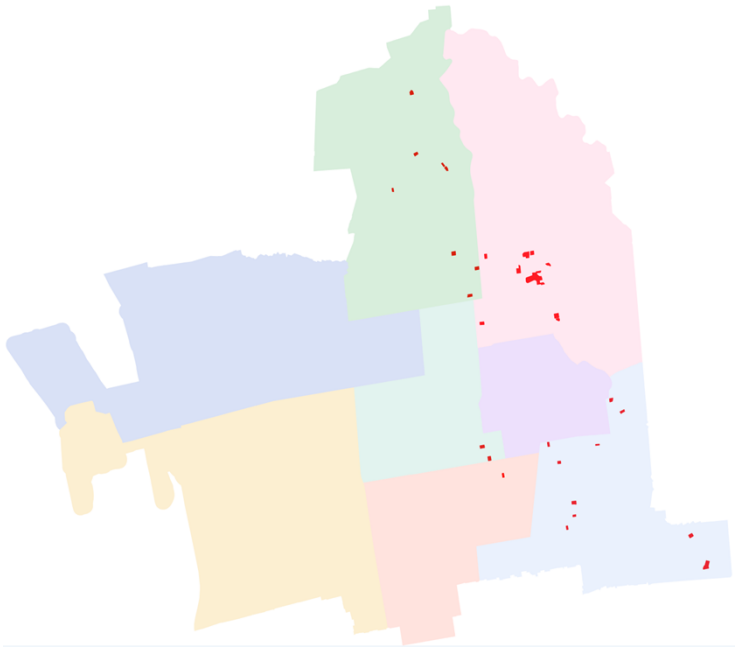
[1] Los Altos History Museum, *Historic Properties and the Mills Act Subject of History Museum Program*,https://www.losaltoshistory.org/2021/04/historic-properties-and-the-mills-act-subject-of-history-museum-program/, Accessed on October 9, 2025.

for these agreements. That original resolution included provisions empowering the City Manager to defer new and pending Mills Act contracts during times of fiscal distress.

CURRENT SITUATION AND ITS EFFECTS

As authorized by the City Council in 1998, the City currently administers multiple Mills Act Agreements. However, it is unclear whether that property tax relief is effectively promoting historic preservation that would not otherwise occur.

Berkeley's high home values and land values, combined with existing demolition prohibitions for designated landmarks, raise questions about whether the tax incentive is necessary to achieve preservation goals and whether the tax incentive is successful in achieving our preservation goals by supporting resource-limited property owners. Furthermore, available data indicate that the majority of Mills Act agreements are concentrated in high-resource areas of Berkeley.[2]



The City does not currently maintain a formal, publicly-accessible database or list of Mills Act agreements in Berkeley. Thankfully, citizen data sleuths have investigated this issue and created informal lists of such agreements, subject properties, estimated tax revenue losses, and what if any permits have been pulled for work on these properties. And the Landmarks Preservation Commission has also been investigating the cost/benefit balance of maintaining Mills Act Agreements.

These citizen-collected data indicate that the City currently has 47 Mills Act Agreements with a total net cost to the City of approximately $600,000 annually. Moreover, in many cases, it is unclear at best whether these tax breaks have resulted in work essential to historic preservation. In many cases, the permits pulled for subject properties appear unrelated to the preservation of historic elements and instead include items such as

[2] Jeffrey Baker, *Berkeley Mills Act Parcels*, https://observablehq.com/@jwb/berkeley-mills-act-parcels, Accessed on October 9, 2025.

furnace replacement, solar panel installation, and interior remodels. In some cases, properties have received a tax benefit but appear not to have undergone any maintenance that required a City permit.[3]

RATIONALE FOR RECOMMENDATION

Pausing the Mills Act program is warranted for several reasons:

- Berkeley has already codified prohibitions on the demolition of designated City landmarks, providing a regulatory backstop for historic preservation without requiring tax subsidies.
- The City's high property values generally ensure that only those with the means to maintain historic properties can purchase them, reducing the need for financial incentives.
- The concentration of Mills Act contracts in high-resource areas raises equity concerns about the distribution of tax benefits.
- Given Berkeley's severe budget challenges, the ongoing revenue loss from Mills Act contracts exacerbates fiscal deficits. And the original 1998 resolution anticipated such circumstances by authorizing deferral during fiscal distress, making this action consistent with the program's original framework.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Historic preservation can, in some cases, support environmental sustainability by promoting the reuse and maintenance of existing building stock rather than demolition and new construction, which typically involves significant embodied carbon and resource consumption—although these environmental benefits may be outweighed through improved energy efficiency, removal of hazardous materials (e.g., lead paint), and increased housing in areas with jobs and transit access.

Nevertheless, this resolution does not eliminate Berkeley's historic preservation protections, as demolition prohibitions for designated landmarks remain. The pause of Mills Act Agreements addresses the financial mechanism for incentivizing preservation rather than the underlying preservation requirements themselves, and therefore would not significantly impact the City's environmental sustainability or climate goals.

POSSIBLE FUTURE ACTION

The City Council may choose to reauthorize the Mills Act program in the future if fiscal conditions improve or if the program can be restructured to better serve the City's goals.

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[3] Jeffrey Baker, *Berkeley Mills Act Contracts*, https://docs.google.com/spreadsheets/d/14OpRkSEjTsBovxD9Rb6eP0kOhUrFPCJ2_HEHl2xsSA0/edit?gid=0#gid=0, Accessed on October 9, 2025.

Potential modifications could include enhanced monitoring and accountability measures, income-based eligibility requirements to improve equity, concentration on properties facing genuine preservation threats, or limitations on the number or geographic distribution of contracts. The Council could also consider establishing performance metrics and requiring detailed preservation plans before approving future agreements. Any reauthorization would require Council action through a subsequent resolution.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

If the City Council chooses to reauthorize the Mills Act program in the future, there would be renewed fiscal impacts in the form of reduced property tax revenues from newly executed contracts. The magnitude of impact would depend on the number, assessed value, and tax reduction percentage of approved agreements. A restructured program with tighter eligibility criteria or caps on total contracts could limit fiscal exposure. Conversely, maintaining the current pause would allow property tax revenues to gradually return to full assessment levels as existing contracts expire, improving the City's long-term fiscal position. Any future reauthorization should include a fiscal analysis estimating the revenue impact based on the proposed program specifics.

CONTACT PERSON

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

Attachments

1. *February 24, 1998 Resolution no. 59,355- N.S. Authorizing the use of Mills Act agreements for historic property preservation*
2. *Table showing citizen-created list of City of Berkeley Mills Act Agreements and associated information/cost estimates. (Provided courtesy of Jeffrey Baker and City of Berkeley Landmarks Commissioner Paul Schwartz)*

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

PAUSING CITY OF BERKELEY AUTHORIZATION FOR MILLS ACT AGREEMENTS

WHEREAS, California Government Code Sections 50280 et seq. (commonly known as the Mills Act) authorizes, but does not require cities to enter into contracts with the owners of qualified historical property to provide for such property's use, maintenance, and restoration as to retain its characteristics as property of historical significance; and

WHEREAS, the Council of the City of Berkeley authorized the use of Mills Act Agreements for historic property preservation in Resolution No. 59,355- N.S. on February 24, 1998; and

WHEREAS, the Mills Act was originally introduced in response to the potential demolition of the historic Hotel Del Coronado in southern California; and

WHEREAS, the City of Berkeley already has codified prohibitions on the demolition of designated City of Berkeley landmarks; and

WHEREAS, Berkeley home prices and land values generally preclude those who cannot afford to maintain historic properties from purchasing them; and

WHEREAS, the majority of Mills Act contracts in Berkeley are for parcels in high-resource areas of the city; and

WHEREAS, the City of Berkeley faces significant short-term budget shortfalls and long-term, structural budget deficits; and

WHEREAS, Mills Act contracts reduce City property tax revenues, thereby exacerbating budget shortfalls; and

WHEREAS, this directive is consistent with provisions of the original February 24, 1998 Mills Act enabling resolution NO. 59,355- N.S. from the Berkeley City Council, which empowered the City Manager to defer new and pending Mills Act contracts during times of fiscal distress.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley revokes authorization of the use of the agreements for historic property preservation as specified in California Government Code Sections 502008, et seq., for qualified historical properties as of November 19, 2025.

BE IT FURTHER RESOLVED, that all pending applications as of the effective date hereof (November 19, 2025) shall be deferred or denied unless and until the City Council takes further action to reauthorize the use of the agreements for historic property preservation as specified in California Government Code Sections 502008, et seq., for qualified historical properties.

BE IT FURTHER RESOLVED, that any existing Mills Act Contracts shall be allowed to expire at the end of their contract terms and shall not be considered for renewal unless and until the City Council takes further action to reauthorize the use of the agreements for historic property preservation as specified in California Government Code Sections 502008, et seq., for qualified historical properties.

BE IT FURTHER RESOLVED, that City staff are directed to update the City website to indicate that Mills Act Agreement applications are no longer being accepted and to remove application forms and materials.

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

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ACTION CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin (author), Councilmember Kesarwani (co-sponsor), and Councilmember Humbert (co-sponsor)

Subject: Unmanned Aerial Systems and Drones as First Responders

RECOMMENDATION

Refer to the City Manager the initiation of the process outlined by BMC 2.99: Surveillance Technology Ordinance (STO) for the Berkeley Police Department (BPD) to acquire and use Unmanned Aerial Systems (UAS), including Drones as First Responders (DFR), consistent with all auditing, transparency, data and privacy protections required for all use policies and acquisition reports under the STO.

POLICY COMMITTEE RECOMMENDATION

On October 16, 2025 the Public Safety Committee adopted the following action: M/S/C (Kesarwani/O'Keefe) to send the item with a positive recommendation to Council.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley, like many municipalities, is navigating the dual challenge of increasing public safety demands and constrained departmental resources. At the same time, the public expects rapid, transparent, and equitable responses to emergencies, complex incidents, and quality-of-life issues.

In this context, Unmanned Aerial Systems (UAS) and Drones as First Responders (DFR) are emerging as tools with the potential to significantly enhance public safety operations, emergency response capabilities, and resource efficiency. Many jurisdictions—including San Francisco, Richmond, Santa Monica, and Alameda County—have implemented such programs to reduce response times, improve situational awareness, and increase officer and community safety.

In 2023, BPD completed an STO process, allowing requests for drone mutual aid from other agencies. Those deployments have successfully protected the lives of community members, suspects, and officers. However, reliance on outside agencies restricts availability, creates unpredictable costs, and prevents the development of a DFR program. To realize the full benefits of drone technology, Berkeley should move toward acquiring its own systems.

As interest in UAS and DFR capabilities grows—particularly for applications such as search and rescue, disaster response, and crime scene documentation—it is critical that Berkeley move proactively, ensuring any exploration or potential implementation is rooted in community values, transparency, and civil liberties.

