



**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE  
SPECIAL MEETING**

**TUESDAY, OCTOBER 1, 2019**

**2:30 P.M.**

2180 Milvia Street, 6<sup>th</sup> Floor – Redwood Room

Committee Members:

Mayor Jesse Arreguin, Councilmembers Kate Harrison and Susan Wengraf

**AGENDA**

**Roll Call**

**Public Comment**

**Review of Agendas**

1. **Approval of Minutes: September 16, 2019**
2. **Review and Approve Draft Agendas:**
  - a. 10/15/19 – 6:00 p.m. Regular City Council Meeting
3. **Selection of Item for the Berkeley Considers Online Engagement Portal**
4. **Adjournments In Memory**

**Scheduling**

5. **Council Worksessions Schedule**
6. **Council Referrals to Agenda Committee for Scheduling**
7. **Land Use Calendar**

## Referred Items for Review

*Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.*

### 8. Discussion and Selection of the Vendor for the City Manager Evaluation Process

### 9. Discussion of Potential Revisions to the City Council Rules of Procedure and Order

## Items for Future Agendas

- Discussion of items to be added to future agendas

### Adjournment – Next Meeting Tuesday, October 15, 2019

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### Additional items may be added to the draft agenda per Council Rules of Procedure.

*Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items*

*Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.*

*The City Clerk shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.*

*The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.*

*Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee prior to the meeting. After the deadline for submission, residents must provide 10 copies of written communications to the City Clerk at the time of the meeting.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*



**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

\* \* \*

I hereby certify that the agenda for this special 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 September 26, 2019.

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville, City Clerk

**Communications**

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA.*



## BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

**MONDAY, SEPTEMBER 16, 2019  
2:30 P.M.**

2180 Milvia Street, 6<sup>th</sup> Floor – Redwood Room

Committee Members:

Mayor Jesse Arreguin, Councilmembers Kate Harrison and Susan Wengraf

**Roll Call:** 2:33 p.m. Present: Harrison, Arreguin; Absent: Wengraf

Councilmember Wengraf present at 2:35 p.m.

**Public Comment** – 4 speakers

### Consent Calendar

**1. Approval of Minutes: September 9, 2019**

**Action:** M/S/C (Wengraf/Harrison) to approve the minutes of 9/9/19.

**Vote:** All Ayes.

### Referred Items for Review

*Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.*

**2. Discussion and Direction Regarding Revisions to the City Council Rules of Procedure and Order**

**From:** City Manager

Contact: Mark Numainville, City Clerk

**Action:** M/S/C (Harrison/Wengraf) to send the item to the City Council with a Positive Recommendation on the proposed amendments to the Rules of Procedure including the changes and edits made at the meeting on pages 10, 11, 14, 20, 21, 22, and 23; and to change “Co-Author” to “Co-Sponsor” throughout; add “Mayor” when using term “Councilmember;” and add a definition for “Primary Author.” The Committee also requested that a standing item be added to the agenda for discussion of further changes to the Rules of Procedure.

**Vote:** All Ayes.

**3. Discussion and Direction on City Manager Evaluation Process – Schedule, Timing, and Structure of Evaluation Process**

**Action:** The City Manager discussed the timeline of the RFP process with the Committee. Selection of the vendor will be added to the October 1, 2019 Agenda & Rules Committee agenda.

**Adjournment**

**Action:** M/S/C (Wengraf/Harrison) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 3:54 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on September 16, 2019.

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Mark Numainville  
City Clerk

## DRAFT AGENDA



### BERKELEY CITY COUNCIL MEETING

**Tuesday, October 15, 2019  
6:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – LORI DROSTE

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*

*The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

### Roll Call:

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

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

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

## 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.” Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent”.*

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

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

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

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

## Recess Items

- 1. Grant from The Center at Sierra Health Foundation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess accepting a \$50,000 grant from The Center at Sierra Health Foundation for expansion of Medication Assisted Treatment (MAT) services for individuals with Opioid Use Disorders at Berkeley Mental Health.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

## Consent Calendar

- 2. Annual Commission Attendance and Meeting Frequency Report**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving a revised commission meeting frequency schedule and to accept the annual Commission Attendance and Meeting Frequency Report.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900



## Consent Calendar

- 3. Stryker for Purchase of Three Gurneys for the Fire Department Ambulances**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to purchase three additional gurneys from Stryker in the amount of \$24,905 for Fire Department ambulances to provide necessary stabilization for patient transport.  
**Financial Implications:** See report  
Contact: David Brannigan, Fire, (510) 981-3473
- 4. Contract No. 7258F Amendment: Verint Systems Inc. for Customer Relationship Management (CRM) Software Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 7258F with Verint Systems, Inc. for CRM software licensing, maintenance, and support, increasing the amount by \$60,903 for a total contract amount not-to-exceed \$985,747 from March 23, 2007 through June 30, 2021.  
**Financial Implications:** Cost Allocation Fund - \$60,903  
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 5. Contract: (D.L. Falk Construction) for Central Library Improvements Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the Central Library Improvements Project, Specification No. 19-11312-C; 2. Accepting the bid of D.L. Falk Construction as the lowest responsive and responsible bidder; 3. 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, for an amount not to exceed \$3,056,900, which includes a contingency of \$277,900.  
**Financial Implications:** Library Tax Fund - \$3,056,900  
Contact: Elliot Warren, Library, (510) 981-6100
- 6. Contract: Redwood Engineering Construction for James Kenney Park, Picnic, and Play Area Renovation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the James Kenney Park, Picnic, and Play Area Renovation project, Specification No. 18-11216-C; and 2. Rejecting the lowest bid from Bay Construction Company as non-responsive; and 3. Accepting the bid of the lowest responsive and responsible bidder, Redwood Engineering Construction; and 4. 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 Redwood Engineering Construction, for the James Kenney Park, Picnic, and Play Area Renovation project at 1720 Eighth Street, Berkeley, CA 94710, in an amount not to exceed \$1,191,342, which includes a contract amount of \$992,785 and a 20% contingency in the amount of \$198,557.  
**Financial Implications:** Various Funds - \$1,191,342  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Consent Calendar

- 7. Contract: J.A. Gonsalves & Son Construction, Inc. for Bay Trail Extension to Berkeley Marina - Segment Three**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Berkeley Bay Trail Extension—Segment 3 project (Bid Specification No. 18-11177-C; Federal Project No. STPL-5057(042)); and 2. Accepting the bid of J.A. Gonsalves & Son Construction, Inc. as the lowest responsive and responsible bidder on the Project, and authorizing the City Manager to execute a contract with J.A. Gonsalves & Son Construction, Inc., and any amendments, extensions, or change orders until completion of the Project in accordance with the approved plans and specifications in an amount not to exceed \$505,684, which includes a contract amount of \$439,725 and a 15 percent contingency in the amount of \$65,959.  
**Financial Implications:** Various Funds - \$505,684  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 8. Grant Application: The Air District Vehicle Trip Reduction Grant Program – the Berkeley Marina Bicycle Electronic Locker Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application in the amount of \$71,510 to the Bay Area Air Quality Management District (“Air District”) Vehicle Trip Reduction Grant Program for the Berkeley Marina Bicycle Electronic Locker Project; 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.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 9. Mills Act Contract – 2524 Dwight Way**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing and directing the City Manager to enter into a Mills Act contract with NCR Properties LLC/Nathan D. George for the City Landmark property at 2524 Dwight Way.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
- 10. Mills Act Contract – 1730 Spruce Street**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing and directing the City Manager to enter into a Mills Act contract with Jeff Lipton for the City Landmark property at 1730 Spruce Street.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400

## Consent Calendar

**11. Mills Act Contract – 2526 Hawthorne Terrace**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing and directing the City Manager to enter into a Mills Act contract with John Komoroske and Daniel McDonald for the City Landmark property at 2526 Hawthorne Terrace.

**Financial Implications:** See report

Contact: Timothy Burroughs, Planning and Development, (510) 981-7400

**12. Contracts: On-Call Construction and Project Management Services: Kitchell, Inc. and Cooper Pugeda Management, Inc.**

**From: City Manager**

**Recommendation:** Adopt two Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call construction and project management services in support of the City's annual Facilities Capital Improvement Projects (CIP) program, each for a period of November 1, 2019 through June 30, 2022:

1. Kitchell/CEM, Inc., for an amount not to exceed \$500,000.

2. Cooper Pugeda Management, Inc., for an amount not to exceed \$500,000.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, (510) 981-6300

**13. Renewal of the Elmwood Avenue BID for Calendar Year 2020**

**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 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2020; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2020 and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for October 29, 2019

**Financial Implications:** See report

Contact: Kieron Slaughter, Commission Secretary, (510) 981-7530

**14. Renewal of the Solano Avenue BID for Calendar Year 2020**

**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 2019 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2020; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2020; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for October 29, 2019.

**Financial Implications:** See report

Contact: Eleanor Hollander, Commission Secretary, (510) 981-7530

## Consent Calendar

- 15. Resolution: Protect from deportation beneficiaries of DACA, TPS, and DED**  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt a resolution in support of protections from deportation and a path to permanent residency for beneficiaries of DACA (Deferred Action for Childhood Arrivals), TPS (Temporary Protected Status), and DED (Deferred Enforced Departure).  
**Financial Implications:** None  
Contact: Bre Slimick, Commission Secretary, (510) 981-7000

## Council Consent Items

- 16. Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Mayor Arreguin**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund's annual campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.  
**Financial Implications:** Mayor's Discretionary Fund - \$500  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 17. Grant Referral for Capoeira Arts Foundation**  
**From: Mayor Arreguin and Councilmember Kesarwani**  
**Recommendation:** Refer a Grant of \$150,000 for the benefit of the Capoeira Arts Foundation (CAF) to the mid-year budget process to support their purchase of the Casa De Cultura-1901 San Pablo Ave-in partnership with BrasArte to create a permanent home for their organizations, their school, the United Capoeira Association (UCA) Berkeley, and for other Brazilian art forms.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 18. Health Impact Assessment Outreach Coordinator**  
**From: Mayor Arreguin, and Councilmembers Harrison and Droste**  
**Recommendation:** Refer to the Mid-Year Budget Process an amount of \$25,000 for Berkeley's contribution towards a budget of \$50,000 to support an Outreach Coordinator for the purpose of community education about the health impacts associated with the proposed closure of Alta Bates Hospital as indicated in the Health Impact Analysis completed by the Institute of Urban and Regional Development, University of California Berkeley in December 2018.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Council Consent Items

19. **National Association for the Advancement of Colored People (NAACP) Berkeley, Albany and Emeryville (B.A.E) Youth Council Fundraiser to send 15 youth members to the 111th Annual NAACP Youth Convention in Boston, Massachusetts in June 2020: Relinquishment of Council Office Budget Fund to the General Fund and Grant of Such Funds**  
**From: Councilmember Bartlett**  
**Recommendation:** Adopt a resolution approving the expenditure of funds, including \$250 from Councilmember Bartlett, to Inter-City Services, Inc. 501(c)3) (organized by the National Association for the Advancement of Colored People (NAACP) Berkeley, Albany and Emeryville (B.A.E.) Youth Council). The funds should be relinquished to the city's general fund for this purpose from the discretionary council office budget of Councilmember Ben Bartlett and any other council members who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$250  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
20. **Budget Referral: RFP for a Freestanding Public Restroom Facility** (*Continued from September 24, 2019*)  
**From: Councilmember Robinson**  
**Recommendation:** Refer to the budget process to set aside up to \$100,000 to issue an RFP for a freestanding, 24/7 public restroom facility in the Telegraph Business Improvement District.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

## Action Calendar

*The public may comment on each item listed on the agenda for action as the item is taken up. 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.*

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

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

## Action Calendar – Old Business

- 21. Authorization to Execute a Revised Programmatic Agreement with the California State Historic Preservation Officer (SHPO)** *(Continued from September 10, 2019)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a revised Programmatic Agreement (PA) with the California State Historic Preservation Officer (SHPO) to clarify which rehabilitation activities would not require SHPO's review.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
- 22. IKE Smart City Kiosk Locations, Phase One** *(Continued from September 24, 2019)*  
**From: City Manager**  
**Recommendation:** Approve the locations for the first phase of deployment of 15 IKE Smart City Kiosks in the Downtown, Telegraph and Lorin commercial districts pursuant to Ordinance No. 7,626-N.S. granting the Franchise Agreement with IKE Smart City, LLC.  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, (510) 981-7530
- 23. Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses** *(Continued from September 24, 2019)*  
**From: City Manager**  
**Recommendation:** Refer to the Planning Commission modifications to the Zoning Ordinance that are designed to streamline the zoning review process for new or expanding small businesses in Berkeley  
**Financial Implications:** See report  
Contact: Jordan Klein, Economic Development, (510) 981-7530
- 24. Deaccession of Berkeley Big People** *(Continued from September 24, 2019)*  
**From: City Manager**  
Contact: Jordan Klein, Economic Development, (510) 981-7530
- 25. Referral Response: Issue a Request for Information to Explore Grant Writing Services from Specialized Municipal Grant-Writing Firms, and Report Back to Council** *(Continued from September 24, 2019)*  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, 981-7300
- 26. Pathways STAIR Center: First Year Data Evaluation and Results-Based Accountability Dashboard** *(Continued from September 24, 2019)*  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

## Action Calendar – Old Business

27. **Referral Response: Lava Mae Mobile Shower and Hygiene Services** *(Continued from September 24, 2019)*  
**From: City Manager**  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
28. **Settlement Authority of City Manager for Workers' Compensation Claims**  
**From: City Manager** *(Continued from September 24, 2019)*  
**Recommendation:** Adopt a Resolution to establish and grant authority to the City Manager to settle workers' compensation claims up to \$75,000 per employee claim.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
29. **Repealing and Reenacting BMC Chapter 13.104, Wage Theft Prevention**  
*(Continued from September 24, 2019)*  
**From: Mayor Arreguin and Councilmembers Harrison and Droste**  
**Recommendation:** Adopt second reading of Ordinance No. 7,668-N.S. repealing and reenacting BMC Chapter 13.104, Wage Theft Prevention to improve enforcement of the ordinance by requiring a signed acknowledgement of ordinance requirements and signed attestation at completion of the project.  
First Reading Vote: All Ayes.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Action Calendar – Old Business

### 30. Referral: Develop a Bicycle Lane and Pedestrian Street Improvements Policy

*(Continued from September 24, 2019)*

**From: Councilmembers Robinson, Droste, Harrison, and Mayor Arreguin**

**Recommendation:** Refer to the City Manager to develop a comprehensive ordinance governing a Bicycle Lane and Pedestrian Street Improvements Policy that would:

1. Require simultaneous implementation of recommendations in the City's Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met: (a) Bicycle Plan recommendations can be implemented using quick-build strategies that accommodate transit operations. (b) Pedestrian Plan recommendations can be implemented using quick-build strategies that accommodate transit operations. (c) The Bicycle Plan recommends studying protected bike lanes as part of a Complete Street Corridor Study in the Tier 1 Priority list. (d) Improvements are necessary to comply with the Americans with Disabilities Act.
2. Prioritize bikeways and Vision Zero high-fatality, high-collision streets under the five-year Paving Plan by requiring that 50 percent of the repaving budget go towards such streets until they meet a minimum surface standard established with input from the Public Works and Transportation Commissions.
3. Encourage the use of quick builds by expediting quick-build projects under \$1 million. (a) "Quick-build" is defined as projects that a) require non-permanent features such as bollards/paint/bus boarding islands, b) make up less than 25 percent of the total repaving cost for that street segment, and c) can be a component of a Complete Street Corridor Study that includes evaluation after installation.
4. Require staff to report progress back to Council every two years.

Furthermore, refer to the City Manager to draft a revised version of the City's Complete Streets Policy that would clarify that the presence of an existing or planned bikeway parallel to an arterial does not exempt projects along said arterial from bicycle and micromobility improvements under the Policy.

**Financial Implications:** Staff time

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

## Action Calendar – New Business

### 31. Assembly Bill 626 – Microenterprise Home Kitchen Operations

**From: City Manager**

**Recommendation:** Staff recommends that the Mayor and City Council consider authorizing the permitting of Microenterprise Home Kitchen Operations (MEHKOs) as provided in Assembly Bill 626 (AB-626) through a resolution or ordinance.

**Financial Implications:** See report

Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400



## Action Calendar – New Business

### 32. Traffic Circle Policy and Program Recommendations

**From: Traffic Circle Policy Task Force**

**Recommendation:** Adopt a resolution to approve the Traffic Circle Policy as outlined in the report and refer to the traffic engineer for codification.

Refer to the City Manager:

1. Create the Community Common Space Stewardship Program as described below
2. Amend BMC section 16.18.040 to exempt traffic circles from permit requirements and address liability
3. Amend section 16.18.280 to encourage installation of green infrastructure
4. Refer the additional staff and material costs of this program to the budget process.

**Financial Implications:** See report

Contact: Tano Trachtenberg, Commission Secretary, (510) 981-7100

## Council Action Items

### 33. Adopt an Ordinance Amending Berkeley Municipal Code Chapter 2.99 to Prohibit City Use of Face Recognition Technology *(Reviewed by the Public Safety Committee)*

**From: Councilmember Harrison**

**Recommendation:** Adopt first reading of an ordinance amending Berkeley Municipal Code Chapter 2.99 to prohibit the City from acquiring, retaining, requesting, accessing, or using: (1) any face recognition technology, or (2) any information obtained from face recognition technology.

**Financial Implications:** See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

### 34. Ban Racial, Ethnic, Cultural, and Religious Discrimination on the Basis of Hairstyle or Headwear *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

**From: Councilmembers Robinson, Davila, Bartlett, and Hahn**

**Recommendation:** Adopt first reading of an ordinance adopting a new Section of the Berkeley Municipal Code: Chapter 13.23 DISCRIMINATION ON THE BASIS OF HAIRSTYLE OR HEADWEAR IN EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS, prohibiting grooming or appearance policies which target natural or traditional hair, hairstyles, or headwear, and refer to the City Manager to consider the operational requirements of enforcement of the ordinance, including what effective and appropriate enforcement would entail or what amendments to the Chapter would be necessary to perform such enforcement.

**Financial Implications:** See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

## Action Calendar – Policy Committee Track Items

- 35. Excused Absence for Mayor Jesse Arreguin and Councilmember Rigel Robinson**  
**From: Mayor Arreguin**  
**Recommendation:** Excuse Mayor Jesse Arreguin and Councilmember Rigel Robinson from the September 24, 2019 Council meeting due to attending official business of the City.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 36. Referral to City Manager to Authorize Additional Inclement Weather Shelter at Old City Hall from October 15, 2019 - April 30, 2020.**  
**From: Councilmembers Davila and Harrison**  
**Recommendation:**  
1. Authorize the City Manager to maintain open an as-needed inclement weather shelter from October 15, 2019 - April 30, 2020, to provide safe, indoor locations for our unhoused community during inclement weather, including cold temperatures below 45 degrees, rain, and add extreme heat and atmospheric pollution such as smoke.  
2. Approving the allocation of \$140,000 in funding for this inclement weather shelter with funds from the budget appropriations for an expanded Emergency Shelter program or by State Homeless Emergency Aid Program (HEAP) funding.  
3. Authorizing the City Manager to amend Contract No. 10577B with Dorothy Day House for the current operation of the as-needed inclement weather shelter, that will include this extension through April 30, 2020, and possible program expansion in order to increase the number of unhoused people served.  
**Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
- 37. Resolution in Support of the 2019 United Auto Workers General Motors Strike**  
**From: Councilmember Harrison**  
**Recommendation:** Adopt a resolution in support of the United Auto Workers General Motors strike for fair wages, affordable quality healthcare, and job security. Copies of the resolution are to be sent to Mr. Eric Heggie, National Field Director, UAW.  
**Financial Implications:** None  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

## Action Calendar – Policy Committee Track Items

- 38. Sanctioned Homeless Encampments**  
**From: Councilmembers Harrison and Davila**  
**Recommendation:** Adopt five referrals to the City Manager to begin the process of establishing a sanctioned homeless encampment in Berkeley:  
1. Enter into a contract to purchase climate-controlled, wind-resistant durable tents.  
2. Issue a Request for Proposals for an agency to manage and oversee the encampment.  
3. Install a portable toilet and handwashing station at the encampment parcel.  
4. Request that Lava Mae to service the encampment parcel once a week, thereby reinstating the City's twice weekly service standard.  
5. Add the encampment parcel to an existing garbage pickup route.  
Refer the costs associated with establishing the encampment, about \$200,000, to the November budget process.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 39. Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley**  
**From: Councilmember Wengraf**  
**Recommendation:** Adopt a Resolution declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 40. Referral: Telegraph Shared Streets**  
**From: Councilmember Robinson and Mayor Arreguin**  
**Recommendation:** Refer to the City Manager to develop and return to Council with a plan to implement the shared streets proposal outlined in the Telegraph Public Realm Plan, including identification of potential regional funding sources for the project.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 41. Adopt Resolution to Support Seamless Transit Principles**  
**From: Councilmember Droste, Mayor Arreguin, and Councilmembers Kesarwani and Robinson**  
**Recommendation:** Adopt a Resolution to support seamless transit principles in order to pursue an integrated reliable regional transit system connecting the Bay Area.  
**Financial Implications:** Staff time  
Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

## Information Reports

- 42. FY 2019 Third Quarter Investment Report: Ended March 31, 2019**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, (510) 981-7300

## Information Reports

43. **Audit Update: Construction Permits: Monitor Performance and Fee Assessments to Ensure Excellent and Equitable Customer Service**  
**From: City Manager**  
Contact: Timothy Burroughs, Planning and Development, (510) 981-7400
44. **Adoption of Homeless Commission's Fiscal Year 2020 Workplan**  
**From: Homeless Commission**  
Contact: Peter Radu, Commission Secretary, (510) 981-5400

## 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.*

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Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. 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 or in person to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

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

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

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

City Clerk Department  
2180 Milvia Street  
Tel: 510-981-6900  
TDD: 510-981-6903  
Fax: 510-981-6901  
Email: [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info)

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

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



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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Elmwood BID Advisory Board

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Elmwood Business Improvement District Advisory Board  
 Submitted by: Andrew Han, Chair, Elmwood BID Advisory Board  
 Subject: Renewal of the Elmwood Avenue BID for Calendar Year 2020

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 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2020; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2020 and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for October 29, 2019.

FISCAL IMPACTS OF RECOMMENDATION

Projected BID revenue of approximately \$45,000 will be deposited into the Elmwood BID Fund (782), and expensed from budget code 782-21-208-251-0000-000-446-636110. The BID constitutes an independent funding source that must be targeted to commercial revitalization efforts that are recommended by the Advisory Board. The City of Berkeley operates a parking lot within the district and will thus be assessed \$1,000, paid through the Off-Street Parking Fund. To the extent that the work of the Elmwood BID enhances the development of the Elmwood and its business climate over the long term, the BID contributes towards improving City revenues through increased sales and property taxes.

CURRENT SITUATION AND ITS EFFECTS

Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code section 36500 et.seq.) the City Council must approve an Annual Report prepared by the BID Advisory Board with a proposed budget for the next year as a requirement to levy new assessments. Accordingly, at its meeting of August 16, 2019, the Elmwood BID Advisory Board voted to recommend that the City Council approve the Annual Report and budget for 2020 and adopt a Resolution of Intention to renew the assessment for that year (M/S-Moudry/Aquiar; Ayes: Elliott, Aguiar, Moudry; Nays: none). The Resolution of Intention also sets a public hearing date for October 29, 2019 where affected Elmwood businesses can express support or opposition to renewal of the BID for 2020. If written and/or oral protests are received

from businesses proposed to pay a majority of the assessment, Council cannot vote to levy assessments for 2020. If no majority protest is received the Council may renew the assessment.

BACKGROUND

The Elmwood BID was established in November 2013 to provide the Elmwood Business Association with a sustainable, predictable source of funding for its activities to promote, maintain and beautify the Elmwood commercial district. The Elmwood Business Association has used the funds raised through the BID to implement a variety of activities such as marketing and branding, events, and capital improvements.

RATIONALE FOR RECOMMENDATION

State law requires that the City Council annually renew the Elmwood BID by first passing a resolution stating Council's intention to levy an annual assessment and scheduling a public hearing on the proposed renewed assessment for the coming year.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Kieron Slaughter, Secretary to the Elmwood BID Advisory Board, 510-981-2490

Attachments:

1: Resolution

- Exhibit A: Elmwood BID Annual Report and proposed budget for 2020
- Exhibit A1: Map of the Elmwood BID
- Exhibit A2: Assessment Rates



RESOLUTION NO. -N.S.

APPROVING THE ANNUAL REPORT AND PROPOSED BUDGET OF THE ELMWOOD BUSINESS IMPROVEMENT DISTRICT FOR 2020; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2020; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR OCTOBER 29, 2019 REGARDING LEVYING OF A RENEWED ASSESSMENT FOR 2020

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code section 36500 et seq.) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on November 19, 2013 the Berkeley City Council established such an area known as the Elmwood Business Improvement District (the "District"); and

WHEREAS, the City Council established a Elmwood Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2020 as required by the California Streets and Highways Code Section 36533; and

WHEREAS, the Annual Report is clear and complete and found to comply with the interests of Elmwood BID assessees; and

WHEREAS, the annual process for levying assessments in Business Improvement Districts requires that cities adopt a Resolution of Intent that declares their intent to levy such an assessment and then set a date for a public hearing where interested parties may be heard on the issue.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. The City Council hereby approves the Elmwood Business Improvement District Annual Report for 2019-20 (Exhibit A) as submitted to the City Clerk by the Elmwood Business Improvement District Advisory Board.

Section 2. Pursuant to the provisions of Section 36500 et seq. of the California Streets and Highways Code (the "Act"), the City Council declares its intent to levy an annual assessment for the parking and business improvement area known as the Elmwood Business Improvement District.

Section 3. The boundaries of the District are set forth in Exhibit A1 to the 2019-20 Annual Report which is attached hereto and incorporated herein by reference.

Section 4. The improvements and activities proposed for the District are as described in the Report and budget (Exhibit A) and appended hereto.

Council intends that these funds be used for designated activities and improvements in the Elmwood commercial area. Council explicitly intends that funds generated through this BID shall not be used to pay for activities routinely paid for by the City.

Section 5. The City Council intends to levy assessments on businesses located within the boundaries of the District shown Exhibit A1 and according to the business classifications and rates set forth in Exhibit A2 which is attached hereto and incorporated herein by reference.

Section 6. A public hearing shall be held before the City Council on October 29, 2019 in the Council Chambers, 1231 Addison St, Berkeley, California. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Elmwood Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

Formal protests against the levying of the District assessment must be made in writing. All written and oral protests should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Elmwood Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, at or before 3 pm on October 29, 2019 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscribing the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

Section 7. The City Clerk is directed to give notice of said public hearing by publishing the Resolution of Intention in a newspaper of general circulation.

#### Exhibits

- A: Annual Report for the Elmwood Business Improvement District for 2019-20
  - A1: Map of the Elmwood BID
  - A2: Assessment Rates

## **EXHIBIT A**

### Annual Report for the Elmwood Business Improvement District for 2019-20

August 31, 2019

To: Members of the Berkeley City Council  
From: The Elmwood Business Improvement District Advisory Board  
Re: 2020 Elmwood BID Renewal

We respectfully request that the Elmwood Business Improvement District be renewed for the 2020 fiscal year, without any changes to the assessment method or amount.

The Elmwood BID was established in November 2013 to promote, maintain and beautify the Elmwood commercial district. Revenues of roughly \$32,000 per year provide a regular, predictable source of funding for the activities of the Elmwood Business Association (EBA). The Elmwood BID has allowed the EBA to expand its activities into areas such as maintenance and capital improvements.

The Elmwood Business Association is continuing to be the catalyst for Elmwood Business District's on-going vitality. Here are some highlights of our projects:

- Permanent year-round lighting installation on district buildings
- Website: [www.shoptheelmwood.com](http://www.shoptheelmwood.com) serves as one of the district's main marketing tool – District Events, Introducing New Businesses, and on-going marketing updates
- Hired a landscaping contractor to maintain 70 tree wells – currently on a bi-monthly maintenance schedule
- Quarterly weeding and cleaning of Russell St. parking lot partnering with UC Berkeley
- On-going feasibility study of installation of security camera at Russell St. parking lot
- Maintaining a part-time Administrative Assistant to:
  - Post on social media
  - Manage merchant communications
  - Promote monthly happenings/specials among Elmwood Merchants
  - Updating the website to keep it current
- Sponsored the following events:
  - July 2018: Find Waldo in The Elmwood
  - September 2018: 4<sup>th</sup> Elmwood Wine Walk in The Elmwood w/ 28 merchants participating w/ BUILD (Berkeley United in Literacy Development) of 50% of net proceeds. Over 350 guests and donated \$1,000 to BUILD
  - October 2018: Find Your Mummy in The Elmwood
  - December 2018: Holiday Hunt in The Elmwood
- Held a Merchant Social in conjunction with our Annual Meeting
- Members of the board active in other Berkeley commercial and residential neighborhoods to promote harmony and cooperation

- Planned Elmwood District Shopping Guide/Map

Below for your review is a summary of our current financial position and our proposed budget for 2019-20

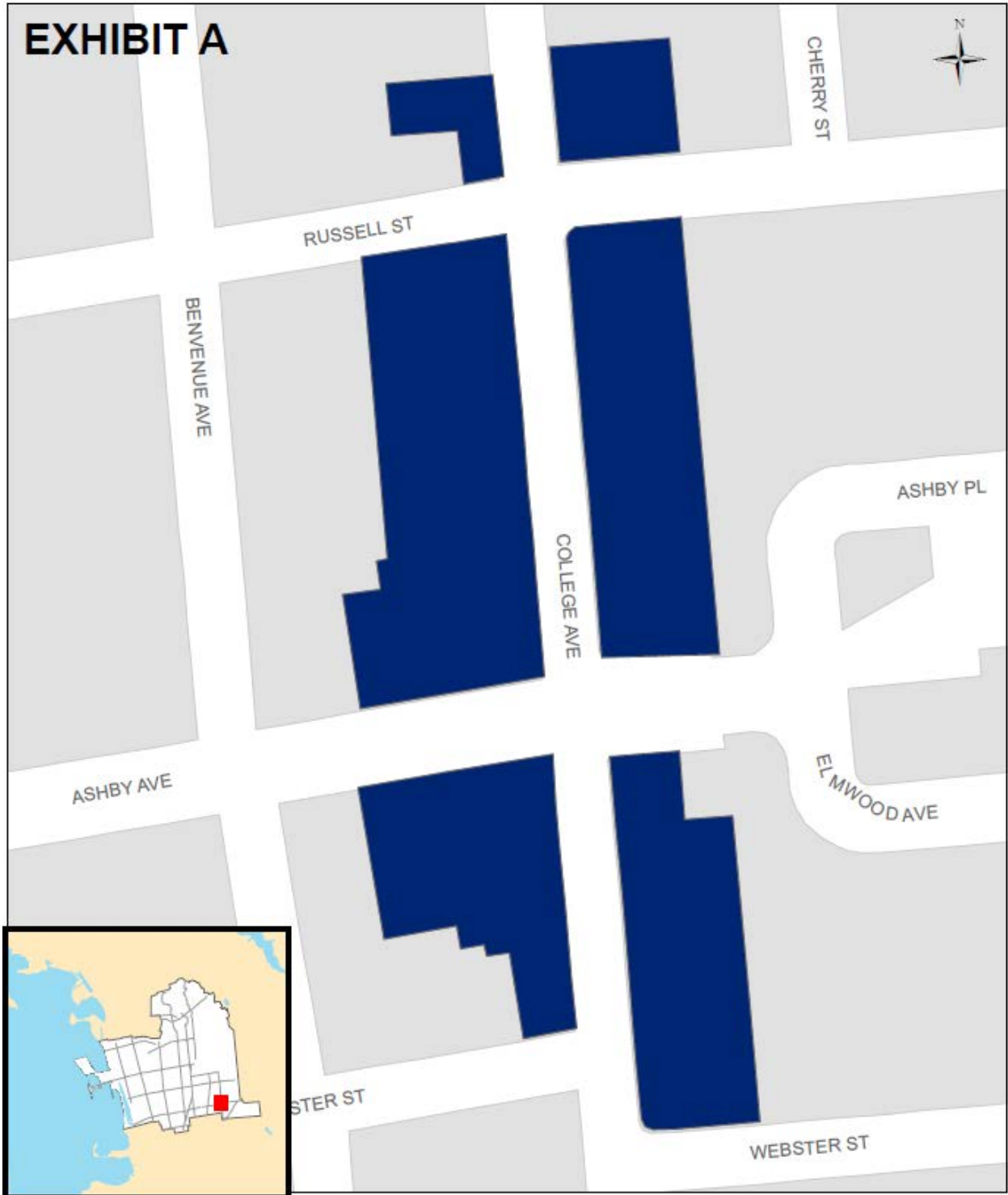
## 2019 - 20 Projected Expenditures Elmwood Business Association

INCOME	2019 - 20 Proposed Budget	2018 Actual
<b>Operating Income</b>		
BID Membership dues	\$ 30,000	\$ 30,000
Other (Partial BID Payment, Wine Walk Income)	\$ 18,763	\$ 19,095
<b>Total Operating Income</b>	<b>\$ 48,763</b>	<b>\$ 49,095</b>
<b>Non-Operating Income</b>		
Other		
<b>Total Non-Operating Income</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Total INCOME</b>	<b>\$ 48,763</b>	<b>\$ 49,095</b>

EXPENSES		
Admin Support	\$ 9,000	\$ 9,000
Cleaning and Maintenance (Gardening)	\$ 4,000	\$ 4,201
Dues and Subscriptions	\$ 450	\$ 450
Charitable Donations	\$ 2,000	\$ 3,500
Accounting Software	\$ 120	\$ 103
Dues and Subscriptions	\$ 450	\$ 450
Insurance	\$ 1,100	\$ 1,143
Legal and Professional Fees		
Marketing/Advertising (incl. Holiday Marketing)	\$ 12,000	\$ 12,871
Printing/Copy	\$ 500	\$ 466
Holiday Private Security	\$ 6,500	\$ 6,400
Special Events-Wine Walk	\$ 11,120	\$ 9,852
Taxes and Licenses	\$ 50	\$ 30
Web Hosting and Domains	\$ 650	\$ 620
Postage & Delivery (PO Box)	\$ 120	\$ 108
Other (Annual Mtg/EBA Social)	\$ 1,200	\$ 642
<b>Total Operating Expenses</b>	<b>\$ 49,260</b>	<b>\$ 49,836</b>

<b>Retained Earnings</b>	<b>\$ (497)</b>	<b>\$ (741)</b>
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Exhibit A1: Elmwood Business Improvement District, Map



**Exhibit A2: Elmwood Business Improvement District, Assessment Rates**

<b>Classifications</b>	<b>Rates</b>
Retail including jewelers and groceries but not restaurants (Tax Codes R, M and G but without NAICS 722, Food Services and Drinking Places) <ul style="list-style-type: none"> <li>Gross receipts under \$350,000</li> <li>Gross receipts \$350,000=\$999,000</li> <li>Gross receipts \$1,000,000</li> </ul>	\$250.00 per year \$350.00 per year \$500.00 per year
Restaurants, including all businesses that prepare and serve food at the request of customers (NAICS 722)	\$500.00 per year
Professionals including offices of real estate brokers (Tax Code P) <ul style="list-style-type: none"> <li>Gross receipts under \$100,000</li> <li>Gross receipts over \$100,000</li> </ul>	\$300.00 per year \$400.00 per year
Entertainment and Recreation (Tax Code E)	\$450.00 per year
Business, Personal and Repair Services (Tax Code B) except Hair, Nail and Skin Cares Services (NAICS 81211)	\$200.00 per year
Hair, Nail and Skin Care Services (NAICS 81211)	\$250.00 per year
Parking lot operators	\$1,000.00 per year
Financial Institutions	\$2,500.00 per year

Any business that is classified as a nonprofit (Tax Code N) for business license purposes shall nevertheless pay the assessment at the rate that corresponds to its North American Standard Industrial Classification if it is engaged in the sale of products or services and occupies a space zoned for commercial purposes.



Office of the City Manager

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Solano Business Improvement District Advisory Board  
 Submitted by: Kate King, Chair, Solano Avenue BID Advisory Board  
 Subject: Renewal of the Solano Avenue BID for Calendar Year 2020

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 2019 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2020; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2020; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for October 29, 2019.

FISCAL IMPACTS OF RECOMMENDATION

Projected BID revenue of approximately \$25,000 will be deposited into the Solano Avenue BID Fund, revenue budget code 783-21-208-251-0000-000-000-412110 and expensed from budget code 783-21-208-251-0000-000-446-636110. The BID constitutes an independent funding source that must be targeted to commercial revitalization efforts that are recommended by the Solano BID Advisory Board. To the extent that the work of the Solano BID enhances the economic development of Solano Avenue and its business climate over the long term, the BID contributes towards improving City revenues through increased sales and property taxes.

CURRENT SITUATION AND ITS EFFECTS

Renewal of the Solano BID is a Strategic Plan Priority Project, advancing our goal to foster a dynamic, sustainable, and locally-based economy. Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code section 36500 et. seq.) the City Council must approve an Annual Report prepared by the Solano BID Advisory Board with a proposed budget for the next year as a requirement to levy new assessments. Accordingly, at its meeting of September 10, 2019, the Solano BID Advisory Board voted to recommend that the City Council approve the Report for the Solano Avenue Business Improvement District for 2019-20 and adopt a Resolution of Intention to renew the assessment for that year (M/S- Snidow/Smith, Ayes: Snidow, Smith and King; Absent: Taylor). The Resolution of Intention also sets a public hearing date for October 29, 2019 where affected Solano

businesses can express support or opposition to renewal of the BID for calendar year 2020. If written and/or oral protests are received from businesses proposed to pay a majority of the assessment, Council cannot vote to levy assessments for 2020. If no majority protest is received the Council may renew the assessment.

### BACKGROUND

Since its revival in May 2012, the Solano BID Advisory Board has used Solano BID revenues to finance three programs: 1) a tree watering contract to ensure the health of 48 young street trees on Solano; 2) installing a program of 40 hanging planter baskets on light poles; and 3) sponsorship of events that attract customers to the district and improvements that enhance the pedestrian experience. In 2019, the BID program has focused on sponsoring activities and improvements intended to market and promote the Solano Avenue business district. In the wintertime, the BID in conjunction with the Solano Avenue Association (which represents both Albany and Berkeley businesses along Solano Avenue) pays a contractor to erect holiday lights and decorations on City street light poles. This will continue for the 2019-20 season. Although the BID will spend a good portion of its funds on the holiday décor program, in 2020 it plans to use some funds to establish an expanded landscaping program for merchants to clean and level tree wells. Also, the BID will continue to support local marketing and “shop local” campaigns, and events including the “Art Walk” and Solano holiday programming “Santa on Solano”, as requested by partnering Solano based organizations. BID expenditures are to be made through an established fiscal agency contract with Telegraph Property and Business Management Corporation.

### ENVIRONMENTAL SUSTAINABILITY

By maintaining and enhancing the district, the Solano BID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The District is adjacent to the popular surrounding residential North Berkeley neighborhoods and is served by AC Transit lines and has upgraded bike parking and shelters which provide easy accessibility for both residents and visitors coming to and from this retail destination. The environmental enhancements such as the added street trees, hanging planters, parklet, and holiday decorations contribute to making Solano a more pleasant walking destination. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation choices and decreasing vehicle miles traveled.

### RATIONALE FOR RECOMMENDATION

State law requires that the City Council annually renew the Solano BID by first passing a resolution stating Council's intention to levy an annual assessment and scheduling a public hearing on the proposed renewed assessment for the coming year.

### ALTERNATIVE ACTIONS CONSIDERED

None.

### CONTACT PERSON

Eleanor Hollander, Secretary to the Solano BID Advisory Board, (510) 981-7536.



Attachments:

1: Resolution

Exhibit A: Report for the Solano Avenue Business Improvement District 2019-20

Exhibit A1: Map of the Solano BID

Exhibit A2: Assessment Rates

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

APPROVING THE ANNUAL REPORT AND PROPOSED BUDGET OF THE SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT FOR 2020; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2020; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR OCTOBER 29, 2019 TO CONSIDER LEVYING A RENEWED ASSESSMENT FOR 2020

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code section 36500 et seq.) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on December 9, 2003 the Berkeley City Council established such an area known as the Solano Avenue Business Improvement District (the "District"); and

WHEREAS, the City Council established a Solano Avenue Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the City Council established a Solano Avenue Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2020 as required by the California Streets and Highways Code Section 36533; and

WHEREAS, the Annual Report is clear and complete and found to comply with the interests of Solano Avenue assessees; and

WHEREAS, the annual process for levying assessments in Business Improvement Districts requires that cities adopt a Resolution of Intent that declares their intent to levy such an assessment and then set a date for a public hearing where interested parties may be heard on the issue.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. The City Council hereby approves the Solano Avenue Business Improvement District Annual Report for the year 2020 (Exhibit A) as submitted to the City Clerk by the Solano Avenue Business Improvement District Advisory Board.

Section 2. Pursuant to the provisions of Section 36500 et seq. of the California Streets and Highways Code (the "Act"), the City Council declares its intent to levy an annual assessment for the parking and business improvement area known as the Solano Avenue Business Improvement District.

Section 3. The boundaries of the District are set forth in Exhibit A1 to the 2019-20 Annual Report which is attached hereto and incorporated herein by reference.

Section 4. The improvements and activities proposed for the District are as described in the Report and budget (Exhibit A) and appended hereto.

Council intends that these funds be used for designated activities and improvements in the Solano Avenue commercial area. Council explicitly intends that funds generated through this BID shall not be used to pay for activities routinely paid for by the City.

Section 5. The City Council intends to levy assessments on businesses located within the boundaries of the District shown Exhibit A1 and according to the business classifications and rates set forth in Exhibit A2 which is attached hereto and incorporated herein by reference.

Section 6. A public hearing shall be held before the City Council on October 29, 2019 in the Council Chambers, 1231 Addison Street, Berkeley, California. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Solano Avenue Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

Formal protests against the levying of the District assessment must be made in writing. All written and oral protests should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Solano Avenue Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, at or before 3 pm on October 29, 2019 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscribing the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

Section 7. The City Clerk is directed to give notice of said public hearing by publishing the Resolution of Intention in a newspaper of general circulation seven days prior to the public hearing.

Exhibits

A: Report for the Solano Avenue Business Improvement District 2019-20

A1: Map of the Solano BID

A2: Assessment Rates

## Report for the Solano Avenue Business Improvement District for 2019 and Budget for 2020

### **Background**

The first version of the Solano Business Improvement District (BID) operated from 2002-2007 with administration of the BID headed by the Solano Avenue Association. In January, 2012, the Council appointed the Solano BID Advisory Board to administer the Solano Avenue BID, to fund physical improvements to the street and dedicate marketing and promotion efforts towards the businesses on the portion of Solano Avenue that lies in Berkeley. This Annual report and budget updates the seventh full year of operational programs and progress on the revived Solano BID.