BACKGROUND

Across California and the United States, local governments and public safety agencies are adopting Unmanned Aerial Systems (UAS) and Drones as First Responders (DFR) to address evolving operational challenges. These technologies are increasingly viewed as critical tools for supporting effective, timely, and equitable emergency response, especially in cities facing staff shortages, high service demands, and climate-related emergencies.

UAS are remotely piloted aircraft systems typically operated by trained personnel during active incidents to support operations such as search and rescue, missing persons cases, traffic collision investigations, and crime scene documentation. More advanced models of deployment—such as DFR—enable drones to be autonomously dispatched from pre-positioned locations in response to 911 calls, often arriving before human responders and streaming live video to dispatch and field units. This real-time aerial intelligence can help prevent unnecessary use of force, support de-escalation, and reduce officer risk.

Peer jurisdictions—including San Francisco, Richmond, Santa Monica, and Alameda County—have implemented drone programs to enhance operational capacity while maintaining strong public accountability. This referral authorizes the City Manager to evaluate the feasibility of a drone program to assess its technical, legal, and financial dimensions, as well as its potential benefits and risks in Berkeley. Early conversations have identified applications for multiple City departments, including disaster response, infrastructure inspection, and environmental monitoring.

Establishing a citywide UAS program is a proactive step that allows Berkeley to thoughtfully assess whether, how, and under what conditions such technology may be used.

RATIONALE

The development of a citywide Unmanned Aerial Systems (UAS) Use Policy is both a timely and necessary step for ensuring that emerging public safety technologies are evaluated through the lens of transparency, equity, and community oversight.

As the capabilities of drones continue to evolve and their adoption by peer cities increases, Berkeley has the opportunity to proactively shape policy rather than react to technological change. Establishing a thoughtful, community-informed framework ensures that any future deployment of drones—whether by the Police Department, Fire Department, or other City divisions—aligns with Berkeley's values of racial justice, civil liberties, and environmental responsibility.

Drone technologies can provide clear benefits: faster and safer emergency response, improved situational awareness, enhanced de-escalation, and more efficient allocation of limited personnel.

They can also support climate resiliency and disaster preparedness by enabling real-time damage assessments and safe inspections of inaccessible infrastructure.

However, these tools are not without risk. Improper or unregulated use could lead to violations of privacy, disproportionate surveillance of marginalized communities, disruption to wildlife, or erosion of public trust. A UAS Use Policy must therefore include robust safeguards consistent with the STO: clear delineation of use, accountability mechanisms, transparency in flight activity, and annual reporting on impacts and outcomes.

In authorizing the City Manager to lead this policy development process, the City Council ensures that the exploration of drone programs proceeds deliberatively, inclusively, and under public oversight. Guided by the STO, this referral lays the groundwork for a policy that is not only operationally effective but also democratically legitimate and reflective of the needs and rights of Berkeley residents. Submitting a UAS acquisition report and use policy will support informed, collaborative, and accountable exploration of this technology across departments, and ensure that any deployment aligns with Berkeley's commitment to public trust, environmental stewardship, and racial and social equity.

As outlined in the STO, the use policy, and acquisition report shall include:

- An interdepartmental assessment of potential operational uses by public safety and non-public safety departments;
- Consideration of technical requirements, legal and regulatory frameworks, civil liberties and privacy protections, and equity implications;
- Community engagement and best practices for transparency and accountability.
- Updates on training and data handling procedures.
- A requirement for annual public reports detailing:
    - instances of drone deployment;
    - departmental uses and impacts on operations;
    - community outcomes;
    - compliance audits.

FISCAL IMPACTS

Staff time will be required for the coordination and completion of the policy development and reporting framework. Any future proposals for equipment procurement, pilot programs, or department-level deployment would be subject to separate City Council review and approval, including full fiscal analysis at that stage.

The current referral does not refer funding for the procurement or implementation of any UAS or DFR system. It initiates a policy development process, which may be supported by existing department resources and informed by peer city frameworks.

Staff may also explore the availability of state, to support policy infrastructure development related to drone oversight, civil liberties protections, or emergency preparedness

ALTERNATIVES CONSIDERED

The City could defer engagement with drone policy or allow departments to act independently without a unifying framework. However, this risks uncoordinated use, inconsistent standards, and diminished public trust. Proactively developing a citywide policy ensures consistent standards, transparency, and safeguards before any implementation occurs.

CONTACT PERSON

Councilmember Taplin Council District 2 510-981-7120

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BERKELEY CITY AUDITOR

INFORMATION CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor

Subject: 2025 Audit Follow-up Status Update

INTRODUCTION

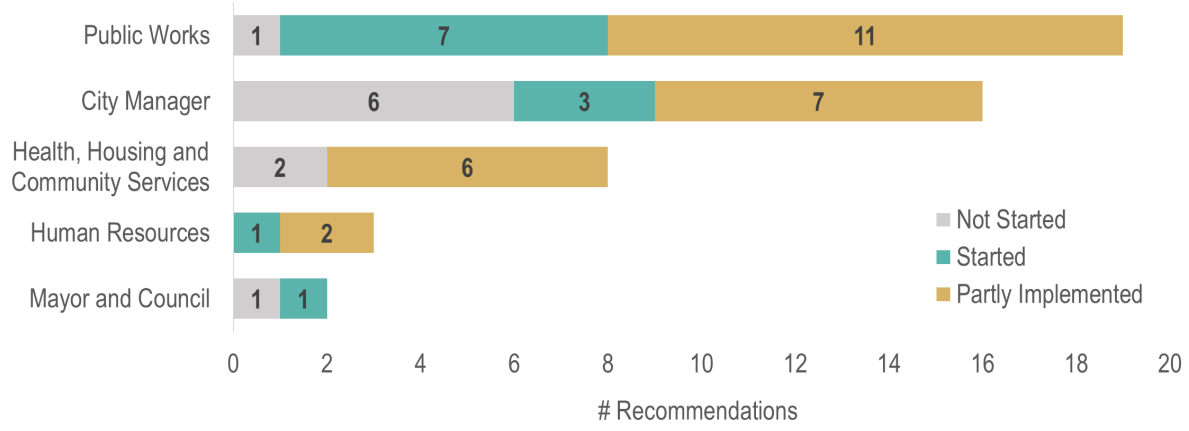
This item provides a status update on the audit follow-up of all recommendations since our last report on December 19, 2024. Administrative regulations require the City Auditor to monitor the status of outstanding audit recommendations and periodically report to City Council.

CURRENT SITUATION AND ITS EFFECTS

We follow up on audits to assess whether city departments implemented the audit recommendations. The Auditor's Office issues annual follow-up audit reports to City Council on the status of our recommendations.

As of October 28, 2025, there are currently 48 open recommendations across 4 departments as well as the Mayor and City Council. We additionally marked 23 outstanding audit recommendations as implemented this cycle. Departments have implemented 45 of the 94 (48 percent) audit recommendations released since 2020.[1] Compared to the last follow-up period's implementation rate of 37 percent, the rate has increased by 11 percentage points.

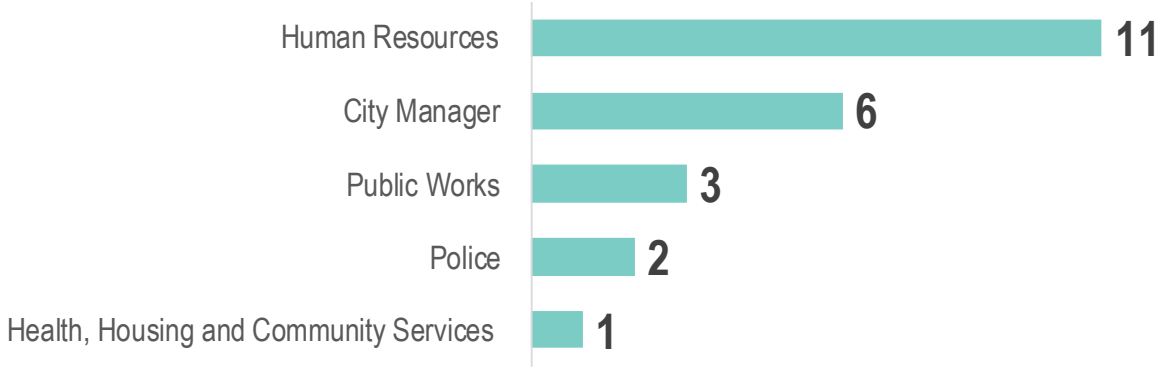
Figure 1. There are currently 48 open recommendations across 4 departments as well as the Mayor and City Council.



Source: Auditor's analysis

[1] The 2019 domestic violence policy audit is still open past the five-year mark to allow soon-to-be-implemented recommendations to be finalized. In this period, departments dropped 1 audit recommendation.

Figure 2. Departments have implemented 23 outstanding audit recommendations in this cycle.



Note: This reporting period covers November 7, 2024 through September 24, 2025.

Source: Auditor's Analysis

During this audit follow-up cycle of November 7, 2024 to September 24, 2025, we closed 3 out of 10 audits that were still open at the beginning of the period. Audits are closed when all recommendations are implemented, or if they are older than five years. After five years, recommendations that are not implemented are marked as "dropped" on the online dashboard. This cycle, we closed the 2022 police overtime audit[2] and the 2020 streets audit[3] after the Police Department and Public Works successfully implemented all remaining recommendations for each audit. We also closed the 2020 Berkeley Public Library audit[4] after all recommendations were implemented except for one. We dropped the final recommendation because it passed the five-year mark.

In this reporting period, Public Works provided their first update on our office's follow-up report on the 2009 audit of City leases,[5] which was released in January of this year. Since January, Public Works has started work on most of our recommendations. They now have a staff member filling the role of Real Property Administrator who is working with an interdepartmental team on a property management plan and leading the development of a complete central inventory of leases and licenses.

The City Manager's Office and Human Resources have made significant progress on the 2023 staff shortages audit.[6] In this period, the City Manager and Human Resources have each implemented 6 audit recommendations from this audit— bringing the overall number of implemented recommendations from 3 to 15 (out of 25 total). For example, HR launched a comprehensive training program for staff at all levels through NEOGOV Learn. This training program includes the Supervisor Learning Plan, a hybrid experience for supervisors and

[2] Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities
[3] Rocky Road: Berkeley Streets at Risk and Significantly Underfunded
[4] Berkeley Public Library Uses Tax Funds by the Book, But More Internal Controls Needed
[5] 2009 Leases Audit Follow-Up: Berkeley Faces the Same Risks 16 Years Later
[6] Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring

managers to learn how to be effective leaders in the City and support the overall City workforce. Another accomplishment includes city management's enhanced communication strategy, including department open houses, a weekly wrap-up email to all staff, online town halls, and annual manager meetings, to improve employee engagement.

Human Resources has also made strides on the 2019 domestic violence policy audit[7] and implemented 5 out of 6 total recommendations in this period alone. For example, HR recently launched the updated Administrative Regulation 2.21 titled "Leave Policy for Absence Related to Acts of Violence." The new policy incorporates model policy elements and includes comprehensive guidance for employees experiencing acts of violence.

The Health, Housing and Community Services' (HHCS) Environmental Health Division demonstrated progress on most recommendations from the 2024 restaurant inspections audit.[8] According to the Division, all high and very high risk facilities that were not inspected in 2023 have now been inspected, and they have established a baseline inspection target of at least one inspection per year per facility. However, the Division reversed their progress on one recommendation after removing information about food inspections that was previously provided on the City's Open Data Portal. The Division is reportedly transitioning to an upgraded database system and plans to enable public access to food facility inspection results, but the timeline for implementation is unclear.

BACKGROUND

The City Auditor's Office has a mission to promote transparency and accountability in Berkeley government. We conduct independent performance audits to evaluate city operations and programs and make recommendations to improve operations and services and ensure productive use of taxpayer funds. We focus on equitable, efficient, and effective use of city resources to achieve goals and objectives.

Following up on audit recommendations is an important part of the audit process that helps hold departments accountable for implementing agreed-upon audit recommendations. To further that goal, our office launched an online dashboard to track the status of outstanding audit recommendations in September 2022. Additional up-to-date information on each audit recommendation is available on our online dashboard on our website.

While we understand that some departments face staffing challenges that make it difficult to prioritize audit recommendations, not implementing the recommendations can mean that the City is not addressing the risks identified in audits or making needed improvements to operations or services.

[7] Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees
[8] Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

While there may be environmental impacts associated with some audit recommendations, there are no identifiable environmental effects or opportunities associated with the audit follow-up process.

CONTACT PERSON

Jenny Wong, City Auditor, (510) 981-6750

Attachment:
1: Recommendations Follow Up Report 2025

Annual Audit Recommendation Follow-Up Report



Status Update

October 28, 2025

BERKELEY CITY AUDITOR

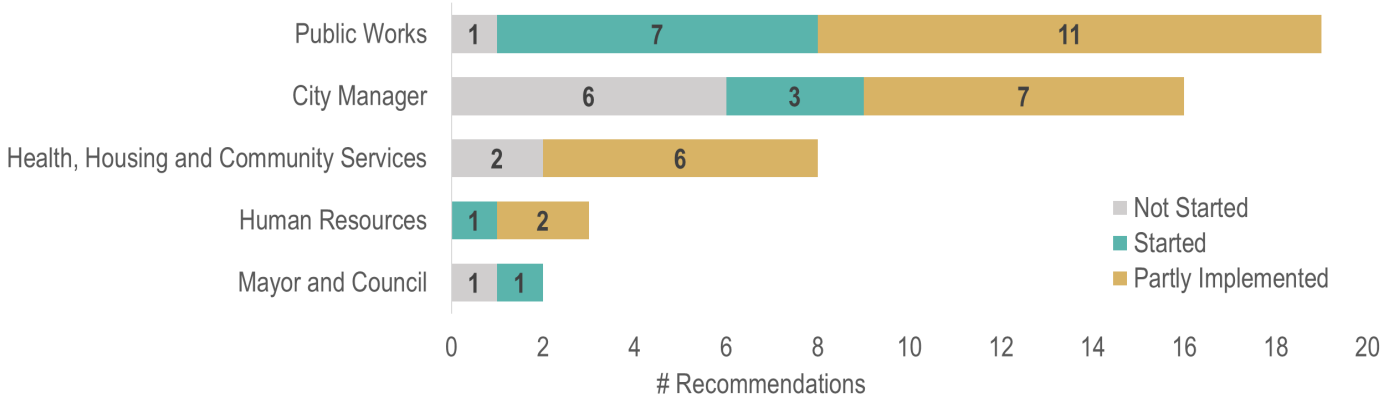
Background

The mission of the Berkeley City Auditor is to promote transparency and accountability. Each audit report we issue includes recommendations for how the audited department can serve Berkeley residents more equitably, efficiently, and effectively. Following up on audit recommendations helps hold departments accountable for implementing the improvements they agreed to. Additional up-to-date information on each audit recommendation is available on our online dashboard on our website.

Implementation Status of Recommendations

In our last audit follow-up report on December 19, 2024, there were 58 open recommendations. Since then, we have issued one performance audit which added six new recommendations and a follow-up report which re-opened eight recommendations from the 2009 Leases Audit.

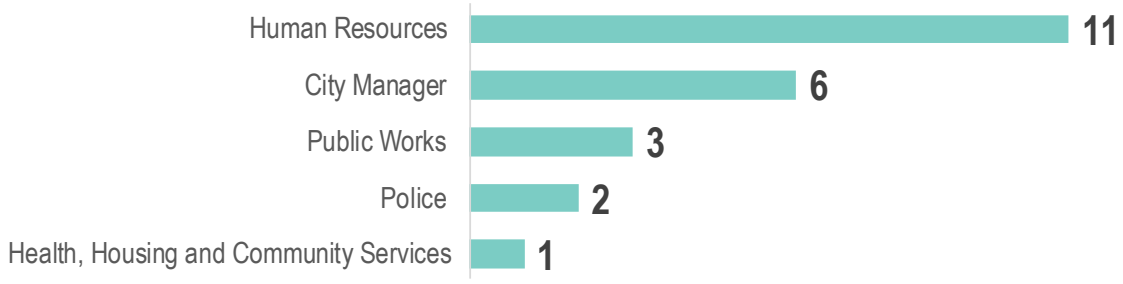
Figure 1. There are currently 48 open audit recommendations across 4 departments as well as the Mayor and City Council.



Source: Auditor's Analysis

Management has continued to make progress towards implementing open audit recommendations across 10 audits. During this reporting period, management has implemented 23 of the outstanding recommendations. However, the Berkeley Public Library dropped one partly implemented recommendation because it passed the five-year mark. This recommendation was the final outstanding recommendation from the 2020 Berkeley Public Library audit, so our office formally closed this audit.

Figure 2. Departments implemented 23 recommendations during this reporting period.



Note: This reporting period covers November 7, 2024 through September 24, 2025.

Source: Auditor's Analysis

We use the following statuses to report on the implementation of audit recommendations:

Implemented	Auditee has completely implemented the recommendations.
Partially Implemented	Auditee has implemented 50 percent or more of the recommendation.
Started	Auditee has started to address the recommendation but has not reached the 50 percent threshold.
Not Started	Auditee has not yet taken action to implement the recommendation.
Dropped	Auditee has accepted the risk to the city that the recommendation is meant to address and is unable or unwilling to implement the recommendation. Additionally, all open recommendations will be reported as dropped if they are not implemented within five years of audit issuance.[1]

Table 1. Status of Recommendations by Audit

Audit	Department	Issued Date	Implemented	Partially Implemented	Started	Not Started	Dropped	Total
Homeless Response Team: Opportunities Exist to Strengthen Procedures and Better Track Outcomes	City Manager	7/16/2025	0	0	0	6	0	**6**
2009 Leases Audit Follow-Up: Berkeley Faces the Same Risks 16 Years Later	City Manager, Finance, Public Works	1/24/2025	0	0	7	1	0	**8**
Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets	Health, Housing and Community Services	7/10/2024	1	6	0	2	0	**9**
Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring	City Manager, Human Resources, Mayor and Council	6/22/2023	15	5	4	1	0	**25**
Berkeley's Financial Condition FY 2012-FY2021: Pension Liabilities and Infrastructure Need Attention	City Manager (Budget Office), Finance, Public Works	5/5/2022	1	3	1	0	0	**5**
Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities	Police	3/3/2022	12	0	0	0	0	**12**
Fleet Replacement Fund Short Millions	Public Works	6/2/2021	1	11	0	0	0	**12**
Rocky Road: Berkeley Streets at Risk and Significantly Underfunded	Public Works	11/19/2020	5	0	0	0	0	**5**
Berkeley Public Library Uses Tax Funds by the Book, But More Internal Controls Needed	Library	8/27/2020	5	0	0	0	1	**6**
Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees	Human Resources	10/10/2019	5	1	0	0	0	**6**

[1] The 2019 domestic violence policy audit is still open past the five-year mark to allow soon-to-be-implemented recommendations to be finalized.

Mission Statement

Promoting transparency and accountability in Berkeley government.

City Auditor

Jenny Wong

Performance Audit Team

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Erin Mullin, Audit Manger
Pauline Miller, Auditor II
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Cover photograph provided by the City of Berkeley

BERKELEY CITY AUDITOR

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BERKELEY CITY AUDITOR

INFORMATION CALENDAR
November 18, 2025

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor

Subject: Independent Third-Party Audit of the Payroll Audit Division

INTRODUCTION

We present a performance audit of our Payroll Audit Division's operations. The government auditing standards we adhere to require that we assess all potential threats to our independence at the beginning of an audit and design appropriate safeguards. Placement of the Payroll Audit Division within our office means that we can't audit payroll activities in accordance with audit standards because of an appearance of lack of independence. To safeguard our independence as we have done in prior years, we contracted with independent third-party auditor GPP Analytics to conduct this audit.

CURRENT SITUATION AND ITS EFFECTS

Overall, GPP found that the Payroll Audit's procedures ensured City employees received accurate pay and benefits in the sample data they tested. GPP also found that Payroll Audit's staff and management demonstrated a detailed command of critical payroll elements within their complex operating environment. They correctly applied various payroll, labor, and statutory rules, ensuring high-risk components of each payroll are handled accurately despite system constraints. GPP also noted that Payroll Audit works proactively to ensure timely, accurate processing of payroll.

GPP cited some areas of concern related to Payroll Audit's payroll manual that became outdated when the City implemented its new financial system (ERMA). Payroll Audit initially waited to update the manual to have time to learn the complex new system and include information about it in the manual. Once ERMA was implemented, payroll errors from department payroll clerks increased from an average of 6.7 percent to 94.5 percent. This significantly increased Payroll Audit's workload to correct the errors, limiting the resources they could dedicate to updating the manual while also needing to ensure accurate biweekly payroll. GPP also found that manual transcription and prefilled timecards introduced inefficiencies and risk of error, and identified data security risks that the City needs to address. However, GPP did not find any material errors that weren't previously identified and corrected by the Payroll Audit Division.

As GPP observed, an important consideration for implementing the recommendations is that Payroll Audit functions within a broader system of rules and regulations, but does not have authority to interpret or change them. Payroll Audit's role is limited to applying employee pay rules as interpreted by Human Resources and city management. The payroll process also requires technology systems that involve collaboration with Information Technology.