### **Landscape program**

In 2013, the Solano BID financed a tree watering program for young street trees along upper Solano Avenue. In 2016, per the City of Berkeley arborist, the trees were mature enough to not require additional water services. In early 2016, the board voted to enhance Solano's landscape by installing a program of 41 hanging planter baskets on light poles distributed throughout the district; utilizing the Downtown Berkeley Association's (DBA) services. The DBA watered and maintained the baskets through the end of calendar year 2018, but has declined to continue this contract. In 2019, significant rain supported the baskets, and the Solano BID started a conversation with The Streets Team to supplement other efforts to clean, weed, and level the tree wells through the district, and to develop an ongoing watering and maintenance system for the hanging flower baskets. This work should begin soon, and provide support for 2020 and beyond.

In addition, funds have recently been approved for a full traffic/transportation study on Solano, and the BID will support Councilmember Hahn in involving both local merchants and local residents in the effort to re-imagine Solano Avenue in a way that brings more vitality to the Avenue. This effort will consider also the concurrent efforts of the City of Albany in its similar effort with the middle section of Solano Avenue, with the intention of strengthening the Solano Avenue 'brand' overall.

### **Marketing and promotion of Solano**

Marketing and promotion of Solano Avenue constitutes the second priority of the Solano BID. To promote the avenue during the holiday season, a holiday light display program was established by the Solano BID. In 2016 and 2017 the BID contracted with a vendor, the Christmas Light Pros of SF, to deploy decorative unlit multi-colored garlands. In 2018, the board approved funding for a new vendor which, under direction of the Solano Avenue Association (SAA), covered more poles and provided greater decoration coordination opportunities with neighboring Albany, all at a lower cost than previous seasons. The intention for the holiday season in 2019-20 is to use the same vendor and reimburse the SAA after the lights are installed. This partnership underscores the leverage that the SAA organization has been able to provide to support BID efforts for the Berkeley portion of Solano Avenue.

In the remainder of 2019, the Advisory Board may again decide to participate in the development of holiday campaigns and activities (i.e. supporting the Solano Avenue Association

in the ‘Santa on Solano’ event or similar). In 2019, the group worked with the Solano Avenue Association to produce the second annual Art Walk, with a 50% increase in merchant participation overall. In addition, the BID district hosted (via one merchant) a Bike to Work Day location for the second year in a row. The details of the overall 2020 event and marketing program will be developed over the remainder of the year, with a possible Wine Walk and coordinated launch party for the new Touchstone Oaks bouldering gym at the top of the Avenue.

Expanded landscaping improvements have yet to be determined by the board. It is presumed that provided a successful demonstration of landscaping maintenance this fall/winter season (2019-20), a multi-year contract could be extended accordingly.

### **Solano BID Administration**

The Solano BID has one existing contract; a fiscal agent contract with the Telegraph Property and Business Management Corporation (Telegraph PBMC), who charges a 5% fee on their total contract size annually.

### **FINANCIAL STATUS OF THE SOLANO BID, SEPTEMBER 2019**

Solano BID Revenue, as of 9/10/2019	=	\$34,881.76
Less fiscal agent fee to Telegraph PBMC (5%) <sup>1</sup>	=	(\$1,250.00)
Less funds for Flower Basket/Tree well Landscaping	=	(\$2,000.00)
Less funds for Art Walk event(s)	=	(\$1,000.00)
Less funds allocated for decorative holiday garlands + Installation + Removal + Storage (11/19 – 1/20)	=	(\$7,500.00)
Unallocated as of 9/10/2019	=	\$23,131.76

### **BUDGET FOR THE SOLANO BID FOR 2020 (Calendar Year)**

Estimated new revenue	=	\$25,000.00
<u>Carryover from 2019 (estimated)</u>	=	<u>\$23,131.76</u>
Total available for expenditure in 2020	=	\$48,131.76

### *PROPOSED EXPENDITURES FOR 2020 (Calendar Year)*

Landscaping installation/tree well porous pavement	=	\$3,000.00
Watering and Maintenance for hanging flower baskets	=	\$3,700.00
Installation, removal and storage of holiday decor 2020-21 season	=	\$8,000.00
<u>Other marketing expenditure (Art Walk/Holiday Campaign etc.)</u>	=	<u>\$ 3,000.00</u>
Total projected expenditure	=	\$17,700.00

<sup>1</sup> \$1,250.00 is the anticipated the “not-to-exceed” amount of the fiscal agent fee (5%) of the total contract amount for the time period 1/1/20 to 12/31/2020. This may change slightly depending on the size of the collected new revenue for 2020 (which is currently estimated at \$25,000.00).

**Recommendations**

The Advisory Board recommends that the Council approve the Annual Report and Budget for 2020.

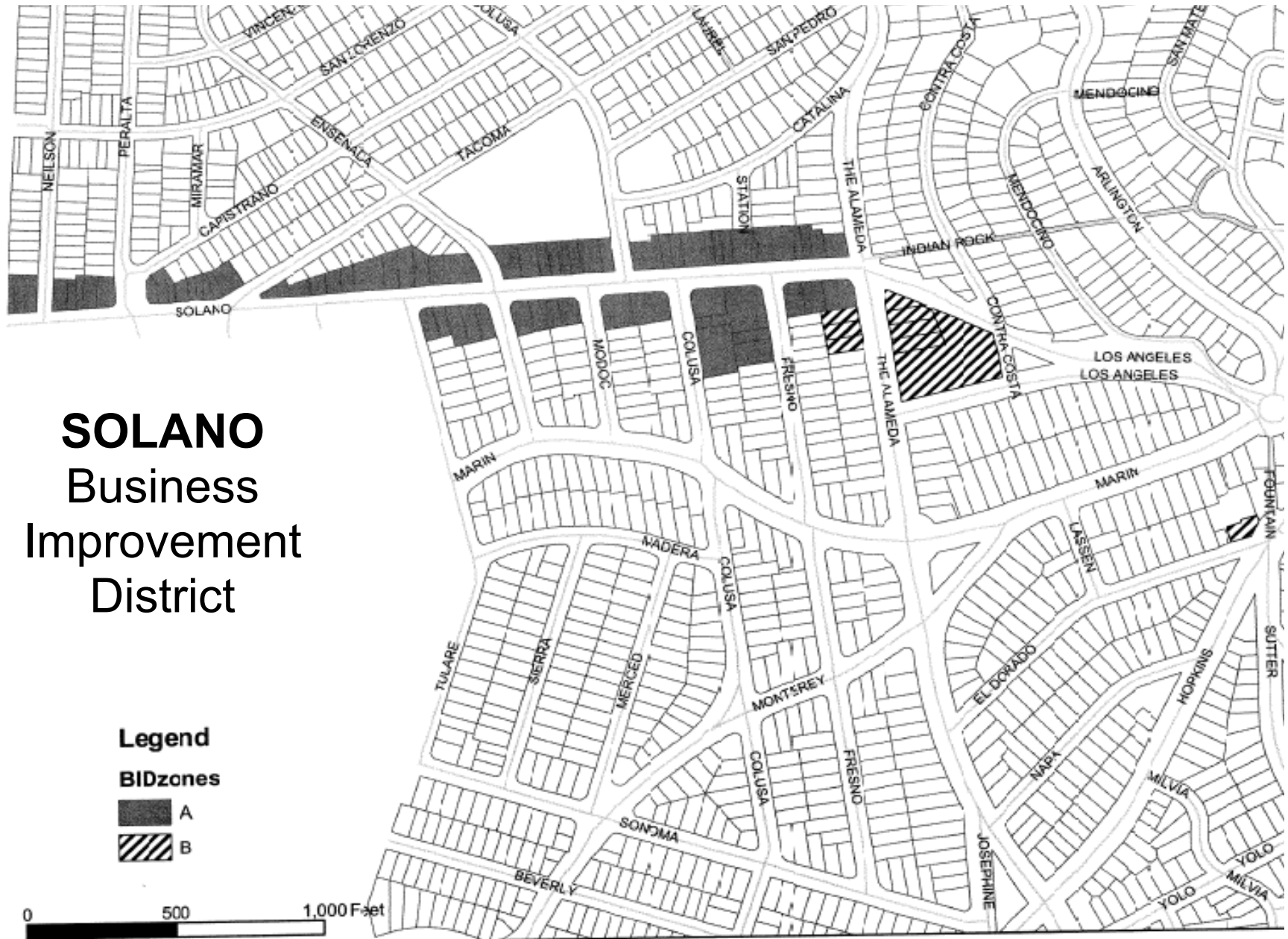
The Advisory Board recommends that the Council make no changes in the boundaries of the Solano Business Improvement District or in the two Benefit Zones, A & B.

The recommended improvements and activities for 2020 are those stated in the Report. The cost for providing them is stated in the Budget for 2020.

The method and basis for the assessment is as stated in Exhibit A2.

The estimate for surplus revenues to be carried over from 2019 is as stated in the Budget for 2020.

Exhibit A1





## Exhibit A2

**Berkeley Solano Avenue Business Improvement District Annual Assessment Formula**

<b>Type of Business</b>		<b>Annual Assessments</b>	
		<b>Zone A</b>	<b>Zone B</b>
<i>a. Retailers and Restaurants</i>	1-5 employees	\$200	\$125
	6-9 employees	\$300	\$175
	10+ employees	\$400	\$225
<i>b. Service Businesses</i>		\$175	\$100
<i>c. Professional Services</i>		\$100	\$65
<i>d. Financial Institutions</i>		\$500	\$500





Office of the City Manager

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
From: Berkeley Peace & Justice Commission  
Submitted by: Igor Tregub, Chairperson  
Subject: Resolution: Protect from deportation beneficiaries of DACA, TPS, and DED

RECOMMENDATION

Adopt a resolution in support of protections from deportation and a path to permanent residency for beneficiaries of DACA, TPS, and DED.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

More than 1.1 million hardworking men and women stand to lose their work authorization and legal status in this country unless Congress takes steps to defend Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS), and Deferred Enforced Departure (DED), whose protections have been canceled by the Trump Administration, although federal judges have issued temporary injunctions blocking the terminations.

At its regular meeting on July 15, 2019, the Peace and Justice Commission recommended that the Council of the City of Berkeley adopt a resolution in support of protections from deportation and a path to permanent residency for beneficiaries of DACA, TPS, and DED. The vote for the attached resolution was as follows:

M/S/C: Bohn/ al-Bazian  
Ayes: al-Bazian, Bohn, Gussmann, Lippman, Meola, Morizawa, Tregub, Askary, Maran  
Noes: None  
Abstain: None  
Absent: Rodriguez, Han  
Excused: Pancoast, Pierce

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Without legislative action for permanent solution, more than 300,000 TPS and DED holders could be uprooted this year, including those from Haiti in July and El Salvador in September. TPS is a successful program that serves important humanitarian purposes while helping to raise wages, support a stable workforce and reduce exploitation. Studies have shown that TPS holders have a workforce participation rate of 88.5 percent, with particular concentrations in construction and service industries.

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER

City Manager takes no position.

CONTACT PERSON

Igor Tregub, Chairperson, Peace and Justice Commission  
Breanne Slimick, Commission Secretary, City Manager's Office (510) 981-7018  
Attachment:

1. Resolution in support of protections from deportation and a path to permanent residency for beneficiaries of DACA, TPS and DED

RESOLUTION NO. ##,###-N.S.  
PROTECT FROM DEPORTATION AND A PATH TO PERMANENT RESIDENCY FOR  
BENEFICIARIES OF DACA, TPS, AND DED

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

WHEREAS, more than 1.1 million hardworking men and women stand to lose their work authorization and legal status in this country unless Congress takes steps to defend Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS), and Deferred Enforced Departure (DED), whose protections have been canceled by the Trump Administration, although federal judges have issued temporary injunctions blocking the terminations;<sup>i</sup> and

WHEREAS, our entire workforce benefits from these programs that allow people to live and work without fear in our country, and we will all be harmed if these workers lose their status;<sup>ii</sup> and

WHEREAS, there are more than 800,000 DACA recipients in this country who have grown up and gone to school here. There are more than 320,000 TPS holders who have been working, paying taxes, contributing to our economy and belong to our unions. Many have lived here for decades, purchased homes and raised families that include U.S.-born children; and

WHEREAS, without legislative action for permanent solutions, more than 300,000 TPS and DED holders could be uprooted this year;<sup>iii</sup> and

WHEREAS, TPS is a successful program that serves important humanitarian purposes while helping to raise wages, support a stable workforce and reduce exploitation. Studies have shown that TPS holders have a workforce participation rate of 88.5 percent, with particular concentrations in construction and service industries;<sup>iv</sup> and

WHEREAS, terminating these protections would separate families, force workers into the shadows, and cause far-reaching harm in worksites and industries across the country. Termination of TPS would lead to an estimated \$45 billion reduction in gross domestic product, an immediate \$69 billion reduction in tax contributions and an estimated \$1 billion in employer costs; and

WHEREAS, ending TPS protections will only serve to expand the pool of vulnerable workers in our labor market and force a growing number of immigrants and union members to work under a cloud of fear. Stripping status and work permits from long-term, taxpaying members of our society is not in the interests of working people; and

WHEREAS, on June 4, the House of Representatives passed the American Dream and Promise Act of 2019, H.R. 6, which would provide protections from deportation and offer a well-earned path to permanent residency to hardworking people who have played by the rules for decades.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley stands in solidarity with beneficiaries of DACA, TPS and DED by endorsing House Resolution (H.R. 6), “American Dream and Promise Act of 2019.”<sup>v</sup>

BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges United States Senators Diane Feinstein and Kamala Harris to do all that they can in the U.S. Senate to pass similar protections and a path to permanent residency for DACA, TPS and DED.

BE IT FURTHER RESOLVED, the Council of the City of Berkeley encourages all residents to contact their senators to urge them to take leadership in fighting for protections from deportation and a path to permanent residency for DACA, TPS, and DED.

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<sup>i</sup> <https://immigrationforum.org/article/fact-sheet-deferred-enforced-departure-ded/>

<sup>ii</sup> “Overcoming the Odds: The Contributions of DACA-Eligible Immigrants and TPS Holders to the U.S. Economy,” June 3, 2019, <https://research.newamericaneconomy.org/report/overcoming-the-odds-the-contributions-of-daca-eligible-immigrants-and-tps-holders-to-the-u-s-economy/>

<sup>iii</sup> “Executive Order: Enhancing Public Safety in the Interior of the United States,” January 25, 2017, <https://www.whitehouse.gov/presidential-actions/executive-order-enhancing-public-safety-interior-united-states/>

<sup>iv</sup> “Terminating TPS to affect a quarter million U.S. born children,” Jaya Padmanabhan, Sep. 6, 2018, [www.sfoxaminer.com/terminating-tps-affect-quarter-million-u-s-born-children/](http://www.sfoxaminer.com/terminating-tps-affect-quarter-million-u-s-born-children/)

<sup>v</sup> “H.R.6, The American Dream and Promise Act of 2019,” <https://www.congress.gov/bill/116th-congress/house-bill/6>

#### BACKGROUND:

Nor Cal TPS Coalition is endorsing the resolution. <https://www.facebook.com/NorCalTPS/>

Participants: African Advocacy Network, Arab Resource and Organizing Center, Asociación de Hondureños de Norte California (AHNCA), Bay Area Chapter of the Committee in Solidarity of People of El Salvador (CISPES), Bay Resistance, Central American Resource Center (CARECEN), Centro Latino Cuscatlan, East Bay Sanctuary Covenant, Faith In Action, Global Exchange, Haiti Action Committee, Immigrant Legal Resource Center, Interfaith Movement for Human Integrity, Jobs with Justice-SF, Labor Council for Latin American Advancement-SF, Nicaragua Center for Community Action, Oakland Catholic Worker, Red Nacional Salvadoreña en el Exterior (RENASE), San Francisco Labor Council, SF Living Wage Coalition, Services, Immigrant Rights and Education Network (SIREN), United Service Workers West-SEIU, TPS Committee Fighting for Our Rights, TPS Committee for Permanent Residency Now, Labor Center for Immigrant Justice/We Rise S.F.

Endorsers: Clínica Martín-Baró, Council on American-Islamic Relations, International ANSWER, International Action Center, Marin Task Force on the Americas, Network in Solidarity with the People of Guatemala (NISGUA), School of the Americas Watch West, SHARE Foundation, UNITE HERE Local 2



Office of the Mayor

CONSENT CALENDAR

October 15, 2019

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

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

BACKGROUND

The Berkeley Holiday Fund has helped make the holiday season happier for hundreds of Berkeley's neediest residents for 106 years. An all-volunteer organization, the Berkeley Holiday Fund has been partnering with over 30 Berkeley service agencies, such as the Center for Elder Independence, the YMCA, Berkeley Food and Housing Project, and the Berkeley Health Department. By keeping operating costs to a minimum, the Berkeley Holiday Fund ensures that all contributions go directly to help those who need it the most. Last year, they were able to bring a little cheer into the lives of over 1,000 Berkeley citizens distributing over \$73,000.

The Mayor's office has actively participated in this program for over 25 years by providing application cards and first class postage to Berkeley Holiday Fund recipients. This year the Berkeley Holiday Fund anticipates distributing 1,000 request forms. This item requests the City Council approve an expenditure, not to exceed \$500 of funds from the from the Mayor's office budget to cover reproduction costs and postage.

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL SUSTAINABILITY

No adverse effects to the environment

Berkeley Holiday Fund 2018

CONSENT CALENDAR  
October 15, 2019

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

1: Resolution

2: Letter from Holiday Fund



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

BERKELEY HOLIDAY FUND 2019

WHEREAS, the Berkeley Holiday Fund has been making small grants to Berkeley's neediest citizens for 106 years; and

WHEREAS, last year, the Berkeley Holiday Fund distributed about \$73,000 to over 1,000 Berkeley residents; and

WHEREAS, Berkeley Holiday Fund partners with over 30 Berkeley service agencies including the Center for Elder Independence, the YMCA, Berkeley Food and Housing Project, and the Berkeley Health Department; and

WHEREAS, the Berkeley Mayor's Office has supported the Berkeley Holiday Fund's efforts for over 25 years by reproducing request forms and providing first class postage costs; and; and

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

WHEREAS, the Berkeley Holiday Fund seeks funds in the amount of \$500 to provide application cards and first class postage to Berkeley Holiday Fund recipients; and

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

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

106 Years of Giving

# BERKELEY HOLIDAY FUND

Post Office Box 9779 ♦ Berkeley, California 94709

www.BerkeleyHolidayFund.org

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Jesse Arreguin, Mayor of Berkeley

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J. Park  
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Bruce and Teddy Schwab  
Margaret and Contee Seely  
Robert Smith and Janet Huseby  
Timothy Stokes and Andrea Lewis  
Guy Tiphane  
Susan Wengraf  
Kriss Worthington  
E. William and Mary Alice Yund

August 28, 2019

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

Dear Mayor Arreguin:

On behalf of the Board of the Berkeley Holiday Fund, I want to thank the Mayor's office for its continuing, generous support for the Fund's annual disbursement of holiday gifts to Berkeley's neediest citizens. And to you personally for serving as the Honorary Chair Person of the Fund. For 106 years the Fund has solicited donations from the citizens of Berkeley and now partners with more than thirty local social service agencies to identify Berkeley citizens in need of help during the holidays.

Last year, with your help we were able to offer much needed cheer during the holiday season by sending checks totaling over \$73,000 and to more than 1,000 individuals and families in Berkeley.

We are requesting that you continue your longstanding support for our efforts. For at least the last twenty-five years the Mayor's office has provided assistance by funding the printing of the cards we distribute to the agencies and by providing first class stamps to mail the checks to recipients. Since the Holiday Fund is an all volunteer organization, this much appreciated support reduces our costs and assures that the maximum amount goes to the recipients.

We are grateful for your support of the Berkeley Holiday Fund as our Honorary Chairman and the support of the City Council members as Sponsors.

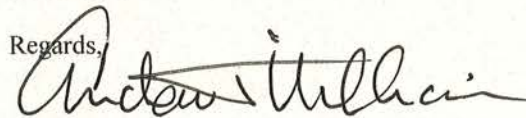
This year we anticipate distributing over 1,000 cards to the agencies and needing first class postage for about 950 letters (this figure includes the 501(c) 3 letters we send to donors acknowledging their tax free contributions). While we fund every request we receive, the number of requests from agencies varies from year to year, and we only send one check to individuals or families recommended by multiple agencies.

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

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

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

Regards,



Andrew T. Williams  
Co-Chairperson



Office of the Mayor

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Mayor Arreguin and Councilmember Kesarwani  
 Subject: Grant Referral for Capoeira Arts Foundation

RECOMMENDATION

Refer a Grant of \$150,000 for the benefit of the Capoeira Arts Foundation (CAF) to the mid-year budget process to support their purchase of the Casa De Cultura-1901 San Pablo Ave-in partnership with BrasArte to create a permanent home for their organizations, their school, the United Capoeira Association (UCA) Berkeley, and for other Brazilian art forms.

FINANCIAL IMPLICATIONS

\$150,000 to be allocated from excess equity in consideration with other council referrals for the mid-year budget process.

CURRENT SITUATION AND ITS EFFECTS

The Capoeira Arts Foundation INC, (CAF) is a California 501(c)(3) not for profit Corporation located at 1901 San Pablo Avenue, Berkeley CA 94702. CAF has operated out of Berkeley California, led by Ubirajara Almeida, "Mestre Acordeon" for the last 38 years. Mestre Acordeon has been teaching here for 41 years. His school, as well as being a "second home" to local capoeiristas, attracts visitors from all over the world and is considered an icon in the national and international Capoeira community

The Mission of CAF is to create awareness of the depth and breadth of the African-Brazilian experience, with a strong focus on capoeira. To achieve its mission, CAF teaches capoeira and other related traditional art forms; presents artistic, social and musical, and cultural events that aim to strengthen the community; publishes written works, and produces musical recordings and documentary films.

Mestre Acordeon has been in Berkeley since 1997, and CAF was initially located at 2026 Addison St (now the Freight and Salvage). Upon moving to CAF has operated at 1901 San Pablo, at their Casa De Cultura (Brazilian Cultural Center), in partnership with [BrasArte](#) since 2008, another non-profit organization with a similar goal of preserving African Brazilian culture and arts. BrasArte had a studio for many years on Solano Ave called the World Dance Center. These organizations have more than a 70 year history in Berkeley. The organizations have made the Casa De Cultura a destination for local and

international musicians, capoeiristas, dancers, instrument makers, students of these cultural manifestations and the artists who visit to celebrate their craft in the space.

The lease on the Casa De Cultura (1901 San Pablo Ave) is up in December 2019. At a time when renter evictions are common, the owner of 1901 San Pablo has offered the organizations the unique opportunity to purchase the building and would like to facilitate this process. A grant from the City will go toward the \$600,000 down payment (\$200,000 has already been raised), with the balance to be raised through additional donations and an innovative community investment model. Without support from the City, the organizations risk losing their home and the City risks losing historic Berkeley arts non-profits and a longstanding cultural community center.

The building, Casa De Cultura, is uniquely developed to support the activities of both organizations. In 2008, the organizations made \$400,000 in capital investments at the signing of the initial lease. CAF and BrasArte engaged in a large scale remodel, adding four bathrooms, two changing rooms with showers, new doors, floors and storage space. They are unlikely to find another location in Berkeley, let alone the Bay Area that is as well suited to their needs. Even if they could identify a space, moving to another location in this real estate market would likely be prohibitive to one or both organizations. The opportunity to purchase the building stems from the owner's desire to support the continued presence of CAF and BrasArte in Berkeley, and the creativity and commitment of the organizations to make it happen.

Opportunities for the City to support the permanent preservation of historic cultural centers are rare. The purchase of their building would guarantee CAF and BrasArte's long term presence in Berkeley and would enable the organizations to expand their operations. Additionally, purchasing the building would open the door to further capital improvements, such as the development of onsite workforce housing that would provide much needed affordable housing for artists.

### BACKGROUND

The Casa De Cultura and the organizations it houses, CAF and BrasArte, is a cultural and community anchor providing world class education in dance, capoeira, arts and music. Their celebrations, like the annual Levagem, bring the culture and spirit of Brazil to the streets of Berkeley. The Foundation in Berkeley is the flagship location and "Home Base" of their global capoeira community. They offer classes for adults and children of all ages, gender and ethnic backgrounds, regardless of ability to pay. Students come from around the world and make pilgrimages to the Mestre Acordeon's school as he is one of the most highly respected capoeira teachers in the world. He has been teaching in Berkeley for 41 years and in 2009 the City of Berkeley declared October 18th to be "Mestre Acordeon Day." Local students come from Alameda, Contra Costa, San Francisco and Marin Counties with many coming from the cities of Berkeley, El Cerrito, Richmond, Oakland, San Francisco, San Rafael, Walnut Creek, Santa Cruz, El Sobrante, Hayward and Alameda. ‘

The updated Arts and Culture Plan cites a Vision where:

- The City of Berkeley is a place where the arts are fully integrated into civic life and community identity.
- Our public spaces inspire, promote dialogue and serve to engage all who live and work in Berkeley, and all who visit our city.
- The city provides a supportive environment for artists and arts organizations to prosper and thrive. The arts are inclusive and empowering and serve to strengthen collaboration within our community
- Quality arts education for all ages inspires creativity, builds community and facilitates cross-cultural understanding.
- The economic contributions of local artists and arts organizations are valued, prioritized and supported.
- Berkeley is known regionally, nationally and internationally as a place where anyone can experience the transformative power of the arts in a variety of settings and locations.

The non-profits' purchase of the Casa De Cultura completely embodies this vision. Additionally, the organizations have expressed a commitment to expand their collaboration with local schools for education and workshop experiences, which would contribute to goal 3 of the Arts and Culture Plan to "expand high quality and equitable arts education"<sup>1</sup>. Currently, they have programs in Malcolm X and Cragmont, and over the years have run capoeira programs in nearly all Berkeley public schools.

Grants like this to support non-profit arts organizations have precedent in Berkeley. In 2015 the City Council voted to allocate similarly sized grants to Kala Art Institute and the UC Theater. At the time, both organizations needed support from the City to upgrade their facilities that would make their operations viable and sustainable for a long time.<sup>2</sup>

#### ENVIRONMENTAL SUSTAINABILITY

No environmental effects.

#### CONTACT PERSON

Mayor Jesse Arreguin      510-981-7100

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<sup>1</sup> City of Berkeley Arts and Culture Plan, 2018-2027 Update, Page 32

<sup>2</sup> [November 3, 2015 Berkeley City Council Agenda, Allocation of Grant Funds to U.C. Theatre and Kala Art Institute](#)





Office of the Mayor

CONSENT CALENDAR

October 15, 2019

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín, Councilmembers Kate Harrison and Lori Droste

Subject: Health Impact Assessment Outreach Coordinator

RECOMMENDATION

Refer to the Mid-Year Budget Process an amount of \$25,000 for Berkeley's contribution towards a budget of \$50,000 to support an Outreach Coordinator for the purpose of community education about the health impacts associated with the proposed closure of Alta Bates Hospital as indicated in the Health Impact Analysis completed by the Institute of Urban and Regional Development, University of California Berkeley in December 2018.

BACKGROUND

In 2016, Sutter Health announced its intention to close Alta Bates hospital, the only full service acute care hospital between Richmond and Oakland, by 2030. This is in spite of Sutter's pledge to the community to keep the hospital open after its merger with Summit in 1999. Ostensibly this is to avoid the cost of retrofitting the hospital per SB 1953 requirements.

On July 12, 2016, City Council passed Resolution No, 67,615–N.S, opposing the plans to close the hospital resolving, among other things, that the Mayor and City Council would establish open forums to inform and educate Berkeley residents and ensure that the residents would be notified of any and all forums to ensure a full service acute care general hospital for future generations. The Resolution further resolved that the Mayor, City Council and City Departments pledged to cooperate fully to facilitate this process (Attachment 1).

The Alta Bates Task Force, a group of elected officials and health experts was formed in 2017, with the purpose of investigating options that would maintain a full-service acute care hospital in Berkeley and educating the public around the impacts of a potential closure. Following over two years of task force meetings, community events, and futile outreach to Sutter Health, a formal request was sent to Sutter Health on February 7, 2019 requesting that they provide a plan, in writing, for the retrofitting/rebuild of the hospital or provide their future plans for the property (Attachment 2). As of September 23, 2019, a written reply has not been received.

Alta Bates, colloquially known as the Birthplace of the East Bay, served 66,268 patients in 2016, including 5,863 live births. With a capacity of 347 beds, it is the third largest

general acute care facility in the region. Its service area includes almost 850,000 residents, of whom 44% are people of color and 36% are below 200% of the federal poverty level.

The Health Impact Assessment report provides highlights of the likely health impacts of the closure of Alta Bates (Attachments 3 and 4). With the hospital serving as a regional hub for pregnancy and birthing, there would be reduced high quality prenatal, birthing & neonatal care, which is alarming in a country that already has an increasing rate of maternal mortality - higher than any other developed country. A potential closure would disproportionately impact people of color and low-income/uninsured residents, many of whom are already at a higher risk of having health complications. Emergency departments in hospitals throughout the region would see increased crowding, leading to longer wait times, longer travel times, and placing additional strains on ambulances, negatively impacting both the Berkeley Fire and Police Departments. It also places the entire I-80 corridor at additional risk in the event of a disaster such as an earthquake or wildfire, with victims having less access to emergency services.

The Alta Bates Task Force, has been developing its work plan for 2020 (Attachment 5), which focuses on the engagement of an Outreach Coordinator. The role of the Outreach Coordinator would be to raise awareness and educate residents along the I-80 corridor based on the Health Impact Assessment findings. They would also work on community engagement that would include organizational outreach such as faith-based organizations, neighborhood associations, students, seniors, labor, the disability community, and businesses. They would also be responsible for an overarching communications plan, among other tasks.

To help fund this position, the City of Berkeley as the host city will provide \$25,000 for this position, with other jurisdictions (Oakland, Emeryville, Albany, El Cerrito, and Richmond) contributing \$5,000 each for a total of \$50,000. In 2017, a similar action was taken to fund the research and development of the Health Impact Assessment report.

#### FINANCIAL IMPLICATIONS

\$25,000 from excess equity available in the November Annual Appropriations Ordinance.

#### ENVIRONMENTAL SUSTAINABILITY

Not Applicable

#### CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

#### Attachments:

- 1: Resolution 67,615
- 2: Letter to Sutter
- 3: Health Impact Assessment Findings



- 4: Health Impact Assessment of the Proposed Closure of Alta Bates Recommendation
- 5: Alta Bates Task Force Community Campaign and Proposed Work Plan



RESOLUTION NO. 67,615–N.S.

OPPOSE SUTTER HEALTH CORPORATION'S PLAN TO CEASE ACUTE CARE HOSPITAL OPERATIONS AT ALTA BATES HOSPITAL IN BERKELEY, FURTHER REQUESTING CITY DEPARTMENTS TO IDENTIFY PENDING OR FUTURE APPLICATIONS SOUGHT IN FURTHERANCE OF SUCH CLOSURE AND REPORT SUCH APPLICATIONS

WHEREAS, Alta Bates Summit Medical Center, has been providing "full service" Acute Care hospital services in Berkeley, the East Bay and in Alameda and other counties for decades, and

WHEREAS, Alta Bates Summit Medical Center is licensed for 944 acute care beds with more than half of them in Berkeley, and 347 of those at the Ashby facility; and

WHEREAS, Alta Bates Summit Medical Center's Ashby facility is crucial for providing timely healthcare services for the people of Berkeley and cities beyond Berkeley's border; and

WHEREAS, from 2002 through 2015, records from CA's Office of Statewide Health Planning and Development, OSHPD, revealed very high utilization of acute care services at Alta Bates' Berkeley facility, including over one million total days that hospital beds were occupied; which consisted in part of the following:

- 559,136 days patients were treated in Medical units;
- 228,498 days babies treated in Neonatal Intensive Care;
- 103,157 babies delivered;
- 111,946 admissions through the Emergency Departments;
- 73,612 adult Critical Care patients treated; and

WHEREAS, these numbers do not reflect the full scope of the amount of patients treated at the Berkeley facility because census data reported to CA's OSHPD agency does not include patients in "observation" status despite stays of up to 48 hours with "observation" patients; and

WHEREAS, these numbers reflect only the Ashby facility and not the Alta Bates Summit census data at the Oakland Summit site; and

WHEREAS, Sutter Health Corporation has announced its intention to dramatically reduce services by closing the Alta Bates' Berkeley facility in light of SB 1953; and

WHEREAS, the consolidation of hospital services results in loss of services as happened when Alta Bates Hospital merged with Summit Medical Center in 2000, and despite Sutter Health arguing that services would be enhanced, not reduced, when many in the community opposed the merger at that time, Alta Bates Summit afterwards experienced

the loss of many services in the past 15 years, overwhelmingly at the Alta Bates and Herrick campuses; and

WHEREAS, the national average for bed capacity per 1000 residents is 2.9 beds according to World Bank statistics. In Alameda County, the bed capacity is at 1.8 beds and neighboring Contra Costa at 1.4 beds, a figure that does not reflect the final phase of the 2015 closure of Doctor's Medical Center in San Pablo; and

WHEREAS, many hospital departments are often at capacity, and all of the local Emergency Departments already have large delays in service, which will only be exacerbated by the merging of the two full-service Acute Care Hospitals with their Emergency Departments to one Oakland location, increasing even further wait and admission times; and

WHEREAS, the University of California, has 37,581 Undergraduate and Graduate students who depend heavily on hospital services at the Alta Bates campus, including the Alta Bates Emergency Department in close proximity to campus, to address the students' life-threatening illnesses and injuries, and need for medical care; and

WHEREAS, the Berkeley, North Alameda, West Contra Costa area recently suffered the closure of an acute care hospital in San Pablo, and the loss of acute care hospital services as a result, and further, is subject to severe earthquakes, frequent urban interface with wild fires, industrial chemical releases and mass traffic casualties—all of which require emergency services; and

WHEREAS, when Berkeley's first responders are mandated to travel to Summit Campus in Oakland, they are unavailable for service for the rest of Berkeley for prolonged periods of time presenting a significant danger to the lives of Berkeley residents, and forcing an unacceptable standard of healthcare upon them; and

WHEREAS, closures and relocations of corporations on the community, impacting an array of businesses including family-owned businesses, with losses often doubling or tripling those who either lost jobs or had to relocate; and

WHEREAS, when access to healthcare is made more difficult, patients often delay healthcare but also stop seeking the care that is necessary; and

WHEREAS, the stated mission of corporate Sutter Health is to "enhance the well-being of people in the communities we serve through a not-for-profit commitment to compassion and excellences" in health care services; and

WHEREAS, Sutter Health as a non-profit corporation pays little or no property taxes for operations which are non-profit, such as its non-profit hospitals (as opposed to its for-profit operations) and is a highly profitable healthcare corporation whose total assets in the billions grow substantively each year, as shown:

- 2011: \$11,820,000,000
- 2012: \$12,390,000,000
- 2013: \$14,215,000,000
- 2014: \$14,290,000,000
- 2015: \$14,344,000,000

WHEREAS, Sutter Health needs to live up to its stated mission, be held accountable for its actions, and provide the necessary healthcare for Berkeley residents, and must not be allowed to put profits before lives nor endanger the residents of Berkeley; and

WHEREAS, the Berkeley City Council has a role and responsibility to provide resources to the public to promote and protect its health with no regional body researching the health needs of the greater community.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Berkeley oppose Sutter Health Corporation's plan to close its acute care services at Alta Bates Hospital and calls upon Sutter Health to cease and desist all actions in furtherance of any and all plans to close Alta Bates hospital.

BE IT FURTHER RESOLVED that the Mayor and City Council shall establish open forums to inform and educate Berkeley residents of the possibility of Sutter Health's seismically retrofitting Berkeley's Alta Bates facility; shall ensure the residents of Berkeley are notified of any and all forums under the City of Berkeley's purview; and ensure a full service acute care general hospital for future generations.

BE IT FURTHER RESOLVED that the Mayor, City Council, and City Departments pledge to cooperate fully to facilitate this process such that it is expedited as much is legally permitted.

The foregoing Resolution was adopted by the Berkeley City Council on July 12, 2016 by the following vote:

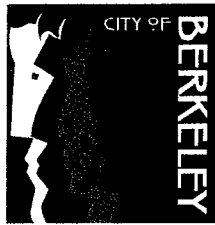
Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: None.

  
 \_\_\_\_\_  
 Tom Bates, Mayor

Attest:   
 \_\_\_\_\_  
 Mark Numairville, City Clerk



Office of the City Manager

February 7, 2019

Ms. Sarah Crevans  
Chief Executive Officer, President and Director  
Sutter Health  
2200 River Plaza Drive  
Sacramento, CA 95833

Dear Ms. Crevans:

On December 11, 2018, the Berkeley City Council voted unanimously to send the following letter:

The City of Berkeley is committed to retaining a full service acute and emergency care hospital in Berkeley to serve residents, students, workers and visitors of the City of Berkeley and UC Berkeley, and of neighboring I-80 Corridor cities including Emeryville, Albany, El Cerrito and Richmond. This letter is requesting that Sutter Health open formal discussions with the City of Berkeley to create a timeline and determine needs to retain Alta Bates Hospital as a full service acute and emergency care hospital in Berkeley. We would also like updated information on current plans for the future of the Alta Bates Summit Ashby Campus.

Recent waves of devastating fires in the North Bay and other California communities have resulted in evacuated or destroyed hospitals. Berkeley and the East Bay is at serious risk of wildfires, earthquakes, chemical releases and other potential manmade and natural disasters. These events, and the reality that there will be more like them, is of great concern. "Without functioning hospitals, it takes much longer for a community to recover ..... This prolonged recovery seriously retards the area's economic and social renewal", stated the Office of Statewide Health Planning and Development (OSHPOD) in highlighting the critical role hospitals occupy when disaster strikes.

Additionally, a 2018 University of California Health Impact Assessment found that the proposed closure of Alta Bates Campus at Berkeley would likely:

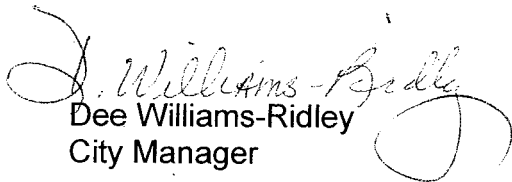
- Create a harmful cascade effect on remaining hospitals and emergency services, exacerbating already overcrowded ERs
- Lengthen wait times for hospital beds

Page 2  
February 7, 2019  
Ms. Sarah Crevans, Sutter Health

- Reduce the ability of first responders and emergency service vehicles to respond due to increased transport times through the East Bay's congested roadways
- Disproportionally affect marginalized communities; and
- Impact acute care services in this region that need to be expanded, not consolidated.

The City of Berkeley very much wants to work in collaboration with Sutter Health to develop a plan to keep a full service, acute care hospital in Berkeley. We are committed to exploring all options. We would like to engage in dialogue with you. Please provide a response to this letter by March 1, 2019, with a goal of working with the City and retaining Alta Bates as a full-service, acute-care hospital. The City of Berkeley is looking forward to participating with Sutter in these conversations.

Sincerely

  
Dee Williams-Ridley  
City Manager

cc: Mayor Jesse Arreguin and City Councilmembers, City of Berkeley  
Deputy City Manager Paul Buddenhagen, City of Berkeley  
Governor Gavin Newsom  
Congresswoman Barbara Lee  
Attorney General Xavier Becerra  
State Senator Nancy Skinner  
Assemblymember Buffy Wicks

<b>Figure 2: Likely Health Impacts from the Closing of Alta Bates Medical Center, Berkeley, CA</b> (Magnitude: 1 = less likely to 3 = highly likely)			
<b>Key Issue</b>	<b>Likely Health Impact</b>	<b>Magnitude of impact</b>	<b>Examples of Supportive Data</b>
<b>Birthing/obstetrics</b>	Reduced access to high quality prenatal, birthing & neonatal care	<b>***</b>	Over 5,000 births per year at Alta Bates - highest in the region Current birthing center has excellent maternal & infant outcomes
<b>Elderly care</b>	Delayed care, increased severity of disease & likely avoidable hospitalizations	<b>*</b>	Already high % Medicare serving facility; senior population increasing Hospital closures have resulted in delayed care & increased mortality for elderly
<b>Uninsured &amp; homeless</b>	Delayed care, increased unnecessary hospitalizations, increased care costs & potential spread of infections	<b>**</b>	About 41% of patients in 2016 were Medi-Cal or uninsured 600% increase in homeless patients at Alta Bates between 2016 - 2017
<b>People of color</b>	Delayed care, increased unnecessary hospitalizations, increased care costs & some increase in unnecessary deaths	<b>***</b>	Over 63% of patients at Alta Bates were people of color (PoC) in 2016 West Contra Costa County has high % PoC utilizing Alta Bates & will experience greatest increased travel times to reach Summit campus
<b>People with Disabilities</b>	Accessibility barriers due to increased distance and unfamiliarity with relocated services	<b>**</b>	12% of the population in the HSA are living with a disability, of which at least 61% are racial/ethnic minorities
<b>UC Berkeley Students</b>	Loss of familiar ED & in-patient care; loss of some emergency mental health & suicide prevention	<b>**</b>	Estimated 4,000 UCB student visits to Alta Bates ED per year About 2 ambulance transfer per day from Tang Health Ctr. to Alta Bates Loss of familiarity & proximity of care may adversely impact students
<b>Emergency Department</b>	Increased crowding at EDs across the region, increasing wait times; Increase travel times to ED for some; Increased 'time-on-task' for many regional EMS providers.	<b>***</b>	Loss of 22 ED treatment stations at Alta Bates Increase private vehicle travel times to Summit hospital during PM peak rush hour, with some areas needing over 50 minutes to reach ED. Summit will need to double current ED capacity to accommodate all Alta Bates patients Berkeley EMS reports 10-12 min. increase in transport times to Summit compared to Alta Bates, which would add on average 2 extra hours of EMS 'time-on-task' per day if Alta Bates closes
<b>Disaster preparedness</b>	Loss of ED capacity to treat earthquake & fire victims, potential increase in avoidable deaths & hospitalizations; likely increased cost of long-term care.	<b>***</b>	Est. 900 people needing ED care in first days of HayWired scenario earthquake & 1,000-1,200 from a major fire at Chevron in Richmond w/out Alta Bates. Regional ED capacity in an emergency/disaster will be significantly compromised without Alta Bates Concentrating ED capacity in fewer locations may limit access during a disaster if roadway network to those facilities is compromised.
<b>Economics</b>	Local government EMS spending increase; low wage workers disproportionately lose jobs; Nurses may also be adversely impacted; local service economy suffers	<b>*</b>	Potential increased cost to local governments to provide additional EMS services due to longer time on task Potential loss of nurses out of region, increasing shortage of skilled practitioners Potential loss of \$1.5B in local economic activity





Office of the City Manager

ACTION CALENDAR  
September 26, 2017

To: Honorable Mayor and Members of the City Council  
 From: Community Health Commission  
 Submitted by: Holly Wertman, Chairperson, Community Health Commission  
 Subject: Health Impact Assessment of the Proposed Closure of Alta Bates

RECOMMENDATION

Adopt a Resolution supporting the preparation of a Health Impact Assessment, incorporating a proposed scope, and referring to the City Manager a request that the Public Health Division assist with (1) interagency arrangements such as contracting with the University of California, Berkeley, Alameda County, and/or another governmental entity or consultant(s) to conduct the Assessment, (2) sharing access to existing data for researchers conducting the HIA, and (3) supporting educational opportunities for community members.