With those considerations in mind, GPP made seven recommendations to our office to consider for strengthening controls and mitigating risks surrounding the payroll process, including the following:

- Work with the City Manager's Office, Human Resources, Information Technology, and stakeholder departments to develop and maintain a single Citywide Payroll Policy and Procedure Manual.

- Request that the City Manager's Office and the Information Technology Department re-prioritize the implementation of an electronic timekeeping system.

- Work with the City Manager's Office and the Information Technology Department to ensure that if an electronic timekeeping system is implemented, it prohibits departments from using prefilled timecards within the system.

BACKGROUND

The City of Berkeley's Payroll Audit Division organizationally sits within the City Auditor's Office . While the Payroll Audit Division is one of the smaller divisions in terms of staff, it has one of the largest jobs: processing biweekly payroll for the approximately 1,800 individuals employed by the City. In fiscal year 2025, personnel costs represented approximately 65 percent of the City's General Fund budget, and the Payroll Audit Division processed approximately 46,800 checks and direct deposits.

We periodically initiate independent third-party audits of the Division's internal controls to ensure there are sufficient safeguards against fraud, waste, and abuse, and to ensure pay is accurate and complies with policies and regulations. The timing of this audit was strategic due to the anticipated retirements of several Payroll Audit staff. The Division has also experienced significant changes in operations with the implementation of the City's new financial and payroll system ERMA. This was an opportune time to identify areas for improvement to ensure that Payroll Audit has the controls in place to consistently produce accurate, timely payroll.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The payroll process as it currently exists is a labor-intensive, manual, and partly paper-based process. The City would make progress toward its sustainability goals by adopting electronic payroll processes where possible.

POSSIBLE FUTURE ACTION

Some of the report's key findings require the Payroll Audit to collaborate with other departments to strengthen safeguards related to payroll and ensure ongoing timely, correct pay for City employees. Payroll Audit will facilitate this collaboration to implement the recommendations.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Implementing the recommendations from this audit will require dedication of staff resources and possible funding to address data system issues. Implementation will progress as resources allow.

CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

Attachments:

1: Audit Report: Independent Third-Party Audit of the City of Berkeley's Payroll Audit Division

GPP Analytics
Government Performance & Policy

Independent Third-Party Audit of the City of Berkeley's Payroll Audit Division

for the City of Berkeley

October 16, 2025

GPP Analytics Inc.
(805) 242-2071
info@gppanalytics.com

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AUDITEE RESPONSE LETTER **31**

Transmittal Letter

Dear City Auditor Wong,

We are pleased to present the audit report for the Independent Third-Party Audit of the City of Berkeley's Payroll Audit Division conducted by GPP Analytics Inc. for the City of Berkeley California.

Our audit was conducted in compliance with the Generally Accepted Government Auditing Standards (GAGAS) of the U.S. Government Accountability Office.

The primary objective of our audit was to evaluate the effectiveness of the Payroll Audit Division's internal controls against fraud, waste, and abuse, and to ensure the accuracy and fairness of payroll practices in compliance with relevant policies and regulations.

The following is a summary of the audit findings in the report:

Finding 1: Updating and Maintaining a City-Wide Payroll Manual Would Improve Consistency and Lower Compliance Risk. The City's only city-wide payroll manual is from 2011 and does not reflect ERMA/Tyler Munis or more recent labor agreements. Departments have filled the void with their own procedures, creating risk of variability and added workload. We recommend that the Payroll Audit Division, with support from the City Manager's Office, Human Resources, Information Technology, and other departments, develop and maintain a single, detailed payroll policy and procedure manual. It should include ERMA workflows, practical guidance for applying MOUs, clearly assigned roles, and a recurring review cycle at least every three years or after significant system or contract changes.

Finding 2: Time is Manually Transcribed and an Electronic Time Entry System Would Reduce Errors and Save Time. Across departments, including Police and Fire, hours are re-typed into ERMA from paper or separate systems (CAREWARE and TeleStaff). Manual transcription is inefficient and increases the risk of discrepancies. We estimate departmental payroll clerks spend about 5,299 hours per year on transcribing data into ERMA. We recommend implementing electronic time entry and integrating Police and Fire scheduling data with ERMA so that time flows system-to-system and staff effort can shift from typing to review and validation.

Finding 3: Prefilled Timecards Lead to More Adjustments. Some departments submit prefilled timecards before the pay period ends. In our random sample of 30 timecards, three (10%) required correction. Prefilling increases the chance that actual hours will differ from what was submitted. We recommend implementing electronic time entry to eliminate forecasting. Until then, departments that use prefilled timecards should send an end-of-period reminder prompting employees to review and confirm entries before clerks submit them.

Finding 4: Finding Involving Sensitive Security Information. *The details of this finding are issued as a separate confidential report due to sensitive security information that could be used to harm the City. The finding addresses opportunities for improvement and risk reduction.*

In addition to the four findings, this audit report includes a section titled **Other Pertinent Information** for observations and information that fall outside of the normal finding structure.

We Identified One Case That Warrants Further Review Regarding How Salaries Are Calculated and Displayed in ERMA: One test case during our audit showed allowances and one-time stipends were entered in a way that caused ERMA to overstate the displayed annual salary of an employee by more than five times the

actual amount, even though the employee was paid correctly. We suggest working with Information Technology and the system vendor to determine if this is an isolated configuration/data-entry issue.

Security sensitive topic. *The details of this section are issued as a separate confidential report due to sensitive security information that could be used to harm the City. The section addresses opportunities for improvement and risk reduction.*

We appreciate the cooperation and assistance provided by the staff. Their support was instrumental in the successful completion of this audit.

Sincerely,

Julian Metcalf, CEO
GPP Analytics Inc.
(805) 242-2071
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Introduction

This report presents the results of the Independent Third-Party Audit of the City of Berkeley's Payroll Audit Division, conducted by GPP Analytics Inc. at the request of the Berkeley City Auditor's Office. The City Auditor's Office regularly initiates audits of the Payroll Audit Division, with a prior audit conducted in 2016.[1]

The City Auditor's Office reports that this current performance audit was initiated due to the recent implementation of a new financial system, turnover of staff of other departments who have a role establishing or carrying out payroll policies and controls, and Payroll Audit Division staff nearing retirement. Routine audits also help maintain independence and support ongoing improvement.

The purpose of this performance audit was to evaluate whether the Payroll Audit Division's internal controls, policies, procedures, and practices adequately protect against fraud, waste, and abuse, and to determine whether they comply with relevant Federal, State, and City requirements. In addition, the audit examined whether the Division's practices are applied uniformly and consistently to ensure City employees receive accurate pay and benefits. The following Introduction section provides an overview of the audit's scope and objectives, the standards under which the work was performed, the timeline and methodology, a brief summary of the results, and other pertinent introductory information.

Standards of Audit

This audit was conducted in accordance with the U.S. Government Accountability Office's (GAO) Generally Accepted Government Auditing Standards (GAGAS).[2] Those standards require that we plan and perform the audit to obtain sufficient and appropriate evidence for our findings and conclusions based on our audit objectives.

Audit Objective

The primary objectives of this performance audit were the following:

1. Determine whether the division's internal control practices, policies, procedures, and environment adequately and appropriately protect against fraud, waste, and abuse; and operate in compliance with established Federal, State, and City policies, rules, and regulations.

2. Assess whether the division's practices, policies, procedures, and protocols are uniformly and consistently applied, to ensure that pay and benefits handled by the Payroll Audit Division are accurately and appropriately paid to, or applied to, City of Berkeley employees.

These objectives were established based on the scope defined in the City's request for proposals and were refined during the planning phase of the audit. In essence, the audit focused on evaluating both the effectiveness of controls (to prevent and detect errors or misuse) and the consistency of practices (to ensure fairness and accuracy) within Berkeley's payroll operations. A written report of findings and recommendations has been prepared in accordance with GAGAS reporting standards as the culmination of this audit.

[1] City of Berkeley, Office of the City Auditor, Performance Audit of Payroll Division (June 28, 2016), PDF, https://berkeleyca.gov/sites/default/files/2022-01/Performance%20Audit%20of%20Payroll%20Division.pdf
[2] United States Government Accountability Office's Government Auditing Standards 2018 Revision.

Audit Timeline and Methods

Phase I: GPP Analytics Inc., and the City Auditor's Office, including leadership from the Payroll Audit Division, held an entrance conference on November 7, 2024. Following the entrance conference GPP began scheduling interviews with staff from Payroll Audit who were identified as likely to retire soon. Shortly after, the audit had a planned pause to allow the Payroll Audit Division to process routine year-end procedures and to prevent the audit from being a distraction during a traditionally busy period. In February 2025, the audit resumed and GPP interviewed more staff from the Payroll Audit Division, Payroll Clerks within various city departments, and other process stakeholders such as staff from the Information Technology Department.

During this period, GPP reviewed the following materials provided by Payroll Audit and other City staff:

- City and Departmental policies, procedures, and other documentation when available
- Sample reports
- City ordinances
- IT system guides and documentation
- IT system (ERMA) reports

Phase I was completed with a formal Risk Assessment & Planning Memorandum in April 2025, which set the detailed testing plan and finalized the engagement risk assessment.

Phase II: The phase began with the distribution and analysis of an online survey of all departmental payroll clerks to capture process variations, and gain an understanding of operational challenges. The audit team secured data extracts from the City's payroll system, Tyler Munis (ERMA as it is commonly called), and ran audit-analytics reports to screen the full population of payroll transactions and access logs. Next, we performed targeted testing that included (1) Random statistical samples for transaction accuracy and compliance and (2) risk-based samples and case studies where indicators or survey feedback pointed to possible control gaps. We held follow-up interviews with payroll clerks, division staff, and IT to clarify results and document control procedures. At the conclusion of the phase, the audit team wrote a draft of the audit report and performed internal quality control reviews.

Phase III: On July 15, 2025, we provided the auditees with a confidential copy of the draft report, which they reviewed for factual accuracy and any inadvertent inclusion of confidential information. We received all additional information by August 6, 2025. On August 29, 2025, we issued a revised draft seeking additional clarification and feedback. On September 16, 2025, we issued a further revised draft with a request for a written response to each of the report recommendations. On October 1, 2025, we discussed the appropriate handling of sensitive security information and issued a further revised report on October 2, 2025. We received the written responses from auditees on October 14, 2025, and they are included as attachments to this report. The Final Report, which combines the Revised Draft and the auditee's written responses, was transmitted to the City Auditor.

Payroll Audit Background

The City of Berkeley's Payroll Audit Division is a specialized unit within the elected City Auditor's Office, established by City Charter mandate to oversee payroll operations as an internal control.[3] Unlike many municipal payroll units in other jurisdictions (often housed under Finance or Human Resources), Berkeley's payroll function was placed in the independent Auditor's Office to promote accountability and accuracy.