FISCAL IMPACTS OF RECOMMENDATION

Short-term minor costs to assist with the Assessment. Long-term savings to the Police, Fire, and Health, Housing, Community Services Departments.

CURRENT SITUATION AND ITS EFFECTS

Alta Bates Summit Medical Center has been providing “full service” Acute Care hospital services in Berkeley, serving the East Bay I-80 corridor at the Herrick Campus since 1904, and at the Alta Bates Campus since 1905, and from their merger in 1984. Alta Bates’ Berkeley facility is crucial for providing timely health care services for residents of Berkeley and neighboring communities. In spite of this, Sutter Health Corporation has announced its intention to close Alta Bates’ Berkeley facility. Sutter has also closed the Cardiac Catheterization Unit and the Pulmonary Sub-Acute Unit at Alta Bates, requiring cardiac and stroke cases to be rerouted to further locations such as Summit.

BACKGROUND

Many hospital departments are often at capacity, and all of the local Emergency Departments reportedly have long delays in service. These delays will only be exacerbated by the merging of the two full-service Acute Care Hospitals, Alta Bates and Summit, to one Oakland location, increasing even further wait and admission times. The increased travel time to a more distant location raises questions about the potential for negative health outcomes, particularly for cardiac, stroke, and pulmonary patients. Further, when Berkeley’s first responders are mandated to travel to Summit Campus in Oakland, they may take longer to respond to subsequent emergencies in Berkeley,

raising questions about the impact that the closure of Alta Bates may have on public safety.

On July 27, 2017, the Community Health Commission moved to approve the proposed Health Impact Assessment of the Proposed Closure of Alta Bates:

M/S/C (Katz/Lingas) Motion to approve Health Impact Assessment of the Proposed Closure of Alta Bates.

**Ayes:** Commissioners Carter, Smart, Chen, Wong, Speich, Stein, Katz, Morales, Chin, Lingas and Kesarwani

**Noes:** None

**Abstain:** None

**Absent from vote:** Commissioners Wong, Teunis, Kim and Engelman

**Excused:** Commissioners Franklin, Brosgart, and Wertman

**Motion passed.**

#### ENVIRONMENTAL SUSTAINABILITY

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

#### RATIONALE FOR RECOMMENDATION

A Health Impact Assessment (HIA) is an analysis and community education tool for the community to learn about the health impacts and participate in actions affecting public health. Discussions are in progress with the U.C. Berkeley School of Public Health to identify researchers to conduct the assessment.

#### ALTERNATIVE ACTIONS CONSIDERED

Do not conduct the Health Impact Assessment. This is not recommended since the City and Community will not have adequate information to respond to the proposed actions regarding hospital closure.

#### CITY MANAGER

The City Manager supports the Commission's work on this matter and reiterates that City of Berkeley staff support will be extremely limited and contingent on available resources and capacity.

#### CONTACT PERSON

Rebecca Day-Rodriguez, Commission Secretary, HHCS, (510) 981-5337

#### ATTACHMENTS

1. Resolution

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

SUPPORTING A HEALTH IMPACT ASSESSMENT OF THE PROPOSED CLOSURE  
OF ALTA BATES

WHEREAS, the Berkeley City Council has previously adopted a resolution in opposition to the proposed closure of Alta Bates Medical Center; and

WHEREAS, the closure of Alta Bates Medical Center is expected to have serious impacts on the health of Berkeley and East Bay residents; and

WHEREAS, the health impacts likely include delay of care for emergency medicine events, impacting patient health outcomes for cardiac and stroke, pulmonary, obstetrics, psychiatric, alcohol and drug poisoning, and trauma emergencies; and

WHEREAS, the health impacts likely include impacts to safe hospital operations, including hospital acquired infections, inpatient bed capacity; and

WHEREAS, the health impacts likely include impacts to community access to primary and specialty care, reduction in services for safety-net and special needs populations; and

WHEREAS, the health impacts likely include impacts to first responder operations and heightened risk in a disaster event; and

WHEREAS, a Health Impact Assessment (HIA) is an analysis and community education tool for the community to learn about the health impacts and participate in actions affecting public health; and

WHEREAS, the Berkeley Mayor's Office has identified faculty at the U.C. Berkeley School of Public Health to conduct a Health Impact Assessment; and

WHEREAS, the Community Health Commission has proposed a Scope of a Health Impact Assessment of the proposed closure of Alta Bates Medical Center.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a Health Impact Assessment (HIA) should be conducted regarding the proposed closure of the Alta Bates Medical Center, including the scope recommended by the Community Health Commission.

BE IT FURTHER RESOLVED that the City Council refers to the City Manager a request that the Public Health Division assist with (1) interagency arrangements such as contracting with the University of California, Berkeley, Alameda County, and/or another governmental entity or consultant(s) to conduct the Assessment, (2) sharing access to existing data for researchers conducting the HIA, and (3) supporting educational opportunities for community members.



## **Community Campaign to Save Alta Bates**

Concept note September 10, 2019

### Proposed fiscal sponsorship arrangements:

- Contract with Inquiring Systems, Inc. for fiscal sponsorship.
- Advisory Board role is to manage and implement work plan objectives through fiscal oversight and development of community organizing and education project.
- Advisory Board nominations:
  - o Vicki Alexander, MD, MPH, founder, Healthy Black Families; former Berkeley Health Officer;
  - o Carol Brosgart, MD, former Medical Director, Children's Hospital Oakland;
  - o Anthony Galace, Greenlining Institute Health Equity Director, Alameda County Public Health Commission Chair;
  - o Bob Lieber, RN, retired Alta Bates nurse, former Albany City Council member;
  - o Andy Katz, Attorney; Member, Berkeley Community Health Commission; former State Director, Breathe California; to manage operational arrangements with fiscal sponsor;
  - o Possible additional members with public health and nonprofit community organizing experience.

### The Community Campaign to Save Alta Bates will continue collaborating with the:

- Organizing Committee, who will advise and assist the community organizer in the implementation of specific work plan objectives.
- Elected Official Liaison Committee composed of at least one representative from each city and appropriate state/regional officials who will collaborate to share information and deliberate regarding policy interventions and communications with hospital operators.
- A new Development Committee and/or Advisory Council to assist with fundraising efforts.
- Mayor's Task Force stakeholders as needed, particularly after initial implementation of work plan outreach and research efforts have concluded, to re-evaluate objectives and strategies with all stakeholders.

### Timeline:

- Initiate individual fundraising early Fall 2019
- Request operating support and/or contract for work plan objectives with local governments Fall 2019
- Hire organizer at half-time, advancing to full-time, once 3 months of operational support is received.
- Temporary hiring committee to be composed of at least one member from each committee.



## **Community Campaign to Save Alta Bates Proposed Work Plan 2019 - 2020**

### **Objectives:**

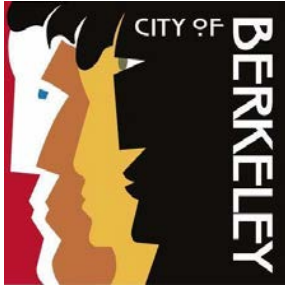
- Building on the efforts of the Save Alta Bates Task Force and Health Impact Assessment, form a fiscally sponsored project of a 501(c)(3) organization.
- Raise resources to implement campaign to raise public awareness and momentum.
  - o Public education of Health Impact Assessment of Alta Bates threatened closure
  - o Community pressure campaign targeting Sutter Health
  - o Develop coalition to keep a full service acute care hospital in Berkeley.
  - o Emphasize need for quality solution, restoration of hospital services
- Support further research supporting implementation of efforts to keep Alta Bates open as a full service hospital.

### **Strategies:**

- Hire community organizer to lead implementation of organizational strategies
- Implement community pressure campaign
  - o Letter writing
    - Eventually up to 10,000 individual letters.
  - o Organizational outreach
    - Obtain 75 – 150 organizational sign-ons.
      - Target constituencies:
        - o Faith-based organizations
        - o Neighborhood associations
        - o Business community
        - o Progressive / issue-affinity organizations
        - o Student organizations
        - o UC Faculty and Staff
        - o Seniors
        - o Labor and union members
        - o Disability community
  - o Business support
    - Obtain 150 – 300 business sign-ons.
  - o Forums
    - Host 1-2 forums within a year of launch.
  - o Signs
    - Distribute 300 – 500 window signs to businesses.
    - Distribute 300 – 500 window or lawn signs to residences.
  - o Visibility actions (e.g. stroller brigade)
    - Organize 1-2 visibility actions within year of launch.
    - Table at 20 - 30 public events within year of launch

- Speakers' Bureau
    - Train speakers to present to 40 – 75 neighborhood and community organizations within year of launch.
  - Developing and Maintaining Website
    - Informational resources and action toolkit
  - Volunteer Development
    - Recruit and involve community volunteers to support action plan.
  - Communications Plan
    - Social Media
    - Billboards
    - Website
  - Support Development and Fundraising
- Community Organizer Duties
- Develop and execute action plans for community involvement promoting and implementing community pressure campaign goals.
  - Develop and execute strategies for outreach to the community and existing groups, to educate the community.
  - Assist with planning meetings.
  - Develop organizing materials (fact sheets, flyers, posters, newsletters)
  - Coordinate and train supporters, organize and assign tasks, follow-up and evaluate results.
  - Promote campaign activities through various forms of media.
  - Establish relationships with partner groups, officials, and media, who will plan and support promotional tactics.





Councilmember Ben Bartlett

City of Berkeley, District 3  
2180 Milvia Street, 5<sup>th</sup> Floor  
Berkeley, CA 94704  
PHONE 510-981-7130  
EMAIL: [bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
From: Councilmember Ben Bartlett  
Subject: National Association for the Advancement of Colored People (NAACP) Berkeley, Albany and Emeryville (B.A.E) Youth Council Fundraiser to send 15 youth members to the 111th Annual NAACP Youth Convention in Boston, Massachusetts in June 2020: Relinquishment of Council Office Budget Fund to the General Fund and Grant of Such Funds

RECOMMENDATION:

Adopt a resolution approving the expenditure of funds, including \$250 from Councilmember Bartlett, to Inter-City Services, Inc. 501(c)3 (organized by the National Association for the Advancement of Colored People (NAACP) Berkeley, Albany and Emeryville (B.A.E.) Youth Council). The funds should be relinquished to the city’s general fund for this purpose from the discretionary council office budget of Councilmember Ben Bartlett and any other council members who would like to contribute.

BACKGROUND:

The National Association for the Advancement of Colored People (NAACP) is dedicated to securing the political, educational, social, and economic equality of rights in order to eliminate racial discrimination and ensure the health and well-being of all people. Participation in the Annual NAACP Youth Convention is organized by non-profits, like NAACP Berkeley Chapter, NAACP B.A.E Youth Council, and Inter-City Services, Inc. to educate, empower, and inspire young NAACP members to pursue a higher education and become social justice leaders in their community.

The NAACP B.A.E. is currently raising funds to send its members to the 111th Annual NAACP Convention in June 2020 in Boston, Massachusetts. The NAACP is asking councilmembers to make a donation to support this trip and the youth members who will be attending the convention. Their ultimate goal is to raise \$15,000 to send approximately 15 young people to this convention.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$250 is available from fund. The cost is as follows: Donation to the NAACP B.A.E. Youth Council Fundraiser (\$250).

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON:

Councilmember Ben Bartlett	510-981-7130
Brian Gan	510-981-7131
Katie Ly	510-981-7131

ATTACHMENT:

1. Resolution

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmembers Bartlett has surplus funds in his office expenditure account; and

WHEREAS, a California non-profit tax-exempt corporation – Inter-City Services, Inc. (ICS) – will receive the funds; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: National Association for the Advancement of Colored People (NAACP) Berkeley, Albany, and Emeryville (B.A.E.) Youth Council promotes the educational excellence of disadvantaged children and youth, racial harmony, social justice, humanity, and community unity in the City of Berkeley and surrounding environments by educating, empowering, uplifting, and organizing people of color in educational, cultural, and community service activities; and

WHEREAS, the NAACP Council B.A.E. Youth Council, in collaboration with Inter-City Services, Inc., hosts various community service activities including soup kitchens for the homeless and college readiness workshops for disadvantaged and underserved youth in the Berkeley community; and

WHEREAS, educational programming for low-income and underserved children and youth in the city of Berkeley is vital to the healthy development and overall progress of our children and community, and are integrated into NAACP and ICS events.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their council office budget, of an amount to be determined by each Councilmember, shall be granted to Inter-City Services, Inc. for this purpose.





CONSENT CALENDAR

October 15, 2019

*(Continued from September 24, 2019)*

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Rigel Robinson  
 Subject: Budget Referral: RFP for a Freestanding Public Restroom Facility

RECOMMENDATION

Refer to the budget process to set aside up to \$100,000 to issue an RFP for a freestanding, 24/7 public restroom facility in the Telegraph Business Improvement District.

BACKGROUND

Access to a public restroom is crucial for a livable, equitable city. A study by the National Coalition for the Homeless showed that 65 percent of unhoused individuals have been denied access to a restroom in a private business.<sup>1</sup> As homelessness continues to increase in Berkeley and throughout the Bay Area, cities must take action to protect the human dignity of their unhoused population.<sup>2</sup> Public restrooms also benefit those who are “restroom-challenged” as defined by the American Restroom Association, such as pregnant people, young children, and seniors.<sup>3</sup>

Furthermore, public restrooms serve as a boost for tourism and foot traffic. People are more likely to bike, walk, and explore a public space if they know that a restroom is available.<sup>4</sup> Attracting visitors to Telegraph Avenue by providing restroom access is essential for supporting our small businesses and maintaining the vibrancy of our commercial districts.

Other cities are also recognizing the importance of 24/7 public restroom access. In April 2017, the Washington D.C. City Council passed the Public Restroom Facilities Installation and Promotion Act to identify up to ten sites for installing public restrooms.<sup>5</sup> The City of Denver recently added two new mobile restroom facilities, which are used equally by tourists, downtown workers, and unhoused individuals, and have reduced complaints about human waste in the surrounding area.<sup>6</sup> In August 2019, the San

<sup>1</sup> <https://pffcdc.org/wp-content/uploads/2016/04/DiscriminationReport2014.pdf>

<sup>2</sup> <https://www.berkeleyside.com/2019/07/23/berkeleys-homeless-population-jumped-13-in-past-two-years>

<sup>3</sup> <https://pffcdc.org/wp-content/uploads/2017/03/The-restroom-challenged.pdf>

<sup>4</sup> <https://consumerist.com/2017/09/05/the-future-of-tourism-is-public-toilets/>

<sup>5</sup> <http://lms.dccouncil.us/Download/37807/B22-0223-Introduction.pdf>

<sup>6</sup> [https://www.huffpost.com/entry/cities-look-to-public-restrooms-to-clean-up-downtowns\\_b\\_59aea6b3e4b0c50640cd61d2](https://www.huffpost.com/entry/cities-look-to-public-restrooms-to-clean-up-downtowns_b_59aea6b3e4b0c50640cd61d2)

Francisco Department of Public Works rolled out a pilot program to keep three of their busiest public toilet locations open for 24/7 use.

One notable example of a public restroom is the Portland Loo, which was originally developed in partnership with Portland city officials, police, fire, and park staff. It is designed to address the problems cities encounter with such facilities, such as vandalism, drug use, and upkeep. Emeryville, Davis, Seattle, Salinas, Monterey, Charleston, and Waterloo are among the cities that have installed Portland Loos. The City of Berkeley should follow in these cities' footsteps in providing restroom access as a basic human right.

#### FINANCIAL IMPLICATIONS

The developer of the Enclave is contributing \$83,428 and a grant from the UC Berkeley Chancellor's office is contributing \$10,000, bringing total outside funding to \$93,428. This budget referral is intended to fund the remaining amount, including ongoing maintenance costs and staff time to create and review RFP applications.

#### ENVIRONMENTAL SUSTAINABILITY

Human waste can be a major environmental pollutant when it enters our waterways. Increasing the availability of public restrooms will reduce the volume of human waste that ends up in our watershed and eventually the Bay.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170



ACTION CALENDAR

October 15, 2019

*(Continued from September 24, 2019)*

To: Honorable Mayor and Members of the City Council

From: Councilmembers Rigel Robinson, Lori Droste, Kate Harrison, and Mayor Jesse Arreguin

Subject: Referral: Develop a Bicycle Lane and Pedestrian Street Improvements Policy

RECOMMENDATION

Refer to the City Manager to develop a comprehensive ordinance governing a Bicycle Lane and Pedestrian Street Improvements Policy that would:

- Require simultaneous implementation of recommendations in the City's Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met:
  - Bicycle Plan recommendations can be implemented using quick-build strategies that accommodate transit operations.
  - Pedestrian Plan recommendations can be implemented using quick-build strategies that accommodate transit operations.
  - The Bicycle Plan recommends studying protected bike lanes as part of a Complete Street Corridor Study in the Tier 1 Priority list.<sup>1</sup>
  - Improvements are necessary to comply with the Americans with Disabilities Act.
- Prioritize bikeways and Vision Zero high-fatality, high-collision streets under the five-year Paving Plan by requiring that 50 percent of the repaving budget go towards such streets until they meet a minimum surface standard established with input from the Public Works and Transportation Commissions.
- Encourage the use of quick builds by expediting quick-build projects under \$1 million.
  - "Quick-build" is defined as projects that a) require non-permanent features such as bollards/paint/bus boarding islands, b) make up less than 25 percent of the total repaving cost for that street segment, and c) can be a component of a Complete Street Corridor Study that includes evaluation after installation.
- Require staff to report progress back to Council every two years.

<sup>1</sup> [https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley-Bicycle-Plan-2017\\_AppendixE\\_Project%20Recs%20Priorities\(1\).pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017_AppendixE_Project%20Recs%20Priorities(1).pdf)

Furthermore, refer to the City Manager to draft a revised version of the City's Complete Streets Policy that would clarify that the presence of an existing or planned bikeway parallel to an arterial does not exempt projects along said arterial from bicycle and micromobility improvements under the Policy.

## BACKGROUND

Bicycle lanes decrease conflict between different modes of transportation, promoting safe streets for both motorists and bicyclists. A 2012 study found that protected bike lanes are the strongest indicator of lower fatality and injury rates. Where bike lanes were most abundant, fatal crash rates dropped by 44 percent and injury rates dropped by 50 percent.<sup>2</sup> Another study showed that bike lanes improve safety for motorists because drivers who pass bicyclists on unmarked roads tend to veer farther into the next lane of traffic. Similarly, bicyclists on unmarked roads tend to hug the curb, increasing their risk of injury.<sup>3</sup>

Recently, the Cities of Cambridge and San Francisco have implemented policies that streamline the process of adding bike lanes to their streets. Cambridge's new ordinance, passed in April 2019, requires that any streets undergoing improvement per the City's paving plan must also be upgraded per the City's bike plan.<sup>4</sup> This law ensures that new, protected bicycle lanes get built regularly, and furthers the City's goal of improving accessibility and safety for bicyclists.

In June 2019, San Francisco passed a quick-build policy allowing the City Traffic Engineer to approve reversible and/or adjustable parking and traffic modifications that previously required approval by the SFMTA Board of Directors.<sup>5</sup> This policy encompasses bike lanes, in addition to street improvements such as painted safety zones, changes to the configuration of traffic lanes, and roadway and curb paint.

In September 2019, the City of Seattle passed an ordinance mandating that when a paving project over \$1 million is slated for a street that is meant to be upgraded to a protected bike lane per the City's Bicycle Master Plan, the two projects must be done simultaneously.<sup>6</sup> This policy is a hybrid of the San Francisco and Cambridge models.<sup>7</sup>

According to the City of Berkeley's Bicycle Plan, Berkeley has the fourth highest bicycle commute mode share in America, at 8.5 percent. Nearly one in ten residents rides a

<sup>2</sup> <https://www.citylab.com/transportation/2019/06/protected-bike-lanes-safe-street-design-bicycle-road-safety/590722/>

<sup>3</sup> <https://bicycleuniverse.com/bicycle-lanes-no-brainer/>

<sup>4</sup>

<http://cambridgema.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=5905&highlightTerms=cycling%20safety%20ordinance>

<sup>5</sup> [https://www.sfmta.com/sites/default/files/reports-and-documents/2019/06/6-4-](https://www.sfmta.com/sites/default/files/reports-and-documents/2019/06/6-4-19_item_11_quick_build_projects_-_transportation_code_amendment_resolution.docx_.pdf)

[19\\_item\\_11\\_quick\\_build\\_projects\\_-\\_transportation\\_code\\_amendment\\_resolution.docx\\_.pdf](https://www.sfmta.com/sites/default/files/reports-and-documents/2019/06/6-4-19_item_11_quick_build_projects_-_transportation_code_amendment_resolution.docx_.pdf)

<sup>6</sup> <https://www.seattletimes.com/seattle-news/transportation/seattle-city-council-approves-new-bike-lane-requirements-calls-for-more-bike-lane-funding/>

<sup>7</sup> <http://seattle.legistar.com/LegislationDetail.aspx?ID=4078670&GUID=2AE8E905-1F17-4ED2-B9C2-3207591B92F6>



bicycle to work as their primary mode of transportation. As a result of Berkeley's high bicycle mode share and the City's insufficient bike infrastructure, there were 133 bicycle collisions in 2018.<sup>8</sup> Fear of injury is a significant deterrent to bicycling. A record 90 percent of Berkeley residents would consider bicycling under the right roadway conditions, demonstrating how important bikeway improvements are for increasing Berkeley's bicycle mode share.<sup>9</sup>

Additionally, as the City prepares for the introduction of shared electric scooters, it is appropriate and necessary to prioritize bike lane and pedestrian upgrades. Micromobility plays an important role in the future of transportation. Our approach to street improvements should reflect the growing population that uses alternative methods of transportation to get around our city.

Improving Berkeley's bike and pedestrian infrastructure is also an effective way to combat climate change. The City's Climate Action Plan calls for sustainable mobility modes, such as cycling, to become the primary means of transportation for Berkeley residents and visitors.<sup>10</sup> Adding new cycling facilities gives residents a safe alternative to driving, which reduces car usage and greenhouse gas emissions.<sup>11</sup>

This ordinance would prioritize bikeways and Vision Zero streets in the Paving Plan. Analysis of Berkeley's draft 2020-2024 Paving Plan shows that 23 percent of the repaving budget and 36 percent of street miles currently go towards streets that include bikeways. Upgrading high-fatality, high-collision streets, as defined in the forthcoming Vision Zero Action Plan, is consistent with the City's goal of eliminating traffic deaths in Berkeley. In July 2019, Council adopted Resolution No. 68,371 "In Support of Vision Zero," which created a City policy to prioritize high-collision streets as the City develops work plans and carries out infrastructure improvements. Adopting a quick-build policy and requiring simultaneous street upgrades would reduce delays, ensuring the timely implementation of the Bicycle and Pedestrian Plans.

This item also directs the City Manager to draft a revised version of the City's Complete Streets Policy, which currently provides an exemption from the Policy for when a "reasonable and equivalent project along the same corridor is already programmed to provide facilities exempted from the project at hand."<sup>12</sup> This language serves as a potential obstacle to adding bike infrastructure along arterials that run parallel to existing bikeways.

## ACTIONS/ALTERNATIVES CONSIDERED

<sup>8</sup> <https://tims.berkeley.edu/login.php?next=/tools/query/summary.php>

<sup>9</sup> [https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf)

<sup>10</sup> [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Energy\\_and\\_Sustainable\\_Development/BCAP%20Exec%20Summary4.9.09.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/BCAP%20Exec%20Summary4.9.09.pdf)

<sup>11</sup> <https://www.sciencedirect.com/science/article/pii/S136192091630270X>

<sup>12</sup> [https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley%20Complete%20Street%20Resolution%2012%2011%2012.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley%20Complete%20Street%20Resolution%2012%2011%2012.pdf)

The Council could choose to maintain the current structure for repaving streets which takes bikeways into consideration, but does not prioritize such streets. Berkeley's current bike plan recommends "complete street corridor studies" to determine how to add protected bike lanes on major streets.

The Council could also choose to follow Seattle's model, which would require that when repaving is done on streets that are slated for full protected bike lanes (as opposed to *any* upgrades per the Bicycle Plan), the two improvements happen together.

#### FINANCIAL IMPLICATIONS

Staff time.

#### ENVIRONMENTAL SUSTAINABILITY

Transportation accounts for 60 percent of Berkeley's community-wide GHG emissions. Improved bicycle and pedestrian infrastructure promotes sustainable, zero-emission methods of transportation, which is key to reaching the City's target of reducing GHG emissions by 80 percent below 2000 levels by 2050. The actions outlined in the referral are in line with the City's Climate Action Plan, which envisions "public transit, walking, cycling, and other sustainability modes" as the "primary means of transportation for Berkeley residents and visitors."<sup>13</sup>

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

#### Attachments:

1: City of Cambridge Ordinance Language

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<sup>13</sup> <https://www.cityofberkeley.info/climate/>

In the Year Two Thousand and Nineteen

AN ORDINANCE In amendment to the Ordinance entitled “Cambridge Municipal Code.”

That the Municipal Code of the City of Cambridge be amended by adding in Title Twelve entitled “Streets, Sidewalks and Public Places” a new Chapter 12.22 entitled “Cycling Safety Ordinance,” which reads as follows:

Chapter 12.22 Cycling Safety Ordinance

Section 12.22.010 Short Title

This Chapter may be cited as the "Cycling Safety Ordinance" of the City of Cambridge.

Section 12.22.020 Purpose

This Chapter seeks to eliminate fatalities and injuries on City streets in accordance with the City's Vision Zero goals through safety improvements and the construction of a connected network of permanent separated bicycle lanes across the City.

Section 12.22.030 Definitions

A. “Adequate Directionality” shall mean (1) a two-way street with a separated bicycle lane or lanes that allow bicycle travel in both directions, or (2) a one-way street with a separated bicycle lane or lanes that allow bicycle travel either in the direction of the flow of vehicular traffic or in both directions.

B. “Connectivity” shall mean the provision of a Permanent Separated Bicycle Lane system that reflects desired routes between all major origins and destinations in the city.

C. “Cambridge Bicycle Plan” shall mean the plan adopted by the City of Cambridge in October 2015 to create a framework for developing a network of complete streets, and which is entitled “Cambridge Bicycle Plan: Toward a Bikeable Future”.

D. “Five-Year Sidewalk and Street Reconstruction Plan” shall mean the City of Cambridge Department of Public Works’ five-year work plan of May 1, 2018, as it may be amended from time to time.

E. “Improvements” shall mean the construction of new City-owned streets, or the reconstruction of an existing City-owned street, including but not limited to full depth reconstruction, expansion, and/or alteration of a roadway or intersection. Improvements shall not include routine maintenance, repairs, restriping of the road surface, or emergency repairs to the surface of a roadway (collectively “Maintenance”), provided that existing bicycle lanes will be restored to existing conditions or better.

F. “Permanent Separated Bicycle Lane” shall mean a bicycle lane separated from motor vehicle traffic by a permanent vertical barrier that shall remain in place year-round,

including but not limited to granite or concrete barriers and raised curbs, provided, however, that the bicycle lane need not be separated from motor vehicle traffic by a permanent vertical barrier for short stretches to accommodate crosswalks, curb cuts, accessible parking, intersections, and public transportation, and provided further, that existing bicycle lanes may be temporarily removed during construction of Improvements or Maintenance, so long as they are restored to existing conditions or better.

G. "Separated Network" shall mean the proposed set of bicycle facilities identified in the Cambridge Bicycle Plan (Figure 5.14), or any plan superseding it, provided, however, that any such plan shall maintain Connectivity.

#### Section 12.22.040 Requirements

A. Whenever Improvements are made to a City-owned street under the City's Five-Year Sidewalk and Street Reconstruction Plan, the City Manager shall cause such Improvements to comply with the Cambridge Bicycle Plan, or any plan superseding it; provided, that if Improvements are made to a segment of the Separated Network, a Permanent Separated Bicycle Lane with Adequate Directionality shall be installed along that segment.

B. Full compliance with the provisions of Subsection A above is not required where the City Manager can demonstrate through a written alternatives analysis, to be made public, why it is impractical to comply with the provisions of Subsection A above, and where there will be a loss of Connectivity if the provisions of Subsection A are not complied with, how Connectivity could be otherwise advanced, if possible. Full compliance with the provisions of Subsection A above will be considered impracticable only in those rare circumstances where the City Manager determines that the characteristics of the physical features or usage of a street, or financial constraints of full compliance prevent the incorporation of a Permanent Separated Bicycle Lane with Adequate Directionality.



Traffic Circle Policy Task Force

## ACTION CALENDAR

October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Traffic Circle Policy Task Force  
 Submitted By: Diane Ross-Leech, Chairperson, Traffic Circle Policy  
 Subject: Traffic Circle Policy and Program Recommendations

### RECOMMENDATIONS

Adopt a resolution to approve the Traffic Circle Policy as outlined below and refer to the traffic engineer for codification.

Refer to the City Manager:

1. Create the Community Common Space Stewardship Program as described below
2. Amend BMC section 16.18.040 to exempt traffic circles from permit requirements and address liability
3. Amend section 16.18.280 to encourage installation of green infrastructure
4. Refer the additional staff and material costs of this program to the budget process.

### CURRENT SITUATION AND ITS EFFECTS

Berkeley's traffic circle policy is being revised with the assistance of the Traffic Circle Policy Task Force, which was established by the Mayor of Berkeley on February 26, 2019 (Attachment 2). The Task Force is composed of interested community members from geographically diverse parts of the city, including Berkeley Partners for Parks, who maintain neighborhood traffic circles. The Task Force was charged with evaluating the current traffic circle vegetation policy, recommending appropriate characteristics for allowed plantings, recommending a policy that ensures sight lines for visibility, and working with the community to update the policy to ensure pedestrian, bicycle and vehicle safety, as well as beautification of traffic circles.

Neighborhood traffic circles are islands in the middle of intersections whose primary purpose is to calm and slow traffic. In contrast, larger circles such as the Marin circle, are designed to facilitate traffic flow and efficiency. They have been shown to reduce the speed of travel as well as reduce the number of collisions involving vehicles, pedestrians, and bicycles at these intersections. A major benefit of traffic circles is that vehicles do not need to cut directly in front of oncoming traffic to make a left turn. This tends to eliminate broadside hits, which are often the deadliest intersection crashes.

Berkeley has 62 neighborhood traffic circles, removing a half acre of asphalt. Low plantings and central trees are usual and customary practice for neighborhood traffic circles in cities throughout the country. These cities policies recommend, encourage and support the inclusion in traffic circles of well-maintained trees and vegetation for their benefits to traffic calming, making traffic circles more visible and contributing to beautification, neighborhood character, and other benefits urban greening provides. Berkeley has numerous policies and plans that support traffic circles for traffic calming and other environmental and community benefits. Traffic circle trees and low vegetation are also recommended in national guidance by the Federal Highway Association and the National Association of Transportation Officials.

In the last five years there has been at least two serious accidents involving cars and pedestrians at traffic circle intersections. In a lawsuit against the City of Berkeley in one case, the plaintiff alleged traffic circle vegetation obstructed the view of an approaching driver and contributed to the collision with a pedestrian. These accidents are the major reason the Task Force was established and addressing safety concerns is the primary purpose.

At the meeting of July 31, 2019, the Traffic Circle Policy Task Force took the following actions: M/S/C (Huang/Alfsen) to approve the traffic circle policy as amended during the meeting and send to the City Council. Ayes- Diehm, Finacom, Huang, Krieger, Liu, Ross-Leech, Steere, Hughes, Wood. Noes - None. Abstain - None. Absent: Franklin, Grossinger; And M/S/C (Huang/Krieger) to approve the summary report as amended during the meeting and send to the City Council. Ayes- Diehm, Finacom, Huang, Krieger, Liu, Ross-Leech, Steere, Hughes, Wood. Noes - None. Abstain-None. Absent: Franklin, Grossinger

## BACKGROUND AND RATIONALE FOR RECOMMENDATIONS

### A. Traffic Circle Task Force Process

The Mayor's office hosted two community meetings on May 15 and May 29, 2019 where all interested community members were invited to participate and learn about the proposed Traffic Circle Policy Task Force, responsibilities, goals, deadlines and how to apply to the Task Force.

The Traffic Circle Policy Task Force held meetings on June 19 and July 10, 2019 where members of the public, in addition to the Traffic Circle Commissioners, had the opportunity to make public comments and participate in the general discussion.

At its first official meeting, the Traffic Circle Policy Task Force invited the city's Traffic Engineer, Hamid Mostowfi, to address questions from the Task Force Commissioners. The Traffic Engineer's primary concern with traffic circles is maintaining sight lines for

visibility. With this background and the charge set out by the City Council and the Mayor, the Task Force set up three subcommittees to gather additional information and research about traffic circles in other cities around the country.

The Vegetation Subcommittee examined the policies and characteristics of traffic circles in cities around the U. S. and Canada, reviewing various standards for traffic circle vegetation in national guidance documents and in published policies of other cities and through interviews with traffic safety experts. In addition, the Vegetation Subcommittee interviewed traffic engineers, landscape architects and traffic circle administrators from a number of cities to understand perspectives on traffic circle landscaping. The Subcommittee found that landscaped plantings with trees are standard practice for neighborhood traffic circles in numerous cities across the country and are also recommended in the major national guidelines for traffic safety and urban design. Specifications for the height and clearance of vegetation are generally recommended for low landscaping and trees that provide clear sight lines (see Attachment 3 for additional details).

The Operation and Maintenance Subcommittee focused its research on successful community volunteer programs in other cities that Berkeley could replicate, such as Oakland's "Adopt a Spot" initiative. The subcommittee relied on previous research prepared by Berkeley Partners for Parks titled "Expanded Berkeley Partners for Parks Proposal to City of Berkeley Regarding Strengthening Volunteer Engagement by Establishing Citywide *Adopt a Spot* Program," (see Attachment 6). The Subcommittee further reviewed websites from various cities, including Oakland, to view program documents. All of the community volunteer programs have a more formal structure for their programs and volunteers than Berkeley. Typical elements include: a volunteer job description used for recruiting purposes; volunteer application or agreement with a minimum term; maintenance rules and guidelines; planting guidelines; and safety rules and guidelines all on the city's websites with easy to use on-line applications and approvals (see Attachment 4 for additional details).

The Policy Alignment Issues Subcommittee reviewed all of the City of Berkeley's applicable plans, policies and programs found on the city's website, as well as some state and regional plans and policies, to determine how the proposed traffic circle policy and actions would intersect. The Subcommittee found overwhelming support and alignment among these documents. In particular, the Berkeley Bicycle Plan recommends additional traffic calming improvements along the Bicycle Boulevard network by adding 42 new traffic circles by 2035 (see Attachment 5 for additional details).

The Subcommittees comprehensive reports are Attachments 3, 4, and 5.

Other San Francisco Bay Area and North American cities and expert analysts beyond Berkeley have identified trees as a welcome and useful component of traffic circles,

particularly because they help slow traffic and identify for drivers the presence of a circle from a distance. The Urban Street Design Guide, a manual developed by the National Association of City Transportation Officials (an association of over 71 major North American Cities and 10 transit agencies) notes the value of trees and other vegetation not only for beautification, but also for their contribution to traffic calming.

Whether community volunteers are experts or novices, everyone needs common sense guidelines for safely maintaining the traffic circles. Most of the cities that support volunteer programs have all of the documents on the city's website. These guidelines and best practices will be important to help ensure compliance with overall vegetation traffic calming measures over time, as plants grow and obscure sightlines and as volunteers turn over.

With limited time, the Task Force prioritized the development of a vegetation policy and a maintenance program. However the following categories represent a good starting point for some of the guidelines that will be needed to support the Traffic Circle Policy and Program.

#### Guidelines and Best Practices:

- General conduct, safety, tools, watering
- Managing sightlines and vegetation
- General layout/design for traffic circles
- Plant maintenance, pruning, weeding, new planting and tree replacement and/or removal
- Integrated Vegetation Management and Pest Control
- Garbage and Debris Removal
- Decorations, boulders, bird feeders, miscellaneous
- Coordinating with Public Works,
- Self-Certification of Compliance with Best Practices
- On-line Arc-GIS/Google Maps traffic circles GIS database

The Traffic Circle Task Force will continue to work to develop some recommended guidelines for many of these categories, relying on best practices and community knowledge and collaboration.

#### B. Review of Existing Plans, Policies and Programs

The City of Berkeley General Plan directly addresses landscaped traffic circles and encourages their construction for traffic calming.

The 2009 City of Berkeley Climate Action Plan identifies traffic circles as essential to slow or reduce automobile traffic and make walking and bicycling safer. Traffic circles are recognized traffic calming measures on a local street with a complementary benefit of sequestering carbon from trees and plantings.



The Berkeley Pedestrian Master Plan strongly supports the traffic calming benefits and safety improvements provided by traffic circles.

The Berkeley Bicycle Plan supports traffic calming from various measures, including additional traffic circles along major Bicycle Boulevards to slow traffic and improve safety.

The “Vision Zero” Policy initiative is intended to create a transportation system with no fatalities or serious injuries involving road traffic – traffic circles are a component of the plan.

There are additional City of Berkeley plans and policies that support traffic circles, and more detail can be found in Attachment 5.

### C. Traffic Circle Policy

#### PURPOSE

The purpose of this new policy is to identify the appropriate design, vegetation and operation characteristics of traffic circles that provide both traffic calming and other benefits while maintaining pedestrian safety.

As proposed and documented in numerous City of Berkeley plans, programs and policies, the primary purpose of neighborhood traffic circles is for traffic calming. This purpose is important to highlight so that both additional safety measures and traffic circle elements support this. Most cities around the country and in California advocate for traffic calming measures to include vegetation and trees in traffic circle design.

#### EXISTING TREES

Berkeley has a variety of existing trees in its traffic circles. Most have attained a size where they do not have any substantial small branching or leaf canopy below 8 feet, preserving the needed sight line window, and others are growing rapidly towards that expectation. These include California Live Oaks, Dawn Redwoods, California Buckeyes, palms of various species, Strawberry Trees, and Red Bud. These trees should be “grandfathered”, after review of individual specimens to ensure they are healthy, conform to sight line maintenance guidelines, and pass safety inspection from the City’s Arborist, where the inspection only addresses the health of the tree<sup>1</sup>.

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<sup>1</sup> Designated historic resources are regulated by the Landmarks Preservation Ordinance, and may have features that do not conform to these policies. In case of conflict, the Landmarks Ordinance prevails.

## VEGETATION

Regularly maintained vegetation in traffic circles supports Berkeley's neighborhood quality of life and contributes to traffic calming. The City should encourage circle plantings that are durable, diverse, attractive and planted and maintained by community volunteers. Planted circles should improve storm water retention and are strongly encouraged to use native or other plant species that do not require pesticides or herbicides to maintain them. The Task Force does not support a species list of approved plants, which would be costly and difficult to administer. Instead, the City should permit a broad range of plantings that conform to general criteria – suggested palettes with plant lists provided, (see Attachment 3).

## SIGHTLINES

Visual sight lines – the unobstructed view of the driver<sup>2</sup> stopped before entering the near crosswalk to the corners of the opposite crosswalk – should guide all vegetation selection and maintenance criteria. Based on the City of Berkeley's Traffic Engineer's opinion, as well as information from Task Force research, low vegetation should be maintained at a maximum height of 2.5 feet from the top of the traffic circle curb and a mature tree canopy should be pruned and trimmed up to and maintained at 7-8 feet height above the curb. Young trees and/or flowers extending above the maximum height, such as hollyhocks and agapanthus, shall be permitted while in bud and bloom if total vegetation and signage obstructs less than 25% of the sight triangle<sup>3</sup>.

## GUIDELINES

Neighborhood communities and traffic circle volunteers care a great deal for their circle plantings and should be provided an opportunity to bring their trees and vegetation into conformance with the sight line maintenance guidelines within 30 days following notice of adoption or, in the future, of non-compliance. The City Arborist may provide guidance on how best to prune vegetation and trees to accomplish the sight lines or to suggest alternative plantings whose growth patterns would naturally conform.

The City supports community volunteer contributions in a safe and reasonable manner and to find ways of recognizing and acknowledging their efforts. Community volunteers, who are giving a considerable amount of free time to maintain the City's open spaces, including traffic circles are encouraged to follow guidelines developed by the Community Common Space Stewardship Program.

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<sup>2</sup> By national standards it is assumed that drivers' eyes are at three and a half feet.

<sup>3</sup> Sight lines are defined as that horizontal plane (called the sight triangle), form the view of the driver stopped before entering the crosswalk to the corners of the opposite intersection, from 2.5ft above the top of the traffic circle curb line to the height of 8 feet.

Summary of Policy Recommendations:

- The primary purpose of neighborhood traffic circles is for traffic calming.
- Trees should not only be allowed, but encouraged in traffic circles in conformance with sight line maintenance guidelines and pruning maintenance guidelines.
- All existing trees will be “grandfathered”, after review of individual specimens to ensure they are healthy, conform to sight line maintenance guidelines, and pass safety inspection from the City’s Arborist, where the inspection only addresses the health of the tree.
- Vegetation will be allowed in traffic circles that conform to sight line maintenance guidelines.
- Traffic circle volunteers will be provided an opportunity to bring trees and vegetation into conformance with the sight line maintenance guidelines within 30 days following notice <sup>4</sup>of non-compliance, before the City undertakes maintenance to bring the circle into the 3.5’-8’ sightline compliance.
- The City should develop and implement consistent traffic circle signing and speed limit standards for the Program which will be implemented within no more than 5 years.

**D. Community Common Space Stewardship Program**

Berkeley City leaders have expressed their willingness to work with the community and develop a real partnership by creating and supporting the establishment of the Traffic Circle Policy Task Force. A formal partnership needs a shared commitment and written guidelines, structure, budget and resources to deliver the benefits to both the City and the community. There are many existing community-based partnership programs in the San Francisco Bay Area as well as around the country.

The Traffic Circle Policy Task Force recommends that the Public Works Department formalize and create the Community Common Space Stewardship Program (Stewardship Program) to support the management of neighborhood traffic calming through traffic circles. The Stewardship Program will establish a partnership with a clear set of guidelines for community volunteers who adopt and maintain traffic circles, provide guidance for selecting plants and trees, address safety concerns, as well as define responsibilities between City and community volunteers. It is recommended that the Stewardship Program be integrated into the “Adopt a Spot Initiative,” which the City Council approved on April 23, 2019 (Item #33), and that the City Council refer it to the Traffic Circle Task Force for the purpose of development, outlining criteria and environmental benefits, program costs and staffing.

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<sup>4</sup> Notice of non-compliance is a standard vegetation maintenance enforcement procedure. It is recommended that the notice via the Stewardship Program.

Berkeley has many engaged community members who volunteer their time and resources to maintain traffic circles. There is no formal mechanism for the City to engage these volunteers or to recruit new ones. The City of Oakland's "Adopt a Spot" is a long-standing and successful model that has also served as a template for similar programs in Livermore and Richmond, and is fortunately being considered as a template for the City of Berkeley's Program.