The City's ordinance code states that:

> *"The Auditor is authorized to examine or review all City payments and payrolls before issuance […]. The Auditor also directs a Payroll Audit division, responsible for certain centralized payroll functions of the City's decentralized payroll system."*[4]

Thus, the Payroll Audit Division's core responsibility is to examine and monitor citywide payroll for accuracy, accountability, and compliance with all applicable federal/state laws, City policies, and labor agreements. In practice, this means Payroll Audit coordinates the entire payroll process for the City, processing biweekly pay for employees, issuing paychecks and reports, maintaining payroll records, and checking that every payment conforms to approved pay rates and rules. By design, the Division serves as a safeguard to ensure that taxpayer funds are disbursed correctly and that payroll transactions are processed timely and in line with established compensation policies. This structure gives the City Auditor oversight of payroll processes, adding a layer of review intended to deter fraud or errors in one of the City's largest recurring expenditures.

Relationship to management and Human Resources

It is important to clarify that Payroll Audit does not make decisions about what employees get paid or how pay rules are interpreted, those are management and Human Resources (HR) functions. HR and City management set compensation policy (e.g. pay scales, raises, labor contract terms), interpret labor agreements, and decide individual pay actions, whereas Payroll Audit's role is to administer those decisions. In other words, Payroll Audit acts effectively as the citywide "payroll controller," executing the pay changes approved by HR and departments and verifying their accuracy, rather than determining pay entitlements. For example, Payroll Audit staff review personnel action forms for compliance and correctness. If there are ambiguities or disputes in pay rules, Payroll Audit reports that it defers to HR and management to decide on the proper interpretation, then applies that decision.

Role in Payroll Information System Implementation and Management

The division has also had a defined role in the City's financial system or enterprise resource planning (ERP) modernization. Following a competitive process, Berkeley selected Tyler Technologies' Munis ERP to replace legacy systems and implement HR/Payroll with Employee Self-Service.[5] As the City has rolled out and matured Munis (internally referred to as ERMA), the City phased its implementations and integrations, including a timekeeping tool known as ExecuTime.[6] Payroll Audit's Payroll Manager has served as the division's representative for the Employee Self-Service (ESS) module implementation, for

[3] City of Berkeley, Charter of the City of Berkeley, § 61 "Duties of the Auditor," web page, https://berkeley.municipal.codes/Charter/61

[4] Berkeley Municipal Code, § 2.24.050 "Scope of audits," web page, https://berkeley.municipal.codes/BMC/2.24.050

[5] City of Berkeley, Digital Strategic Plan Update to Council (2021), PDF, stating the City selected Tyler Technologies' Munis ERP to replace core financials and implement HR/Payroll with Employee Self-Service, https://berkeleyca.gov/sites/default/files/2022-02/Digital-Strategic-Plan-Update-2021.pdf

[6] City of Berkeley, Contract No. 32100021 Amendment: Telfords for Tyler Munis ERP (ERMA) (March 30, 2021), PDF, noting phased approach including launching payroll before finalizing ExecuTime timekeeping integration, https://berkeleyca.gov/sites/default/files/documents/2021-03-30%20Item%2008%20Contract%20No.%2032100021%20Amendment%20Telfords.pdf

timekeeping modernization and integration work, and serves as a resource for payroll system setup and troubleshooting.[7] This is reinforced by interviews with staff during our audit and earlier Audit Office reports also note Payroll Audit's coordination with the City's IT function and Tyler Technologies on payroll system access controls.[8] These activities reflect Payroll Audit's practical role in participating in design, configuration, implementation, and maintenance of the payroll components of ERMA, consistent with its mandate to ensure accurate and compliant payroll processing under management's policies.

Role is Mixture of Oversight and Execution

In summary, Berkeley's Payroll Audit Division serves as the central hub for payroll administration and oversight combined. It implements pay decisions within the framework set by HR, maintains compliance with all legal and contractual requirements, has a role in implementing and maintaining the City's payroll related information systems, and proactively safeguards the integrity of the City's payroll process.

What Payroll Audit Does Well

Staff and management of the Payroll Audit Division demonstrate a detailed command of critical payroll elements within their complex operating environment. Staff understand and correctly apply a wide range of payroll, labor, and statutory rules, ensuring high-risk components of each payroll run are handled accurately despite system constraints. The Division follows structured processes such as using the Personnel Actions workflow in its payroll system for employee changes, which enforces supervisory approval and proper authorization of updates. It also maintains thorough documentation and audit trails for payroll transactions. For example, timecard records are retained with older records retrievable from off-site storage. The Payroll Audit team works proactively to ensure timely, accurate processing of payroll. This is notable given the ongoing pressure of the payroll workflow and the complex nature of the information the team processes.

Anecdotally, staff and management of the Division expressed openness to continuous improvement during the audit. This was evidenced by their consistent and prompt responses to inquiries, transparent provision of documentation, and assistance even to questions that could otherwise appear critical of their work. The Payroll Clerks within the departments and staff from the Information Technology department also expressed similar sentiment and openness to improvement and transparency.

Our testing did not reveal any material errors that weren't previously identified and corrected by the Payroll Audit Division. This aligns with the proactive and precise work environment we observed, as described above.

[7] WBCP (for City of Berkeley), Payroll Manager (Audit Manager—Payroll) Recruitment Brochure (March 25, 2025), PDF, stating the Payroll Audit Division lead role for Munis Employee Self-Service and division representation for ExecuTime/timekeeping modernization, https://wbcpinc.com/wp-content/uploads/2025/03/FINAL-PDF-City-of-Berkeley-Payroll-Manager.pdf

[8] City of Berkeley, Office of the City Auditor, Performance Audit of the Payroll Audit Division — Final Status Update (January 30, 2018), PDF, noting Payroll Audit coordination with IT and Tyler on payroll system access controls, https://berkeleyca.gov/sites/default/files/2022-01/Performance%20Audit%20of%20the%20Payroll%20Audit%20Division_Final%20Status%20Update_013018.pdf

Findings

Finding 1: Updating and Maintaining a City-Wide Payroll Manual Would Improve Consistency and Lower Compliance Risk

WHY THIS MATTERS

Salary and benefits (payroll) costs are one of the City's largest recurring expenditures, yet the primary policy document guiding that process, the 2011 city-wide payroll manual, predates both the Tyler Munis (ERMA) payroll system and several rounds of labor negotiations. In the absence of updated direction, each department has filled the vacuum with its own ad-hoc procedures. Those improvised work-arounds range from handwritten timecards to custom Excel templates and specialized Fire and Police scheduling software. The result is a patchwork of practices that obscures accountability, increases the likelihood of pay errors, and complicates any effort to demonstrate compliance with labor agreements, tax rules, and internal-control standards.

RELEVANT CRITERIA AND GUIDANCE

1. Government Finance Officers Association: Recommends governments issue and maintain organization-wide procedures that define roles, cut-off deadlines, and control activities to safeguard accuracy.

2. GAO Standards for Internal Control in the Federal Government (Green Book), Principle 12: Requires management to implement control activities through documented policies and procedures.

WHAT WE FOUND

Since the City last issued payroll guidance in January 2011, departments have developed their own methods for capturing time and processing pay. The City's Payroll Clerks spend considerable time re-keying data, reconciling totals, and correcting misunderstandings of labor-agreement provisions.

Delayed Manual Update Due to New System, Payroll Audit Workload, and HR Turnover

The Payroll Audit Division reports three main causes that contribute to its delay of updating the city-wide payroll manual. First, payroll functions in ERMA were implemented in 2021. The Payroll Audit Division states that it initially waited to update the manual "to have time to learn the complex new system and include information about it in the manual." This makes practical sense since the system would have been a significant shift for stakeholders in the payroll process.

Second, once implemented, the Payroll Audit Division noted a significant increase in payroll errors their staff were tasked with identifying and working with department's Payroll Clerks to correct. In fact, their analysis reports that "the error rate has increased over time, from an average of 6.7 percent in 2016 to 94.5 percent in 2022."[9] As expected, this increase in error rate has significantly increased the Payroll Audit Division's workload and limited their resources which are now focused on the persistent need to ensure accurate biweekly payroll.

[9] City of Berkeley, FY 2023 and FY 2024 Adopted Biennial Budget (July 1, 2022), PDF, pp. 192–193, available at https://berkeleyca.gov/sites/default/files/documents/FY-2023-2024-Adopted-Budget-Book.pdf

Third, the Payroll Audit Division reports that "this initiative remained on hold due to instability in HR. There were 11 different HR representatives during the ERMA implementation process." Since HR is a key stakeholder in the payroll process (they determine what employees get paid and how pay rules are interpreted), the Division was not in a position to independently update the Citywide Payroll Manual.

Payroll Clerks Report That the 2011 Manual Is Not Helpful

We conducted a survey offered to all Payroll Clerks (see Appendix A for more details on the survey). The majority didn't have a copy of the 2011 Manual. One respondent stated they had a copy, but it wasn't helpful. Only one respondent stated that they had a copy of the 2011 manual, and they found it helpful. See Appendix A: Payroll Clerk Survey for more details.

Their responses align with our observations. The 2011 manual is based on the system that was in place prior to ERMA known as FUND$, and the 2011 manual does not detail many of the other payroll considerations such as interpreting and applying the City's payroll rules and agreements.

Turnover Threatens Knowledge Retention

The Payroll Audit Division faces pending retirements and many of the payroll clerks in the various Departments are relatively new. Because training is left to each department, critical knowledge is neither standardized nor documented for successors. Without a more current and comprehensive manual, the payroll process is at a higher risk of inconsistency and/or error due to the eventual turnover of staff.

City's Payroll Is Complex

Our testing found a variety of cases of complex payroll rules, some resulting in errors identified by departments' Payroll Clerks and the Payroll Audit Division.

The following are three examples we saw. They are testament to the vast knowledge of payroll rules, laws, and systems that the Payroll Audit Division and the department's Payroll Clerks must retain and navigate on a regular basis. The examples also illustrate the risk of information being lost or misinterpreted due to staff turnover.

Example 1: Complex MOUs, Fire Department Schedule Calculations

Our testing found that certain Fire Department payroll scenarios are so specialized that the ERMA cannot handle them, forcing manual calculations by staff. For instance, when a firefighter on a 40-hour schedule temporarily worked a 56-hour "suppression" shift, the system couldn't convert the pay rate between schedules. In this case payroll clerks had to manually compute a retroactive overtime adjustment using a special conversion spreadsheet.

Additionally, the Fire Department's labor agreement mandates an extra holiday pay code for Unit B firefighters (code 212 in addition to regular holiday pay code 211), which isn't automated. Staff must track and manually apply these two codes correctly.

These complex provisions and system limitations led to routine and expected manual corrections, underscoring the need for clearer documented guidance on pay rules like these.

Example 2: Time Codes

In multiple payroll transactions we sampled, employees' hours were initially recorded under incorrect time codes or with pre-filled hours that later changed, and these mistakes had to be manually corrected by the departments' Payroll Clerks or the Payroll Audit Division. For example, one department's practice of submitting pre-populated timecards early (See Finding 3 for more details on this practice) led to cases where the wrong attendance code or

hours were entered, requiring clerical adjustments in ERMA before final processing. Such recurring errors in time code usage illustrate how, without a current policy manual or standardized guidance, departments could easily interpret timekeeping rules inconsistently, leaving it to the Payroll Audit Division to catch and correct coding errors on timecards.

Example 3: Labor Agreement Interpretation Could be Detailed in Payroll Manual

Our testing revealed the risk of ambiguity in some aspects of the City's labor agreements, or memorandum of understandings (MOUs) with represented labor unions. While these MOUs are negotiated and interpreted by City management and HR, the Payroll Audit Division must administer them during payroll processing.

For example, one MOU, the International Brotherhood of Electrical workers Local 1245, has a clear maximum of 320 hours of vacation leave that can be accrued. The remaining seven MOUs with labor groups state a 320-hour vacation limit, yet they don't clearly require stopping accrual once that cap is reached or provide clear mechanisms for enforcement. As a result, five of the 30 payrolls we randomly tested had more than the allowable 320 hours of accrued vacation hours. Of the five employees, one had accrued roughly 1,500 hours and another had accrued roughly 1,000 hours. Because the agreements lack explicit direction, the Payroll Audit Division must rely on HR's direction to administer them.

The Payroll Audit Division reports that a prior HR Director had previously directed them to allow staff in these labor groups to accrue beyond 320 hours. However, there is no written record of it and no guidance available to the Payroll Clerks who must regularly administer the labor agreements when managing the payroll processes. Given the overall complexity of the MOUs, not just in this one example, it would benefit the City to have written interpretation of labor agreement rules in the citywide payroll manual.

This example is provided to illustrate the need for documentation. It does not recommend changes to any MOU or collective bargaining provision.

Known Problems Illustrate Complexity Of Payroll

The three examples represent routine challenges that are managed by the Departments' Payroll Clerks and the Payroll Audit Division. In some ways, the examples are a testament to the current process design combined with the staffs' ability to handle them already. However, the examples also illustrate the complexity of the payroll operating environment, which in and of itself poses risk of errors. This demonstrates the need for clear and up-to-date guidance to promote consistency, reduce the risk of errors, and preserve knowledge after eventual staff turnover.

No Single Responsible Party

Due to the decentralized structure of the City's payroll process, there is no single party that is responsible for all payroll policies and procedures in the City. As discussed in the Background section of this report, HR is responsible for pay decision policy interpretation and the Payroll Audit Division is responsible for administration. The involvement of both parties is needed to update and maintain the citywide payroll manual. Historically this has been led by the Payroll Audit Division. Unless the City seeks to change prior practices, we recommend that Payroll Audit Division lead the effort to update and maintain a more comprehensive manual to reduce the risk of errors, add clarity to the overall payroll process and system, and reduce the time cost of making routine manual corrections.

Recommendations

The Payroll Audit Division should:

1.1 Work with the City Manager's Office, Human Resources, Information Technology, and stakeholder departments to develop and maintain a single Citywide Payroll Policy and Procedure Manual.

The manual should:

- Document ERMA/Tyler Munis workflows. Provide step-by-step guidance, screen shots, and control points for all standard payroll transactions.
- Incorporate labor agreement provisions. Translate each current labor agreement into clear payroll instructions (e.g., overtime differentials, specialty pays, leave accrual rules).
- Set an update schedule. Require a review at least every three years, or sooner if a major system or contract change occurs and assign ownership for keeping the manual current.

Finding 2: Time is Manually Transcribed, and an Electronic Time Entry System Would Reduce Risk of Errors and Save Time

WHY THIS MATTERS

Manual transcription of employee work hours into the City of Berkeley's payroll system, ERMA, is inefficient and increases the risk that errors will occur. The process is inherently prone to human error such as misreading handwritten entries or mistyping data, which can result in payroll discrepancies that affect employee compensation. The American Payroll Association estimates that manual transcription results in errors 1% - 8% of the time[10].

Records indicate that the City had been working to implement an electronic time entry system in 2021, but the City Manager's Office paused implementation in 2022.

RELEVANT CRITERIA AND GUIDANCE

The following legal criteria demonstrate the City's legal requirement to maintain accurate time records.

a. The Fair Labor Standards Act (FLSA) requires all employers to maintain accurate records.
b. California Labor Code § 1174 mandates that employers maintain accurate and detailed payroll records.

WHAT WE FOUND

The City of Berkeley's payroll process relies heavily on manual transcription of employee work hours from paper timecards and disparate electronic systems into ERMA, the city's payroll platform. Manual transcription is a labor-intensive process, requiring employees to complete timesheets by hand and submit them to payroll clerks. Payroll Clerks then re-enter the information into payroll systems for processing and issuing checks. This method of time tracking and reporting is prone to errors, because it relies on the accuracy of individual employees who manually transcribe information from one system to another.

Even Departments With Digital Timesheets Must Manually Type Time Into Payroll System

Manual transcription occurs across all City departments, even Police and Fire, which use their own digital timesheet systems known as CAREWARE and TeleStaff, respectively. Neither of their time systems are integrated with ERMA and as a result, Payroll Clerks must manually input data from these systems into ERMA. However, the Payroll Audit Division reports that it has already begun to work on integrating CAREWARE to integrate with ERMA.

The lack of integration and automation increases the administrative burden on payroll staff and introduces potential transcription errors in the payroll workflow.

[10] Payroll industry attributes a 1 % – 8 % error rate to the American Payroll Association (APA), but the report is no longer publicly available. Recent literature that supports this widely quoted range include:

1. ADP/Labor Management Institute, 10 Best Practices for Time & Attendance Professionals, July 2019, p. 3, https://www.adp.com/-/media/adp/resourcehub/pdf/10-best-practices-july-2019.pdf)
2. Ernst & Young's 2022 HR Processing Risk & Cost Survey found payroll accuracy of 80.15 % (≈ 1 in 5 runs contain an error) and an average fix cost of $291 (https://eyquest.com/files/Cost_and_Risks_Due_to_Payroll_Errors_2022_Final.pdf)
3. A 2020 internal audit of the Fayetteville, NC Police Department likewise traced incorrect wages to manual paper time-keeping (https://www.fayettevillenc.gov/files/sharedassets/main/v/1/city-managercommunications/documents/audit-reports/2019-2020/audit-report-a202001-poli.pdf)

The High Cost of Manual Transcription Errors

Manual time tracking demands perfect accuracy from employees and payroll clerks, which is a difficult standard to meet consistently.

According to studies by the American Payroll Association, errors resulting from manual transcription alone can account for 1%–8% of total payroll costs. To put that in perspective, payroll is the largest expense for the city[11]. For 2024, the annual payroll expense was $314.0 million[12] which could mean up to $25.0 million is at risk of errors which may or may not be identified and then corrected later in the process.

Cost of Transcribing Each Timesheet into ERMA

We estimate that the Departmental Payroll Clerks spend a cumulative 5,299.23 hours per year manually transcribing timesheets into ERMA.[13] This estimate does not count time spent later correcting possible errors caused by the transcription process itself.

The time and staff resources spent re-typing timesheets could be better used reviewing the time entries, validating its accuracy, and ensuring compliance with the City's complex labor agreements.

The time-consuming nature of manual data entry not only slows down payroll processing but also leads to significantly higher operational costs for the City. Payroll clerks must spend countless hours manually reviewing, verifying, and transcribing time records, which reduces efficiency and increases administrative expenses. Freeing clerks and auditors of this would add more time and resources to spend on validating and monitoring time submissions from employees.

Why No Electronic Timesheets Yet

ERMA was first deployed by the City of Berkeley in 2018 to replace the prior system known as FUND$, with the payroll functions implemented in 2021. Although electronic timesheets were part of the original implementation plan for ERMA, their deployment has been reportedly delayed due to differing resource prioritization.

Similar to how the Payroll Audit Division reports it is working with stakeholders to integrate the Police Department's CAREWARE time system with ERMA, Payroll Audit could lead the initiative to implement electronic time entry Citywide.

The Payroll Audit Division would need to coordinate with the City Manager's Office and the Information Technology Department. This would likely involve system configuration, user training, data migration, and change management. While the exact cost of implementation would depend on the scope and vendor involvement, the ongoing cost is likely to be less than the estimated 5,299.23 hours of staff time currently spent on manual transcription.

Once implemented, the time saved could be redirected toward more thorough validation and review of employee time submissions, enhancing accuracy and enabling proactive monitoring for patterns of fraud, waste, or abuse (see the 'Other Pertinent Information' section for further details).

[11] City of Berkeley 2024 ACFR - https://berkeleyca.gov/sites/default/files/documents/annual-comprehensive-financial-report-fy2024.pdf. In 2024, total expenses amounted to $563.0 million, with $314.0 million of that for payroll expense. This means that payroll alone accounted for more than half of the organization's total spending for the year.

[12] Government Compensation in California – City of Berkeley 2024 - https://gcc.sco.ca.gov/Reports/Cities/City.aspx?entityid=61

[13] Our estimate is based on 1,747 full-time equivalents (FTE) noted in the FY 2025 & 2026 Adopted Budget. This is multiplied by 26 payroll periods and then by seven minutes, a figure that commonly used in industry research, generally citing estimates from the American Payroll Association, suggests it takes seven minutes on average to transcribe timesheets to payroll system entries. This figure is just an estimate to gauge the rough magnitude of resources used by the City to transcribe timesheets.

Recommendations

The Payroll Audit Division should:

2.1 Request that the City Manager's Office and the Information Technology Department re-prioritize the implementation of an electronic timekeeping system.

2.2 Coordinate with the Information Technology Department to integrate Telestaff, the timekeeping systems used by the Fire Department, into ERMA, similar to their current initiative to integrate the Police Department's CAREWARE into ERMA.

Finding 3: Prefilled Timecards Lead to More Adjustments

WHY THIS MATTERS

Some departments choose to use prefilled timecards, which are automatically populated with the employee's expected or scheduled hours before the workweek is completed based. The use of prefilled timecards, while intended to streamline payroll processing and meet tight submission deadlines, introduces significant risks of payroll errors and overpayments. Based on our audit testing, we estimate that around 10% of timecards require correction due to prefilled timecards, and others are subject to the risk of errors that go undetected.

RELEVANT CRITERIA AND GUIDANCE

a. The Fair Labor Standards Act (FLSA) requires all employees to maintain accurate records for all non-exempt employees.

b. California Labor Code § 1174 mandates that employers must maintain accurate and detailed payroll records for all employees.