Community volunteers and neighborhoods have been the main stays of the traffic circles – generously giving their time and money to pay for plants, water and maintenance over the last two decades that traffic circles have been in existence. The City can establish and operate a successful partnership program with community volunteers to provide coordination and guidance on safety and technical issues, hosting work days, developing discount programs, and supporting overall compliance.

The goals of the Community Common Space Stewardship Program include:

- To ensure community engagement and partnership in complying with the Traffic Circle Policy
- Maximizing traffic calming benefits of traffic circles
- Help beautify Berkeley - *Greenery in and along streets makes Berkeley a more beautiful city and is critical to Berkeley's livability and success as a place*
- Encourage joint activities by neighbors and friends for the betterment of Berkeley
- Maintain sightline visibility to protect pedestrians and bicyclists
- Capture and infiltrate rainfall
- Reduce noise pollution through the use of vegetation and trees
- Provide habitat for native birds and butterflies
- Increase carbon sequestration
- Help cool the urban environment
- Expand the network of neighborhood traffic circles to underserved areas

In order to establish and operate a successful partnership program, staff resources are required. Staffing could be provided through the City or through an existing non-profit entity that would be contracted for staff resources (at this point it's not clear if this would be a full-time position or could be part time after the program is set up).

A Traffic Circle Community Engagement Coordinator would report to Public Works and be responsible for coordinating with all existing traffic circle volunteers, recruiting new volunteers, act as a liaison between community volunteers and City staff, coordinate between Public Works, Parks and Recreation and Planning Departments as well as

third-party utilities, and develop and maintain an on-line tool for tracking traffic circle compliance and administration. The Coordinator would also be responsible for developing an annual budget, hosting annual work days, provide assistance with technical issues, and develop a plant discount program, free mulch delivery, tool and safety equipment lending library, seeking additional outside funding and a green infrastructure mini-grants program with matching funds and/or in-kind support.

The Coordinator and City leaders should explore consolidating all resources and responsibilities for traffic calming measures (traffic circles, bulb-outs, traffic diverter replacement/conversions and parklets) as well as supporting the Berkeley Bicycle Plan under the Community Common Space Stewardship Program. The core goal of this position should be nurturing and supporting a Citywide and expanding program of traffic circles that are both beautiful and safe and that make use of community volunteer resources, while also coordinating City staff resources and interests as they apply.

It should be noted that this position could also be defined to coordinate City staff and volunteer stewardship resources (through friends of parks and creeks groups) and efforts associated with maintaining and enhancing city parks, creeks, and open spaces. In this case, additional staff capacity would likely be required.

All of the community volunteer programs that the Traffic Circle Policy Task Force reviewed have a more formal structure for their programs and volunteers. Typical elements include: a volunteer job description used for recruiting purposes, volunteer application or agreement with a minimum term, maintenance rules and guidelines, planting guidelines, and safety rules and guidelines. Public Works should borrow from the best programs, specifically Oakland's "Adopt a Spot," to develop the documents needed to support the program. All Program documents should be maintained on the City's website with easy to use on-line applications and approvals.

This proposed Program and its recommendations are designed in part to reduce City liability and risk from traffic circles. By the same token, the City should be willing to extend protection from liability to neighborhood volunteers who maintain traffic circles and are in compliance with the Program. The advice of the City Attorney and specialized legal experts on municipal volunteer programs should be sought in formalizing this two-way arrangement.

### *Communication Plan*

The Traffic Circle Policy Task Force's report and recommendations and the City's approval and adoption is only the first step to implementation. Any changes to the status quo will be new and possibly startling to the community. A thoughtful and robust communication plan should be developed and implemented within a set time period in concert with rolling out the new policy and program. Particular attention should be paid

to the initial effort to bring existing circles into compliance. Based on a recent photo survey, there are many traffic circles that have vegetation that will not easily be brought into compliance. For example, some circles have large cacti that cannot be “pruned” to achieve the sightline requirements. The city should consider organizing a large work day to support the removal of non-compliant existing plants and provide support to community members in planting new, better suited vegetation.

The Task Force Commissioners should be given a prominent role to assist the City with explaining the Program through open houses, newsletters, press, social media and neighborhood meetings. This process may also be used to ensure current traffic circle volunteers are identified and new ones recruited.

#### *Incentives for Recruiting Volunteers*

Public Works should strive to be seen as an ally and support for the community volunteers with expertise and resources to support them and the Program. Public Works and the Community Engagement Coordinator should investigate incentives to help recruit additional community volunteers, especially in under-represented neighborhoods of the city. These incentives could include: a plant discount program, free mulch delivery, tool and safety equipment lending library, green infrastructure mini-grants program with matching funds and/or in-kind support.

#### *On-line GIS Tool*

Public Works and the Community Engagement Coordinator should develop and implement an on-line GIS tool to map all traffic circles and monitor overall compliance with the sight line maintenance guidelines, operation and maintenance guidelines and plant palette guidance.

#### *Advisory Board*

The Task Force recommends that Public Works establish an advisory board comprised of leaders within Public Works, Parks, Recreation and Waterfront, and Planning Departments and a representative group of relevant Commission representatives and community volunteers to meet periodically to review the Programs progress. Note, we are not suggesting a new commission.

#### *Annual Compliance Report*

Public Works and the Community Engagement Coordinator should produce an annual report to the Berkeley City Manager, City Council, and the public on overall progress and compliance.

*Additional Traffic Circle Safety Improvements*

The City should inventory all existing traffic circle intersections and develop and implement consistent traffic circle signing and speed limit standards. Effective and safe traffic circles don't end at the curb line. The City should work towards other holistic street improvements and modifications to continue to improve safety at traffic circle intersections. Pedestrians, bicyclists and motor vehicle drivers should be able to expect consistency in City traffic circles operations. It could often be this uncertainty – the driver, bicyclist or pedestrian who doesn't realize they've come to a two-way, not four-way stop sign circle intersection – that increases hazards, not the existence or character of the traffic circle itself or its vegetation.

ENVIRONMENTAL SUSTAINABILITY

The Task Force found overwhelming support and alignment for the recommended action and the city's existing environmental sustainability plans, programs and policies.

Promoting additional tree planting and native drought tolerant vegetation in existing neighborhood traffic circles directly supports the Berkeley Climate Action Plan to restore natural processes, provide habitat for birds and insects, reduce ambient temperatures by shading, intercepting and storing rainwater, improving community quality of life through beautification and by reducing noise pollution and encouraging pedestrian traffic. Increasing the number of neighborhood traffic circles and planting them with trees will help fulfill the stated goals to maximize tree plantings, sequester carbon and protect biodiversity.

Half an acre of forest land can absorb three tons of carbon dioxide annually and produce two tons of oxygen. Berkeley's 62 existing traffic circles cover about half an acre of land, all of it converted from asphalt. The City's Hazard Mitigation Plan and Climate Action Plan recommend more tree plantings in Berkeley to help fight climate change and reduce the "heat island effect" in lower elevation neighborhoods. Tree plantings are also an economic and social equity issue. City mapping shows that tree cover is much higher in the Berkeley Hills than it is in the Flatlands.

The recommended action is consistent with Berkeley's history of neighborhood partnership for creating and caretaking traffic circles, as is common in many other cities, and with the goal of increasing green space and tree canopy in neighborhoods with less access to parks and open space.

The recommended action enables neighborhood traffic circles to contribute to the support of native biodiversity within the City, through the habitat contributed by native plants and trees. The Task Force provides several plant palettes of native plant assemblages designed to maximize biodiversity as well as other valuable services such as pollinator support, water conservation, runoff reduction, and carbon sequestration.

## ALTERNATIVE ACTIONS CONSIDERED

*No Action* Alternative isn't viable because it doesn't address traffic safety concerns or provide clarity to the volunteers currently maintaining the existing traffic circles. There's confusion by the volunteer community about what the rules are for traffic circles, who is responsible for what and if trees in circles are allowed.

*No Trees* Alternative is not recommended because it is contrary to standard practice by many California and national cities, as well as Berkeley plans and policies. There are 37 existing traffic circles that have trees that are maintained by volunteers. The community has already expressed significant concern when the City proposed in the summer of 2018 to remove all trees and other large vegetation in existing traffic circles.

*No Volunteers* Alternative is not recommended because it goes against the spirit of how the City governs. The City has partnered with its citizens on their stewardship of the traffic circles for almost two decades. It is in the City's interest to formalize and support community involvement to maintain the traffic circles.

*Administrative Department Move* Alternative – to move traffic circle administration from Public Works to Parks, Recreation and Waterfront Department - is not recommended because the Public Works Department is responsible for construction and maintenance of all streets and the right-of-way. The Public Works Department has oversight and approval responsibility for traffic circles including construction, maintenance (in coordination with local community groups), and vegetation.

## FISCAL IMPACTS OF RECOMMENDATION

The recommended action to develop a formal Stewardship Program with one full time staff in the Public Works Department represents a new cost to the City. The cost will be the salary and overhead for a full time Community Engagement Coordinator position and the costs to administer the program, including setting up an on-line GIS web-based tool, developing the community volunteer program, finalizing operation and maintenance guidelines, finalizing planting palette guidance, developing a self-certification process, and setting up discount and mini-grant programs. It should be recognized that in the long term, the Stewardship Program/Adopt a Spot will, in fact, be a net cost savings for the City for the maintenance and planting "services" rendered by volunteers that would otherwise have to be performed by City staff or contractors. Having this program would also be advantageous for the City whenever it pursues project grants, as a source of in-kind/match funding.

In the long term, through efficiencies and "normalizing" the work of the program, these start-up costs are anticipated to decrease.



The overall total costs to the City should substantially decrease due to the program reducing injuries and lawsuits, minimizing the safety risks and uncertainty associated with the existing traffic circles. The benefits to establishing a formal, staffed program should greatly outweigh these costs.

CONTACT PERSON

Tano Trachtenberg, Legislative Aide, Office of Mayor Arreguín, 510-981-7100

Attachments:

1. Resolution to Adopt Traffic Circle Policy
2. February 26, 2019 Berkeley City Council Item
3. July 19, 2019 Vegetation Subcommittee Report
4. July 19, 2019 Operation and Maintenance Subcommittee Report
5. July 19, 2018 Policy Alignment Issues Subcommittee Report
6. Expanded Berkeley Partners for Parks Proposal

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

## Traffic Circle Policy

WHEREAS, Berkeley has 62 neighborhood traffic circles, that constitute a half-acre of permeable green space that would otherwise be filled with asphalt; and

WHEREAS, Traffic circles have been shown to reduce the speed of travel as well as reduce the number of collisions involving vehicles, pedestrians, and bicycles at these intersections; and

WHEREAS, Across the country, traffic circles with well-maintained low plantings and central trees are widely encouraged due to their benefits to traffic calming, making circles more visible and their contribution to beautification, neighborhood character, urban greening; and

WHEREAS, The Urban Street Design Guide, a manual developed by the National Association of City Transportation Officials (an association of over 71 major North American Cities and 10 transit agencies) notes the value of trees and other vegetation not only for beautification, but for their contribution to traffic; and

WHEREAS, Other San Francisco Bay Area and North American cities and expert analysts beyond Berkeley have identified trees as a welcome and useful component of traffic circles, particularly because they help slow traffic and identify for drivers the presence of a circle from a distance; and

WHEREAS, Berkeley has numerous policies and plans that support traffic circles for traffic calming and other environmental and community benefits such as the Climate Action Plan, General Plan, Pedestrian Plan and Bicycle Plan; and

WHEREAS, The City Council established the Traffic Circle Task Force on February 26, 2019 with the charge of evaluating the current traffic circle vegetation policy, recommending appropriate characteristics for allowed plantings, and a policy that ensures sight lines for visibility, pedestrian, bicycle and vehicle safety, as well as beautification of the circles.

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council adopts the Traffic Circle Policy in Exhibit A.

Exhibits:

A: Traffic Circle Policy

**Exhibit A**

## Traffic Circle Policy

## PURPOSE

The purpose of this new policy is to identify the appropriate design, vegetation and operation characteristics of traffic circles that provide both traffic calming and other benefits while maintaining pedestrian safety.

As proposed and documented in numerous City of Berkeley plans, programs and policies, the primary purpose of neighborhood traffic circles is for traffic calming. This purpose is important to highlight so that both additional safety measures and traffic circle elements support this. Most cities around the country and in California advocate for traffic calming measures to include vegetation and trees in traffic circle design.

## EXISTING TREES

Berkeley has a variety of existing trees in its traffic circles. Most have attained a size where they do not have any substantial small branching or leaf canopy below 8 feet, preserving the needed sight line window, and others are growing rapidly towards that expectation. These include California Live Oaks, Dawn Redwoods, California Buckeyes, palms of various species, Strawberry Trees, and Red Bud. These trees should be “grandfathered”, after review of individual specimens to ensure they are healthy, conform with sight line maintenance guidelines, and pass safety inspection from the City’s Arborist, where the inspection only addresses the health of the tree<sup>5</sup>.

## VEGETATION

Regularly maintained vegetation in traffic circles supports Berkeley’s neighborhood quality of life and contributes to traffic calming. The City should encourage circle plantings that are durable, diverse, attractive and planted and maintained by community volunteers. Planted circles should improve storm water retention and are strongly encouraged to use native or other plant species that do not require pesticides or herbicides to maintain them. The Task Force does not support a species list of approved plants, which would be costly and difficult to administer. Instead, the City should permit a broad range of plantings that conform to general criteria – suggested palettes with plant lists provided, (see Attachment 2).

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<sup>5</sup> Designated historic resources are regulated by the Landmarks Preservation Ordinance, and may have features that do not conform to these policies. In case of conflict, the Landmarks Ordinance prevails.

## SIGHTLINES

Visual sight lines – the unobstructed view of the driver<sup>6</sup> stopped before entering the near crosswalk to the corners of the opposite crosswalk – should guide all vegetation selection and maintenance criteria. Based on the City of Berkeley’s Traffic Engineer’s opinion, as well as information from Task Force research, low vegetation should be maintained at a maximum height of 2.5 feet from the top of the traffic circle curb and a mature tree canopy should be pruned and trimmed up to and maintained at 7-8 feet height above the curb. Young trees and/or flowers extending above the maximum height, such as hollyhocks and agapanthus, shall be permitted while in bud and bloom if total vegetation and signage obstructs less than 25% of the sight triangle<sup>7</sup>.

## GUIDELINES

Neighborhood communities and traffic circle volunteers care a great deal for their circle plantings and should be provided an opportunity to bring their trees and vegetation into conformance with the sight line maintenance guidelines within 30 days following notice of adoption or, in the future, of non-compliance. The City Arborist may provide guidance on how best to prune vegetation and trees to accomplish the sight lines or to suggest alternative plantings whose growth patterns would naturally conform.

The City supports community volunteer contributions in a safe and reasonable manner and to find ways of recognizing and acknowledging their efforts. Community volunteers, who are giving a considerable amount of free time to maintain the City’s open spaces, including traffic circles are encouraged to follow guidelines developed by the Community Common Space Stewardship Program.

### Summary of Policy Recommendations:

- The primary purpose of neighborhood traffic circles is for traffic calming.
- Trees should not only be allowed, but encouraged in traffic circles in conformance with sight line maintenance guidelines and pruning maintenance guidelines.
- All existing trees will be “grandfathered”, after review of individual specimens to ensure they are healthy, conform with sight line maintenance guidelines, and pass safety inspection from the City’s Arborist, where the inspection only addresses the health of the tree.
- Vegetation will be allowed in traffic circles that conform to sight line maintenance guidelines.

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<sup>6</sup> By national standards it is assumed that drivers’ eyes are at three and a half feet.

<sup>7</sup> Sight lines are defined as that horizontal plane (called the sight triangle), form the view of the driver stopped before entering the crosswalk to the corners of the opposite intersection, from 2.5ft above the top of the traffic circle curb line to the height of 8 feet.

- Traffic circle volunteers will be provided an opportunity to bring trees and vegetation into conformance with the sight line maintenance guidelines within 30 days following notice <sup>8</sup>of non-compliance, before the City undertakes maintenance to bring the circle into the 3.5'-8' sightline compliance.
- The City should develop and implement consistent traffic circle signing and speed limit standards for the Program which will be implemented within no more than 5 years.

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<sup>8</sup> Notice of non-compliance is a standard vegetation maintenance enforcement procedure. It is recommended that the notice via the Stewardship Program.



Office of the Mayor

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CONSENT CALENDAR

February 26, 2019

To: Members of the City Council

From: Mayor Jesse Arreguin, and Councilmembers Ben Bartlett, Lori Droste and Sophie Hahn

Subject: Establishment of Traffic Circle Policy Task Force

RECOMMENDATION

Establish a Traffic Circle Policy Task Force comprised of representatives from neighborhoods currently maintaining traffic circles. Members will be appointed by the Mayor and chosen from geographically diverse parts of the city, including one representative from Berkeley Partners for Parks. Staff participating will be appointed by the City Manager.

The charge of this Task Force is to:

1. Evaluate the City's current traffic circle vegetation policy for consideration by the City Council and Traffic Engineer;
2. Find a solution, through active participation and engagement with the community, that respects:
  - Environmental Policy
  - Habitat
  - Safety and Performance Standards
  - Existing and future liability issues that address sight lines; and
3. Deliver a policy to City Council for adoption prior to August 9, 2019.
4. Conduct a community-led process to update that policy to ensure pedestrian/bicycle/vehicle safety and community efforts to beautify traffic circles.

Task Force activities may include, but are not limited to:

- Recommend appropriate characteristics and parameters for allowed plantings based on input from the community and city staff;
- Recommend a policy that ensures lines of sight and other important safety considerations;
- Work with City staff to conduct a survey of current traffic circles and their vegetation;
- Conduct a survey of neighborhood associations, neighborhood captains, community and community groups such as Berkeley Partners for Parks to determine which traffic circles are being maintained by community members;
- Examine the City of Oakland's 'Adopt a Spot' initiative to encourage community involvement in the maintenance of public spaces by loaning tools, supplies, and technical assistance to committed members of the community;
- Host a presentation from City staff to better understand concerns with the current traffic circle policy and any safety concerns that should be taken into consideration;
- Recommend a clear set of guidelines/criteria to allow for community maintenance of traffic circles, with input from city staff;

RESUBMITTAL – CONSENT CALENDAR, February 26, 2019  
Traffic Circle Policy Task Force

- Outline the appropriate community outreach strategy and process to share the updated policy for managing vegetation in traffic circles;
- Recommend a replanting strategy, with emphasis on drought-resistant plants.

BACKGROUND

In the summer of 2018 in response to a legal settlement agreement, the Public Works Department provided notice to all neighbors responsible for the maintenance of traffic circle vegetation, informing them that the City would be removing trees and other large vegetation that obscures line of sight and poses a safety risk.

This communication elicited significant concern from the community. Residents responded by asking for more outreach and engagement of neighborhood traffic circle volunteers, particularly regarding decisions on the removal of vegetation or updates to policy. The current Traffic Circle Planting and Maintenance policy, last updated in 2012, prohibits vegetation over two feet in height and/or six inches in diameter, yet there are many trees that exceed these limit in traffic circles. There is a need to update this policy to reflect current conditions and to ensure ongoing maintenance that improves safety at these intersections.

On August 8, 2018, the Mayor, Councilmembers and City staff held a public meeting where many of the traffic circle volunteers attended along with Berkeley Partners for Parks. A major takeaway was a strong desire by many for a more formal process to engage neighborhood volunteers and other stakeholders in updating the current Traffic Circle policy.

On September 25, 2018, the City Council unanimously referred to the Parks and Transportation Commissions to create a city/community task force on Traffic Circle vegetation maintenance. Since the Council's referral, the Parks Commission was informed that they do not have the authority to establish a Task Force, and that Council action is required.

A stakeholder task force would be the most strategic, effective, and appropriate approach to respond to the community's substantial interest in, and continuing care for, the circles. The City has partnered with its citizens on their stewardship for almost two decades. Now is the ideal time to revisit, enhance and formalize that partnership, support community involvement and work together to address important safety concerns. To help meet the spirit and desired follow up of the August 8<sup>th</sup> community meeting, it is important for community members to have representatives actively participating in and contributing to discussions about the traffic circles.

FINANCIAL IMPLICATIONS

Costs associated with staffing the Traffic Circle Task Force, hosting community meetings and developing a new Traffic Circle Planting Policy.

ENVIRONMENTAL SUSTAINABILITY

Supports the City's Climate Emergency Declaration, the City's Climate Action Plan and commitment to Vision Zero.

CONTACT PERSON

Mayor Jesse Arreguin (510) 981-7100

# Traffic Circle Task Force Vegetation Subcommittee Report

## July 22, 2019

**Members:** Robin Grossinger (chair) Yolanda Huang, Erin Diehm, Sally Hughes, Andy Liu, and Diana Wood

## Summary

Low plantings and central trees are usual and customary practice for neighborhood traffic circles in cities throughout the US. Cities recommend, encourage, and support the inclusion in circles of well-maintained trees and vegetation for their benefits to traffic calming, making circles more visible at night, and contribution to beautification, neighborhood character, and all the other benefits urban greening provides, from carbon sequestration and urban cooling to access to nature and biodiversity. Traffic circle trees and low vegetation are also recommended in national guidance documents by the Federal Highway Association and the National Association of City Transportation Officials.

Establishing a practical, well-founded policy for trees and low vegetation in Berkeley's traffic circles, as proposed here, is consistent with other City policies and helps support some of their stated goals. For example:

- **2019 Local Hazard Mitigation Plan (First Draft).** Trees in traffic circles contribute to a dense tree canopy that helps mitigate projected extreme heat events, reduce the heat island effect, and address inequity.<sup>1</sup> *[Add image of Tree Canopy Map]*
- **2009 City of Berkeley Climate Action Plan.** Increasing the number of traffic calming circles and planting them with trees will help fulfill the stated goals to maximize tree plantings, sequester carbon, and protect biodiversity.<sup>2</sup>

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<sup>1</sup> Extreme heat events are a “newly-introduced hazard of concern for the 2019 LHMP.” (ES-10) The report notes that by “2100, most of the Bay Area will average six heat waves per year, each an average of ten days”. (ES-7) Projections indicate that “the number of extreme heat days... will increase exponentially: by 2099 the City of Berkeley is expected to average 18 days per year with temperatures over 88.3 degrees F.” (ES-8). In the face of these threats the Plan recognizes the positive impact of trees, stating “a dense tree canopy can result in fewer heat related emergencies” (B-154) It also acknowledges a stark inequity in our tree cover: the densest tree canopy is in the hills of east Berkeley while “west and south Berkeley have the least [tree canopy]”. (see Map below) Interestingly, west and south Berkeley contain the most traffic circles, and many of them include trees. Retaining and expanding tree cover in traffic circles can provide a valuable way to address both this inequity and future extreme heat events.  
**Source:** *City of Berkeley 2019 Local Hazard Mitigation Plan (First Draft)*

<sup>2</sup> “A single mature tree can absorb as much as 48 lbs of carbon dioxide per year. Estimates are that between 660 and 990 million tons of carbon is stored in urban forests nationally.” (p. 31) Trees also improve quality of life through beautification.



- **2017 Berkeley Bicycle Plan (Appendix F).** The design guide for a typical Traffic Calming Circle includes a tree in the center, which can help contribute to the stated goals of calming and safety. *[Add image of Design Guide]*<sup>3</sup>

Given the limited size of available curb cut-outs along most streets, the larger unpaved spaces available in neighborhood traffic circles represent valuable locations for the healthy, larger trees that provide greater climate adaptation and mitigation functions.

The proposed traffic circle vegetation policy is also consistent with Berkeley's history of neighborhood partnership for creating and caretaking circles, as is common in many other cities, and with the goal of increasing green space and tree canopy in neighborhoods with less access to parks and open space.

The proposed policy enables neighborhood traffic circles to contribute to the support of native biodiversity within the city, through the habitat contributed by native plants and trees. This policy provides several plant palettes of native plant assemblages designed to maximize biodiversity (Re-Oaking Palette, Native Wildflower Palette), as well as other valuable services such as pollinator support, water conservation, runoff reduction, and carbon sequestration.

Existing policies for maintenance of traffic circle vegetation, ascertained by this subcommittee, are generally consistent across municipalities throughout the United States and are the basis for recommended policy below.

This report comprises several sections. In addition to the proposed policy (Chapter 1), we review the history of traffic circles, traffic calming, and tree policy in Berkeley (Chapter 2), and we summarize policy precedents and provide examples from other cities (3). We also provide Suggested Planting Palettes for traffic circles, which offer a set of appropriate plants and trees on the themes of native oak communities, bees/pollinators, and native wildflowers, to enable residents to develop drought-tolerant circle landscaping that supports local biodiversity and resilience.

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<sup>3</sup> As long as they are maintained to preserve sightlines, circles are a valuable tool in traffic calming on Bicycle Boulevards. They are especially effective when placed on concurrent intersection locations, helping to lessen the open feel of the road which reduces vehicle speeds. The Design Specifications drawing of a sample traffic circles includes a "Broad canopy tree", the placement of which depends on location of underground utilities. Source: [2017 City of Berkeley Bicycle Facility Design Toolbox](#) (Appendix F)

## Policy

### Definition

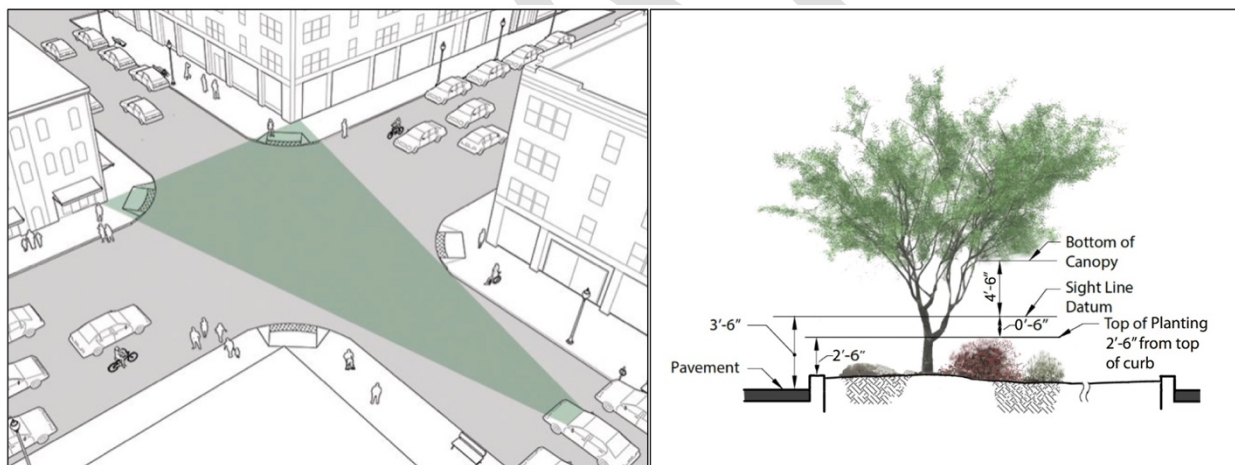
Traffic Calming Circles are those circles in residential neighborhoods, where the objective for installing the circle was to reduce, discourage and slow traffic. In Berkeley, these circles are generally 20 feet in diameter or smaller.

### Proposed Policy

Traffic circle plantings and trees shall be designed and maintained to provide clear sight lines for drivers, as described below.

### Sight Triangle Definition

1. Sight lines are defined as that horizontal plane (called the “sight triangle”), from the view of the driver stopped before entering the crosswalk to the corners of the opposite intersection, from 2.5 ft above the top of the traffic circle curb to the height of 8 feet.



Illustrations of sight triangle and sight line heights

**Sources:** (left) [Urban Street Design Guide](#) *Visibility/Sight Distance* (NACTO 2013); (right; the original has been modified to reflect sight line recommendations for Berkeley) [Sight Distance Triangles](#) (Cochise County AZ)

- a. All trees on existing circles at the time this policy is adopted shall be maintained even if the triangle contains multiple trees. However, the overall vegetation of the triangle shall not obstruct more than 25% of the sight triangle.
2. Trees more than 5 inches in diameter and 16 feet in height shall be maintained so that no foliage obstructs the sight triangle.
3. Trees smaller than 5 inches in diameter and less than 16 feet in height shall be permitted to maintain foliage within the sight triangle if less than 25% of

the sight triangle is obstructed, considering total vegetation and signage within the sight triangle.

4. Tree limbs that extend beyond the curb line of the traffic circle, and are less than 14 feet above the curb line may be removed or pruned so that branches and canopies are 14 feet above the curb line in the area beyond the traffic circle where vehicles travel.
5. Tree pruning must adhere to American National Institute Safety Standards and International Institute of Arboriculture's Best Management Practices.
6. Traffic circle plantings and maintenance, as outlined in the best practices guidelines as periodically updated by the Parks and Waterfront Commission, are recommended.
7. Sight triangles shall be maintained so that no more than 25% of the sight triangle is obstructed from the vantage point of a driver stopped before a crosswalk bordering the traffic circle.

## History of Traffic Circles

### Overview

Islands or elevated protrusions in intersections have long been used for different purposes. They are popular in Europe, the United States and Canada.<sup>4</sup> Nomenclature is inconsistent. They are called roundabouts, traffic circles, rotaries, and mini-roundabouts and differ in purpose. The primary difference is circle size, intersection size,<sup>5</sup> traffic volume, and speed.

Some circles are used to facilitate traffic, particularly large circles in arterial intersections with high-volume traffic, so traffic can enter into an intersection at speeds between 25-45 mph, often without traffic signs or signals.<sup>6</sup> These circles range from 100 to 300 feet in diameter and have daily traffic ranging from 10,000 to 14,000 vehicles.<sup>7</sup> Berkeley has two of this type, Marin Circle and Channing Circle, both situated in heavily trafficked intersections.

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<sup>4</sup> *Roundabouts Spreading Like Kudzu Across South Carolina*  
[https://www.postandcourier.com/news/roundabouts-spreading-like-kudzu-across-south-carolina-despite-some-opposition/article\\_06dc6030-3a4b-11e7-9dc8-93f0f4f8b236.html](https://www.postandcourier.com/news/roundabouts-spreading-like-kudzu-across-south-carolina-despite-some-opposition/article_06dc6030-3a4b-11e7-9dc8-93f0f4f8b236.html)

<sup>5</sup> Some call our traffic circles Mini-Roundabout. <https://nacto.org/publication/urban-street-design-guide/intersections/minor-intersections/mini-roundabout/>

<sup>6</sup> *Exploring Roundabouts*, Sheri Park, PhD., PTP, Kimberly Musey, James Press and John McFadden, PhD., P.E. PTP, June 2015, [www.ite.org](http://www.ite.org)

<sup>7</sup> *Exploring Roundabouts*, supra.at p. 2

## Traffic Circles in Berkeley

The majority of Berkeley's traffic circles are small, generally 20 feet in diameter, in comparison to what traffic engineers term roundabouts. Berkeley's circles are traffic calming devices designed to discourage, limit and slow traffic on residential streets with light auto traffic. The majority of Berkeley's traffic circles originated to mitigate the impact on residential neighborhoods of commuter and development traffic diverting traffic from major arteries onto residential neighborhood streets.

## History - Evolution of Traffic Calming and Traffic Circles in Berkeley

In Berkeley, the tradition of viewing streets as more than just traffic arteries goes back to the 19th Century. Berkeley's very first street design was done by famed landscape architect Frederick Law Olmsted for the private College of California in the 1860s. Olmsted wrote that streets in the neighborhood he was commissioned to design—the Berkeley Property Tract, along what is now Piedmont Avenue north of Dwight Way and east of College Avenue—should provide “good outgoings” embowered and calmed with overhanging trees. He divided the main street with landscaping and followed the natural topography, and included a large landscaped circle at the central intersection.

Thus, more than a century and a half ago, **in the 1860s, Berkeley installed its first traffic circle** Channing Circle.

Later, in the 1890s, as development began to proliferate along uniform grids of streets, a group of North Berkeley women formed the Hillside Club to advocate for urban planning. In the words of Berkeley historian Charles Wollenberg, “The club was dedicated to a new kind of urban development that would respect rather than destroy the natural environment. (They) fought any attempt to cut down the region's trees. A club pamphlet said, ‘The few native trees that have survived centuries should be jealously preserved...Bend the road, divide the lots, place the houses to accommodate them!’” (page 78/79, Berkeley: A City in History, Wallenberg).

Many of the pleasant winding streets and most picturesque neighborhoods of Berkeley are the result. Annie Maybeck, one of the founders of the Hillside Club, put the Club's words into vigorous practice, successfully leading a protest that saved an old California Live Oak tree growing in the middle of Le Roy Avenue. The City agreed not to cut down the tree, leaving it on an informal island in the middle of the street. Decades later it was designated a City Landmark (when it eventually died, in 1985, the City planted a replacement oak in the same spot).

Early in the 20th century, East Bay civic leaders hired noted urban planner Werner Hegemann to advise on the development of Berkeley and Oakland, including streets. His 1915 report advocated for narrowing residential streets to 24 feet of pavement and landscaping them with “shapely and uniform avenue trees and planting the parkways between to shrubs or grass and flowers”. He also noted that residential property values were improved by “creation of small parks at street intersections and the use of shrubs or great masses of brilliant geraniums.” (page 104, Hegemann report)

Berkeley did not end up narrowing the pavement of its streets, but during the Great Depression chose to use much Federal money to plant a reported 16,000 ornamental street trees along residential blocks from 1935 to 1937. By 1944—seventy five years ago—Berkeley civic leader, businessman, and poet Lester Hink could rhapsodize about his town as a “city of hillside, homes and gardens gay. Sentineled by myriad traceried trees...”

After World War II as automobile use began to overcrowd the streets of Berkeley and communities all across the country, city traffic engineers began to concentrate on plans to speed vehicles, often at the expense of neighborhood livability.

This led to the 1950s/60s creation of one-way streets and dedicated turning lanes through some of Berkeley’s residential and commercial neighborhoods. Some streets were widened and others converted into two- or three-lane, one-way, thoroughfares. The State of California similarly planned a grid of freeways. One was to connect Highway 13 as a freeway following--and replacing--Tunnel Road and Ashby Avenue all the way across south Berkeley to US I-80.

Transportation engineers then largely believed that the primary role of streets, was to move large amounts of traffic quickly and efficiently and they planned and advised cities accordingly.

In contrast, Berkeley, whose original design contemplated walkable neighborhoods, each with its own shopping district and elementary school, disputed the primacy of vehicles and responded with successful grassroots efforts.

In the 1960s, due to community protest, the Ashby freeway plans were shelved, and Berkeley also voted to become the only city that paid to entirely underground BART, helping to preserve surviving adjoining neighborhoods.

### Traffic Barriers



More than 20 traffic circles were first installed along California's bicycle boulevard, in central Berkeley and in Le Conte. Six traffic circles were installed on Addison and Allston between MLK and California to mitigate the documented danger and increased traffic from construction of the Public Safety Building on MLK and Addison. (community oral history) The City then had a list of trees and plants approved for plantings, paid for the initial plantings as part of its mitigation and neighbors contracted to plant and maintain the circles.

The City formally adopted a Traffic Calming Policy and Program in 2003, updated in 2009 for annual installations for traffic circles citywide with a \$50,000 annual City installation construction budget<sup>12, 13</sup> The City allocated no funds for traffic circles planting or maintenance.

By 2008, Berkeley had removed most of the speed bumps and installed 50 traffic circles, all in residential areas, mainly bordered by major arterial streets. The City's goal was that traffic circles were to "slow down" traffic and encourage drivers to stay on major arterial roads by making the residential streets less efficient to traverse. The City built and installed the traffic circles, but their planting and maintenance was left to circle neighbors due to City budget restraints. (community oral history)

Today there are 60 traffic calming circles, 37 of which contain trees.<sup>14</sup> District 5 and 6 have only 1 traffic circle each. District 8 has 3 traffic circles. District 1 has 5 traffic circles. District 4 has 6. The largest numbers are in districts with major arteries, San Pablo, Sacramento, Shattuck, Telegraph, University, and Martin Luther King. District 2 has 13 and 6 more along the border with District 3. District 3 has 15, not including the 6 along the border with District 2, and 5 along its border with district 7. So District 3 is impacted by enough traffic to warrant 26 traffic calming circles, almost half the total number in the entire city. District 7 has the 5 traffic circles along its border with District 3. The two districts most impacted by traffic and who have the largest number of traffic circles are District 2 and District 3, south and west Berkeley. In the City, South Berkeley

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<sup>12</sup> See records of City Transportation Commission and Transportation Division files.

<sup>13</sup> These circles and others in Berkeley were typically planted and landscaped by neighbors with the City's blessing. Karl Rhee, who led the Le Conte effort, recalls: "In 1998 the LeConte Neighborhood Assn. received complaints that traffic on Ellsworth Street was frequently speeding[,]... realized that it was wider than our other residential streets and had no parking strips nor street trees. ... The City Forestry Dept. donated and planted the two Dawn Redwood trees at Stuart & Parker.[I inserted as footnote, seems to be a little repetitive to have in the body] Three circles were installed on Ellsworth, then several years later 5 additional circles were installed on Fulton. By this time plans were already in place to put traffic circles though out Berkeley and the City began offering grants to pay for plantings (including trees)". (Karl Rhee, email to Mayor Arreguin, Dec. 6 2918).

<sup>14</sup> Map is in the appendix

has the lowest ratio of open space to population, and Districts 4, 2 and 3, in 94703 and 94702, are two of the densest zip codes.<sup>15</sup>

Traffic circles, the latest effort to maintain livability with ever-increasing traffic volumes, have been partly successful. Many areas remain unsafely burdened by excessive injury, vehicle volumes and speeds. The City has for many decades recognized the value of trees - as nature and as environmental screens. Now with many densely walked areas, it is critical that they not be increasingly polluted and dangerous.

### History - Berkeley Community Relations to Trees

The City of Berkeley in the last half century has experienced numerous community issues due to threats and damage to trees. Some examples: after a church removed a large, heritage oak on Virginia Street, the City passed the Oak Moratorium Ordinance (BMC 6.52.010), requiring permits for removing any live oak more than 18” in circumference at 4” from the ground. When the Central Library Plaza was redesigned and the lone tree was cut down, a protester chained herself to the stump overnight in protest .(community oral history) Dozens of trees were added to Shattuck Ave islands to settle the dispute.

In 2000, a “redesign” by landscape architects who had designed Palo Alto’s downtown, proposed that all existing trees from Dwight to University be removed and replanted for uniformity. Public outrage resulted in the redesign being rescinded. (community oral history)

The most famous tree sit-in protest and the longest on record--December 2006 through September 2008--protested the University of California’s felling of a grove of 75-year-old oaks in rebuilding its football stadium.<sup>16</sup> Despite the neighborhood-negotiated use permit condition that Redwood trees were to be preserved in the “TuneUp Masters” University Avenue housing redevelopment, trees were not preserved, damaged in construction, forcing removal - yet the project continues. In central Berkeley, some 17 fully mature trees (the majority redwood) have been removed despite use permit conditions which the City often fails to enforce or create. Recently, the community raised concern over damage to redwoods during construction of the West Branch Public Library and housing construction on University Avenue.<sup>17</sup>

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<sup>15</sup> <http://www.zipatlas.com/us/ca/berkeley/zip-code-comparison/population-density.htm>

<sup>16</sup> [https://en.wikipedia.org/wiki/University\\_of\\_California,\\_Berkeley\\_oak\\_grove\\_controversy](https://en.wikipedia.org/wiki/University_of_California,_Berkeley_oak_grove_controversy)

<sup>17</sup> <https://www.berkeleyside.com/2018/08/28/berkeley-disciplines-developer-after-redwood-trees-chopped-down>



## Tree Preservation

Tree preservation ordinances exist across the United States, acknowledging the value and contribution of trees, particularly in urban environments, and the need to encourage and protect them.<sup>18</sup> Here are a few Bay Area examples: The City of Pleasanton has thirty-year-old heritage tree ordinance, certified arborists on staff, and a mandate that all tree pruning comply with International Society of Arboriculture standards. The stated goal of El Cerrito's tree committee is to ensure a "healthy growing forest" (Resolution 2007-96). The City of Oakland requires city review and permits for removing all private and public trees, and encourages citizens to nominate trees for Oakland "Big Tree Registry". UC Berkeley even maintains a slide show of heritage trees on campus, stating "there's no place on campus that is not soothed and improved by trees."<sup>19</sup> The university also offers periodic campus tours, often over-subscribed, of its prize trees.

We live in a manmade epoch of already devastating climate change as evidenced by unprecedented heatwaves, powerful storms, and destructive fires. Scientific research unequivocally shows that human activity is altering natural earth systems, to the detriment of all living organisms. In November, 2018, the United Nations Intergovernmental Panel on Climate Change (IPCC) recommended planting 1 billion hectares of forests as one important way to combat global warming. In the July 2019 edition of *Science*, Swiss scientists determined that such extensive tree planting is feasible and could remove 200 gigatonne of carbon from the air.<sup>20</sup>

## Driver Patterns

In interviews with community members, testimony during public comment at subcommittee meetings, and from direct observation at traffic circles, the subcommittee observed that drivers generally negotiate traffic circles following a pattern. Drivers usually approach and enter the traffic circle cautiously. However, once the driver enters the traffic circle and negotiates half of the right turn, the driver speeds up to exit the circle, usually just before reaching the crosswalk 180 degrees across from where the driver entered the circle.

## Speed & Sight Triangles

The National Association of City Traffic Officials (nacto.org) recommends that instead of removing a tree in a sight triangle, traffic speeds be reduced and other traffic calming

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<sup>18</sup> <https://www.charlestontreeexperts.com/tree-removal-guidelines/>

<sup>19</sup> <https://www.berkeley.edu/news/multimedia/2004/01/trees.html>

<sup>20</sup> <https://science.sciencemag.org/content/365/6448/76>

devices considered.<sup>21</sup> For this reason, the vegetation subcommittee recommends that speeds in traffic circles be reduced to 15 miles per hour.

## Precedents

The Vegetation Subcommittee examined the policies and characteristics of traffic circles in cities around the US and Canada. We reviewed the various standards for traffic circle vegetation in national guidance documents in the published policies of other cities, and through interviews with traffic safety experts.

In addition, to capture an “on-the-ground” perspective we used the street-view feature in Google Maps to view neighborhood traffic circles in several cities, to gain an understanding of plantings and general layout. See the Section: “Photo Album of Traffic Circles...” (below) for a subset of photos captured. We found that landscaped plantings with trees are usual and customary practice for neighborhood traffic circles in numerous cities across the United States and are also recommended in the major national guidelines for traffic safety and urban design.

Trees are in fact recommended for their benefits to traffic calming, by making circles more visible at night, cueing drivers to slow at a greater distance.<sup>22</sup> Well-maintained trees and low plantings are also valued by many cities for their diverse community benefits, including beautification, neighborhood character, ecosystem services such as carbon storage and cooling, and local biodiversity. These city and national documents routinely feature pictures of neighborhood traffic circles with landscaping and a central tree.

Specifications for the height and clearance of vegetation are fairly standard, generally recommending low landscaping maintained at 2 to 3 feet height (in one case 5 feet), and trees with mature branches maintained at a minimum of 8-14 feet above the ground. Responsibility for maintenance varies between the neighboring communities and city departments. Several examples follow.