Prefilled timecards, while convenient, can pose a significant compliance risk under this law. Because they automatically populate hours worked without requiring employees to actively confirm or adjust their entries, this process increases the risk that errors will occur, especially the risk that unplanned sick time will be recorded as hours worked. Our testing identified instances where errors were identified and corrected. However, there is risk that not all errors are identified and corrected and unintendedly violate the law and pay employees incorrectly.

WHAT WE FOUND

Certain departments, such as the Library, which operates multiple locations, use pre-filled timecards. They are typically submitted on the second Tuesday of each pay period. This is almost five days before the pay period ends on Saturday at midnight. This practice thus covers most of the second week of the pay period, even though that week has not yet concluded. This practice is designed to streamline payroll processing and minimize delays. However, it also introduces a notable risk of discrepancies when actual hours worked differ from the scheduled forecasts.

An Estimated 10% of Payroll Transactions Require Correction and Others May Still Have Errors

We tested a sample of 30 randomly selected timecards and found that three (10%) contained errors relating to prefilled timecards. Two of the three cases involved sick leave that was taken after the prefilled timecard was submitted. These errors were identified by the employees' supervisors after timesheets were submitted. Had they not been caught it would have resulted in overpayment to the employee. The third case relates to the timecard's accidental inclusion of a timecode.

While these represent the instances where errors were identified and corrected, it is quite possible that in other instances errors are not identified and corrected. Identification and correction can only occur if supervisors are diligent in tracking sick time and other leave that is requested and taken after submittal of the timecard. Payroll Clerks and the Payroll Audit Division would not have the knowledge to identify that leave occurred.

Electronic Time Entry Could Help

A common best practice is to use electronic time entry to eliminate the need for prefilled or forecast timesheets[14]. Such tools allow employees and their supervisors to enter, review, and approve time from multiple locations with access to a computer, smartphone, or kiosk. According to the City's Information Technology Department, this feature was planned for the inclusion in its payroll system, Tyler Munis (ERMA), but has been deprioritized by the City Manager's Office and there is no current timeline for implementation. If an electronic timecard system is implemented, it should prohibit departments from using prefilled timecards within such a system.

The additional benefits of implementing an electronic time system are discussed further in Finding 2 of this report.

Targeted Timecard Review Prompts As Interim Solution

Until an electronic time entry system can be implemented, industry best practices suggest using communication and other tools to offset some of the problems with prefilled timecards.[15]

There is an opportunity to improve timecard efficiency, reduce fraud risk, and reduce payroll processing delays by implementing a targeted reminder system for employees who use prefilled timecards. This system would automatically prompt employees to review and confirm their time entries at the end of the pay period before submission by payroll clerks. This ensures that any discrepancies or outdated information are identified and addressed early in the process

By encouraging timely validation, the reminder system reinforces individual accountability and helps prevent common errors that often result from overlooked or assumed accuracy in prefilled data.

[14] Government and professional guidance agree that automated, exception-based time-and-attendance systems strengthen internal controls and cut manual-entry errors:

1. GAO: "Advancing technology and the increased use of automation" let agencies streamline T&A reporting while maintaining control (Maintaining Effective Control Over Employee Time and Attendance Reporting, Dec 2000, p. 3, https://www.gao.gov/assets/gao-01-186g.pdf).
2. U.S. Department of Defense FMR: Agencies should "apply available technology … to achieve efficient and effective T&A system processes and controls" (DoD 7000.14-R, Vol 8, Ch 2, § 2.1.2.2, Apr 2025, https://comptroller.defense.gov/portals/45/documents/fmr/current/08/08_02.pdf).
3. ADP / Labor Management Institute: Manual or decentralized time-entry "can lead to substantial inefficiencies" and the American Payroll Association estimates 1 – 8 % error rates for paper time cards (10 Best Practices for Time & Attendance Professionals, 2019, p. 2, https://www.adp.com/-/media/solution-center/mas/pdf/articles/best-practices-for-time-tracking.ashx

[15] Guidance stresses that manual or pre-filled T&A records must be re-checked right at the close of each pay period:

1. GAO warns that employee attestations and verifications "should be performed as close to the end of the pay period as possible" to catch discrepancies early (Maintaining Effective Control over Employee Time and Attendance Reporting, 2000, p. 10, https://www.gao.gov/assets/gao-01-186g.pdf)
2. ADP operationalizes this standard with automatic alerts when unapproved or exception entries remain open, prompting employees and supervisors to act before payroll is run (https://www.adp.com/resources/articles-and-insights/articles/t/time-and-labor.aspx)

Recommendations

The Payroll Audit Division should:

3.1 Request that the City Manager's Office and the Information Technology Department re-prioritize the implementation of an electronic timekeeping system. *(This is the same recommendation as 2.1 but duplicated here in the context of Finding 3).*

3.2 Work with the City Manager's Office and the Information Technology Department to ensure that if an electronic timekeeping system is implemented, it prohibits departments from using prefilled timecards within the system.

3.3 As a temporary measure, assist departments that use prefilled timecards to implement a targeted reminder system for employees using prefilled timecards to prompt staff to review and validate prefilled timecards before the payroll deadline.

Finding 4: Finding Involving Sensitive Security Information

The details of this finding are issued as a separate confidential report due to sensitive security information that could be used to harm the City. The finding addresses opportunities for improvement and risk reduction.

Recommendations List

Rec. ID	Owner	Related Parties	Recommendation
1.1	Payroll Audit Division	City Manager's Office; Human Resources; Information Technology; stakeholder departments	Work with the City Manager's Office, Human Resources, Information Technology, and stakeholder departments to develop and maintain a single Citywide Payroll Policy and Procedure Manual. The manual should: • Document ERMA/Tyler Munis workflows. Provide step-by-step guidance, screen shots, and control points for all standard payroll transactions. • Incorporate labor agreement provisions. Translate each current labor agreement into clear payroll instructions (e.g., overtime differentials, specialty pays, leave accrual rules). • Set an update schedule. Require a review at least every three years, or sooner if a major system or contract change occurs and assign ownership for keeping the manual current.
2.1	Payroll Audit Division	City Manager's Office; Information Technology	Request that the City Manager's Office and the Information Technology Department re-prioritize the implementation of an electronic timekeeping system.
2.2	Payroll Audit Division	Information Technology; Fire Department	Coordinate with the Information Technology Department to integrate Telestaff, the timekeeping systems used by the Fire Department, into ERMA, similar to their current initiative to integrate the Police Department's CAREWARE into ERMA.
3.1	Payroll Audit Division	City Manager's Office; Information Technology	Request that the City Manager's Office and the Information Technology Department re-prioritize the implementation of an electronic timekeeping system. *(This is the same recommendation as 2.1 but duplicated here in the context of Finding 3).*
3.2	Payroll Audit Division	City Manager's Office; Information Technology	Work with the City Manager's Office and the Information Technology Department to ensure that if an electronic timekeeping system is implemented, it prohibits departments from using prefilled timecards within the system.
3.3	Payroll Audit Division	Departments currently using prefilled timecards	As a temporary measure, assist departments that use prefilled timecards to implement a targeted reminder system for employees using prefilled timecards to prompt staff to review and validate prefilled timecards before the payroll deadline.

The recommendations from Finding 4 are included in a separate confidential report due to sensitive security information that could be used to harm the City.

Other Pertinent Information

This section includes information related to observations that are not audit findings but is information that we believe is either helpful to the City or otherwise important to communicate. There are no formal recommendations based on this section of the report.

We Identified One Case That Warrants Further Review Regarding How Salaries Are Calculated and Displayed in ERMA

During our audit testing we uncovered a case of incorrect system configuration/data entry leading to a misleading compensation figure. In one sample, an out-of-class assignment and several one-time stipends were entered improperly in the payroll system, causing the system's reports to double-count portions of pay. The employee's annual salary was overstated by displaying an amount over five times larger than the actual amount. We confirmed that the employee was paid the correct amount, and the system was only displaying the wrong value.

Unclear If Isolated Bug or Systemic Issue

The Payroll Audit Division reported they had opened a support ticket with Tyler Munis. Given the unusual circumstances of the allowances we do not believe this is widespread risk.

Displayed values in ERMA could be used by staff to quickly check the accuracy of pay information. If those values are wrong, this could undermine any controls that rely on checking an employee's displayed salary in ERMA against other reported figures.

Should Be Investigated Further and Possibly Remediated

We suggest that the Payroll Audit Division fully evaluate this issue with the Information Technology Department and Tyler Munis to determine the extent of the error and ensure the problem is corrected in this and any other instances.

Sensitive Security Topic

The details of this section are issued as a separate confidential report due to sensitive security information that could be used to harm the City. The section addresses opportunities for improvement and risk reduction.

Appendix A: Payroll Clerk Survey Details

The survey targeted all 31 departmental Payroll Clerks across the City of Berkeley. The audit team distributed the questionnaire as an online survey via a Microsoft Forms link emailed directly to the Payroll Clerks on April 30, 2025. The clerks were asked to respond by May 9, 2025. A reminder email was sent on May 8, 2025. To encourage candid feedback, respondents' names were collected only for potential follow-up clarification, and the clerks were informed results would be reported in aggregate without identifying individuals. In total, nine payroll clerks submitted responses to the survey, representing multiple City departments. The following sections summarize each survey question and the aggregated results.

Question 1: Name (so we can follow up with you if needed)

[results not shown for anonymity]

Question 2: What department(s) do you serve in your payroll clerk role

[results not shown for anonymity]

Question 3: How long have you been working as a Payroll Clerk?

Distribution of Payroll Clerk tenure (years in position).

Answer	Response count
Less than 1 year	1
1-3 years	5
More than 5 years	3
TOTAL	**9**

Question 4: How many employees are in your department?

Department size (number of employees) served by each Payroll Clerks. Departments ranged widely in size.

Answer	Response count
Less than 20	0
Between 20 - 100	3
Between 100 - 500	6
Over 500	0
TOTAL	**9**

Question 5: How many payroll clerks are in your department?

Number of Payroll Clerks per department. The survey results show that most departments have two payroll clerks assigned, with occasional exceptions of larger or one-person teams.

Answer	Response count
One	1
Two	7
Three	1
Four	0
TOTAL	**9**

Question 6: Is there an assigned backup payroll clerk for when you are on leave or otherwise not available?

All respondents answered “Yes” – every payroll clerk indicated there is a designated backup clerk to cover their duties during leave or absences. This 100% positive response reflects backup coverage for payroll functions (a control weakness noted in past audits has evidently been addressed). Each Payroll Clerk provided the name and department of their backup in the survey (details omitted here). The universal presence of backup personnel is a strong point in continuity of operations.

Answer	Response count
Yes	9
No	0
TOTAL	**9**

Question 7: If "yes", provide name, position and department of backup clerk

[results not shown for anonymity]

Question 8: Thinking back over the last year, how often does your backup fill in?