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<sup>21</sup> “Fixed objects, such as trees, buildings, signs, and street furniture, deemed to inhibit the visibility of a given intersection and create safety concerns, should not be removed without the prior consideration of alternative safety- mitigation measures, including a reduction in traffic speeds, an increase in visibility through curb extensions or geometric design, or the addition of supplementary warning signs.” **Source:** [Urban Street Design Guide](#). Visibility/Sight Distance (NACTO 2013)

<sup>22</sup> [Roundabouts: An Informational Guide](#) (NATIONAL COOPERATIVE HIGHWAY RESEARCH PROGRAM/Transportation Research Board 2010, Research sponsored by the American Association of State Highway and Transportation Officials in cooperation with the Federal Highway Administration)

## Policy Statements from Specific Cities Supporting Trees in Circles

- **Palo Alto**

The City of Palo Alto's Comprehensive Plan recognizes the value of traffic circles for reducing collisions and **“offer[ing] opportunities for added landscaping and tree planting.”** The 2012 Transportation Plan **“calls for greater use of traffic circles, particularly along bicycle boulevards.”**

**Source:** *Palo Alto Comprehensive Plan [Transportation Element](#)* (Palo Alto City Council 2017)

- **San Francisco**

The City of San Francisco recommends that “[T]raffic calming circles **should be landscaped with trees or plantings. Shrubs and grasses should be planted up to 3 feet tall and trees should be appropriately pruned.**” In fact, the City specifies a recommended number of trees in relation to circle size: “In traffic calming circles with a diameter of less than 15 feet, **one tree should be planted in the center.** On a traffic calming circle with a diameter greater than 15 feet, **more than 1 tree** should be planted and should be equally spaced around the circle.”

San Francisco's *Green Connections Design Guide* recognizes the value of landscaped traffic circles, noting that “Traffic circles visually reduce the scale of wide intersections and break up the monotony of the street grid. **When they include landscaping, they can beautify and enliven the streetscape.**” In fact, the City's SF Better Streets website features a picture of a neighborhood circle landscaped with native pollinator plants and a central tree, similar to some of Berkeley's circles.



**Sources:** *SFBetterStreets: A guide to making street improvements in San Francisco* (City and County of San Francisco 2015); *SF Green Connections Plan* (City and County of San Francisco 2014)

- **Seattle**

The City of Seattle is a recognized leader in making streets safer for bicycles and pedestrians. As part of this effort the city supports and celebrates their community-planted traffic circles. In fact, Seattle’s DOT maintains a Traffic Circle Flickr page featuring attractive or charismatic circles with trees. Contacted for information, Seattle shared a photo of a circle with a mature tree, as shown below.

Seattle policy allows trees in traffic circles with an inner diameter of at least 8 feet, with city approval: “ **All Traffic Circle trees must be approved by SDOT Urban Forestry prior to planting.**” The city relies on maintenance by the community but reserves the right to maintain if this is not successful.



*Seattle Traffic Circle with mature tree*

- **Missoula**

The City of Missoula incorporates trees and substantial landscaping into their traffic circles. Referring to traffic circles, medians, and chicanes, the Missoula Parks and Recreation Design Manual (2018) states that “Landscaping in these areas consist of trees, woody and herbaceous shrubs, grasses, woody and herbaceous perennial-type ground covers, drought tolerant grass.” (19)

Missoula also encourages growing traffic circle plants to 5 feet in height to assist with traffic calming: “...**Where median and traffic circle plants are used for specifically**

**for traffic calming, the selected plants may grow to a height of 60” above the top of the curb.” (23)**

The City also prioritizes the benefits of landscaping to neighborhood health and local biodiversity. It is the first certified “Community Habitat” City in Montana, **based on its endeavor to provide habitat for animals, especially birds and insects.** The Design Manual states: “When designing public landscape, greenway and park facilities, the landscape architect must consider costs of construction and maintenance in relation to the **benefit derived by the community.** Proper design and effective use of the built environment can lead to **a happy and healthy community, as well as plant and animal diversity within the community.**” (14)

**Source:** [Missoula Parks and Recreation Design Manual 2018 Edition](#) (Prepared by City of Missoula Parks and Recreation)

- **Tucson**

The City of Tucson has developed a guidance document to assist neighborhoods in obtaining traffic circles because they “have been shown to be very effective in reducing the speed of vehicles traveling on residential streets . . . and for beautification” of residential streets. This document was produced by the Department of Transportation Traffic Engineering Division. The City encourages trees and provides specific, practical guidance for visibility:

**“Sight visibility around the traffic circle must not be blocked with large dense shrubs. Shrubs should be set back accordingly so that mature growth will not extend past the curb edge. Tree selection and setback should be such that the mature tree branches do not extend into the travel lane below the 14’ level around the traffic circle.”**

**Source:** [Traffic Circles: Facts About Controlling Traffic in our Neighborhoods](#) (City of Tucson Traffic Engineering Division nd)

National Guidance Documents:

- [Urban Street Design Guide](#) (NACTO 2013)

This widely-cited manual was developed by the National Association of City Transportation Officials (NACTO), an association of [71 major North American cities and 10 transit agencies](#), whose mission is “to build cities as places for people, with safe,

sustainable, accessible and equitable transportation choices that support a strong economy and vibrant quality of life.” The Guide notes the value of trees and other vegetation not only for beautification but for their contribution to traffic calming: “Mini roundabouts and neighborhood traffic circles<sup>1</sup> lower speeds at minor intersection crossings... **Shrubs or trees in the roundabout further the traffic calming effect and beautify the street**, but need to be properly maintained so they do not hinder visibility.”

The guidance diagram for the “mini roundabouts” section highlights a traffic circle with landscaping and a central tree (see below).



*Note tree in center of mini-roundabout*

Source: [Urban Street Design Guide](#) (NACTO 2013)

- [Traffic Calming ePrimer](#) (USDOT Federal Highway Association 2017)

The U.S. Department of Transportation/Federal Highway Administration’s Office of Safety Programs provides an extensive Toolbox of Individual Traffic Calming Measures, including neighborhood traffic circles. In the section on traffic circles, they emphasize that these features are more effective as traffic calming devices when landscaped, including the use of trees:

“A traffic circle can simply be a painted area, but it is **most effective when it is defined by a raised curb and landscaped** to further reduce the open feel of a street. **A traffic circle can be landscaped with ground cover, flowers, and street trees.**”

The illustrative photo of a landscaped traffic circle provided in this FHA Traffic Calming guide includes a central tree (see below).



**Source:** [Traffic Calming ePrimer - Module 3](#) (U.S. Department of Transportation/Federal Highway Administration)

#### Phone Interviews with Cities with Traffic Circles:

We also interviewed traffic engineers, landscape architects, and traffic circle administrators from a number of cities to understand their perspectives on landscaping of traffic circles. These cities include Augusta (Maine), Austin (Texas), Boulder (Colorado), Chapel Hill (North Carolina), Columbus (Ohio), Minneapolis (Minnesota), Missoula (Montana), Pasadena (California), Portland (Oregon), San Francisco (California), Savannah (Georgia), Seattle (Washington), Tucson (Arizona), Vancouver (British Columbia), Williamsport (Pennsylvania), Washington D.C., and Winooski (Vermont).

We found that the vast majority of the cities contacted not only allow but encourage trees and vegetation to be planted in traffic circles, provided the plantings conform to city policy regarding stipulated sightlines and planting policy. Policies vary, but the great majority require:

- vegetation to be no taller than 2-3 feet,
- tree limbs to be no lower than 8 feet,
- boughs and canopy extending over the street to be no lower than 14 feet above pavement

#### Table of Findings on Traffic Circles in Other Cities

The table below summarizes key pieces of information related to traffic circle vegetation policy from our research. This information was found online (e.g. city websites) or captured during phone interviews, including any material shared afterwards. For each city, it tracks the maximum allowed height of vegetation and pruning specifications for trees (“limbing up”). If trees are allowed but pruning specifications weren’t captured, the cell is noted with “Allowed”. If no details were captured the cell is marked with a hyphen, “—”.

#	City	Plant Ht	Trees*	Notes
1	Missoula MT	60in <sup>W</sup>	Allowed <sup>W</sup>	Robust Adopt-a-Circle program that promotes adoption and maintenance of circles, including a clickable Google Map. Striving to become 1st city in MT to be National Wildlife Federation certified “Community Habitat”.
2	Tucson AZ	36in <sup>P</sup>	14ft <sup>O</sup> (if extends beyond edge of circle)	200+ circles. Neighbors decide signage (STOP or YIELD). Biggest issue is watering, not sightlines.
3	San Francisco CA	36in <sup>O</sup>	Allowed <sup>O</sup>	Robust SF Better Streets Program. Multiple trees allowed: <15’ dia. 1 tree >15’ dia. 2+ trees
4	Boulder CO	30in <sup>W</sup>	8ft <sup>W</sup>	Sight line specs from Municipal Code 9-9-7 for Sight Triangles
5	Pasadena CA	30in <sup>E</sup> (from street)	7ft <sup>E</sup>	No yield control, Stop signs at each corner.
6	Seattle WA	24in <sup>W</sup>	Allowed <sup>P</sup>	First circles in 1970s, now 1,200+. Approx 5 new per year. Possible funding from “Your Voice, Your Choice” budgeting initiative.
7	Austin TX	24in <sup>W,P</sup>	14ft <sup>P</sup>	Focus on native vegetation
8	Vancouver Canada	24in <sup>O, E</sup>	--	Robust Green Streets Program that promotes adoption and maintenance of circles, includes a list of recommended plants.
9	Columbus OH	--	Allowed <sup>P</sup>	1998 Planting Guidelines - more than half of all recommended are trees
10	Portland OR	--	--	“Trees placed in Traffic Circles break uninterrupted views of long straight street sections and help to focus driver attention on their local surroundings.” <sup>W</sup> Only deciduous trees allowed (for limbing up), no evergreens.
11	Arlington VA	--	14ft <sup>O</sup> (if extends beyond edge of circle)	For Neighborhood Traffic Circles the desirable maximum entry design speed is 15mph. Traffic circles may be planted with appropriate landscape and central islands greater than 12ft in diameter may be planted with a tree.

**Key of superscripts:**

— = No information collected



\* = Sightline clearances (or "limbing up") not captured for all locations. If no specs captured, noted as "Allowed". If sightline clearance was captured, the allowance is by default for inside curbline, exceptions noted as "if extend beyond edge of circle"  
P = Information from phone interview  
O = Information found online, usually city's webpage  
E = Information from an email  
W = Information from written document

**Sources:**

(Missoula) [Adopt-a-Circle webpage](#), [Parks & Rec Design Manual](#), [Google Map of Circles](#); (Tucson) [TDOT Traffic Circles Webpage](#), [Traffic Circles Fact Sheet Brochure](#); (SF) [San Francisco Better Streets Program](#); (Boulder) [Boulder Municipal Code 9-9-7](#); (Seattle) [SDOT Traffic Circles](#); (Vancouver) [Green Streets Program](#), [Recommended plant list](#); (Arlington) [Roundabouts/Traffic Circles Guidelines](#)

## Photo Album of Traffic Circles in Selected U.S. Cities

The Subcommittee on Plantings and Vegetation opted to gain a contemporary on-the-ground perspective of traffic circles by sampling cities throughout the United States and Canada. We knew from our initial research that many cities promote circles as effective traffic calming devices and that trees are not only allowed but encouraged. The next logical step was to get a street-level view, to compare and contrast the circles in other cities with those in Berkeley.

The images below represent a sampling of images. Some were captured in the winter months when deciduous trees are without foliage. In others, the trees are small and still becoming established, apparently planted recently as part of traffic calming efforts. Better than words can convey, they offer a clear, visual understanding of how other cities approach this valuable traffic calming device.

Seattle WA



Boulder CO



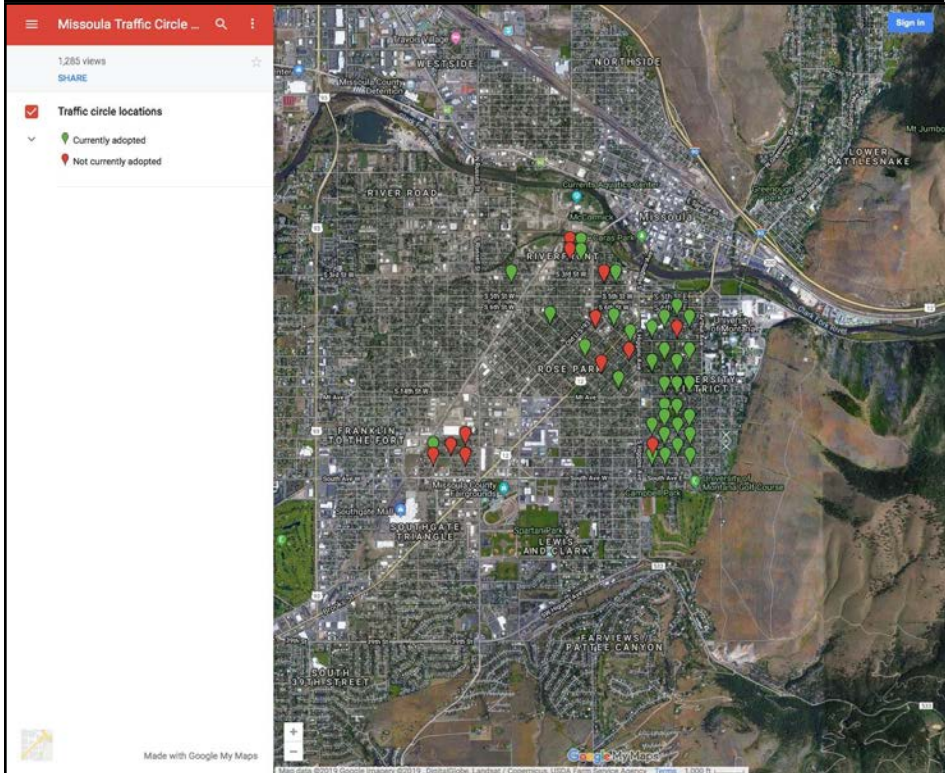
Vancouver BC



Tucson AZ



# Missoula MT



Map of Missoula's Adopt-a-Circle program. Illustrating adopted circles and those which are available to be adopted.

Source: [Missoula's Traffic Circle Locations](#)

DRAFT

Arlington VA





Columbus OH



Austin TX



Portland OR



## Appendix

**NOTE: Final order of Appendices to be determined**

### A. NACTO Recommendations on Sight Triangles and Speed

The following illustrations are taken from the NACTO (National Association of City Transportation Officials) guide for design streets and emphasize the importance of lowering speeds to promote safety. The task force concurs, especially in residential areas with heavy bicycle and pedestrian traffic. Speed kills. Reducing speed saves lives. For example, lowering the speed of a vehicle just 5-10 mph can reduce the crash risk by up to 10%, while simultaneously decreasing the risk of fatality by 3%. From the table below, reducing speed from 25 mph to 15 mph reduces the Crash Risk from 15% to 5% and Fatality Risk from 5% to 2%.

SPEED (MPH)	STOPPING DISTANCE (FT) <sup>*</sup>	CRASH RISK (%) <sup>†</sup>	FATALITY RISK (%) <sup>†</sup>
10-15	25	5	2
20-25	40	15	5
30-35	75	55	45
40+	118	90	85

\* Stopping Distance includes perception, reaction, and braking times.  
† Source: Traditional Neighborhood Development: Street Design Guidelines (1999), ITE Transportation Planning Council Committee 5P-B.

*Driving Speed Fatality Risk Chart.*

**Source:** [Urban Street Design Guide](#). Design Speed. (NACTO 2013)

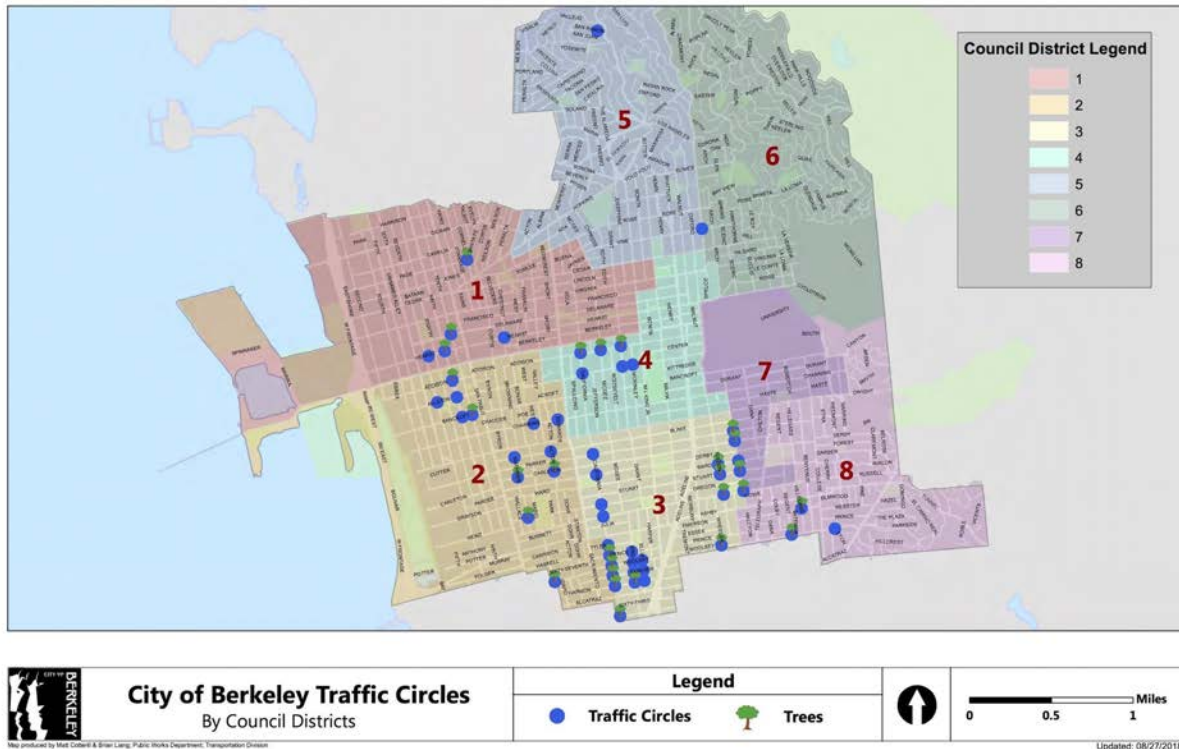
Slower speeds also enhance a driver's field of vision, which is paramount for promoting safety. See illustration below comparing the peripheral view corridor of a vehicle traveling at 10-15 mph (top image) vs. 20-25 mph (2nd image from the top). At slower speeds the field of vision is broader.

<b>10-15 MPH</b> Driver's peripheral vision Stopping distance Crash risk	
<b>20-25 MPH</b> Driver's peripheral vision Stopping distance Crash risk	
<b>30-35 MPH</b> Driver's peripheral vision Stopping distance Crash risk	
<b>40+ MPH</b> Driver's peripheral vision Stopping distance Crash risk	 <small>As a driver's speed increases, his peripheral vision narrows severely.<sup>2</sup></small>

*Driver's peripheral vision at different speeds.*

**Source:** [Urban Street Design Guide](#). Design Speed. (NACTO 2013)

## B. Map of Traffic Circles in Berkeley



## C. General Vegetation Guidelines

Planted traffic circles accord with Berkeley's environmental and sustainability values and, when regularly maintained, add to urban beauty and neighborhood quality of life. Circles should have a minimum of hardscape and a maximum of low growing plantings.

The following principles are suggested for guiding the planting of traffic circles.

1. The City should encourage circle plantings that are durable, diverse, and attractive. Planted circles also reduce hardscape and runoff and improve ground water retention. Plantings are strongly encouraged that provide habitat for native bees and other pollinators, butterflies and other insects, and birds, and that do not require pesticides or herbicides to maintain. Use of native plant species is encouraged.

2. Circle plantings can and should reflect the individuality and diversity of Berkeley in the same way that our buildings, people, cultures, public spaces, neighborhoods and activities are diverse. There is no need for all circles to look, or be planted, the same, although within specific neighborhoods or along individual streets circle designs might be coordinated.

3. We do not recommend a species list of approved plants. Developing and maintaining a species list will be costly, controversial, and difficult and expensive to administer. Instead, the City should permit a broad range of plantings that conform to general criteria. To aid residents who seek additional guidance, several planting lists (or “palettes”) are provided.
4. One criteria is height. Non-tree plantings should not be allowed to grow taller than 2 1/2 feet (30") in height above the circle curb, in accord with national and regional standards. An exception should be made for seasonal flower stalks that may extend above this height.
5. The City may maintain a limited list of plants that are not recommended for circles because of very specific detrimental impacts, for example, poison ivy.
6. Trees in circles are welcome as a way to reduce the heat island effect, provide habitat and shade, and sequester carbon. Species selection should be coordinated with the City Forester.
7. Mature trees should have no substantial foliage below about eight feet above the pavement. Sapling trees will clearly have some foliage between two and eight feet, but species should not be used that grow extremely wide when low and young. When Circle tree plantings are young they may also be selectively pruned to encourage growth to a taller height.

### C-1. Tree Guidelines

Tree plantings in Berkeley’s parks, along Berkeley’s streets, and in traffic circles have clear and substantial benefits and value. Trees sequester carbon which helps fight climate change, remove carbon dioxide and other greenhouse gases from the air, reduce urban heat, help create and retain soil, reduce stormwater runoff and promote groundwater recharge, and create habitat for birds, animals, and insects. They also provide beauty, shade, a stately presence in the public landscape and a marker of the changing seasons, particularly in highly urbanized areas where mature trees are rare in private gardens and/or on public streets.

Other Bay Area and North American cities and expert analysis beyond Berkeley have identified trees as a welcome and useful component of traffic circles, particularly because they help slow traffic and identify for drivers the presence of a circle from a distance.

Half an acre of forest land can absorb three tons of carbon dioxide annually and produce two tons of oxygen. Berkeley's numerous existing current traffic circles cover about half an acre of land, all of it converted from asphalt. The City's Hazard Mitigation Plan and Climate Action Plan recommend more tree plantings in Berkeley to help fight climate change and reduce the "heat island effect" in lower elevation neighborhoods. Tree plantings are also an economic and social equity issue. City mapping has determined that tree cover is much higher in the Berkeley Hills than it is in the Flatlands.

Berkeley has a variety of existing trees in its traffic circles. Most have attained a size where they do not have any substantial small branching or leaf canopy below eight feet, and others are growing rapidly towards that expectation. These include California Live Oaks, Dawn Redwoods, California Buckeyes, palms of various species, strawberry trees, and even large woody shrubs that have been pruned up into a tree like canopy. These trees should be "grandfathered" into the City's policies after review of individual specimens to ensure they currently conform, or will conform as they continue to grow.

Pruning of circle trees should be done in consultation with circle coordinators and the City Forester. The pruning emphasis should not be on radical "limbing" or entirely removing everything below eight feet, especially for tree saplings, because this may retard rapid growth to appropriate height or permanently deform or weaken the tree. Instead, smaller trees can be thoughtfully pruned to improve sight lines and maintain healthy condition and growth. Pruning should be done at times of year best suited to individual species. Trees should generally be planted at, or slightly offset from, the center of the circle so the perimeter areas do not have trunks or low tree branches.

The City Forester should be consulted and review the selection of tree species for individual circle planting, but we do not recommend a specific proscriptive list of tree species for circles or a requirement that circle trees be the same as nearby, or citywide, street tree plantings. Diversity should be encouraged. In some areas circle trees can be species that match existing nearby street trees, but special tree species in circles also have their own value. For example, palms in circles along Ninth Street and Dawn Redwoods in circles along Ellsworth are a distinctive presence.

Individual neighborhoods and circle coordinators should be trusted, with appropriate review by the City Forester, to suggest species that will work in specific circles. A goal of circle trees that are among the most attractive, unusual, and distinctive in a neighborhood is consistent with these policies.

Specific guidelines for species selection:



1. Trees that *require* frequent or major irrigation once established are not encouraged for circles.
2. It should be expected that circle trees will receive, and should be able to thrive and remain attractive in, conditions of full or close-to-full sun and reflected heat from surrounding pavement.
3. The existence of utility access shafts and underground utilities should be a factor in the selection of tree species for individual circles.
4. Trees that have long lifespans may be preferable since they will remain mature for a longer time without deterioration or low elevation growth. Short lived species will increase the frequency of replacement plantings and also increase the time that younger, and thus lower, trees are in a circle.
5. Multi-trunked species should not necessarily be discouraged. Visibility can be maintained between trunks as the tree grows older and trunks overall will have a narrower diameter.

If any single variety or species is preferred, it should be native oaks. Oaks meet many of the goals described in this section and, as described elsewhere, a “re-oaking” effort in Berkeley could be partially based in newly planted traffic circles. Oaks could be a preferred species for “orphan” circles and newly installed circles where the City is undertaking all the installation and maintenance work.

New tree plantings in circles may be from 15 gallon 24 inch box or larger specimens so the new planting already has substantial height and a clear lower trunk when it is placed in a circle. However, smaller specimens may be selectively used / planted where the tree is expected to grow rapidly to greater height and clear sight lines. Research has shown that many tree species grow more rapidly when planted young. For example, the California Live Oak at Fulton and Russell was planted as a seedling less than three feet high and quickly attained adult maturity and size.

Circle trees may be planted as memorials to, or honoring, individual citizens, organizations, or causes, after appropriate city review. Special trees of this sort can reinforce neighbor and community ties and identity and increase neighbor maintenance attention to the circles. The City should develop guidelines and a process for approval of such memorial trees, and should have a process for reviewing and accepting community donations of tree specimens for circle plantings.

Small memorial plaques may be placed in circles in conjunction with memorial or other special plantings, but should be low and unobtrusive. An alternative, where space permits, would be a freestanding plaque on nearby sidewalks that can be read by passersby viewing the circle across the intersection.

## D. Introduction to Suggested Planting Palettes

Whether or not you plant a circle to a specific palette, all appreciate the benefits of any type of planted circle.

About one quarter of Berkeley's land area is covered with asphalt or concrete pavement in the form of streets and parking lots. The typical Berkeley traffic circle provides 200-300 square feet of welcome growing ground, recovered from otherwise sterile asphalt pavement. When a new circle is created, it is quickly colonized by insects, plants, and soil organisms even without human help. Within a season or two birds can forage in circles for seeds and edible insects and find them a welcome place to take temporary refuge.

Traffic circles also absorb and filter rainwater, decreasing stormwater runoff and urban pollution. Circles with a mature central tree provide additional bird habitat and shade, sequester large amounts of carbon, remove greenhouse gases from the atmosphere, and combat the "heat island effect" prevalent in densely developed urban areas. Fruits and flowers produced by plants in circles provide food for birds and insects, including beneficial bees.

For generations Berkeley has prided itself on being a garden city, with plants and nature integrated into every area; circles reinforce that history. Traffic circles also function as miniature public open spaces in neighborhoods without large parks or other plantings. Although they should be viewed, not actively used for recreation, their very existence helps reduce human stress and brightens and softens the streetscape.

Appropriate seasonal, secular, decorations in circles that are planned and positioned to not obstruct sight lines can cheer the passersby, especially during the winter.

The palette lists below are drought-tolerant plant assemblages that support native biodiversity and the benefits to human health and well-being that local access to nature provides. The palettes are based on local ecosystems, to bring the experience of nature into our neighborhoods and re-establish some of the lost habitats of Berkeley. They are also designed to be low-maintenance, climate-resilient and to conform with visibility and safety considerations.

### D-1. Re-Oaking Guidelines

The re-oaking template is based on the native oak savannas and woodlands that were common throughout much of the Bay Area before modern development. California's oaks are keystone species that support tremendous local biodiversity through their

leaves, branches, and acorns. In addition to their ecological benefits, coast live oaks and valley oaks also provide valuable ecosystem services to address climate change, providing large shade canopies while being drought-resilient and sequestering carbon at higher rates than most other trees. Matching oak canopy with complementary drought-tolerant understory vegetation creates an experience of local nature in the city that enhances the biodiversity benefits for local wildlife.

**Biodiversity Benefits:** Native oaks such as coast live oak and valley oak support a diverse range of native birds and insects. Planting neighborhood oaks within 500' of each other increases the likelihood of pollination and acorn production. The understory supports an extremely diverse range of native pollinators and other insects such as butterflies, beetles, bees, crickets and moths. For example, Great Spangled Fritillary Butterflies and wooly bear caterpillars use oak leaf litter for protection from cold weather and predators. The setting provides an opportunity for low-growing plants that were common to the area but now rarely find space given the priority for lawns and taller vegetation. A combination of different types of native oaks within neighborhoods (coast live, valley, blue, black) will support greater biodiversity and resilience to climatic variation.

**Carbon Sequestration:** Coast live oak and valley oak store more carbon per year than commonly used street trees.

**Maintenance:** As the oaks mature, their canopy provides shade and natural mulch, reducing the need for watering and weeding. The leaf drop – particularly from live oaks—can greatly reduce weeding needs.

#### Center tree

Coast live oak (*Quercus agrifolia*). Live oaks are hardy distinctive California trees with a striking dark green color and year-round canopy.

Valley oak (*Quercus lobata*). Valley oaks are a beautiful, graceful deciduous shade tree. Valley oaks are sensitive to salt in the air and tend to be found further away from the Bay. In Berkeley, healthy valley oaks appear to be more common east of Martin Luther King Way.

**References:** *Re-Oaking Silicon Valley: Building Vibrant Cities with Nature* (San Francisco Estuary Institute 2017). <https://www.sfei.org/documents/re-oaking-silicon-valley>

*Oaks of California* (Pavlik et al. 1993)

## Suggested Plants for Oak Understory

Plant	Scientific Name	Height	Notes
<b>Apricot Monkeyflower Bush</b>	Mimulus bifidus	2-3 ft ht x 2-3 ft wide, might need some pruning to keep lower	Spectacular 2" azalea like flowers. No irrigation once established. Attracts hummingbirds. Host plant for Checkerspot butterflies.
<b>Bush Monkeyflower 'Pt Molate'</b>	Mimulus aurantiacus	2-3 ft ht x 3ft wide. Will need some pruning to keep low growing. Pinch to encourage more compact growth.	Very drought tolerant. No water once established. Hummingbirds attracted.
<b>California Aster</b>	Corethrogyne filaginifolia	1-3ft ht x 3ft wide, variable, prune to keep low.	Deciduous perennial. Bright lavender yellow centered 1" daisy like flowers summer into fall. A wildflower, pollinator and butterfly plant.
<b>California Fuchsia</b>	Zauschneria or Epilobium canum (low growing selections )	1-2 ft x 2-3 ft wide	Fine textured gray green to silver leaves, mounding habit and bright red orange 1.5" tubular flowers in clusters later summer into fall. Deciduous during winter. Best hummingbird attracting plant. Drought tolerant. Best to cut to ground after bloom. Spreads by root runners.
<b>California Lilac</b>	ex. Ceanothus hearstiorum - San Simeon Ceanothus (low growing selections )	3"-6" ht x 6 ft wide	Flat growing, dark green crinkled leaves and 1"deep blue flower clusters in the spring
<b>Coyote Mint</b>	Monardella villosa	2ft ht x 2ft wide	Mint scented. Trailing groundcover for sun or part sun. 1" lavender puff balls July thru August. Attractive nectar source for bees and butterflies. Drought tolerant.
<b>Douglas Iris</b>	Iris douglasiana and hybrids and selections (ex. 'Canyon Snow' Iris Pacific Coast Hybrid)	1ft ht x eventually 3ft wide (Canyon Snow)	Ex. 'Canyon Snow' recognized as an outstanding white flowered selection. Disease resistant, little water, evergreen. Blooming in the spring.
<b>Fragrant Pitcher Sage</b>	Lepechina fragrans	2-3ft ht x 3ft wide. May need pruning to keep mature height lower.	Evergreen perennial with pink tube shade flowers. Blooming spring thru summer. Very drought tolerant. Attractive to hummingbirds.
<b>Island Alum Root</b>	Heuchera maxima, varieties	2 ft ht x 2 ft wide	Part Shade to full shade clump forming perennial with delicate airy pale pink to white flower spikes. A preferred groundcover for Coast Live Oaks.
<b>Hummingbird Sage</b>	Salvia spathacea	1-3ft ht x 4ft wide, may need pruning to encourage lower growth	Showy native groundcover for dry shade. Blooming late spring into summer, 1" bright magenta pink flowers emerge from spikes of burgundy calyxes. Attractive evergreen to

			semi-evergreen wavy fruity scented leaves. Low to average water.
<b>Manzanitas</b>	Low growing selections (ex. <i>Arctostaphylos</i> 'Emerald Carpet', <i>Arctostaphylos edmundsii</i> 'Carmel Sur', <i>Arctostaphylos uva ursi</i> 'Point Reyes'- Point Reyes Bearberry)	6"-12 ht x 6 ft wide	Low tidy evergreen groundcovers that are drought tolerant with pink to white small urn shaped flowers winter into spring provide bees with nectar earl in season. Edible red berries good for bears and birds.
<b>Red Buckwheat</b>	<i>Eriogonum grande</i> var. <i>rubescens</i>	12" ht x 2-3ft wide	October, short growing. Drought tolerant, attractive to butterflies and bees.
<b>Seaside Buckwheat</b>	<i>Eriogonum latifolium</i>	1ft x 2ft wide	Compact mound of softly felted blue grey spoon shaped leaves topped by pale pink 1" clusters of flowers blooming summer into fall. Used for erosion control, drought tolerant. Loved by bees, butterflies and many pollinators.
<b>Sulphur Buckwheat</b>	<i>Eriogonum umbellatum</i>	1ft tall x 2 ft wide	Compact evergreen mound. Blooms late spring to end of summer. Needs little or no water once established. Attractive to Bee and Butterfly.
<b>Western Sword Fern</b>	<i>Polystichum munitum</i>	2-3ft ht x 4ft wide	Drought tolerant fern recommended for growing under oaks. Adds bold visual structure. Cut old fronds back as they die. Part shade to full shade. Average to Low water.
<b>Western Yarrow</b>	<i>Achillea millefolium</i>	1-4ft ht x 2-3ft wide Will need pruning if growth gets too high	Usually a low spreading ferny leaved perennial with 3-4" clusters of white to pink flowers. Usually full sun, edge of shade under oaks. Attractive to pollinators.
<b>Yerba Buena</b>	<i>Clinopodium douglasii</i>	2 in. tall and spreading	Flat evergreen groundcover for shade. Easy, tough and long lived, used medicinally by native people. Makes a mint-like tea. Drought tolerant by best with a little summer water.

## D-2. Bee/Pollinator Guidelines

Bees are essential pollinators in the plant world. About 75% of plants rely on an animal pollinator—most often a bee—to create seeds and fruit that produce the next generation of plants. In recent years bee populations have seen significant declines; habitat loss and pesticides are thought to be primarily responsible.

By providing food for bees—and, simultaneously, many other pollinators—we help sustain local bee populations, especially natives which can actually be more efficient and productive at pollination than honey bees.

Aside from the common honeybee, there are some 1,600 species of native bees in California which can look quite different and do not construct and live in large, organized hives. Many native bee species form small colonies of just a few dozen adults. Some are solitary. Many live in the soil and do not make above-ground colonies.

This suggested planting palette serves bees in the following ways: it provides specific types of flowers especially rich in nectar and/or pollen that bees find most useful; the flowers bloom over a long period of time, giving bees a steady source of food during the seasons when they're most active; it concentrates many flowers in a small space, allowing the bees to forage efficiently without having to fly long distances; it emphasizes a diversity of native plants to which native bees are best adapted, thereby sustaining those bee species most adapted to California's climate.

Bee friendly traffic circle planting should avoid all insecticides and herbicides and heavy mulching (which can bury the homes of ground-dwelling native bees). A traffic circle which get little human foot traffic can be an excellent oasis for bee colonies, especially native bees which live in small numbers and/or in the ground.

Planting a traffic circle with bee friendly plants and habitat will reward your neighborhood many times over with increased yields of vegetables, fruits, and nuts from nearby gardens.

**References:** UC Berkeley Urban Bee Lab

<http://www.helpabee.org/best-bee-plants-for-california.html>

UC Davis Arboretum and Public Garden: California Native Bees

<https://arboretum.sf.ucdavis.edu/blog/beyond-honey-bee-learn-more-about-california-native-bees>

World Bee Day: Best plants to help save bees

<https://www.worldbeeday.org/en/did-you-know/86-best-honey-plants-to-help-save-bees.html>

Theodore Payne Foundation: Bee Friendly Native Plants

<http://theodorepayne.org/wp-content/uploads/2018/07/BEE-FRIENDLY.pdf>

## Suggested Plants for Bees/Pollinators

<b>Under Construction</b>				
<b>Plant</b>	<b>Scientific Name</b>	<b>Height</b>	<b>CaNa</b>	<b>Notes</b>
<b>Blanket Flower</b>	Gaillardia x grandiflora	10-14" ht x 12" wide Use varieties described as Dwarfs		Pollen and Nectar source for many native bees. Daisy like flowers summer to fall in shades of orange red and yellow many banded. Perennial, but short lived 2-3 years. Drought tolerant.
<b>Blue Thimble Flower</b>	Gilia capitata	12-18" ht x 12" wide	Ca Native	Annual native wildflower loved by pollinators as pollen and nectar source. Ferny foliage and lavender blue flower clusters spring into summer. May self sow.
<b>Borage</b>	Borago officinalis	2-3ft ht x 1-2ft wide		Annual Herb, reseeds, Spring to summer bloom of star shaped Clear Blue flowers. Poor soil, drought tolerant Mediterranean.Edible.
<b>Calamint</b>	Calamintha ssp. Ex. C.nepeta	1-2ft ht x 1ft wide		Airy plumes of tiny barely blue flowers over mint scented oregano like foliage bloom summer to fall. Bees love it, drought tolerant. herb/perennial.
<b>California Aster</b>	Corethrogyne filaginifolia	1-3ft ht x 3ft wide, variable, prune to keep low.	Ca Native	Deciduous perennial. Bright lavender yellow centered 1" daisy like flowers summer into fall. A wildflower, pollinator and butterfly plant.
<b>California Buckwheat</b>	Eriogonum fasciculatum	2-3ft ht x 2-3ft wide	Ca Native	Small evergreen shrublet with clusters of cream colored flowers April to October, aging pink to rust. Attractive to many pollinators. Seeds prized by birds. Drought tolerant once established.
<b>California Lilac</b>	ex. Ceanothus hearstiorum - San Simeon Ceanothus (low growing selections )	4" ht x 5 ft wide	Ca Native	Flat growing, dark green crinkled leaves and 1"deep blue flower clusters in the spring. C.hearstiorum likes clay, not sand. Better with some summer water (Native to foggy coast).
<b>Ca.Lilac Low Blue Blossom</b>	Ceanothus thyrsiflorus repens	2ft ht x 6 ft wide prune to keep low	Ca Native	Evergreen prostrate shrub that can be 6" ht but also mounds - pruning required to keep low. Round dark green leaves, clusters of light blue flowers in spring. Drought tolerant, but likes to washed off occasionally. Attractive to bees as well as a butterfly host plant.
<b>California Poppy</b>	Eschscholzia californica	1-1.5ft ht x 1ft wide	Ca Native	Perennial grown as Annual. Reseeds. Start from seeds or plants. Drought tolerant state flower. Mainstay Pollen source for many native bees.
<b>Coyote Mint</b>	Monardella villosa	2ft ht x 2ft wide	Ca Native	Mint scented. Trailing groundcover for sun or part sun. 1" lavender puff balls July thru August.

				Attractive nectar source for bees and butterflies. Drought tolerant.
<b>Fernleaf Carpet Tickseed</b>	<i>Bidens ferulifolia</i>	12" ht x 1.5 ft wide		Short lived perennial (3-5yrs) Native to US/Mexico. Drought, deer and heat tolerant. Bright yellow daisies summer to fall or more. Moderate to low water.
<b>Frikart's Aster</b>	<i>Aster x frikartii</i> 'Monch'	2ft ht x 2ft wide		Moderate water, sun part shade, pruning late spring will lower overall ht. Cut to ground after bloom. Late summer fall bloom provides nectar and pollen late in season. Lavender Blue 2" daisy flowers in profusion. Attractive to butterflies too.
<b>Hairy Gumplant</b>	<i>Grindelia hirsutula</i>	1-2ft ht x 1-2ft wide	Ca Native	Low herbaceous perennial, 2" sunny yellow daisies, summer to fall. Drought tolerant, but best with some summer water. Pollen and nectar source. <i>G. stricta</i> . Similar, lower growing.
<b>Hummingbird Mint</b>	<i>Agastache</i> spp.	2-3ft ht x 2ft wide	West US Native	Long blooming perennial, hummer magnet, spikes of orange flowers, minty fragrant leaves. Low water once established
<b>Lavender</b>	<i>Lavandula</i> spp.	1-2ft ht x 1-3ft wide		Choose dwarf varieties that mature at or below guideline mature ht. Example: Hidcote - darkest purple, Munstead - blue w/grey foliage. Summer bloom of lavender flower clusters. Fragrant.
<b>Manzanitas</b>	Low growing selections (ex. <i>Arctostaphylos</i> 'Emerald Carpet', <i>Arctostaphylos edmundsii</i> 'Carmel Sur', <i>Arctostaphylos uva ursi</i> 'Point Reyes'- Point Reyes Bearberry)	6"-12"ht x 6ft wide	Ca Native	Low neat evergreen groundcover shrubs that are drought tolerant with pink to white small urn shaped flowers winter into spring provide bees with nectar early in season. Bumblebees. Edible red berries good for birds.
<b>Pot Marigold</b>	<i>Calendula officinalis</i>	12-18" ht x 12" wide		Short lived perennial grown as annual. Winter to spring bloom, Yellow and Orange Daisy like flower is edible. Easy to start from seed.
<b>San Miguel Island Buckwheat</b>	<i>Eriogonum grande</i> var. <i>rubescens</i>	12" ht x 2-3ft wide	Ca Native	Low growing. Drought tolerant, attractive to butterflies and bees. Red pink pom pom clusters Summer bloom.
<b>Sea Holly</b>	<i>Eryngium</i> spp.	1-2ft ht x 1-2ft wide		Thistle like perennial produces striking purple blue flowers with silver bract collars, often deeply lobed leaves. Drought tolerant. Very attractive to bees. Blooms summer to fall.
<b>Seaside Buckwheat</b>	<i>Eriogonum latifolium</i>	1ft ht x 2ft wide	Ca Native	Compact mound of softly felted blue grey spoon shaped leaves topped by pale pink 1" clusters of flowers blooming summer into fall. Used for erosion control, drought tolerant. Loved by bees, butterflies and many pollinators.



<b>Squash</b>	Squash, Pumpkin and Zucchini	2ft ht x 6 ft wide		Vegetable. Summer annual. Needs moderate water. Bushy to rambling vine. Large yellow trumpet shaped flowers attractive to bees. Food for humans after bees get Nectar and Pollen.
<b>Sulphur Buckwheat</b>	Eriogonum umbellatum	1-3ft ht x 2 ft wide, can mound high, may need pruning to keep lower	Ca Native	Compact evergreen mound. Cream to yellow flower clusters late spring to end of summer. Needs little or no water once established. Attractive to Bee and Butterfly.
<b>Tickseed</b>	Coreopsis spp.	1-2ft ht x 1-2ft wide	US	Short lived perennial (3-5yrs) Drought tolerant, long blooming, profuse, cheerful yellow to yellow and maroon daisy-like flowers summer to fall. Moderate water until established
<b>Tidy Tips</b>	Layia platyglossa	1.5ft ht x 1.5ft wide	Ca Native	Native annual wildflower. Spring 2" yellow with white edges daisies. Many types of bees at low numbers. Pollen and nectar source.
<b>Toadflax</b>	Linaria purpurea	2-3ft ht x 1ft wide		Easy slender spikes of tiny violet lavender purple snapdragon like flowers over narrow blue grey leaves. Blooms summer. Perennial and reseeds. Many pollinators attracted.
<b>Wayne Roderick Daisy</b>	Erigeron glaucus 'Wayne Roderick'	1ft ht x 1-2ft wide	Ca Native	Pollen and Nectar source for bees. Profusion of 2"lavender daisies with golden centers,easy tough and reliably perennial. Long blooming Spring to Fall with some deadheading. Drought tol. Better with some summer water.
<b>Western Yarrow</b>	Achillea millefolium	1-3ft ht x 3ft wide, variable, prune to keep low.	Ca Native	Usually a low spreading ferny leaved perennial with 3-4" clusters of white to pink flowers. Long bloom season. Attractive to pollinators.

### D-3. Butterfly Habitat Guidelines

*"The power to enrich a patch of earth with beautiful butterflies, no matter how humble the plot or simple the effort, is awesome"*

*-Robert Michael Pyle, author, lepidopterist*

Our Bay Area is home to 142 species of butterflies and they depend on specific types of plants. The Bay Area also has the largest concentration of endangered butterfly species in California.

Habitat loss is a primary cause of decreasing populations of butterflies. Berkeley is home to many of these species and by planting for their specific needs we can help keep butterflies flying in our neighborhoods.

Despite the common and understandable focus on planting pretty flowers to provide nectar for adult butterflies, butterflies actually have two more essential needs. First, each species has certain plants—sometimes just one kind of plant—on which its larva / caterpillars feed; planting those species is the way to provide useful habitat, even if there aren't flowers in the same place. Second, pesticides kill butterflies and their caterpillars and should not be used in their habitat.

There are four stages of the butterfly's lifecycle —the egg, the caterpillar or larva, the chrysalid in which the larva turns into the winged butterfly, and the adult butterfly. A traffic circle can provide excellent space for all these life stages, starting with low growing caterpillar food plants.

Some spectacular species common to Berkeley are the Monarch, Western Tiger Swallowtail, Anise Swallowtail, Pipevine Swallowtail, West Coast Lady, Red Admiral, Gulf Fritillary, Buckeye, Cabbage White and Fiery Skipper Butterfly.

The suggested plants below can all grow low and thrive in traffic circles and provide food plants that will help generate a glorious annual bloom of butterflies like these for the surrounding neighborhood.

## Suggested Plants for Butterflies

<b>Under Construction</b>					
<b>Plant</b>	<b>Nectar Or HOST</b>	<b>Scientific Name</b>	<b>Height</b>	<b>CaNa</b>	<b>Notes</b>
<b>Apricot Monkey-flower Bush</b>	Larval Host	Mimulus bifidus	2-3 ft ht x 2-3 ft wide, might need some pruning to keep lower	Ca Native	Spectacular 2" azalea like flowers. No irrigation once established, better with a little. Attracts hummingbirds. Host plant for Checkerspot and Buckeye Butterflies.
<b>Pincushion Flower 'Butterfly Blue'</b>	Nectar only	Scabiosa 'Butterfly Blue'	12-18" ht x 12-18" wide		One selection of many scabiosa. This one is perennial, low mounding and blooms for a long period. Summer to late fall. Frilly flat lavender 2" flowers. Moderate water best.
<b>California Aster</b>	Nectar & Host	Corethrogyne filaginifolia	1-3ft ht x 3ft wide, variable, prune to keep low.	Ca Native	Deciduous perennial. Bright lavender yellow centered 1" daisy like flowers summer into fall. A wildflower, pollinator and butterfly plant.
<b>Ca.Lilac Low Blue Blossom</b>	Nectar & Host	Ceanothus thyrsiflorus repens	2ft ht x 6 ft wide prune to keep low	Ca Native	Evergreen prostrate shrub that can be 6" ht but also mounds - pruning required to keep low. Round dark green leaves, clusters of light blue flowers in spring. Drought tolerant, but likes to be washed off occasionally. Tortoiseshell Butterfly host plant. Attractive to pollinators too.
<b>California Showy Milkweed</b>	Larval Host and nectar	Asclepias speciosa	3-4ft ht x 3ft wide	Ca Native	Monarch Butterfly caterpillar food. Deciduous (disappears in winter) Fuzzy leaved stalks with 5" clusters of star shaped rose & white flowers. Spreads by underground rhizomes. Sun. Some summer water appreciated.
<b>Checker-bloom</b>		Sidalcea malviflora	2ft ht x 1ft wide	Ca Native	Perennial wildflower. Dense low 6" mound of small round scalloped leaves, 12-20" spikes of bright to dark pink 1" flowers in spring. Native larval host plant for Westcoast Lady Butterfly.
<b>Coyote Mint</b>	Nectar only	Monardella villosa	2ft ht x 2ft wide	Ca Native	Mint scented. Trailing groundcover for sun or part sun. 1" lavender puff balls July thru August. Attractive nectar source for bees and butterflies. Drought tolerant.
<b>De la Mina Verbena</b>	Nectar	Verbena lilacina 'De La Mina'	3ft ht x 3ft wide	Ca Native	Long blooming perennial, profuse 1" clusters of lavender flowers spring summer

					into fall. Better with occasional summer water. Attracts pollinators.
<b>Dill</b>	Larval Host	Anethum graveolens	2ft ht x 6" wide	Herb	Annual grown from seeds. Widely used culinary herb by many Old World cultures. Anise Swallowtail Butterfly caterpillars use as host plant. Start seed in summer, regular water.
<b>Fernleaf Carpet Tickseed</b>	Nectar only	Bidens ferulifolia	12" ht x 1.5 ft wide		Short lived perennial (3-5yrs) Native to US/Mexico. Drought, deer and heat tolerant. Bright yellow daisies summer to fall or more. Small butterfly nectar. Moderate to low water.
<b>Frikart's Aster</b>	Nectar only	Aster x frikartii 'Monch'	2ft ht x 2ft wide		Moderate water, sun part shade, pruning late spring will lower overall ht. Cut to ground after bloom. Late summer fall bloom provides nectar and pollen late in season. Lavender Blue 2"daisy flowers in profusion. Attractive to butterflies & bees.
<b>Frogfruit Lippia</b>	Nectar and Host	Lippia nodiflora	1-4" ht x 2ft wide. Can be invasive spreader Or lawn substitute	Ca Native ?	Evergreen perennial flat groundcover. 1/2" flower clusters like tiny lantana in pink and white. Host for Buckeye Butterfly. Attractive to pollinators.
<b>Grasses</b>	Larval Host	Poacea family	1-2ft ht x 1ft wide	Ca Native +	Fiery Skipper butterfly caterpillars feed on grasses. In urban areas mostly on Bermuda Grass. Also feed on several native grasses ex. Purple Needlegrass (Nassella pulchra)
<b>Lovage</b>	Larval Host	Levisticum officinale	2-6ft ht x 4ft wide Usually much smaller in our dry climate. Prune to keep low for traffic circles.	Herb	Perennial Herb. Looks and grows like a big Parsley, leaves all originating from central basal rosette. Carrot like flowers. European herb that Anise Swallowtail caterpillars eat. Prune to keep low growing. Need moderate water. All parts of plant edible to humans too.
<b>Narrow leaved Milkweed</b>	Larval Host	Asclepias fascicularis	2-3ft ht x 2-3ft wide	Ca Native	Deciduous/semi deciduous perennial. 5"flower heads creamy white. Larval host plant for Monarch Butterfly. Full sun, occasional summer water.
<b>Narrowleaf Plantain</b>	Larval Host	Plantago lanceolata	3-15"ht x 10"wide		Rosette forming perennial herb. Lance shaped base leaves. Flower stalks narrow ending in 1" club. Often seen in lawns. Primary Bay Area Larval host of the Buckeye Butterfly. Moderate water.
<b>Nasturtium</b>	Larval Host	Tropaeolum majus	1ft ht x 2-3ft wide		Annual trailing herb. Sow seeds before winter rains. Reseeds. Larval host for European Cabbage White Butterfly. Better with some summer water. Clean up dead foliage after flower slows.

<b>Parsley</b>	Larval Host	<i>Petroselinum crispum</i>	10"ht x1ft wide	Herb	Biennial grown as annual, reseeds. Mediterranean herb/vegetable used by Anise Swallowtail caterpillars as host plant. Grows best with regular water, bees and birds also attracted.
<b>Pellitory</b>	Larval Host	<i>Parietaria judaica</i>	18" wide x 3ft wide	Weed	Herbaceous perennial, considered a weed. Larval food plant for the Red Admiral butterfly. Drought tolerant, evergreen, dense mound forming. May cause allergic reactions in some people.
<b>Red Buckwheat</b>	Nectar & Host	<i>Eriogonum grande</i> var. <i>rubescens</i>	12" ht x 2-3ft wide	Ca Native	October, short growing. Drought tolerant, Larval host for Lycaenid butterflies.
<b>Seaside Buckwheat</b>	Nectar & Host	<i>Eriogonum latifolium</i>	1ft ht x 2ft wide	Ca Native	Compact mound of softly felted blue grey spoon shaped leaves topped by pale pink 1" clusters of flowers blooming summer into fall. Drought tolerant. Caterpillar host for Blue butterflies.
<b>Sulphur Buckwheat</b>	Nectar & Host	<i>Eriogonum umbellatum</i>	1ft ht x 2 ft wide	Ca Native	Compact evergreen mound. Blooms late spring to end of summer. Needs little or no water once established. Caterpillar food for Gossamer Wing butterflies.
<b>Toadflax</b>	Larval Host	<i>Linaria purpurea</i>	2-3ft ht x 1ft wide		Easy to grow, slender spikes of tiny violet lavender purple snapdragon like flowers over narrow blue grey leaves. Blooms summer. Perennial and reseeds. Larval host of Buckeye Butterfly caterpillar.
<b>Western Yarrow</b>	Nectar Only	<i>Achillea millefolium</i>	1-3ft ht x 3ft wide, variable, prune to keep low.	Ca Native	Usually a low spreading ferny leaved perennial with 3-4" clusters of white to pink flowers. Long bloom season. Attractive to pollinators.
Yampah spp.	Larval Host	<i>Perideridia</i> spp ex. <i>P. kelloggii</i> - Native to SF Bay Area. <i>P. bolanderi</i> native to western US.	1-3ft ht x 1ft wide	Ca Native	Ancient Native host plant for Anise Swallowtail Butterfly. Current urban caterpillars feed on introduced Fennel. Yampah is perennial, small greyish parsley-like plant with tall flat topped carrot-like flower stalk. Plant several to provide food for caterpillars

#### D-4. Native Wildflowers Guidelines

This palette draws on the rich wildflower meadows and flowering trees of the East Bay, bringing the colors and aromas of native California into our neighborhoods. The mix of native flowers provides pollen and nectar for native bees, butterflies, and other insects as well as providing high-value leaves and seeds for birds and insects. This array of flowering plants provides floral continuity through the year, so local species have reliable resources year-round.

UNDER CONSTRUCTION

#### E. Pruning Standards & Guidelines:

[https://sfenvironment.org/sites/default/files/fliers/files/sfe\\_of\\_pruning\\_guide.pdf](https://sfenvironment.org/sites/default/files/fliers/files/sfe_of_pruning_guide.pdf)

DRAFT

**City of Berkeley Traffic Circle Policy Task Force**  
**Operation and Maintenance Sub-Committee**  
 Draft Policy Statement, July 19, 2019

The Berkeley City Council should direct the City Manager to have the Public Works Department formalize and create the Traffic Circle Community Stewardship Program to support the management of neighborhood traffic calming. The program will establish a partnership with a clear set of guidelines for community volunteers who adopt and maintain traffic circles, address safety concerns, as well as define responsibilities between the City and community volunteers. There isn't a real "home" or ownership for traffic circles within the City's departments, and there isn't consistent communication with community members about rules, plants, maintenance, roles or responsibilities. With a few serious traffic interactions between cars and people at traffic circles recently in Berkeley, there is a need to address the traffic circles in a more comprehensive manner and support the community volunteers and neighborhoods who have been mainstays of the traffic circle program.

1. Develop a Formal Partnership Program within Public Works

Berkeley has many civic-minded and engaged community members who volunteer their time and resources maintaining parks, open spaces and traffic circles. There is no formal mechanism for the City to engage these volunteers or to recruit new ones, although the City does have successful working relationships with community organizations who maintain some public spaces including Berkeley pedestrian paths and The Circle on Marin Avenue. Berkeley City leaders have expressed their willingness to work with the community and develop a real partnership by creating and supporting the establishment of the Traffic Circle Policy Task Force. A formal partnership program needs a shared commitment and written guidelines, structure, budget and resources to deliver the benefits to both the City and the community. There are many existing community-based partnership programs in the San Francisco Bay Area as well as around the country. The City of Oakland's "Adopt a Spot" program is a long-standing and successful model that has also served as a template for similar programs in Livermore and Richmond and should be considered a template for the City of Berkeley's program. In addition, members of the Traffic City Policy Task Force have done considerable research and found many good examples of other programs around the country that can be found in Appendix X.

2. Provide Staff Resources

In order to establish and operate a successful partnership program, staff resources are required. Staffing could be provided through the City or through an existing non-profit entity that would be contracted for staff resources (at this point it's not clear if this would be a full-time position or could be part time after the program is set up). A Traffic Circle Community Engagement Coordinator would report to Public Works and be responsible for coordinating with all existing traffic circle volunteers, recruiting new volunteers, act as a liaison between community volunteers and City staff, coordinate between Public Works, Parks and Recreation and Planning Departments as well as third-party utilities, and develop and maintain an on-line tool for tracking traffic circle compliance and administration. The Coordinator would also be responsible for developing an annual

budget, hosting annual work days, provide assistance with technical issues, and develop a plant discount program, free mulch delivery, tool and safety equipment lending library, and a green infrastructure mini-grants program with matching funds and/or in-kind support. The Coordinator and City leaders should explore consolidating all resources and responsibilities for traffic calming measures (traffic circles, bulb-outs, traffic diverter replacement/conversions and parklets) as well as supporting the Berkeley Bicycle Plan under the Traffic Circle Community Stewardship Program. The core goal of this position should be nurturing and supporting a Citywide and expanding program of traffic circles that are both beautiful and safe and that make use of community volunteer resources, while also coordinating City staff resources and interests as they apply. It should be noted that this position could also be defined to coordinate City staff and volunteer stewardship resources (through friends of parks and creeks groups) and efforts associated with maintaining and enhancing city parks, creeks, and open spaces. In this case, additional FTEs/staff capacity would likely be required.

3. Enhance Relationship between Public Works and Community Volunteers

Public Works needs to cultivate and enhance its reputation and relationship with the community volunteers to implement a successful program. The Traffic Circle Policy Task Force's report and recommendations and the City's approval and adoption is only the first step to implementation. Any changes to the status quo (where there is no program and no publicized or consistent rules) will be new and possibly startling to the community. A thoughtful communication plan with multiple ways to communicate within a set time period should be developed in concert with rolling out the new policy and program. Public Works should also strive to be seen as an ally and support for the community volunteers with expertise and resources to support them and the program. Public Works and the Coordinator should investigate incentives to help recruit additional community volunteers, especially in under-represented neighborhoods of the City. It is also recommended that Public Works establish an advisory board comprised of leaders within Public Works, Parks and Recreation, and Planning Departments and a representative group of relevant Commission representatives and community volunteers to meet periodically to review the programs progress. Note, we are not suggesting a new commission, with all the issues that would entail.

4. Structure Volunteer Program and Resources

All of the community volunteer programs that the Traffic Circle Policy Task Force reviewed have a more formal structure for their programs and volunteers. Typical elements include: a volunteer job description used for recruiting purposes, volunteer application or agreement with a minimum term, maintenance rules and guidelines, planting guidelines, and safety rules and guidelines. Public Works should borrow from the best programs, specifically Oakland's "Adopt a Spot," to develop the documents needed to support the program. All program documents should be maintained on the City's website with easy to use on-line applications and approvals.

This proposed program and its recommendations are designed in part to reduce City liability and risk from traffic circles. By the same token, the City should be willing to extend protection from liability to neighborhood volunteers who maintain traffic circles



and are in compliance with the program. The advice of the City Attorney and specialized legal experts on municipal volunteer programs should be sought in formalizing this two-way arrangement.

5. Provide a Clear Set of Guidelines and Best Practices for Safety and Maintenance Activities

Whether community volunteers are experts or novices, everyone needs common sense guidelines for safely maintaining the traffic circles. Most of the cities that support volunteer programs have all of the documents on the city's website. These guidelines and best practices will be important to help ensure compliance with overall vegetation traffic calming measures over time, as plants grow and obscure sightlines and as volunteers turn over. The coordinator and community volunteers could also work together by hosting demonstrations, workshops, and work days to share knowledge and expertise.

Here is a suggested list of topics for Guidelines and Best Practices (which will be more fully developed by the end of August, 2019)

Operation and Maintenance Guidelines and Best Practices:

1. General conduct, safety, tools, watering
2. Managing sightlines and vegetation
3. Plant maintenance, pruning, weeding, new planting and tree replacement and/or removal
4. Integrated Vegetation Management and Pest Control
5. Garbage and Debris Removal
6. Decorations, boulders, bird feeders, etc.
7. Coordinating with Public Works,
8. Self-Certification of Compliance with Best Practices
9. On-line Arc-GIS/Google Maps traffic circles GIS database

It is important to emphasize that guidelines should be common sense but not punitive, onerous, unreasonable or bureaucratic. Community volunteers are already giving a considerable amount of free time to maintain City spaces. The goal of City policy should be to support their contributions in a safe and reasonable manner and to find ways of recognizing and acknowledging their efforts.

6. Develop and Implement Consistent Traffic Standards for all Traffic Circles

Unlike large arterial and collector road round-a-bouts, neighborhood traffic circles located on local streets are designed first for traffic calming and not primarily for efficiently moving traffic quickly along the road. This is a fundamental issue. The City's existing (2009) Traffic Calming Policy is useful to quote in this regard:

*“Traffic calming is intended to reduce the impact of motor vehicles on roadways, residents and road users. In Berkeley, this means primarily the reduction of motor vehicle speeds...Physical traffic calming measures are categorized in two ways: (1) vertical deflection: raising the road by using speed humps or speed tables, and (2) Horizontal shift moving vehicles off a certain alignment from one side or another (e.g.*

*traffic circles). Generally, physical traffic calming measures are the most effective form of traffic calming available.”*

The Council should note that nowhere in that policy is an expectation or requirement that traffic circles should exist to make it easier for motor vehicles to move speedily or more efficiently along neighborhood streets. In fact, the opposite is the case.

Members of the Traffic Circle Policy Task Force have taken note of the various street intersections where traffic circles are located and the different traffic signing, speed limits, and crosswalk marking standards used.

The City should inventory all existing traffic circle intersections and develop consistent standards for signing, speed limits, installing traffic tables, etc. with an implementation timeline. Effective and safe traffic circles don't end at their curb-line. The City should work towards other holistic street improvements and modifications that will improve safety at traffic circle intersections. These might include: a uniform speed limit reduction at all intersections with traffic circles on neighborhood streets; uniform signage that clearly communicates expectations for drivers (the current ambiguous “Yield to traffic in circle” signs do not do this); four-way stop signs at all neighborhood circles; bulb outs or speed tables on the adjacent streets that act to mechanically reduce vehicle speeds, particularly for those drivers who ignore posted signage.

Pedestrians, cyclists, and motor vehicle drivers should be able to expect consistency in City rules for traffic circles. It is often this uncertainty—the driver, bicyclist or pedestrian who doesn't realize they've come to a two-way, not four-way, stop sign intersection around a circle—that increases hazards, not the existence or character of the circle itself.

## Traffic Circles - Policy Alignment Issues - Subgroup 3

DRAFT 7-19-2019

**Subgroup #3 task:** Assess coordination needs for working within City policies and cooperatively with regional and state agencies; Current traffic circle policy: [here](#)

**Members:** Jean Pfann, Charlene Woodcock, Wendy Alfsen, Fred Krieger, John Steere, Diane Ross-Leech

**Current task:** *Subcommittees send the primary elements of their policy to Tano by July 19.*

### Current situation and its effects

Traffic Circles are islands in the middle of an intersection that encourage motorists to slow down to maneuver around the circle. A major benefit of traffic circles is that vehicles do not need to cut directly in front of oncoming traffic to make a left turn. This tends to eliminate broadside hits, which are often the deadliest intersection crashes

Currently, Berkeley has 62 [?] traffic circles in the middle of intersections. In other locations, Berkeley also has bulb-outs extending from the sidewalk into the street. Both the traffic circles and bulb-outs have vegetation, including trees in some cases. This vegetation is generally maintained by the neighbors. Greenery in and along streets makes Berkeley a more beautiful city and is critical to Berkeley's livability and success as a place.

Berkeley currently has a [traffic circle policy](#) which is being revised with the assistance of the Traffic Circle Policy Task Force. The Task Force is composed of interested citizens, mostly volunteers who maintain the current traffic circles. The Task Force is being coordinated by the Mayor's Office.

In a recent lawsuit against the City, the plaintiff alleged traffic circle vegetation obstructed the view of an approaching driver and contributed to a collision with a pedestrian. The purpose of this new policy is to identify the appropriate design and operation characteristics of traffic circles that provide both traffic calming and other benefits while maintaining pedestrian safety.

*(Recommendations and suggestions are presented later in this document)*

### Goals

**Short version:** This Policy intends to support the construction and maintenance of traffic circles. The Policy may be expanded to include related street facilities such as bulb-outs. The goals of traffic circles are to increase public safety by calming traffic and to create a desirable streetscape for the public to enjoy.

**Long version:** The goals of the traffic circle program include the following:

- Maintain traffic calming benefits of traffic circles
- Help beautify Berkeley - *Greenery in and along streets makes Berkeley a more beautiful city and is critical to Berkeley's livability and success as a place*
- Encourage joint activities by neighbors and friends for the betterment of Berkeley
- Maintain visibility to protect pedestrians and bicyclists
- Capture and infiltrate rainfall
- Reduce noise pollution (enhance noise abatement through the use of vegetation)

- Provide habitat for native creatures (birds, butterflies)
- Increase carbon sequestration (current traffic circles constitute ½ to 1-acre total surface area; trees are about 50% carbon)
- Help cool the urban environment.

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## Conformance with Berkeley Plans and Policies

This section provides a review of existing plans and policies and identifies sections that are relevant to the implementation of traffic circles.

- **General Plan**

The General Plan directly addresses traffic circles and encourages their construction, particularly for traffic calming. The Transportation Element describes its function:

*Traffic circles and bulb-outs have been used successfully in Berkeley neighborhoods to calm traffic without diverting traffic onto neighboring streets.*

Also, Policy T-22, **Traffic Circles and Roundabouts**, states:

*Encourage the use of landscaped traffic circles to calm traffic in residential areas.*

**Action:** A. Consider roundabouts as a viable traffic-calming device, especially at the Shattuck and Adeline intersection, the Gilman Street Freeway on and off-ramps, and at other appropriate intersections in the city.

The Public Works Transportation Division provides additional material on the benefits, including data indicating a significant reduction in collisions. These studies have shown that traffic circles reduce automobile speeds at intersections by up to 10% and that they reduce collisions significantly. To facilitate fire truck access, a minimal amount of parking might be prohibited at some intersections, depending upon the intersection layout.

- **Berkeley Climate Action Plan**

This Plan is an emissions elimination or prevention strategy. The Action Plan identifies traffic circles and other modifications as essential to slow or reduce automobile traffic and make walking and cycling more safe and viable. The Plan also suggests that replacing stop signs with yield signs at traffic circles on bicycle boulevards would improve the flow of cycling, consistent with public safety.

To change commute patterns, travelers, including bicyclists and pedestrians, require increased safety, that is, reduced vehicle speeds and volumes. Traffic circles are recognized traffic calming measures on a local street. Without vehicle speed and volume reduction to improve safety, the necessary changes to travel modes will not occur. A complementary benefit is that trees and plants sequester carbon.

The Climate Action Plan states:

**Policy:** Promote tree planting, landscaping, and the creation of green and open space that is safe and attractive, and that helps to restore natural processes

A healthy urban forest has several benefits, including:

- Reducing the energy consumption associated with air conditioning buildings by providing shade
- Reducing local ambient temperatures by shading paved and dark-colored surfaces like streets and parking lots that absorb and store energy rather than reflecting it
- Intercepting and storing rainwater, thereby reducing water runoff volume
- Improving community quality of life through beautification and by reducing noise pollution and encouraging pedestrian traffic

Implementing actions include:

- Maintain and protect mature trees wherever possible and maximize tree planting as part of public open space and street improvements.
- Consider developing a tree preservation ordinance that would articulate strong standards for the preservation and replacement of trees in the public right of way.
- Identify opportunities for tree planting and to maintain existing and create new public open spaces to increase community access to parks and plazas. The City should ensure that as development increases along certain transit corridors, it is accompanied by an appropriate level of tree planting and green and open space enhancements.
- Establish standards and guidelines to ensure that ecologically beneficial stormwater quality and retention features and water conservation features are integrated into the design of landscaping features on both public and private land.
- Identify opportunities to modify City streets to better serve the safety and needs of pedestrians and cyclists. Street modifications that serve to slow or reduce automobile traffic and make walking and cycling more safe and viable include traffic circles and allocating additional roadway space to cyclists. The City should develop and adopt “Complete Streets” design standards, and routinely accommodate bicycle and pedestrian improvements in all streets and sidewalks projects.
- Identify and implement opportunities to improve the flow of cycling along bicycle boulevards, consistent with public safety, including consideration of replacing stop signs with yield signs at traffic circles on bicycle boulevards. Many Berkeley cyclists see the stop signs as unnecessary and inconvenient given that the traffic circles already effectively slow automobile traffic, and are designed to function as “all-yield” intersections.

Therefore, a City Traffic Circle Policy which effectively increases non-gasoline vehicle travel and provides carbon sequestration is critical to reaching the City’s Climate Action Plan goals

- **Berkeley Pedestrian Master Plan**

The Pedestrian Master Plan strongly supports the traffic calming benefits and safety improvements provided by traffic circles. The Plan reports a Vancouver study that showed an average collision reduction of 40 percent in four neighborhoods that used a combination of traffic calming types, including traffic circles. The Plan also identifies some constraints:

- Fire Department approval of design (which may include removal of parking spaces to allow trucks to pass by the traffic circles.
- Landscaping should be based on low-growing shrubs that maintain visibility for pedestrians, particularly those in wheelchairs.

***Key requirements of the Pedestrian Master Plan:***

**4.3.2. TRAFFIC CIRCLES**

Traffic circles are located in intersections throughout the southern and western areas of the City. There were 62 traffic circles at the start of the planning process, with many additional traffic circles being constructed through the duration of the plan. Most of the traffic circles are along Blake, Carleton, Fulton, Ellsworth, Stuart, Parker, and Woolsey and California Streets. California Street has the most traffic circles of any street in the city. Traffic circles are accepted by the Berkeley Fire Department, provided the department has approval over the design.

**4.3.3. TRAFFIC DIVERTERS**

Traffic diverters, like traffic circles, are mostly located in the southern, central, and western portions of the city. The diverters complement the use of traffic circles and speed humps. There are a total of [XX] traffic diverters. The type of diverter varies from landscaped barriers to wide planter-type bollards. The diverters are completely permeable to pedestrians and bicycles but not to motor vehicles. There is a mixture of full diverters and semi-diverters which allow motor vehicle traffic through in one direction. A majority of diverters are located along streets surrounding the east-west portion of the Ohlone Greenway that parallels Ohlone Park and along streets feeding to Ashby Avenue.

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**10.4.4.3. LOCAL TRAFFIC CALMING FUND**

(p. 10-13) The Berkeley City Council has made an annual allocation from the General Fund of \$50,000, which is utilized by the Department of Public Works to respond to residents' traffic calming requests. Periodically, the Council has made special one-time allocations of funding to supplement this program; for example, in 2008 an additional \$200,000 was programmed for traffic calming requests. These funds have been applied toward traffic circles, curb bulbouts and speed feedback signs. It is likely that this fund will be continued at a minimum level of \$50,000 and may be increased.

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**8. TRAFFIC CALMING**

(p. B-31) Traffic calming interventions slow traffic by modifying the physical environment of a street. The City of Berkeley has employed a variety of traffic calming measures, including speed humps, chokers, traffic circles and both full and partial street closures.

Research into the efficacy of traffic calming devices to improve pedestrian safety has shown that traffic calming can reduce the number of automobile collisions. A Vancouver study published in 1997 showed an average collision reduction of 40 percent in four neighborhoods that used a combination of the traffic calming types described below. [Reference to "*Safety Benefits of Traffic Calming*"]

Care should be taken to ensure that any landscaping in the [traffic] circles uses low-growing shrubs that maintain visibility for pedestrians, particularly those in wheelchairs. The City maintains a list of acceptable plant species for traffic calming circle plantings.

[Comment: A definition of “low-growing shrubs” would be helpful.]

- **Berkeley Bicycle Plan**

[The following is a condensed description of the plan and its implementation.]

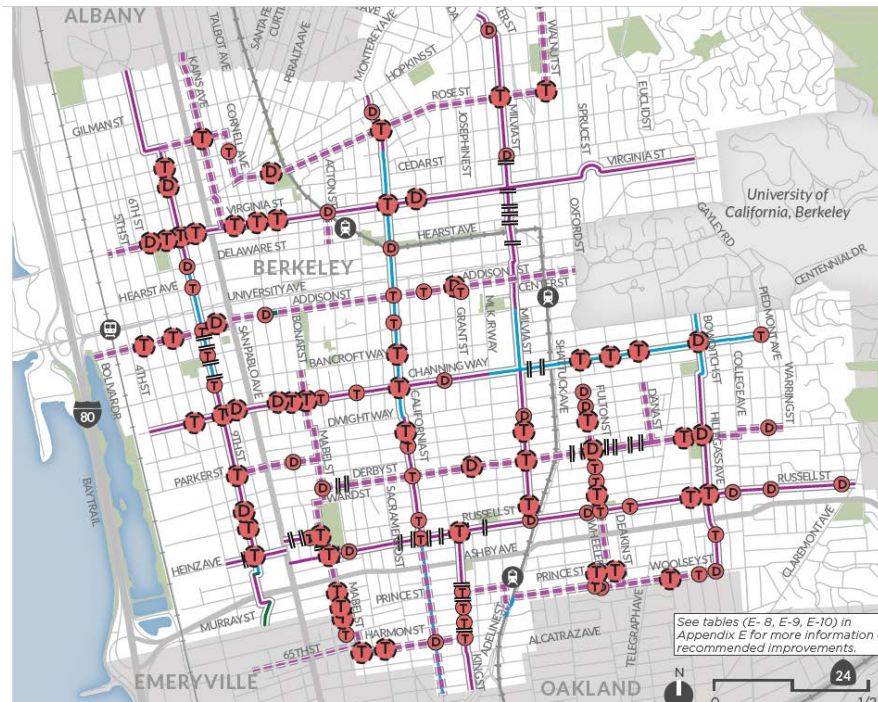
As envisioned in the 1977 Master Plan, bicycles continue to be an important mode of transportation in Berkeley. In 1990, about 5% of employed Berkeley residents commuted by bicycle and many residents use bicycles for recreation and personal tasks. Students also use bikes to get to school. In 2000, the City Council adopted the Berkeley Bicycle Plan and Bicycle Boulevard Design Tools and Guidelines. The Bicycle Plan is incorporated by reference into the General Plan.

The goal of the Bike Plan is to improve safety for cyclists of all ages, with the larger aim of encouraging a clean, carbon-free mode of transportation and reducing pollution as well as traffic accidents in Berkeley. The traffic circles are designed to slow traffic and improve safety for occupants of cars, cyclists, and pedestrians. Traffic calming will encourage more people to ride bikes and allow their children to bike on their own. An increase in the use of bikes instead of cars will reduce carbon and enhance resiliency by encouraging an energy-independent mode of transportation.

This Plan proposes several new Bicycle Boulevards and enhancements to the existing seven Bicycle Boulevards to provide greater traffic calming and convenience for through bicycle travel. Bicycle Boulevards make riding a bicycle feel safer and more intuitive for all ages and abilities.

**Figure 5-15** below, excerpted from the Plan, shows recommended conceptual traffic calming improvements along the Bicycle Boulevard network. Diverters are recommended to direct vehicles off the Bicycle Boulevards and onto larger roadways, decreasing vehicle speeding and cut-through traffic. New recommended diverter locations were generally selected to provide at least one diversion point between each major street along the Bicycle Boulevard network. Recommended traffic circle and diverter locations in this Plan may be changed based on traffic studies, public process, and neighborhood feedback. The City may pilot these locations with temporary installations to understand their traffic impacts before making them permanent.

**Recommended Low-Stress Bike Boulevard  
Traffic Calming Improvements  
(Excerpt from Figure 5-15)**



**TRAFFIC CALMING IMPROVEMENTS**

- TRAFFIC CIRCLE
- TRAFFIC DIVERTER

**EXISTING TRAFFIC CALMING FACILITIES**

- TRAFFIC CIRCLE
- TRAFFIC DIVERTER
- SPEED HUMP

**NETWORK IMPROVEMENTS**

- BICYCLE BOULEVARD [3E]
- PAVED PATH [1A]
- STANDARD BIKE LANE [2A]
- BICYCLE BOULEVARD [3E]
- PARK/REC
- RAILROAD
- BART STATION
- AMTRAK STATION

The Plan includes *Project Recommendation Tables and Prioritization* in Appendix E. Following is an excerpt from Table E-2:

**Summary of Intersection Recommendations  
(Excerpt from Table E-2)**

Recommended Project Type	Count	Cost Estimate
Protected Intersection	10	\$6,500,000
Traffic Circles	42	\$2,100,000
Traffic Diverters	13	\$650,000



Traffic Circle projects are prioritized within each corridor. Tier 1 projects, including traffic circles, are planned to be implemented in the short-term by 2025, Tier 2 in the medium-term (between 2025 and 2035), and Tier 3 in the long-term (by 2035).

**Future Traffic Circles - Tier 1 Projects:  
Implementation planned by 2025**

*(Excerpt from [Table E-8](#))*

Corridor	Location	Cross St.	Est. Cost
Addison St	Addison St	7th St	\$50,000
	Addison St	5th St	\$50,000
Channing Wy	Channing Wy	7th St	\$50,000
	Channing Wy	Browning St	\$50,000
	9th St	Channing Wy	\$50,000
	Bonar St	Channing Wy	\$50,000
	California St	Channing Wy	\$50,000
	Channing Wy	Dana St	\$50,000
	Channing Wy	Ellsworth St	\$50,000
	Channing Wy	Fulton St	\$50,000
Fulton/Ban-croft/Hearst	Fulton St	Parker St	\$50,000
	Fulton St	Oregon St	\$50,000
	Prince St	Wheeler St	\$50,000
	Prince St	Deakin St	\$50,000
Hillegass Ave	Hillegass Ave	Russell St	\$50,000
Milvia St	Milvia St	Oregon St	\$50,000
	Milvia St	Parker St	\$50,000
Russell St	Russell	King St	\$50,000
<b>Total cost</b>			<b>\$900,000</b>

Overall, traffic calming via traffic circles should be very beneficial to bike riders and traffic circles are strongly supported by the Bicycle Plan. The plan notes that traffic circles can be landscaped but must be maintained to preserve sightlines.

- **Revised Traffic Calming Policy**

This policy states:

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City shall adopt the Traffic Calming Policy – 2009 as set forth in Exhibit A to:

- 1) establish an annual cycle with specific timelines and procedures for submitting, qualifying and processing traffic calming requests, regardless of where the request originates; 2) conduct data collection and traffic calming studies for requests with a validated problem and that meet specified criteria; 3) generate an annual, updated prioritized list of traffic calming capital improvement projects; and 4) allocate available funds for implementation of projects according to their priority.

This Resolution and implementing policy justify and support the creation of calming measures, including traffic circles. (See [Resolution No. 64,732-NS](#) and the [Policy](#))

- **“Vision Zero” Policy**

This initiative is a road traffic safety project intended to create a roadway transportation system with no fatalities or serious injuries involving road traffic. The Vision Zero approach has been effective in other cities. Berkeley plans to develop a policy and implementation strategy, as well as to identify funding sources. Traffic circles are a component

The *Considerations for Effective Implementation* include the following (*excerpt from p. 19*):

**Engineering**

Horizontal traffic-calming elements: chicanes, curb extensions, traffic circles, ped refuge islands

- Carefully select design vehicle
- Consider use of mountable features for very large vehicles

The Policy notes that a particular benefit of traffic circles is that vehicles do not need to cut directly in front of oncoming traffic to make a left turn. This tends to eliminate broadside hits, which are often the deadliest intersection crashes.

Traffic calming via traffic circles conforms to the Vision Zero goals. Possible view obstruction by vegetation will need to be considered.

- **Resilience Strategy**

The Resilience Strategy emphasizes building community resilience by building stronger connections:

- Between neighbors (including those in adjacent cities)
- Between public, private, nonprofit, and academic institutions;
- Between departments within the City government;
- Between Bay Area local and regional governments.

*Key goals relevant to traffic circles:*

- #1 – Build a connected and prepared community;
- #3 Adopt to the changing climate;

*Suggestions for Berkeley citizens:*

In the spirit of connectedness, the Resilience Strategy is also an invitation for all residents and organizations to partner with the City government and other community leaders to build Berkeley’s resilience together. Relevant items:

- *Know your neighbors* -The City provides incentives, such as a free dumpster or a cache of emergency supplies for neighborhood groups that work together to prepare for disasters.
- *Get involved*- Join Climate Action efforts to advance Berkeley's Climate Action Plan.

The Traffic Circle Policy conforms to the Resilience Strategy by building stronger connections between neighbors through neighborhood cooperation in caring for the traffic circles.

- **Streets and Open Space Improvement Plan**

(Applies to downtown, but the general concepts are relevant city-wide)

This Plan strongly supports the use of street trees for shading and stormwater control:

*Chapter 8 - Street Trees and Landscaping* ([here](#))

- Policy 5.1, Planting Program & Priorities. Promote the installation of Downtown street trees to the extent possible, with the ambitious but attainable goal of 1000 Trees by 2020.
- Policy 5.3, Tree Location. Use trees to shade and provide a canopy over sidewalks, and over bicycle and vehicle lanes to the extent possible,...[*emphasis added*]
- Policy 5.4, Preparation & Installation. Trees and associated features should be installed in ways that promote the sustained health of the trees.

Relevant provisions:

- c. .... Under this citywide program, abutting residents, agree to follow City procedures including watering the tree for at least three years; keeping the tree well clear of weeds and filled with soil or mulch; and to clean-up all leaf debris.
- f. Permeable materials should be used to maximize tree root access to water and oxygen....
- h. Street trees can be positioned and installed in ways that capture stormwater and filter pollutants in urban run-off (see also “Watershed Management & Green Infrastructure”). [*emphasis added*]

Similar to several of the other city plans, the use of trees is promoted because of the multiple benefits provided. Permeable materials are encouraged to allow infiltration of stormwater. This infiltration reduces runoff and also provides water for the vegetation.

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## Recommended roles and responsibilities

- **Public Works Department**

The functions of the Public Works Department include construction and maintenance of all streets, rights-of-way, etc. The Public Works Department will have oversight and approval responsibility for traffic circles including the construction, maintenance (in coordination with local community groups), vegetation.

*Suggested code provision: Notwithstanding anything to the contrary in this Chapter, the City of Berkeley Engineering Division of the Department of Public Works, or its successor, may approve new Traffic Circles in the public right-of-way ...as set forth in, and in compliance with, the Berkeley traffic calming policy.*

- **Traffic Circle Coordinator**

The Coordinator is a Berkeley City Employee who coordinates the activities of the neighborhood traffic circle committees. The Coordinator functions as the liaison between the City and these groups. The Coordinator maintains the list of the groups and their members. The Coordinator also identifies abandoned traffic circles for the “flying squad” to address.....[expand]

- **Parks, Recreation & Waterfront Department (Urban Forestry Unit)**

The Urban Forestry Unit plants and maintains street trees in the parkway (planting) strip between the curb and sidewalk. Upon request, the Urban Forestry Unit will assist local community groups in selecting trees and maintenance. Specifically, the Urban Forestry Unit will assist in trimming trees to ensure they maintain this Policy’s specified distance above the curb of the traffic circle [8 ft] and above the adjacent roadway [14 feet].

- **Neighborhood Traffic Circle Committees**

The committees are a group of friends and neighbors who have agreed to beautify their neighborhood by maintaining their local traffic circle. The Committees agree to the following:

- Keep all plants in good health
- Keep the traffic circle free of debris and grime
- Adequately maintain the surface of the traffic circle

(Adopted from Missoula, Mt. - [here](#); this and other group requirements are addressed later)

- **Proposed Traffic Circle Flying Squad**

This committee is a group of citizen volunteers available to plant and maintain “abandoned” traffic circles that do not have a local neighborhood group to support them. The Traffic Circle Coordinator identifies traffic circles for this group to address.

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## Needed changes to the Municipal Code

- BMC section 16.18.040 - **Exemptions from permit requirements** - Add traffic circles to this list. Otherwise, the requirements are onerous: public liability insurance, etc.
  - BMC section 16.18.280 - **Care of drainage** – May need clarification to allow for or encourage the installation of permeable pavers or to facilitate green infrastructure (e.g., curbside infiltration into planters).
  - *Other sections may also need modification.*
- 

## Other possible additions

### 1. Local Traffic-Circle Committee requirements

- **Release and Waiver** [needed?]

Every individual participating in a City of Berkeley Traffic-Circle committee shall sign a copy of this agreement form and fill out the volunteer release and waiver before any work on City property. The forms should be returned to the Traffic Circle Coordinator. (Adopted from Missoula, Mt. program- [here](#))

*The individual listed below recognizes the inherent risks associated with participating in work in the Traffic-Circle program. The individual below shall indemnify and hold harmless the City of Berkeley, its officers, employees, agents and elected officials from and against any and all claims, suits, actions or liabilities of any nature, including but not limited to injury or death of any person, loss or damage to property, or any other basis whatsoever, arising out of the use of city property or participation in this program resulting from any act or omission, or thing done, permitted, or suffered to be done, by the organization/individual, except claims, suits or actions occasioned by the sole negligence of the City of Berkeley.*

- **Maintenance Agreement** (to be signed by participants) [*is this needed?*]

Keep all plants in good health

Keep the traffic circle free of debris and grime

Adequately maintain the surface

- **Suggested Traffic Circle Participant Safety Rules and Guidelines**

*Each participant in maintaining traffic circle circles should consider the following Safety Guidelines (adopted from Missoula, Mt. - [here](#))*

1. Work only during daylight hours and in appropriate weather.
2. Wear protective clothing including work gloves, sturdy shoes, long-sleeved shirts, and pants to prevent injury from sharp objects, insect stings, and sunburn.
3. Don't overexert yourself. Take breaks and drink plenty of water [beer is acceptable]
4. Do not wear headsets or engage in horseplay or other conduct which could divert your attention from hazards such as traffic or other dangerous situations.

5. Be aware of your surroundings to ensure your safety and the safety of others. Be especially careful if you are using tools.
  6. Provide adequate supervision for participants under the age of 18.
  7. If picking up litter, use caution in handling collected items. Do not try to pick up heavy, large, or hazardous materials. Notify Berkeley Public Works for management of those materials.
  8. Consider the possibility of any participant's known allergies before working at the site.
  9. Ensure that power tools are only used by fully trained volunteers 18 years or older and use proper safety equipment (latex gloves, work gloves, eye protection, hard hats, face shields, safety vests, respirators, closed-toed shoes) when working with tools.
2. **Grandfathering current traffic circles** – Most traffic circles were built by the City or supported through grants with approved designs. Should traffic circles built by the City or with City approval be allowed to continue as currently constructed even though they may not conform completely to the provisions of the new Policy? Perhaps they would be processed through the exception provision described below.
  3. **Flexibility (exceptions)** – In some cases, a traffic circle may have unique characteristics, and separate design parameters should be applied. For example, if a traffic circle has a 4-way stop or adjacent speed bumps, then it may be appropriate to relax the sight-line requirements. Proposed exceptions would be submitted via the City's traffic circle coordinator (or direct to Public Works or Traffic?)
  4. **Policy for permitting and funding of new traffic circles** – Develop procedures for permitting and funding new in-street facilities.
    - Permit process
    - City approval
    - City support and oversight
    - Funding

The Bicycle Plan has identified locations and costs for additional traffic circles and other traffic calming devices (see previous discussion).

5. **Environmental equity** – Consider whether traffic circle benefits are equitably distributed in the City. Should certain areas be prioritized for new circles, bulb-outs, or parklets, especially areas with few street trees? *[Need to compare current map of traffic circles with Bicycle Plan map, if possible].*
6. **Research** – Assess various traffic circle related issues such as 1) the policy for having boulders in the traffic circles; 2) compile available research on traffic circle safety issues versus intersections with no traffic circles; 3) visibility and risk comparison of tree trunk vs. the traffic control sign.
7. **Signage wording** – Evaluate options for signage (location, size, wording). Various people have noted that the “Yield” wording makes some drivers believe that they do not stop when stop signs are present. Do we need stop signs for traffic circles? Or maybe a dual sign: “Stop & Yield.”
8. **Homeless encampments** – Consider a possible approach to address future homeless encampments in traffic circles? A specific ban may be necessary because of safety concerns.
9. **Harmonization with plantings (greenways and median strips)** – Assess coordination and compatibility with Ohlone Park and other greenways. Also, evaluate possible coordination with plantings in the curbside median strips and roadway center strips in the vicinity of the traffic circles.

## **Expanded Berkeley Partners for Parks (BFPF) Proposal to City of Berkeley Regarding Strengthening Volunteer Engagement by Establish a citywide *Adopt a Spot* program**

*See February 25, 2016, Summary Proposal Letter from BFPF and Berkeley Climate Action Coalition*

We recommend that the City of Berkeley develop a citywide “Adopt a Spot” pilot program as a community-based public lands (i.e., open space and Rights of Way (ROW)) stewardship initiative that would be modeled after the City of Oakland’s “Adopt a Spot” program. An “Adopt a Spot,” or similarly named program, could be set up through City of Berkeley’s (City) Public Works Department and/or Parks and Recreation Department. The Adopt a Spot program would help bridge maintenance funding gaps for parks, community gardens, medians, roundabouts, etc. by establishing community partnerships between the City of Berkeley staff and organizations such as Berkeley Partners for Parks and the Climate Action Coalition and engaging residents in volunteering actions related to implementing the Climate Action Plan.

To appropriately incentivize community participation in public lands stewardship and to fund small-improvement and deferred maintenance projects, we also request that the City establish a public infrastructure mini-grants program. This would be similar to the successful Parks Mini-grants Program that the City operated between 1995 and 2000. The mini-grants program would explicitly include other “green” infrastructure such as community gardens, medians, and roundabouts. We advise that the proposed mini-grants program, like its predecessor, require matching funds and/or in-kind support.

We intend to bring this proposal to the City Council but wish to discuss it with staff before we do.

### **Background**

#### ***Why a community-based public lands stewardship program (on the model of Adopt a Spot):***

Berkeley has a long history in cultivating participatory democracy and of supporting community activism as an ethos. And our city is uniquely blessed with many civic minded and engaged residents. Unfortunately, there are no formal programs or mechanisms for the City of Berkeley and its staff to harness that energy in the community and to engage its citizenry in partnerships and community-based stewardship efforts; indeed residents often experience a lack of receptiveness to volunteer initiatives by staff, particularly over the past 5 to 7 years. This proposal will enable a positive, formalized context for City/resident/organization partnerships that will help the participatory democracy philosophy to flourish and incentivize community contributions to civic improvements and reduce certain maintenance needs over time through long term resident-driven infrastructure stewardship activities.

We have researched several existing community-based streetscape “stewardship” programs sponsored by municipal public works departments. Of these, the one that appears to have among the best track record and the longest lifetime (30 years) as a model for the Berkeley’s Program would be the City of Oakland’s “Adopt a Spot” program. It should be noted that Oakland’s Adopt a Spot was also a template for the comparable programs at the Cities of Livermore and Richmond. Oakland’s program is a community-based partnership of the City of Oakland’s Public Works Department with its residents that enables the latter to maintain specific public spaces by committing to regularly cleaning and beautifying them for no less than one year. For details of Oakland’s program see:

*Proposal to Establish an “Adopt a Spot” Program in City of Berkeley*

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[www.Oaklandadoptaspot.org](http://www.Oaklandadoptaspot.org). All “spots” in this program must be City of Oakland properties or Rights of Way (ROWs). It is recommended that City of Berkeley (City) use the Oakland *Adopt a Spot* as its model, including adapting its liability and application forms, since the Oakland edition of Adopt a Spot is successful and has been “field tested” for almost 30 years. It is proposed that the City adapt the Oakland program to 1) provide the basis to foster regular street/neighborhood litter clean-ups; 2) promote a greater sense of place and belonging to neighborhoods through constructive streetscape stewardship activities; and 3) addressing current and primary interests of the City in supporting Municipal Regional Permit (MRP) implementation and NPDES compliance in a manner that involves the local community. Residents would be trained to perform before and after visual assessments of randomly selected transects within the trash challenged neighborhoods targeted for clean-ups.

The City of Berkeley’s *Adopt a Spot* should be designed to provide a community-building emphasis, since it would engage neighbors to undertake minor maintenance and improvement projects. This would serve to increase their awareness of and capacity to care for their local infrastructure, providing incentives for neighbors to participate and stay committed to community stewardship activities.

The following section, which analyzes Oakland’s *Adopt a Spot* Program and focuses on those components that would be especially relevant to adapting it for City of Berkeley, was derived from interviews with Mike Perlmutter, Coordinator of Oakland’s program.

***Analysis of Oakland’s “Adopt a Spot:”*** The City of Oakland (Oakland) has pioneered an *Adopt a Spot* program (Program) that allows individuals, neighborhood groups, civic organizations and businesses to play a direct and long term role in cleaning, greening and beautifying parks, creeks, shorelines, storm drains, streets, trails, medians and other public spaces. Volunteers involved in it have adopted hundreds of sites around Oakland. Oakland’s Public Works Dept. supports these efforts with tool lending, debris collection services and technical assistance. Residents can perform the following tasks as part of this program:

- Planting/pruning/weeding in parks and ROWs and along creeks (with pre-approval from Public Works staff)
- Beautification of litter containers and utility boxes with mosaics and murals (similar to Earth Island’s existing “60 Boxes” program with the City of Berkeley)
- Litter pick-up
- Graffiti removal
- Keeping storm drains free of debris (“Adopt a Drain”)

A subset of Oakland’s Adopt a Spot program, *Adopt a Drain*, allows for individuals to adopt specific storm drain inlets (SDIs) that are shown on a web-based/IMS map (modified Google map) –which displays streets and properties along with both drains that are “Available” and ones that are “adopted” for maintenance purposes: <http://adoptadrainoakland.com/>. Residents or groups can adopt “available” drains by completing an online form which automatically signs them up for the available drains.

The City of Oakland has 4 full time employees who are affiliated with the program and two part-time trainees. They are deployed by subject area. That is, projects and staff are divided between 3 subject areas: 1) parks; 2) creeks/storm drains; and 3) streets. One staff person is tasked to work with



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residents in carrying out projects in each subject; they get to know the volunteers and projects within their respective subject areas, which increase the quality and specificity of support of residents who are involved in the program.

Oakland tracks hours spent by volunteers through its Volunteer Hours Tracking form:

[https://docs.google.com/forms/d/1UphXhPsn0BtVsquidYnZDfcirO7xvt1sUnh-OoCj28/viewform?c=0&w=1&usp=send\\_form](https://docs.google.com/forms/d/1UphXhPsn0BtVsquidYnZDfcirO7xvt1sUnh-OoCj28/viewform?c=0&w=1&usp=send_form).

This allows the City of Oakland to have both documentation of the Program's benefits and maintenance of an ongoing database of the extent and type of resident involvement and it provides it with evidence of the in-kind matches of incentives for grant applications that the City is regularly submitting to support the program.

***Incentives and Rewards:*** How does Oakland reward and attract volunteers? There are not many formal incentives, other than the annual "Volunteer appreciation party," which also provides volunteers a forum to meet and to get to know other civic-minded citizens. As Mike Perlmutter, its coordinator (and who is also a resident of Berkeley) said, the "City relies on citizens' desire to do good for the community;" another motivation, he noted, is that it "provides them with the means to rectify problems, or to get access to City resources and tools." The City of Berkeley should consider including recognition parties as well, but also permanent signage for active projects or adopted neighborhoods to acknowledge volunteer efforts; T-shirts with the name of program or group; and trainings of volunteers.

***Public Outreach:*** Oakland does very little targeted outreach, except for its two annual cleanups. It does coordinate with Keep Oakland Beautiful and the Oakland Parks Coalition who actively promote and support volunteer efforts at Oakland's parks, creeks, streets and other public places. Materials and forms are also being translated into Spanish and Chinese. Oakland has a MOU with Keep Oakland Beautiful, which establishes the roles and responsibilities of each organization, e.g. in relation to promotion of the Program, specific projects and the volunteer appreciation party. They also provide financial resources/grants to groups who want to do projects. Oakland Parks Coalition functions as a watchdog and advocacy group for the parks, which provides a source of projects and advocacy for greater capacity. The City of Berkeley should identify its own affiliates, which can include BFPF and the Berkeley Climate Action Coalition.

To obtain a more detailed analysis of Oakland's Adopt a Spot Program, John Steere spoke with its manager, Mike Perlmutter. Notes from this interview follow.

***Interview with Mike Perlmutter,*** Environmental Stewardship Team Supervisor, Environmental Services Division of the City of Oakland Public Works Department.

1) *Are there different forms, requirements or protocols depending on whether a group adopts a creek, a SDI, blocks, parks, etc.?*

No, there is one form, the "Oakland Adopt a Spot Request and Agreement" (Attachment 1) that covers all activities, though if a resident wants to adopt a drain, the process is streamlined further through an automated on-line form.

2) *Do you allow individuals or just groups to adopt a spot? What about businesses? That is, does the City of Oakland have criteria for who can and cannot adopt a city feature?*

Individuals, as well as groups, can adopt spots. There are about 200 groups and 300 individuals who have adopted spots around Oakland. In addition, about 800 drains have been adopted (by 600 residents, some of whom have adopted multiple drains). The City staff reviews forms submitted for projects (non-drain components) of the program, whereas the drain forms are automated and thus permit automatic adoption of the drains without staff vetting).

3) *What are the Adopt a Spot's criteria for deciding what spots qualify?*

Spots have to be ROWs or public spaces owned by City (but not other agencies.). The City partners with the Alameda County PWD in its "Adopt a Creek" projects. The City also works with East Bay Regional Park District (EBRPD) and with East Bay MUD in implementing the Program. Other criteria includes analysis of whether a project is safe and appropriate, e.g. of medians. Trash pick-ups don't involve much vetting, just how to go about. If pavement or vegetation is proposed for cutting in a park, then the PWD staff reaches out to the Park Staff to see if it corresponds to their goals; sometimes Parks or PWD staff functions as liaisons.

4) *What Open Source software do you use to administer the Program? And what GIS program do you use for mapping them and monitoring/updating them (e.g. volunteer work days; tasks accomplished etc.).*

Adopt a Drain was developed by *Open Oakland*, which is affiliated with **Code for America**. If Berkeley wishes to have its own Adopt a Drain program, then we should work with Code for America to offer a fellowship to conduct a hackathon to define a specific program for the City – or we could use the code on the Oakland website (Burlington VT has an identical program). The interactive GIS/mapping utility of Oakland's Program is only available at this time for its "Adopt a Drain" component. A geospatial database is being developed for tracking projects in the overall Program. Public service or infrastructure requests are already logged on a GIS database called "Cityworks," and the City is now developing one now for the *Adopt a Spot* program. The City already keeps track of hours of all individuals and what is being accomplished, (on a google form), but not geo-spatially.

5) *How do you receive project proposals (written/verbal/email)?*

Project proposals and other forms are faxed, delivered, and emailed. The City would like to go toward use of the Adopt a Drain model which is automated and thus more efficient and allows staff to avoid the substantial effort involved in evaluating, filing and scanning forms.

6) *What standards do you apply for helping to ensure public safety; how do you mollify/accommodate the City's legal counsel in terms of liability issues?*

The *Volunteer Waiver form* (Attachment 2) was vetted by Oakland 's legal counsel and it sets forth 3 parameters for volunteers to concur with: 1) acknowledges risk associated with a project; 2) they won't hold the City responsible for injury; and 3) they have read and agree with volunteer

*Proposal to Establish an "Adopt a Spot" Program in City of Berkeley*

guidelines. Program has been in operation for almost 30 years, but there are few if any lawsuits arising from it.

- 7) *What incentives do you provide volunteer workers and by what means do you promote Adopt a Spot to attract more community members to participate?*

**Incentives:** Volunteer appreciation party once a year – as forum for them to get together. Oakland doesn't provide much more but relies on citizens' desire to do good for community and motivation to rectify problems or to get access to City resources and tools. Past incentives: the City of Oakland is thinking of resuming signage to acknowledge volunteers; T-shirts; Mike Perlmutter would also like to see a training program to learn skills.

Oakland sponsors two clean-ups per year: Creek to Bay Day (in September– on the same day as Coastal Cleanup); and Earth Day (April), both of which they promote extensively throughout the city. The websites for these City-sponsored events are, respectively, [www.oaklandcreektobay.org](http://www.oaklandcreektobay.org) and [www.oaklandearthday.org](http://www.oaklandearthday.org).

**Public Outreach:** The City of Oakland does very little targeted outreach, except for its two annual cleanups. Keep Oakland Beautiful and the Oakland Parks Coalition actively promote and support volunteer efforts in Oakland's parks, creeks, streets and other public places. Materials and forms are also being translated into Spanish and Chinese. The City has an MOU with Keep Oakland Beautiful, which establishes the roles and responsibilities of each organization, e.g., in relation to promotion of the Program, specific projects and the volunteer appreciation party. They also provide financial resources/grants to groups who want to do projects. Oakland Parks Coalition functions as a watchdog and advocacy group for the parks, which provides a source of projects and advocacy for greater capacity.

- 8) *How do you communicate with and monitor the work of Adopt a Spot groups and projects?*

Projects are divided between 3 subject areas: 1) parks; 2) creeks/storm drains; and 3) streets and there are staff identified with each these subjects; staff that are tasked to the subjects get to know volunteers and the projects within their respective subject areas. They meet with volunteers in certain neighborhoods or creeks to facilitate alliances and greater understanding of the context of the individual projects.

The City's PWD also sponsors the annual Oakland "Earth Expo" which is an annual environmental fair that highlights nature, community, transportation, environmental, health, and urban design theme. It provides an excellent forum for businesses and environmental and community groups to network and to develop partnerships. This year's expo was held on April 8.

- 9) *What is the annual budget for the Program? What are the roles of the 6 staff members (4 FTE; 2 PT) who work with you to administer/implement it? Does the City receive grant funding to help administer or promote it?*

*Proposal to Establish an "Adopt a Spot" Program in City of Berkeley*

**Annual O&M Budget:** \$100,000;

**Labor Budget:** 4 FTE; 2 PT (to the PWD) ; Program Analyst 3: \$80-85,000 (Mike's position)  
Analyst 2: \$65,000 (other FTEs); trainee - \$15-25/hour (PT staff).

The City does receive several hundred thousand dollars in grants annually to help support the Program's implementation.

10) *What do you feel are the essential ingredients and requirements needed by any municipality to set up their own Adopt a Spot Program?*

(He responded with the following summary of requirements)

- Willingness by municipality to work with volunteers and role of volunteers vs. that of staff (union concerns for example).
- Need to have staff in place to support and coordinate the volunteers and to track their projects.
- Good tracking, training and communication system
- Documentation for project parameters, how to report, how to get questions answered; Maintain record of hours and tasks accomplished
- Vision and priorities that are communicated to volunteers

11) *How long has the Program been in effect? Are there any administrative procedures and parameters you would change if you were to start it over again?*

It has been in operation for about 30 years. We would change several things if I were to start over again. These include:

- Better signage and recognition and training.
- Better communication through list-serves (events; training/jobs, developments)
- Having an outreach plan to communities
- Seeking to automate more of the forms that are currently filled out.
- More informational resources (where to get paint, compost, mosaic artists, etc. Oakland Parks Coalition has a good model for resources.)

It is recommended that the City of Berkeley formally adopt an "Adopt a Spot" Program and incorporate the preceding guidance in developing its own version.

**Available exhibits:** *From City of Oakland*

1. Adopt a Spot Agreement
2. Volunteer Waiver and Release of Liability
3. Volunteer Guidelines
4. Volunteer Tool Request
5. One Time Cleanup Proposal
6. Graffiti Abatement Authorization



Kate Harrison  
Councilmember District 4

ACTION CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Harrison  
 Subject: Adopt an Ordinance Amending Berkeley Municipal Code Chapter 2.99 to Prohibit City Use of Face Recognition Technology

RECOMMENDATION

Adopt an ordinance amending Berkeley Municipal Code Chapter 2.99 to prohibit the City from acquiring, retaining, requesting, accessing, or using: (1) any face recognition technology, or (2) any information obtained from face recognition technology.

POLICY COMMITTEE RECOMMENDATION

On September 16, 2019, the Public Safety Committee adopted the following action: M/S/C (Robinson/Bartlett) to send the item, as revised and amended, with a Positive Recommendation to the City Council. The amended language is as follows:

Amend 2.99.030 City Council Approval Requirement:

4. Evidence received to the investigation of a specific crime that may have been generated from Face Recognition Technology but was not intentionally solicited shall not be a violation of this Ordinance.
5. Notwithstanding any other provision of this Chapter, it shall be a violation of this Ordinance for the City Manager or any person acting on the City Manager's behalf to obtain, retain, request, access, or use: i) any Face Recognition Technology; or ii) any information obtained from Face Recognition Technology, except for personal communication devices as defined by Section 2.99.020 or section 2.99.030(4). The inadvertent or unintentional receipt, access to, or use of any information obtained from Face Recognition Technology shall not be a violation of this subsection provided that the City Manager or any person acting on the City Manager's behalf does not request or solicit the receipt, access to, or use of such information, and all copies of the information are promptly destroyed upon discovery of the information, and the information is not used for any purpose.

Vote: All Ayes.

BACKGROUND

The City of Berkeley was the first City in California to adopt a comprehensive Ordinance regulating City Departments' acquisition of surveillance technology (Ord. 7592-NS, 2018). The legislation, adopted unanimously, recognizes that surveillance technology is

inherently dangerous to civil liberties, and establishes a requirement that the City proactively establish why proposed surveillance technology is in the public interest and request Council permission to acquire it.

In adopting its own Acquisition of Surveillance Technology Ordinance modeled upon Berkeley's, the San Francisco Board of Supervisors recently became the first city in the United States to also prohibit city departments' from acquiring, retaining, requesting, accessing, or using of face recognition technology, except at the federally regulated San Francisco Airport and Port. Face recognition technology means "an automated or semi-automated process that assists in identifying or verifying an individual based on an individual's face."<sup>1</sup>

It is in the public interest for the City of Berkeley to amend its existing Surveillance Technology Ordinance to include a ban of City use of face recognition technology. There are a number of essential constitutional reasons why government use of this specific technology is incompatible with the people's civil liberties:

1. Government use of face recognition technology for identifying or tracking individuals or groups *en masse* for criminal and civil purposes flies in the face of the fundamental principle underlying the Fourth Amendment to the United States Constitution. The amendment clearly prohibits federal, state and local governments from engaging in mass surveillance of their citizens.<sup>2</sup>

Facial recognition technology differs from stationary surveillance cameras in that it eliminates the human and judicial element behind the existing warrant system by which governments must prove that planned surveillance is both constitutional and sufficiently narrow to protect targets' and bystanders' fundamental rights to privacy while also simultaneously providing the government with the ability to exercise its duties.

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<sup>1</sup> City and County of San Francisco, Board of Supervisors, "Administrative Code - Acquisition of Surveillance Technology," May 21, 2019, <https://sfgov.legistar.com/LegislationDetail.aspx?ID=3850006&GUID=12FC5DF6-AAC9-4F4E-8553-8F0CD0EBD3F6>.

<sup>2</sup> The Fourth Amendment reads:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

See Fourth Amendment to the United States Constitution, Cornell Law School Legal Information Institute, [https://www.law.cornell.edu/constitution/fourth\\_amendment](https://www.law.cornell.edu/constitution/fourth_amendment).

Facial recognition technology automates the search, seizure and analysis process that was heretofore pursued on a narrow basis through stringent constitutionally-established and human-centered oversight in the judiciary branch. Due to the inherent dragnet nature of facial recognition technology, governments cannot reasonably support by oath or affirmation the *particular* persons or things to be seized. The programmatic automation of surveillance fundamentally undermines the community's liberty.

With respect to the Fourth Amendment, in practice, facial recognition technology's sweeping nature has already proven extremely ineffective at applying narrowly tailored surveillance. For example, according to the American Civil Liberties Union, in 2018 Amazon's technology "incorrectly matched 28 members of Congress, identifying them as other people who have been arrested for a crime...[t]he false matches were disproportionately of people of color, including six members of the Congressional Black Caucus, among them civil rights legend Rep. John Lewis (D-Ga.)."<sup>3</sup>

While it is easy to write off the Amazon example, along with other examples of the grave issues of facial recognition technology by looking at the technology's shortcomings as merely an engineering or temporary problem, in fact, the technology poses a fundamental Fourth Amendment constitutional problem.

2. Government acquisition and use of mass surveillance presents a fundamental threat to the community's First Amendment right to exercise their freedom of speech, including through assembly, and petitions to the government for a redress of grievances.<sup>4</sup>

Brian Hofer, the Executive Director of Secure Justice, and Matt Cagle, a Technology and Civil Liberties Attorney at the ACLU of Northern California, point out in a recent editorial that there is evidence from the 1970s of local Bay Area governmental entities, such as the San Francisco Police Department, amassing "intelligence files on over 100,000 people, including civil rights demonstrators, union members, and anti-war activists." They note that while these intelligence

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<sup>3</sup> Jacob Snow, "Amazon's Face Recognition Falsely Matched 28 Members of Congress With Mugshots," American Civil Liberties Union, July 26, 2018, <https://www.aclu.org/blog/privacy-technology/surveillance-technologies/amazons-face-recognition-falsely-matched-28>.

<sup>4</sup> See Fourth Amendment to the United States Constitution, Cornell Law School Legal Information Institute, [https://www.law.cornell.edu/constitution/first\\_amendment](https://www.law.cornell.edu/constitution/first_amendment).

files took decades to collect, authorities using face recognition technology today, “can stockpile information on 100,000 residents in a few hours.”<sup>5</sup>

Government face recognition surveillance will likely have a chilling effect on public engagement. The City of Berkeley can ill-afford to acquire and use technology that has the potential to circumscribe citizens’ essential First Amendment rights.

These fundamental constitutional deficiencies with regard to government acquisition and use of face recognition technology necessitates that the Council move proactively to prohibit use of such technology by the City of Berkeley.

#### FINANCIAL IMPLICATIONS

The Ordinance will prevent investment in expensive face recognition technology.

#### ENVIRONMENTAL SUSTAINABILITY

The Ordinance is in line with the City’s Climate goals by preventing the use of carbon-intensive computing resources for processing bulk facial data.

#### CONTACT PERSON

Councilmember Kate Harrison, Council District 4, 510-981-7140

#### ATTACHMENTS

1. Proposed Ordinance Amending Berkeley Municipal Code Chapter 2.99 to Prohibit City Use of Face Recognition Technology

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<sup>5</sup> Matt Cagle and Brian Hofer, “New surveillance oversight law keeps communities safe and redefines tech leadership,” San Francisco Examiner, May 8, 2019, <https://www.sfexaminer.com/opinion/new-surveillance-oversight-law-keeps-communities-safe-and-redefines-tech-leadership/>.



ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 2.99 TO PROHIBIT CITY USE  
OF FACE RECOGNITION TECHNOLOGY

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

Section 1. That the Berkeley Municipal Code Section 2.99.020 is amended to read as follows:

**2.99.020 Definitions**

The following definitions apply to this Chapter:

1. "Surveillance Technology" means an electronic device, system utilizing an electronic device, or similar technological tool used, designed, or primarily intended to collect audio, electronic, visual, location, thermal, olfactory, biometric, or similar information specifically associated with, or capable of being associated with, any individual or group. Examples of covered Surveillance Technology include, but are not limited to: cell site simulators (Stingrays); automatic license plate readers; body worn cameras; gunshot detectors (ShotSpotter); facial recognition software; thermal imaging systems, except as allowed under Section 1(d); social media analytics software; gait analysis software; and video cameras that record audio or video and can remotely transmit or can be remotely accessed.

"Surveillance Technology" does not include the following devices or hardware, unless they have been equipped with, or are modified to become or include, a Surveillance Technology as defined in Section 1 (above):

- a. Routine office hardware, such as televisions, computers and printers, that is in widespread public use and will not be used for any surveillance functions;
- b. Handheld Parking Citation Devices, that do not automatically read license plates;
- c. Manually-operated, portable digital cameras, audio recorders, and video recorders that are not to be used remotely and whose functionality is limited to manually capturing, viewing, editing and downloading video and/or audio recordings, but not including body worn cameras;
- d. Devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles or thermal imaging cameras used for fire operations, search and rescue operations and missing person searches, and equipment used in active searches for wanted suspects;

e. Manually-operated technological devices that are not designed and will not be used to surreptitiously collect surveillance data, such as two-way radios, email systems and city-issued cell phones;

f. Municipal agency databases;

g. Medical equipment used to diagnose, treat, or prevent disease or injury, including electrocardiogram machines;

h. 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;

i. i.—Stationary security cameras affixed to City property or facilities.

j. Personal communication device, which means a cellular telephone, a personal digital assistant, a wireless capable tablet or similar wireless two-way communications and/or portable Internet accessing device, that has not been modified beyond stock manufacturer capabilities, whether procured or subsidized by a City entity or personally owned, that is used in the regular course of conducting City business.

2. "Surveillance Technology Report" means an annual written report by the City Manager covering all of the City of Berkeley's Surveillance Technologies that includes all of the following information with regard to each type of Surveillance Technology:

a. Description: A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing;

b. Geographic Deployment: Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically;

c. Complaints: A summary of each complaint, if any, received by the City about the Surveillance Technology;

d. Audits and Violations: The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response;

e. Data Breaches: Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance

technology, including information about the scope of the breach and the actions taken in response;

f. Effectiveness: Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes;

g. Costs: Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.

3. "Surveillance Acquisition Report" means a publicly-released written report produced prior to acquisition or to proposed permanent use after use in Exigent Circumstances pursuant to Section 2.99.040 (2), of a type of Surveillance Technology that includes the following:

a. Description: Information describing the Surveillance Technology and how it works, including product descriptions from manufacturers;

b. Purpose: Information on the proposed purpose(s) for the Surveillance Technology;

c. Location: The general location(s) it may be deployed and reasons for deployment;

d. Impact: An assessment identifying potential impacts on civil liberties and civil rights including but not limited to potential disparate or adverse impacts on any communities or groups;

e. Mitigation: Information regarding technical and procedural measures that can be implemented to appropriately safeguard the public from any impacts identified in subsection (d);

f. Data Types and Sources: A list of the sources of data proposed to be collected, analyzed, or processed by the Surveillance Technology, including "open source" data;

g. Data Security: Information about the steps that can be taken to ensure adequate security measures to safeguard the data collected or generated from unauthorized access or disclosure;

h. Fiscal Cost: The fiscal costs for the Surveillance Technology, including initial purchase, personnel and other ongoing costs, including to the extent practicable costs associated with compliance with this and other reporting and oversight requirements, as well as any current or potential sources of funding;

i. Third Party Dependence and Access: Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis, and whether a third party may have access to

such data or may have the right to sell or otherwise share the data in aggregated, disaggregated, raw or any other formats;

j. Alternatives: A summary and general assessment of potentially viable alternative methods (whether involving the use of a new technology or not), if any, considered before deciding to propose acquiring the Surveillance Technology; and

k. Experience of Other Entities: To the extent such information is available, a summary of the experience of comparable government entities with the proposed technology, including any unanticipated financial or community costs and benefits, experienced by such other entities.

4. "Surveillance Use Policy" means a publicly-released and legally-enforceable policy for use of each type of the Surveillance Technology that shall reflect the Surveillance Acquisition Report produced for that Surveillance Technology and that at a minimum specifies the following:

a. Purpose: The specific purpose(s) that the Surveillance Technology is intended to advance;

b. Authorized Use: The uses that are authorized, the rules and processes required prior to such use, and the uses that are prohibited;

c. Data Collection: Information collection that is allowed and prohibited. Where applicable, list any data sources the technology will rely upon, including "open source" data;

d. Data Access: A general description of the title and position of the employees and entities authorized to access or use the collected information, and the rules and processes required prior to access or use of the information, and a description of any and all of the vendor's rights to access and use, sell or otherwise share information for any purpose;

e. Data Protection: A general description of the safeguards that protect information from unauthorized access, including encryption and access control mechanisms, and safeguards that exist to protect data at the vendor level;

f. Civil Liberties and Rights Protection: A general description of the safeguards that protect against the use of the Surveillance Technology and any data resulting from its use in a way that violates or infringes on civil rights and liberties, including but not limited to potential disparate or adverse impacts on any communities or groups;

g. Data Retention: The time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention period is appropriate to further the purpose(s), the process by which the information is regularly

deleted after that period lapses, and the specific conditions that must be met to retain information beyond such period;

h. Public Access: How collected information may be accessed or used by members of the public;

i. Third Party Data Sharing: If and how other City or non-City Entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information;

j. Training: Training required for any employee authorized to use the Surveillance Technology or to access information collected;

k. Auditing and Oversight: Mechanisms to ensure that the Surveillance Use Policy is followed, technical measures to monitor for misuse, and the legally enforceable sanctions for intentional violations of the policy; and

l. Maintenance: The mechanisms and procedures to ensure maintenance of the security and integrity of the Surveillance Technology and collected information.

5. "Exigent Circumstances" means the City Manager's good faith belief that an emergency involving imminent danger of death or serious physical injury to any person, or imminent danger of significant property damage, requires use of the Surveillance Technology or the information it provides.

6. "Face Recognition Technology" means an automated or semi-automated process that assists in identifying or verifying an individual based on an individual's face.

Section 2. That the Berkeley Municipal Code Section 2.99.030 is amended to read as follows:

### **2.99.030 City Council Approval Requirement**

1. The City Manager must obtain City Council approval, except in Exigent Circumstances, by placing an item on the Action Calendar at a duly noticed meeting of the City Council prior to any of the following:

a. Seeking, soliciting, or accepting grant funds for the purchase of, or in-kind or other donations of, Surveillance Technology;

b. Acquiring new Surveillance Technology, including but not limited to procuring such technology without the exchange of monies or consideration;

c. Using new Surveillance Technology, or using Surveillance Technology previously approved by the City Council for a purpose, or in a manner not previously approved by the City Council; or

d. Entering into an agreement with a non-City entity to acquire, share or otherwise use Surveillance Technology or the information it provides, or expanding a vendor's permission to share or otherwise use Surveillance Technology or the information it provides.

2. The City Manager must present a Surveillance Use Policy for each Surveillance Technology to the Police Review Commission, prior to adoption by the City Council. The Police Review Commission shall also be provided with the corresponding Surveillance Acquisition Report that had been presented to council for that Surveillance Technology. No later than 30 days after receiving a Surveillance Use Policy for review, the Police Review Commission must vote to recommend approval of the policy, object to the proposal, recommend modifications, or take no action. Neither opposition to approval of such a policy, nor failure by the Police Review Commission to act, shall prohibit the City Manager from proceeding with its own review and potential adoption.

3. The City Manager must submit for review a Surveillance Acquisition Report and obtain City Council approval of a Surveillance Use Policy prior to engaging in any of the activities described in subsections (1) (a)-(d).

4. Evidence received relating to the investigation of a specific crime that may have been generated from Face Recognition Technology but was not intentionally solicited shall not be a violation of this ordinance.

5. Notwithstanding any other provision of this Chapter, it shall be a violation of this ordinance for the City Manager or any person acting on the City Manager's behalf to obtain, retain, request, access, or use: i) any Face Recognition Technology; or ii) any information obtained from Face Recognition Technology, except for personal communication devices as defined by Section 2.99.020 or section 2.99.030(4). The inadvertent or unintentional receipt, access to, or use of any information obtained from Face Recognition Technology shall not be a violation of this subsection provided that the City Manager or any person acting on the City Manager's behalf does not request or solicit the receipt, access to, or use of such information, and all copies of the information are promptly destroyed upon discovery of the information, and the information is not used for any purpose.

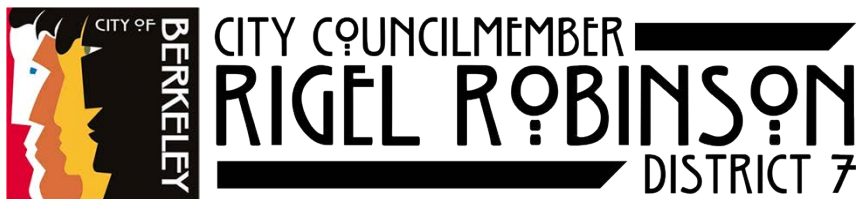
The City Manager shall log the receipt, access to, or use of any such information in its Annual Surveillance Technology Report. The Surveillance Technology Report shall identify measures taken by the City to prevent the further transmission or use of any information inadvertently or unintentionally obtained through the use of Face Recognition Technology; provided, however, that nothing in this Chapter shall limit the ability to use such information in connection with a criminal investigation.

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.







ACTION CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Rigel Robinson, Cheryl Davila, Ben Bartlett, and Sophie Hahn

Subject: Ban Racial, Ethnic, Cultural, and Religious Discrimination on the Basis of Hairstyle or Headwear

RECOMMENDATION

Adopt a new Section of the Berkeley Municipal Code: Chapter 13.23 DISCRIMINATION ON THE BASIS OF HAIRSTYLE OR HEADWEAR IN EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS, prohibiting grooming or appearance policies which target natural or traditional hair, hairstyles, or headwear, and refer to the City Manager to consider the operational requirements of enforcement of the ordinance, including what effective and appropriate enforcement would entail or what amendments to the Chapter would be necessary to perform such enforcement.

POLICY COMMITTEE RECOMMENDATION

On September 9, 2019, the Health, Life Enrichment, Equity & Community Committee adopted the following action: M/S/C (Bartlett/Kesarwani) to send the item to Council with a Qualified Positive Recommendation as author needs to develop language with City Attorney's Office for enforcement and a provision to recover attorney's fees. Vote: All Ayes.

BACKGROUND

In February 2019, the New York City Commission on Human Rights (NYCCHR) issued new Legal Enforcement Guidance on Race Discrimination on the Basis of Hair, under the New York City Human Rights Law (NYCHRL). In New York, the NYCCHR found the contemporary manifestation of racial bias to include discrimination based on characteristics and cultural practices associated with being African American, including prohibitions on natural hair. In the 2019 Enforcement Guide, NYCCHR states current anti-discrimination law should be interpreted to give people of color "the right to maintain natural hair, treated or untreated hairstyles such as locs, cornrows, twists, braids, Bantu knots, fades, Afros, and/or the right to keep hair in an uncut or untrimmed state."

On July 3<sup>rd</sup>, Governor Newsom signed into law the CROWN Act, authored by State Senator Holly Mitchell. The California response to New York's regulations, the CROWN Act similarly clarifies in state law that discrimination on the basis of hairstyle that has an adverse impact on racial minorities is a form of unlawful racial discrimination.

The City of Berkeley should follow in the footsteps of both these reforms, and take similar but more expansive and comprehensive action to expressly prohibit discriminatory hair styling and headwear appearance requirements in the areas of employment, housing, school, and other areas of daily living.

This falls under the range of human rights issues which The Berkeley Municipal Code (BMC) identifies as its mission to solve. As stated in BMC Section 1.22.010, “the City of Berkeley shall promote: (1) Higher standards of living, full employment, and conditions of economic and social progress and development; (2) Solutions of local economic, social, health and related problems; and regional cultural and educational cooperation; and (3) Universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.”

To achieve these goals, the Council should adopt a new ordinance, BMC Chapter 13.23, (Attachment 1). Chapter 13.23 would prohibit racial, ethnic, cultural, or religious discrimination on the basis of hair, hair styling, or headwear, and enumerate the rights of all persons to maintain natural, untreated, and traditional hairstyles and headwear in all sectors of employment, housing, and public accommodations. Chapter 13.23 is modeled after other sections of the code under Title 13 (PUBLIC PEACE, MORALS AND WELFARE), including Chapters 13.20, 13.27, 13.28, 13.30, and 13.101.

This item also refers consideration of appropriate enforcement measures to the City Manager. The ordinance as written will establish the prohibition on discriminatory practices and grant private right of action to remedy violations, but does not set up a system for the City to receive complaints and administratively address violations. Such an enforcement system is important to ensure that all Berkeley residents are able to access justice, as private legal action is outside of financial feasibility for many. Staff should consider what form and scope of enforcement is appropriate for the ordinance, the resources necessary to conduct such enforcement, and what, if any, changes need to be made to the ordinance to facilitate such enforcement. One specific form of enforcement that should be considered is the mandatory posting of a notification of rights in workplaces.

#### ALTERNATIVE ACTIONS CONSIDERED

An alternative considered was to issue local legislative interpretation guidelines regarding both the illegality of disparate impact grooming or appearance policies under the Fair Employment and Housing Act, and the illegality of refusing public services on the basis of mutable characteristics under California Civil Code Section 51. It was found that adopting new code language to codify these findings would be more enforceable and legally defensible, as City staff have greater leeway in interpreting local statute than state or federal law.

FINANCIAL IMPLICATIONS

Staff time to craft exemptions pursuant to Section 13.23.050. Enforcement costs would be dependent on the volume of complaints received by the City, and the level and type of enforcement that the City Manager finds is feasible and necessary.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Mars Svec-Burdick, Intern to Councilmember Rigel Robinson

## Attachments:

- 1: Ordinance
- 2: NYC Commission on Human Rights Legal Enforcement Guidance on Race Discrimination on the Basis of Hair  
<https://www1.nyc.gov/assets/cchr/downloads/pdf/Hair-Guidance.pdf>
- 3: Unruh Civil Rights Act, California Civil Code Section 51  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CIV&sectionNum=51](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=51)
- 4: Fair Employment and Housing Act  
[https://leginfo.legislature.ca.gov/faces/codes\\_displayexpandedbranch.xhtml?tocCode=GOV&division=3.&title=2.&part=2.8.&chapter=&article](https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=GOV&division=3.&title=2.&part=2.8.&chapter=&article)
- 5: CROWN ACT  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB188](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB188)

ORDINANCE NO. -N.S.

ADOPT BERKELEY MUNICIPAL CODE CHAPTER 13.23 TO PROHIBIT  
DISCRIMINATION ON THE BASIS OF HAIRSTYLE OR HEADWEAR IN  
EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS

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

Section 1. That Berkeley Municipal Code Chapter 13.23 is added to read as follows:

**Chapter 13.23**  
**DISCRIMINATION ON THE BASIS OF HAIRSTYLE OR HEADWEAR IN**  
**EMPLOYMENT, HOUSING, AND PUBLIC ACCOMMODATIONS**

**13.23.010 Purpose**

It is the policy of the City to eliminate all forms of racial, ethnic, cultural, and religious discrimination within the City. It is the intent of the City Council to ban grooming and appearance policies which have the effective result of discrimination on the basis of racial, ethnic, cultural, or religious identity, both for policies impacting City employees and for private employers.

**13.23.020 Findings**

The City Council of the City of Berkeley finds and determines as follows:

A) Discrimination against racial, ethnic, cultural, and religious minorities in employment, housing, and public accommodations exists within the City. The council further finds that the existence of such discrimination poses a substantial threat to the economic and social welfare of the community.

B) Racial, ethnic, cultural, and religious based discriminatory grooming or appearance policies exist in places of employment, housing, and public accommodations within the City. These policies exacerbate inequality in the workplace and housing market.

C) The overall effect of grooming or appearance policies which target the natural or traditional hair styles and headwear of racial, ethnic, cultural, and religious minority groups is to require a disproportionate outlay of monetary and time resources from members of these groups in order to participate in daily living, and to restrict these groups from fully and freely participating in public life.

D) Discrimination through grooming and appearance policies falls most heavily on low income communities, but cuts across all racial, ethnic, cultural, religious, and economic groups.

**13.23.030 Definitions**

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this subsection:

A) "Grooming or appearance policies" or "appearance policies" means any code of dress, grooming, or appearance, written or unwritten, under which an individual is in any way penalized for noncompliance.

B) "Natural hair" means all natural patterns of hair growth across all racial and ethnic groups, including but not limited to treated or untreated hairstyles such as locs, cornrows, twists, braids, Bantu knots, fades, Afros, and/or the right to keep hair in an uncut or untrimmed state. This shall include all hair grown on the head and face.

C) "Place of public accommodation" or "public accommodations" means providers, whether licensed or unlicensed, of goods, services, facilities, accommodations, advantages or privileges of any kind, and places, whether licensed or unlicensed, where goods, services, facilities, accommodations, advantages or privileges of any kind are extended, offered, sold, or otherwise made available. This unambiguously includes schools, due to the historical proliferation of racially discriminatory grooming and appearance policies in educational settings.

D) "Traditional hair" means styles of maintaining hair of cultural or religious significance to any racial, ethnic, cultural, or religious group, including keeping hair uncut or completely shaven. This shall include all hair grown on the head and face.

E) "Traditional headwear" means clothing that is worn on the head that is culturally or religiously significant to any racial, ethnic, cultural, or religious group.

### **13.23.040 Unlawful activities**

It is unlawful for any employer, business owner, property owner, provider of public accommodation, or any agent or employee thereof to discriminate in the conditions or enforcement of a grooming or appearance policy. Such prohibited discrimination includes but is not limited to the following:

A) Publish, verbally state, or otherwise communicate an explicitly or implicitly mandatory appearance policy which includes any condition prohibiting natural or traditional hair or headwear, either textually or in practice;

B) Require, in order to access employment opportunities, housing accommodations, public accommodations, or the negotiation or carrying out thereof, individual adherence to a grooming or appearance policy which explicitly or implicitly bans any natural or traditional hair style or headwear.

C) Refuse to enter into negotiations regarding hiring, employment, compensation, lease or rental of property, or otherwise withhold from any person any provision of public accommodations because of their natural or traditional hair style or headwear;

D) Represent to any person because of their natural or traditional hair style or headwear that employment opportunities, housing accommodations, or public

accommodations are not available when such opportunities or accommodations are in fact available;

E) Include a clause or provision in any legal document or agreement that the employee, tenant, or recipient of public accommodations shall adhere to a grooming or appearance policy which compromises their ability to maintain a natural or traditional hair style or headwear;

F) Penalize an employee, tenant, or recipient of public accommodations for violating an appearance policy which unlawfully bans natural or traditional hair or headwear, in any manner including financial penalties, termination, withholding of wage increases, or denial of services, housing or access.

G) Enforce grooming or appearance policies inconsistently between similarly situated employees, tenants, or recipients of public accommodations or groups of employees, tenants, or recipients of public accommodations, to the effect of enacting unequal and discriminatory grooming standards.

#### **13.23.050 Exemptions – Health and Safety**

A. The City Manager shall draft and maintain a list of exemptions from the requirements of this ordinance based upon operational requirements related to health and safety. The exemptions shall be of job categories and work environments, not for organizations as a whole.

B. Exemptions shall only be made with respect to section 13.23.040 A, B, C, and E.

C. No exemption shall be made with respect to the provision of housing, including short term housing.

D. The criteria for exemption shall be limited to only the advancement of health and safety, and exemptions shall be eliminated when the health and safety basis for the exemption no longer exists.

#### **13.23.060 Enforcement**

A) Any aggrieved person may enforce the provisions of this chapter by means of a civil action.

B) Any person who commits, or proposes to commit, an action in violation of this chapter may be enjoined therefrom by any court of competent jurisdiction.

C) Action for injunction under this subsection may be brought by any aggrieved person, by the City Attorney, by the district attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.

#### **13.23.070 Liability for costs and damages**

Any person who violates the provisions of this chapter shall be liable to each person injured by such violation for reasonable attorney's fees and costs as determined by the court, plus damages equaling three times the amount of actual damages or a minimum of five hundred dollars.

**13.23.080 Criminal penalties**

Any person who is found by a court of competent jurisdiction to be guilty of a willful violation of the provisions of this chapter shall be guilty of a misdemeanor as set forth in Chapter 1.20 of this code.

**13.23.090 Limitation on action**

Actions under this chapter must be filed within 3 year of the alleged discriminatory acts.

**13.23.100 Effective date**

The effective date of this ordinance shall be January 1st, 2020 or when the City Manager has released the list of exemptions pursuant to Section 13.23.050, whichever is later.

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.







Office of the Mayor

CONSENT CALENDAR

October 15, 2019

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Excused Absence for Mayor Jesse Arreguin and Councilmember Rigel Robinson

RECOMMENDATION

Excuse Mayor Jesse Arreguin and Councilmember Rigel Robinson from the September 24, 2019 Council meeting due to attending official business of the City.

BACKGROUND

Pursuant to the City Charter, Article V, § 19, the City Council must approve an absence by a Councilmember from a meeting in order for that absence to be considered excused. Specifically, it states:

*If the Mayor or any member of the Council is absent from one or more regular meetings of the Council during any calendar month, unless excused by the Council in order to attend to official business of the City, or unless excused by the Council as a result of illness from attending no more than two regular meetings in any calendar year, he or she shall be paid for each regular meeting attended during such months in an amount equal to the monthly remuneration divided by the number of regular meetings held during such month.*

Mayor Jesse Arreguin and Councilmember Rigel Robinson were travelling to Gongju, South Korea during the September 24, 2019 Council meeting, to mark the establishment of our recently established Sister City with them during this meeting. A report on that trip will be presented to Council as an Information Report at a later date.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

No environmental impact.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100





Cheryl Davila  
Councilmember  
District 2

CONSENT CALENDAR  
October 15, 2019

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmembers Cheryl Davila and Kate Harrison

**Subject:** Referral to City Manager to Authorize Additional Inclement Weather Shelter at Old City Hall from October 15, 2019 - April 30, 2020.

#### RECOMMENDATION

1. Authorize the City Manager to maintain open an as-needed inclement weather shelter from October 15, 2019 - April 30, 2020, to provide safe, indoor locations for our unhoused community during inclement weather, including cold temperatures below 45 degrees, rain, and add extreme heat and atmospheric pollution such as smoke.
2. Approving the allocation of \$140,000 in funding for this inclement weather shelter with funds from the budget appropriations for an expanded Emergency Shelter program or by State Homeless Emergency Aid Program (HEAP) funding.
3. Authorizing the City Manager to amend Contract No. 10577B with Dorothy Day House for the current operation of the as-needed inclement weather shelter, that will include this extension through April 30, 2020, and possible program expansion in order to increase the number of unhoused people served.

#### FINANCIAL IMPLICATIONS

The City Council on June 26, 2018, by adoption of the FY 2019 Mid-Biennial Budget Update approved \$400,000 General Funds for an expanded Emergency Shelter program. Funding for the additional inclement weather shelter will come from this budget allocation or from State Homeless Emergency Aid Program (HEAP) funding. The City of Berkeley is expected to receive over \$3 million in HEAP funding.

#### BACKGROUND

Dorothy Day House (DDH) has operated the Berkeley Emergency Storm Shelter (BESS) for fifteen years. Up until FY17, DDH operated BESS as an overnight shelter on a first-come, first-served basis for up to 45 nights for a maximum capacity of 65 people each night. The BESS would open if rain or temperatures at or below 45 degrees were expected overnight. For the past several years, DDH had operated the BESS at different faith based and City of Berkeley owned sites.

At its October 31, 2017, meeting the City Council extended resolutions passed on January 19, 2016 and November 15, 2016, declaring a homeless shelter crisis in Berkeley through January 19, 2020. The extension authorizes the City Manager to allow homeless people to occupy designated City facilities as shelters during the period of the crisis.

In recognition of the homeless shelter crisis, and the growing number of unhoused persons in the City of Berkeley, the City Council in November 2018 directed the City Manager to utilize unused Old City Hall for uses that included emergency shelter. City Council is allocating funds totaling \$60,000 for BESS at 2134 MLK, Old City Hall under license with DDH.

Currently, the City Manager has been authorized to operate a nightly Emergency Shelter, through December 31, 2019, direction is needed from Council regarding to open shelter services at Old City Hall through December 31, 2019. The City has not been able to identify other locations for an inclement weather shelter which operates only when weather conditions dictate.

The prior years' experience with the shelter was generally positive, with some issues involving objects left in the area surrounding Old City Hall. Over the course of the nine months during which it operated, the shelter housed 298 people on 62 inclement nights.

#### ENVIRONMENTAL SUSTAINABILITY

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

#### CONTACT PERSON

Cheryl Davila  
Councilmember, District 2  
510.981.7120  
[cdavila@cityofberkeley.info](mailto:cdavila@cityofberkeley.info)

#### ATTACHMENTS:

1. Resolution

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

FY19 EXPANDED EMERGENCY SHELTER: ADDITIONAL ALLOCATION OF FUNDING AND AUTHORIZATION OF CONTRACT AMENDMENT WITH DOROTHY DAY HOUSE FOR INCLEMENT WEATHER SHELTER OPERATIONS AT OLD CITY HALL

WHEREAS, the City of Berkeley is committed to providing a humane response to addressing homelessness; and

WHEREAS, on June 26, 2018, City Council allocated \$400,000 to Expanded Emergency Shelter Program efforts in FY20, which included funding for Dorothy Day House and for other costs incurred by City staff; and

WHEREAS, \$140,000 in funds are needed to provide expanded inclement weather shelter through April 30, 2020 and will be requested to be brought into the budget in the second Appropriations Ordinance; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council authorizes the City Manager or her designee to execute an amendment to Contract No. with Dorothy Day House to add \$140,000 to extend the operation of the Berkeley Emergency Storm Shelter (BESS) through April 30, 2020. A record copy of said agreement is on file with the City Clerk.





Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
From: Councilmember Kate Harrison  
Subject: Resolution in Support of the 2019 United Auto Workers General Motors Strike

RECOMMENDATION

Adopt a resolution in support of the United Auto Workers General Motors strike for fair wages, affordable quality healthcare, and job security. Copies of the resolution are to be sent to Mr. Eric Heggie, National Field Director, UAW.

BACKGROUND

On September 16, 2019, 50,000 United Auto Workers (UAW) went on strike. The labor union, one of the largest in the nation, is fighting for fair wages, affordable and quality healthcare, and job security. The strike is the largest of any union in over 12 years and is expected to continue into the foreseeable future.<sup>1</sup>

In 2018, General Motors (GM) made billions in profits and was bailed out by the American people in 2009. However, GM is in the process of closing a number of U.S. assembly plants. In recent decades, GM has shifted substantial production to Mexico and temporary and hourly workers still face significant job and wage insecurity under the tiered system.<sup>2</sup> CEO Mary Barra is the world's top paid auto CEO bringing in roughly \$21 million annually. That breaks down to \$281 for every \$1 the average GM employee earns.<sup>3</sup>

The Berkeley City Council stands in solidarity with UAW workers in their struggle for living wages, job security and a just climate transition. The Council also recently

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<sup>1</sup> Chris Isidore, "Nearly 50,000 UAW workers go on strike against GM, America's biggest automaker," CNN Business, September 16, 2019, <https://www.cnn.com/2019/09/16/business/uaw-gm-strike-general-motors/index.html>.

<sup>2</sup> Graham Rapiere, "The General Motors strike could cost the automaker \$75 million per day if it continues," Business Insider, September 21, 2019, <https://www.businessinsider.com/uaw-strike-cost-general-motors-75-million-every-day-jpmorgan-2019-9>.

<sup>3</sup> Ben Klayman, "GM CEO Barra's pay dipped slightly to just under \$22 million in 2018," Reuters Business News, April 18, 2019, <https://www.reuters.com/article/us-gm-compensation/gm-ceo-barras-pay-dipped-slightly-to-just-under-22-million-in-2018-idUSKCN1RU2AY>.

committed to electrifying the City's municipal vehicle fleet by 2030 and recognizes and appreciates the critical role auto workers play in building carbon-free vehicles.<sup>4</sup>

FISCAL IMPACTS OF RECOMMENDATION

No impact. Clerk time necessary to send letter.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Kate Harrison, Berkeley City Councilmember, (510) 981-7140

ATTACHMENTS

1. Resolution
2. Letter

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<sup>4</sup> Berkeley City Council, "An Action Plan for Greening the City of Berkeley Fleet of Vehicles," June 25, 2019, [https://www.cityofberkeley.info/Clerk/City\\_Council/2019/06\\_June/Documents/2019-06-25\\_Item\\_36\\_An\\_Action\\_Plan\\_for\\_Greening.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/06_June/Documents/2019-06-25_Item_36_An_Action_Plan_for_Greening.aspx).



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

RESOLUTION IN SUPPORT OF THE 2019 UNITED AUTO WORKERS GENERAL  
MOTORS STRIKE

WHEREAS, on September 16, 2019, 50,000 United Auto Workers (UAW) went on strike against General Motors for fair wages, affordable and quality healthcare, and job security; and

WHEREAS, UAW is one of the largest labor unions in the nation and the 2019 strike represents the largest of any union in 12 years and is expected to continue into the foreseeable future; and

WHEREAS, General Motors (GM) makes billion in profits and was bailed out by the American people in 2009; and

WHEREAS, despite significant profitability, GM is in the process of closing a number of U.S. assembly plants and temporary and hourly workers under a tiered system continue to face significant job and wage insecurity; and

WHEREAS, CEO Mary Barra is the world's top paid auto CEO bringing in roughly \$21 million annually, or about \$281 for every \$1 earned by an average GM employee.

WHEREAS, the Council recently committed to electrifying the City's municipal vehicle fleet by 2030 and recognizes and appreciates the critical role auto workers play in building carbon-free vehicles.

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Berkeley stands in solidarity with UAW workers striking for better wages, benefits and working conditions.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Mr. Eric Heggie, National Field Director, UAW.

Mr. Eric Heggie  
National Field Director, United Auto Workers  
8000 E. Jefferson Ave.  
Detroit, MI 48214

**Re: Resolution in Support of the 2019 United Auto Workers General Motors Strike**

Dear Mr. Heggie,

We, the Berkeley City Council, wish to express our solidarity with the United Auto Workers during their 2019 General Motors (GM) strike.

The Council supports UAW workers in their struggle for living wages, job security and a just climate transition. We recently committed to electrifying the City's municipal vehicle fleet by 2030 and recognize and appreciate the critical role that auto workers play in realizing a carbon-free transportation future.<sup>5</sup>

Please find enclosed a Resolution in support.

Sincerely,

Berkeley City Council  
Mayor Arreguin,  
Councilmembers

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<sup>5</sup> Berkeley City Council, "An Action Plan for Greening the City of Berkeley Fleet of Vehicles," June 25, 2019, [https://www.cityofberkeley.info/Clerk/City\\_Council/2019/06\\_June/Documents/2019-06-25\\_Item\\_36\\_An\\_Action\\_Plan\\_for\\_Greening.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/06_June/Documents/2019-06-25_Item_36_An_Action_Plan_for_Greening.aspx).



Kate Harrison  
Councilmember District 4

ACTION CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
From: Councilmembers Kate Harrison and Cheryl Davila  
Subject: Sanctioned Homeless Encampments

RECOMMENDATION

Adopt five referrals to the City Manager to begin the process of establishing a sanctioned homeless encampment in Berkeley:

1. Enter into a contract to purchase climate-controlled, wind-resistant durable tents.
2. Issue a Request for Proposals for an agency to manage and oversee the encampment.
3. Install a portable toilet and handwashing station at the encampment parcel.
4. Request that Lava Mae to service the encampment parcel once a week, thereby reinstating the City's twice weekly service standard.
5. Add the encampment parcel to an existing garbage pickup route.

Refer the costs associated with establishing the encampment, about \$200,000, to the November budget process.

BACKGROUND

According to the Alameda County Point In Time count (see Attachment 1), there are 1108 homeless people living in Berkeley, 813 of whom are unsheltered. Of those people, 251 individuals are sleeping in a tent and 231 are sleeping on a street, sidewalk, or in a park. People in Berkeley are sleeping in tents, whether officially sanctioned or not. Under current policy, many of these encampments do not have any trash, sanitary services, good neighbor policy, or engagement with services, creating unsanitary and unsafe circumstances for both the residents of the encampments and surrounding neighbors.

Over the past several years, Berkeley has made significant investments in affordable housing and supportive services, such as approving the Berkeley Way<sup>1</sup> project that will permanently house 59, and the Pathways STAIR Center which has already housed over

<sup>1</sup> <https://bfhp.org/news/berkeley-way/>

100<sup>2</sup> in a year of existence. Our long-term investments are working, but in the short term, people are sleeping in tents and outdoors without durable shelter, a potentially dangerous situation with autumn smoke and winter rains approaching.

Sanctioned encampments should be seen only as a temporary fix. Berkeley must continue to build permanently affordable housing and provide comprehensive services to lift people out of homelessness and into homes. However, despite our recent gains, we are still unable to serve all homeless people in Berkeley simultaneously, and there are still gaps in service. A sanctioned encampment with durable tents and sanitation services is a short term option that is safer and cleaner than the status quo of unsanctioned camping throughout the City. The intention of this item is to create a limited number of sanctioned encampments operated in an organized fashion.

The state of California has declared a shelter emergency.<sup>3</sup> The City of Berkeley has declared a shelter emergency.<sup>4</sup> Berkeley's shelter beds are at capacity just about every night. At present, the need far outweighs the available beds, and it is time to look at other, temporary options.

Establishing a limited number of sanctioned homeless encampments would represent a positive step for the housed Berkeley community as well. Lack of sanitation services, garbage collection, and potable water can spread infection and disease. Currently, rather than investing in resources to address these important issues, significant resources are being spent on enforcement, simply moving the issues elsewhere in Berkeley. The benefit of a sanctioned encampment is the ability to choose the most appropriate location, and provide appropriate services, rather than current disorder.

At the September 10, 2019 City Council meeting, unhoused people and their advocates attended with signs<sup>5</sup> that read "Where Do We Go?" There is currently a community of about 80 living in tents or on the street in the area surrounding the I-80 freeway entrance on University Avenue. People live on a combination of City of Berkeley parkland and CalTrans-owned medians, and the incongruent agencies have created an untenable situation for the residents. CalTrans police chase residents onto City land, then City land pushes residents back onto CalTrans property, and there is no location where anyone can sleep safely. Sleeping in parks has long been prohibited by BMC 6.32.020.

The Pathways STAIR Center, on the corner of Second and Cedar Streets, acts as a hub for homeless services. The Center is made up of a series of modular buildings on a City-owned lot, with services provided by the Bay Area Community Services (BACS). There is space at the south end of the lot (adjacent to Virginia Street) that is not currently being used (see Attachment 7). Due to its proximity to existing services, including social and

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<sup>2</sup> "Pathways STAIR Center: First Year Data Evaluation and Results-Based Accountability Dashboard", Item 41, September 24, 2019 Berkeley City Council meeting.

<sup>3</sup> [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB932](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB932)

<sup>4</sup> "Extension of Housing Crisis Declaration." Item 10, October 31, 2017, Berkeley City Council meeting.

<sup>5</sup> [http://berkeley.granicus.com/MediaPlayer.php?publish\\_id=627e4d8c-d4ce-11e9-b703-0050569183fa](http://berkeley.granicus.com/MediaPlayer.php?publish_id=627e4d8c-d4ce-11e9-b703-0050569183fa)

housing placement services, showers, and laundry, and the fact that the lot is City-owned, the south end of the STAIR Center lot is a potential location for a City-sanctioned encampment.

Another possibility is at 611-639 University Ave, beneath the bridge connecting Fourth St and the Waterfront. It is a City-owned<sup>6</sup> lot surrounded by light industry manufacturing to the North, South, and East, and I-80 and Eastshore Highway to the West. There are currently about 15 tents set up in an alley between the lot in question and an industrial plant at 1930 Second St. It is currently not possible to set up tents in the 611-639 University lot because there is a barbed wire fence surrounding it. The lot is mostly empty, with some room used to store old pipes, shipping containers, and other disused pieces of construction equipment.

Regardless of current use, the lot has room for about 15 tents from east to west (judging by the number of tents that are already along the north side of the lot) and, by estimate, room for about 5-8 tents from north to south. Arranged into a grid, there is the potential for up to 75-120 tents on this parcel of City-owned but under-utilized property.

Beyond simply being owned by the City of Berkeley, there are other amenities that make it a strong candidate for the location of a sanctioned homeless encampment. It is surrounded on all sides by MULI (light industrial manufacturing), so there is no chance of an encampment disturbing residential or commercial neighbors. Moreover, is not visible from I-80. The lot is adjacent to areas where unhoused people are currently living, thus transferring to this location would permit this community to stay together. There is a water main about 15 feet from the lot line (see attached pictures). The location is three blocks away from the Pathways STAIR Center and about a mile away from Berkeley Mental Health. The location fits the needs of our unhoused community, and is currently housing only old pipes. It is a smart location for a City-managed encampment.

Several other cities have already<sup>7</sup> sanctioned homeless encampments in response to this housing and homelessness crisis. In February, the City of Modesto<sup>8</sup> established several hundred tents under a bridge, where about 300-400 people sleep every night.<sup>9</sup> The project, called the Modesto Outdoor Emergency Shelter (MOES), has proven extremely successful. On September 7, 2019, Gavin Newsom's Homeless and Supportive Housing Advisory Task Force met in Modesto to "observe best practices firsthand."<sup>10</sup> MOES provides portable bathrooms, showers, and handwashing stations, nonprofits and agencies bring food, medical, mental health, and rehousing services, and the encampment is fenced and monitored by a security guard. An editorial in the Modesto Bee applauded MOES for "easing some suffering, however temporary."<sup>11</sup> The

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<sup>6</sup> Attachment 4

<sup>7</sup> [https://www.vice.com/en\\_us/article/vb9we3/the-homelessness-crisis-is-getting-so-bad-that-cities-are-now-building-their-own-camps](https://www.vice.com/en_us/article/vb9we3/the-homelessness-crisis-is-getting-so-bad-that-cities-are-now-building-their-own-camps)

<sup>8</sup> <https://www.modbee.com/news/local/article226465300.html>

<sup>9</sup> [https://www.youtube.com/watch?v=J\\_gQ54kZXmA&t=65s](https://www.youtube.com/watch?v=J_gQ54kZXmA&t=65s)

<sup>10</sup> <https://www.modbee.com/news/local/article234754707.html>

<sup>11</sup> <https://www.modbee.com/opinion/editorials/article234558672.html>

Sacramento Mayor and City Council are also looking at using Modesto's model.<sup>12</sup> Sacramento, like Berkeley, is in the process of building new shelters and affordable housing developments, but "as the city enters another month in crisis, other alternatives are coming to the fore."<sup>13</sup>

Berkeley looked previously considered sanctioned encampments. At the February 13, 2018 Council meeting, the Council referred to the Homeless Commission a series of questions about what a sanctioned encampment may look like, including how many residents, who provides facilities, how rules are enforced, etc (see Attachment 6). In the 18 months since this referral, homelessness has gone up, as has the need for City-designated encampments.

Modesto, Sacramento, and Governor Newsom have all recently concluded that sanctioned encampments are an appropriate temporary addendum, and that MOES models best practices for sanctioned encampments. Berkeley has the opportunity to learn from Modesto and MOES, and establish a sanctioned encampment.

### **Durable Tents**

Working with suppliers to provide durable, waterproof tents would be a major step toward improving the health, safety and quality of life of Berkeley's homeless population. Nearly one third of Berkeley's homeless population currently lives in tents or makeshift shelters, a number that has doubled in the past two years.<sup>14</sup> Creating a space with durable tents would allow this sizeable part of the homeless community to shift away from temporary and potentially unsafe, unsanitary and weather-prone tents.

Modesto established an encampment that now houses approximately 400 people in 290 10x10ft waterproof tents,<sup>15</sup> donated by the Reno-based company Qamp.<sup>16</sup> These tents include a heavy-duty steel frame, screen door, and an insulating heat-reflective roof.<sup>17</sup> Partnering with a local company to acquire similarly-sized tents would increase security, community wellbeing and order at the new encampment. Additionally, a 10x10ft space grants homeless individuals a larger, constant and secure location to fit their belongings, exceeding the 9 square feet allocation permitted by the Sidewalk Ordinance.

Other durable tents include those made by ShiftPod<sup>18</sup>, and Sweetwater Bungalows<sup>19</sup> produces larger tents intended for entire families. The purpose of this item is not to specify a vendor, but to lay out basic criteria for safe tents, including but not limited to:

- Insulation

<sup>12</sup> <https://www.sacbee.com/news/local/homeless/article234483397.html>

<sup>13</sup> *Ibid.*

<sup>14</sup> 2019 HIRD Report

<sup>15</sup> <https://www.sacbee.com/news/local/homeless/article234483397.html>

<sup>16</sup> <https://qamp.com/products/qamp-tent?variant=35987893763>

<sup>17</sup> *Ibid.*

<sup>18</sup> <https://shiftpod.com/shiftpod/shelter>

<sup>19</sup> <https://www.sweetwaterbungalows.com/>

- Wind resistance
- Solid (easy to set up and take down, but with a durable frame)

### **Security and Services**

A successful homeless encampment will require the City providing services its residents. Such services include but are not limited to:

- Coordination of safety and security
- Coordination of volunteerism and donations
- Supportive services (such as case management)
- Rehabilitative opportunities to support the transition out homelessness

Modesto partnered with Turning Point Community Programs to manage all of these services.<sup>20</sup> The city also invited other charitable organizations like the Salvation Army<sup>22</sup> to assist with shelter management and food services. Berkeley could similarly work with local organizations specialized in such projects or expand existing city government services to the new shelter.

Having a team to supervise the camp and provide case management, psychological services, and job search support would ensure that the homeless residents have a shot at keeping their stay in the encampment to a minimum. This could be handled similarly to the Pathways project, or through a mechanism similar to that of Modesto's outsourcing of most service responsibilities to non-profit organizations.

A safe and secure environment is vital to the encampment success. Setting up a fence and hiring a security team, as was done in Modesto,<sup>23</sup> would be one way to achieve this goal, though the lot at 611 University already has a fence surrounding it. Just as in Modesto, the need for security would have to be balanced with limited restrictions on entry and exit. Regulating permitted activities and items brought into the camp would also help ensure improved safety for its residents. Mobility around the camp can be ensured by capping the amount or size of possessions at what residents can fit in their own tents. A ban on bonfires would drastically reduce the risk to health and life of residents.

### **Toilets and Handwashing Stations**

The potential for disease in compact outdoor emergency shelters is significant, and decreases dramatically with adequate access to handwashing.<sup>24</sup> In 2017, three counties in California experienced an unprecedented hepatitis A outbreak that was primarily

<sup>20</sup> <https://www.tpcp.org/programs/moes/>

<sup>21</sup> <https://www.abc10.com/article/news/local/modesto/modesto-homeless-community-to-leave-beard-brook-for-new-location/103-622123290>

<sup>22</sup> <http://www.stancounty.com/bos/agenda/2019/20190226/DIS01.pdf>

<sup>23</sup> <https://www.sacbee.com/news/local/homeless/article234483397.html>

<sup>24</sup> <https://www.cdc.gov/handwashing/why-handwashing.html>

carried by the homeless population.<sup>25</sup> As part of the response, San Diego County implemented 160 new handwashing stations, which was highly influential in curbing the spread of the disease.<sup>26</sup> The Here/There encampment on Ashby and Adeline has a portable toilet and handwashing station that was donated by Friends of Adeline,<sup>27</sup> because proper sanitation for homeless encampments is beneficial to entire communities.

There is a water pipe just northwest of the lot at 611-639 University (see Attachment 5) and while the toilet may be portable, there is the possibility to install a real handwashing station with running water, which would reduce the costs to refill a reservoir. Even if the City decides that both the toilet and handwashing station are to be portable, the proximity to potable water provides options.

### **Mobile Shower Services**

Berkeley has an ongoing partnership with Lava Mae, a mobile shower charity. Access to showers prevents disease and allows unhoused people to live in dignity. In addition to showers, Lava Mae and other organizations such as Dignity On Wheels also organize day-long “care villages” that provide dental care, haircuts, clothing, vaccinations, and other services. For several months Lava Mae has been operating at two pilot locations in near the STAIR Center and at the Progressive Baptist Church.<sup>28</sup> However, according to City staff, Lava Mae is relocating their South Berkeley location to West Oakland. The mobile shower program has been extremely successful and has improved quality of life for unhoused people in Berkeley. Rather than sending those services to Oakland, we should expand them. Any sanctioned encampment will need some shower services for simple sanitary purposes, and by bringing them to Second and University, Berkeley can reinstate the previous practice of having mobile showers twice weekly, at two separate locations. Reinstating services at this location should not preclude finding other strategic locations for mobile shower services in Berkeley.

### **Trash Pickup**

On June 4, 2019 the Modesto City Council voted unanimously to perform garbage removal and disposable services for the Outdoor Emergency Shelter (see Attachment 2). Reliable garbage pickup is crucial to the success of any homeless services. Excessive garbage is highly detrimental to all City residents, as it is unsightly and can attract rodents and disease. Housed Berkeleyans have their garbage removed and disposed of once a

<sup>25</sup> <https://www.mercurynews.com/2017/10/02/california-scrambles-to-contain-deadly-hepatitis-a-outbreaks/>

<sup>26</sup> <https://www.sandiegocounty.gov/content/dam/sdc/cosd/SanDiegoHepatitisAOutbreak-2017-18-AfterActionReport.pdf>

<sup>27</sup> <https://www.berkeleyside.com/2017/07/18/homeless-camp-city-berkeley-want-bathroom>

<sup>28</sup> [file:///C:/Users/sbarnard/Downloads/2019-09-10%20Item%2066%20Referral%20Response%20Lava%20Mae%20Mobile%20\(1\).pdf](file:///C:/Users/sbarnard/Downloads/2019-09-10%20Item%2066%20Referral%20Response%20Lava%20Mae%20Mobile%20(1).pdf)



week. Unhoused people oscillate between having nothing, and having all of their belongings removed that do not fit in nine square feet, whether it is garbage or not.

There is enormous need for refuse services for the homeless population. Early reports on enforcement of the Sidewalk Ordinance indicate that thousands of pounds of refuse have already been removed, since implementation began six months ago. Many complaints regarding homelessness to Council offices and 311 are concerning garbage and illegal dumping. All residents of Berkeley deserve clean streets, and refuse removal will provide not only cleanliness and safety to homeless residents, but more harmony among the community at large as well.

Initiating refuse service is a process typically initiated by the property owner<sup>29</sup> and performed by the Customer Service Division. Because 611-639 University is owned by the City of Berkeley, this item refers the initiation of refuse services to the City Manager.

### FINANCIAL IMPLICATIONS

The costs below could be considered most appropriate coming from Measure P funds allocated for shelter and accommodations, CDBG funds, Homeless Emergency Aid Program (HEAP) funds, or the General Fund.

1. High quality tents can be expensive, with potential discounts for purchasing in bulk. However, Modesto had all tents donated by a local company. Maximum of \$10,000 to be spent on purchasing tents, and preference for donations, if possible.
2. The City of Berkeley allocates about \$170,000 annually for the Veteran's Building shelter which provides a comparable level of services as what would be needed for this encampment. This funding comes from CDBG funding as an emergency shelter service.
3. A portable toilet can be rented for \$78/month,<sup>30</sup> which includes weekly cleanings, and handwashing stations for \$93/month.<sup>31</sup> Alternatively they can be purchased outright for between \$500 and \$1000 each, but staff time would be required to clean them regularly. For a large encampment, 2-4 portable toilets seems appropriate.
4. 20 yard dumpsters are approximately \$500 per week to rent, and 96-gallon trash receptacles are about \$100 each. A large dumpster may be necessary immediately upon set-up of the encampment, and several receptacles for ongoing use. Staff time to accrete the lot into a regular refuse pickup route.

All told, the expected amount needed is about \$200,000 per year.

### ENVIRONMENTAL SUSTAINABILITY

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<sup>29</sup>

[https://www.cityofberkeley.info/Custom\\_Service/Home/Refuse\\_Start\\_Stop\\_or\\_Change\\_Service.aspx](https://www.cityofberkeley.info/Custom_Service/Home/Refuse_Start_Stop_or_Change_Service.aspx)

<sup>30</sup> <https://www.portapottyrentalguide.com/advice/prices/>

<sup>31</sup> *Ibid.*

Regular refuse removal will decrease littering and illegal dumping, in line with the City's Zero Waste goals.

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, (510) 981-7140

ATTACHMENTS

- 1: Summary of Point in Time Count, 2019.
- 2: Modesto City Ordinance 2019-254.
- 3: *City Officials Suddenly Support Homeless Tent Cities, Car Camps in Sacramento Neighborhoods*, Sacramento Bee, August 29, 2019.
- 4: Map of 2<sup>nd</sup> and University and surrounding areas.
- 5: Pictures of 2<sup>nd</sup> and University and surrounding areas.
- 6: Supplemental 3 to Item 38a, "First They Came For The Homeless Encampment" at February 13, 2018 Berkeley City Council Meeting.
- 7: Map of 2<sup>nd</sup> and Virginia and surrounding areas.

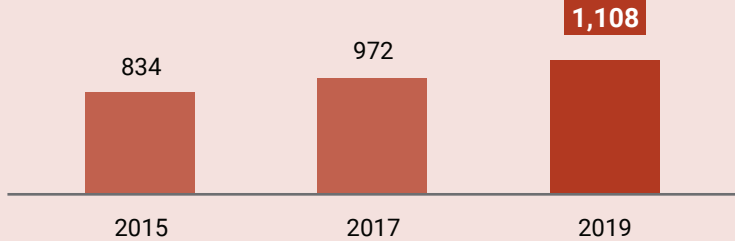
# City of Berkeley

## 2019 EveryOne Counts Homeless Point-in-Time Count & Survey

Every two years, during the last 10 days of January, communities across the country conduct comprehensive counts of people experiencing homelessness in order to measure the prevalence of homelessness in each local community.

The 2019 Alameda County EveryOne Home Point-in-Time Count was a community-wide effort conducted on January 30th, 2019. In the weeks following the street count, a survey was administered across Alameda County. In the city of Berkeley, 257 unsheltered and sheltered homeless individuals were surveyed in order to profile their experience and characteristics.

### Homeless Census Population



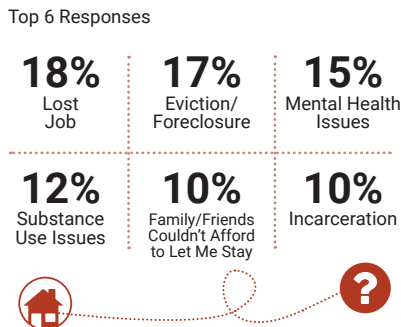
### Sheltered/ Unsheltered Population



### What Might Have Prevented Homelessness



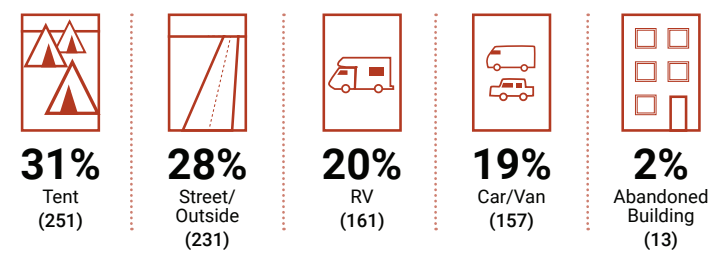
### Primary Causes of Homelessness



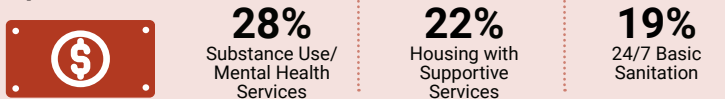
### Sheltered/Unsheltered Population by City

Alameda	99 Sheltered / 132 Unsheltered	Newark	30 Sheltered / 59 Unsheltered
Albany	0 Sheltered / 35 Unsheltered	Oakland	861 Sheltered / 3,210 Unsheltered
Berkeley	295 Sheltered / 813 Unsheltered	Piedmont	0 Sheltered / 0 Unsheltered
Dublin	0 Sheltered / 8 Unsheltered	Pleasanton	0 Sheltered / 70 Unsheltered
Emeryville	0 Sheltered / 178 Unsheltered	San Leandro	74 Sheltered / 344 Unsheltered
Fremont	123 Sheltered / 485 Unsheltered	Unincorporated	28 Sheltered / 321 Unsheltered
Hayward	115 Sheltered / 372 Unsheltered	Union City	0 Sheltered / 106 Unsheltered
Livermore	85 Sheltered / 179 Unsheltered	<b>Total</b>	<b>1,710 Sheltered / 6,312 Unsheltered</b>

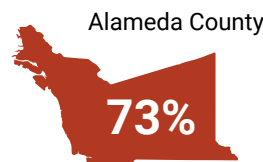
### Unsheltered Population by Location



### How New Money Should Be Spent



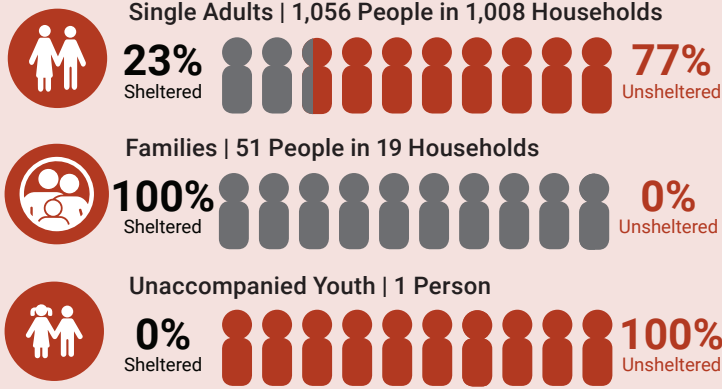
### Residence Prior to Homelessness



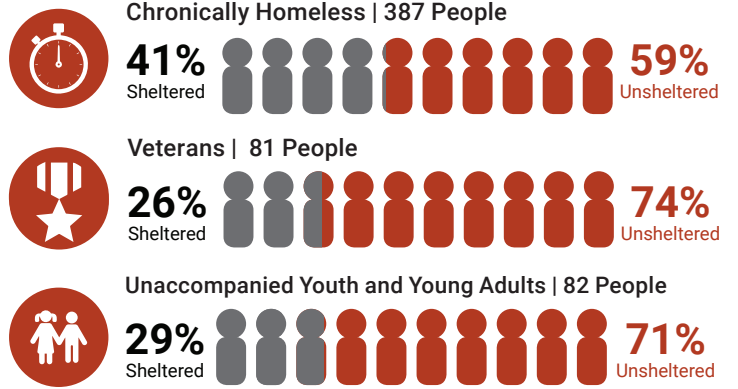
### Length of Time in Alameda County



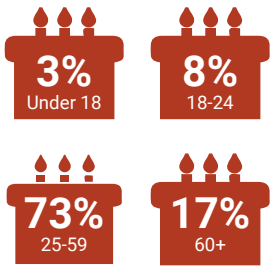
### Household Breakdown



### Subpopulations



### Age

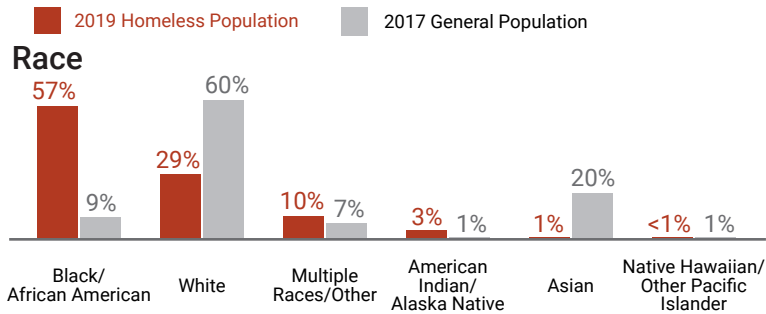


### LGBTQ+ Status

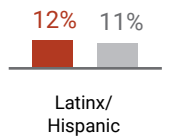
14% of survey respondents identified as LGBTQ+.



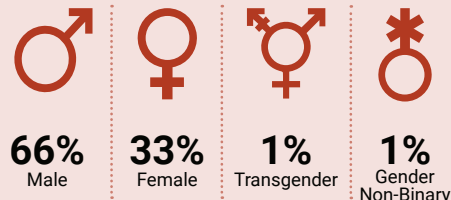
### Race and Ethnicity Compared to General Population



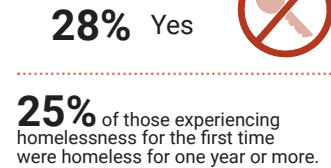
### Ethnicity



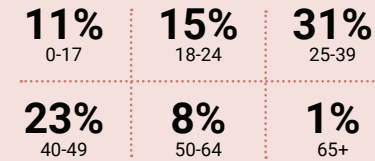
### Gender



### First Episode of Homelessness



### Age at First Episode of Homelessness



### Not Interested in Housing

2% of survey respondents said they were not interested in Independent, Affordable Rental Housing or Housing with Supportive Services.

### Health Conditions

Current health conditions reported by survey respondents.



### Disabling Conditions

41% of survey respondents reported having at least one disabling condition.



A disabling condition is defined by HUD as a developmental disability, HIV/AIDS, or a long-term physical or mental impairment that impacts a person's ability to live independently, but could be improved with stable housing.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2019-254**

**RESOLUTION APPROVING THE AGREEMENT WITH BERTOLOTTI  
MODESTO DISPOSAL INC., CERES, CA, TO PERFORM GARBAGE  
REMOVAL AND DISPOSAL SERVICES AT THE MODESTO OUTDOOR  
EMERGENCY SHELTER AND FOR HOMELESS ENCAMPMENT BLIGHT  
REMOVAL BY THE MODESTO POLICE DEPARTMENT BEAT HEALTH  
UNIT THROUGH MAY 31, 2021 FOR A TOTAL AMOUNT NOT TO EXCEED  
\$150,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,  
TO EXECUTE THE AGREEMENT**

WHEREAS, in response to an emerging and concentrated homeless population precipitated by recent legal developments and case law the City permitted a temporary homeless encampment at Beard Brook Park, and

WHEREAS, the Modesto Police Department (MPD) established a blight abatement team to assist with on-going City efforts in city-wide cleanup and the temporary encampment at Beard Brook Park, and

WHEREAS, the City established a temporary outdoor shelter underneath the 9<sup>th</sup> Street Bridge known as the Modesto Outdoor Emergency Shelter (MOES) to accommodate the growing number of homeless individuals which Beard Brook Park could no longer sustain, and

WHEREAS, the maintenance and cleanup of both encampments required extensive use of garbage and disposal services which nearly depleted the city-wide blanket purchase order, and

WHEREAS, the Finance Purchasing Division issued an emergency purchase agreement, not to exceed \$50,000, with Bertolotti Disposal designated to cover MOES expenses through December 31, 2019, and

WHEREAS, funding for the emergency purchase agreement has been exhausted,  
and

WHEREAS, the City and Bertolotti desire to enter into a new purchase agreement to include garbage and disposal services for MOES and for MPD's Beat Health expenses for illegal homeless camps and dumping to capture all costs related to encampment cleanup, and

WHEREAS, the total amount for MOES garbage and disposal services through December 31, 2019 is \$105,000, and

WHEREAS, the total amount for MPD's Beat Health homeless encampment blight removal through May 31, 2021 is \$45,000, and

WHEREAS, the total amount of the agreement with Bertolotti for both MOES and homeless encampment blight removal by MPD's Beat Health Unit is \$150,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Bertolotti Modesto Disposal Inc., Ceres, CA, to perform garbage removal and disposal services at the Modesto Outdoor Emergency Shelter and for MPD Beat Health homeless encampment blight removal by the Modesto Police Department Beat Health Unit through May 31, 2021 for a total amount not to exceed \$150,000.

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