Frequency with which backup clerks assume payroll duties. Among those with backups (all Payroll Clerks), the majority reported that backups are used rarely. Notably, none of the respondents use their backup on a regular (monthly or more frequent) basis. This suggests that backups exist as a contingency but are activated only infrequently, possibly during extended leave or special circumstances, rather than as part of routine rotations.

Answer	Response count
Never	2
Rarely (once or twice a year)	4
Sometimes (a few times a year)	3
Frequently (at least once a month)	0
TOTAL	**9**

Question 9: To the best of your knowledge has the backup received training or had the opportunity to perform your duties in the last 6 months?

Every respondent answered “Yes” to this question. In other words, all nine Payroll Clerks indicated their backup has been trained or given hands-on experience within the past half-year. This uniform result is encouraging and suggests the designated backups are kept current on payroll processes either through formal training or by shadowing/performing the duties periodically. Adequately trained backup staff help ensure continuity and mitigate risks associated with key person dependency.

Answer	Response count
Yes	9
No	0
Don’t know	0
TOTAL	**9**

Question 10: List all payroll related trainings you have received in the past year.

Answer
- Run employee reports (incl time entry, accrual leaves, etc.) from Erma - Got trained for the correct pay codes use for employees (Sworn and Non-Sworn) - Got trained for the add pays
I've received training from my co-worker.
Year-end meeting with Payroll Audit & HR to discuss year-end closing and MOU adoption.
The trainings that I remember were on sick and vacation hours when someone terminates or retires and FMLA. Both very good. We get the best support from Payroll Audit throughout the process as new questions always arise Specifically Ann DelRosario and George Domingo; both outstanding!
Zero
I am cross-training with [different department]
Susana Khoo trained me before she retired. Julie Sowell trains me on a daily basis when I need help. Sea Liang is currently training me on Police & Fire Payroll.
None that I can remember
None.
I've received training from my co-worker.

Question 11: Do you have a copy of the 2011 Payroll Manual?

Percentage of Payroll Clerks who possess the official 2011 Payroll Procedures Manual. Possession of the manual appears inconsistent across departments; nearly half of the Payroll Clerks do not have this reference document.

Answer	Response count
Yes	5
No	4
TOTAL	**9**

Question 12: If "yes", does the 2011 Payroll Manual generally provide you with the information you need to perform your duties?

For the five Payroll Clerks who have the manual, most reported that it is not an adequate or up-to-date resource. One of the five who in the previous question responded “yes” to having the manual, did not answer this question.

Answer	Response count
Yes	0
No	4
TOTAL	**4**

Question 13: If "no", what additional information would you like included in a payroll manual?

Answer
Updated ERMA manual
Clearly defined payroll rules for respective departments.
I don't know
The payroll manual was written for a payroll system we no longer use (FUND$) so the entire manual essentially needs to get updated with all information pertinent to our current payroll system (ERMA, aka Tyler Munis.) It would take me hours to state what more I would like included, but off the top of my head, we need a list of the pay codes with specific instructions on how and when to use each code. We also need a legend to help explain the paycheck stubs to employees. Everything is abbreviated and most items are not self explanatory. It would also help to have a resource that explains what each of the deductions is for. Also, there are many links in the manual that would probably be great to dive deeper into, but the links no longer work, so they are useless as well.
Yes and No - the NO would be when I have issues with ERMA or process questions about ERMA

Question 14: How would you describe the overall efficiency of the payroll process?

Payroll Clerks' ratings of the payroll process efficiency.

Answer	Response count
Very efficient	0
Efficient	5
Neutral	2
Inefficient	2
Very inefficient	0
Prefer not to answer	0
TOTAL	**9**

Question 15: How often do timesheets you review have errors?

Frequency with which clerks encounter errors in employee timesheets. The results show that Payroll Clerks encounter errors in timesheets with regularity, though frequency varies. These self-reported figures underscore that timesheet errors are a persistent issue, with nearly half of Payroll Clerks seeing them very often.

Answer	Response count
Never	0
Rarely (less than once a month)	2
Occasionally (once a month)	1
Sometimes (a few times a month)	2
Frequently (multiple times every pay period)	4
TOTAL	**9**

Question 16: If your response was "sometimes" or "frequently," what types of errors do you typically encounter?

The prevalence of pay code mistakes and missing approvals highlights areas where additional training or system controls could help reduce error rates.

Answer
I see sometimes they pick the wrong work codes in the system
Incorrect pay codes, incorrect pay period dates, timesheets not signed by supervisors, insufficient accumulated accruals
Incorrect pay codes, supervisor approval missing, overtime not requested/approved, leave slip missing, accrued leave surpassed.
Incorrect labor codes
Incorrect pay codes, using accruals that are not available, hours not matching leave slips.
occasionally, employees forget to enter overtime shifts on their timecard.
Incorrect pay codes, questions about revisions requested, codes on timecards not matching codes on leave slips, hours not adding up...

Question 17: Do you have any suggestions for improving the accuracy of timesheets?

In their own words, Payroll Clerks proposed numerous improvements to reduce timesheet errors.

Answer
Simplify the work codes and make them easier for employees to understand
Electronic hour and date entries by employees, reviewed and approved by supervisors, final approval by pay clerk.
Ensuring staff have access to accrued leave balances. Staff submitting timesheets online. Higher class pay codes published for approved staff.
Supervisor training and reminders They're supposed to review their division's timecards before they submit them to Payroll. Some supervisors do, many do not and just send them in.
Supervisors actually reviewing the timecards prior to sending them to me
Employees should review their time entries at the end of the pay period (Sunday) to make sure it is accurate before Payroll Clerks submit time to Payroll Audit.
I don't have any suggestions
Move forward with implementing the electronic payroll system we were told we would be starting around June 2021.
Our process in [redacted] is a little different, but it works for us. We upload our timesheets into Teams. We have a channel specifically for our timesheets and managers and staff all have access to it.

Question 18: Do you know how to run all useful payroll reports?

Proportion of Payroll Clerks who feel they know how to run all useful reports. We used the term "useful" reports since the reports necessary to each Payroll Clerk might differ. In addition, we used this term after considering that some staff might be apprehensive about appearing unfamiliar with a key software system and the term "useful" allows for some intentional subjectivity in their response.

Answer	Response count
Yes	7
No	2
TOTAL	**9**

Question 19: If your response above is "No," please provide a list of all the reports you are unsure how to run.

The two responses suggest that for these staff, they are not familiar with ERMA's reporting options generally.

Answer
I'm not even aware of what reports can be ran
I say "no" because I only run the Time Entry History and Hours Proof Reports. I'm guessing there are other "useful reports" that I am not familiar with.

Question 20: Do you feel you have adequate training and support for using ERMA?

Payroll Clerks' views on whether their ERMA system training/support is adequate.

Answer	Response count
Yes	6
No	1
Prefer not to answer	2
TOTAL	**9**

Question 21: If your response above is "No," please specify the areas or topics where you would like to receive additional training.

(Open-ended question – responses summarized) The clerk who answered "No" to the previous question provided clear suggestions: they desire regular, structured opportunities to learn and troubleshoot ERMA. Specifically, they envisioned a monthly ERMA user group meeting to share processes and tips, a peer network to call for help when stuck, and on-demand training materials (such as updated manuals or training videos) focusing on daily tasks.

Answer
We don't have "support" for using ERMA. There is no "ERMA Support Line" we can call when we need help. Usually, if our supervisor or co-worker doesn't know how to do something, the answer is either "ERMA doesn't do that" or we try to find a work-around. As for training, I remember getting trained when we first started using ERMA in 2021, but as far as ongoing payroll trainings, there haven't been any. It would be great to have an ERMA User Group that gets together once a month to discuss processes and learn new ways of doing things from each other, and possibly a friend to call to get help when we're stuck on something. It's also hard to say what additional training I would like, when I don't even know what ERMA is fully capable of doing. It would be great if we had training videos that pertained to our daily work and/or manuals to reference when we're trying to figure something out.
I'm in [redacted] so luckily I do have the support for ERMA - readily available.

Conclusion

The Payroll Clerk survey provided structured insights into the operational realities and challenges faced by department's Payroll Clerks. It augmented our numerous interviews and provided uniform data we could consider in the audit.

The results indicate that while certain controls (like backup clerks) are in place, there are areas for improvement in training, documentation, and system modernization. Common pain points, such as frequent timesheet errors, reliance on an outdated manual, and mixed feelings about system support, align with the audit's findings about process inefficiencies.

Auditee Response Letter

BERKELEY CITY AUDITOR

October 15, 2025

Julian Metcalf
GPP Analytics
2478 Tierra Drive
Los Osos, CA 93402

Dear Julian,

I would like to thank you and your team for conducting this audit of our Payroll Audit Division.

I am pleased that your audit found that Payroll Audit's staff and management demonstrated a detailed command of critical payroll elements within their complex operating environment. You also noted that they correctly applied various payroll, labor, and statutory rules, ensuring high-risk components of each payroll are handled accurately despite system constraints. As a result, your testing did not show any evidence of improper payments, and that the Division was able to identify and correct issues before they led to material errors. Thank you for acknowledging the proactive and precise work environment the Division has cultivated to accomplish this.

Overall, we agree with the audit recommendations. As you noted in the audit, an important consideration for implementing the recommendations is that Payroll Audit functions within a broader system of rules and regulations but does not have authority to interpret or change them. The Division's role is limited to applying employee pay rules as interpreted by Human Resources and city management. The payroll process also requires technology systems that involve collaboration with Information Technology. With these considerations, we present the following responses to the recommendations contingent upon availability of resources:

1.1 We agree and have already begun the process to update the manual. Payroll Audit will convene a revision committee to continue the process. This will be a substantial project with a goal of completion by January 2027. A biennial review and update schedule will be implemented.

2.1 We agree and will work with the City Manager's Office and the Information Technology Department to test and implement an electronic timekeeping system once the project is prioritized.

3.1 We agree and will work with the City Manager's Office and the Information Technology Department to test and implement an electronic timekeeping system once the project is prioritized.

3.2 We agree and will coordinate with the City Manager's Office to present the advantages and disadvantages of prefilled timecards. The prior FUND$ system used this prefilled approach

successfully for over 25 years without issue. Payroll Audit will implement city management's final decision.

3.3 We agree to assist departments in implementing a reminder system for employees and supervisors to review and validate timecards before final submission to payroll clerks. This system will be maintained by the departments using prefilled timecards with recommended language from Payroll Audit.

We also agree with and will implement the recommendations to strengthen data security listed in the confidential section.

We appreciate the time and effort invested in this audit and the insights it has provided. We are committed to implementing the recommendations to strengthen our processes and ensure continued compliance, efficiency, and transparency. We look forward to ongoing collaboration to support the integrity and effectiveness of our payroll operations.

Sincerely,

Jenny Wong, City Auditor

Communications

All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

Records Online
https://records.cityofberkeley.info/

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF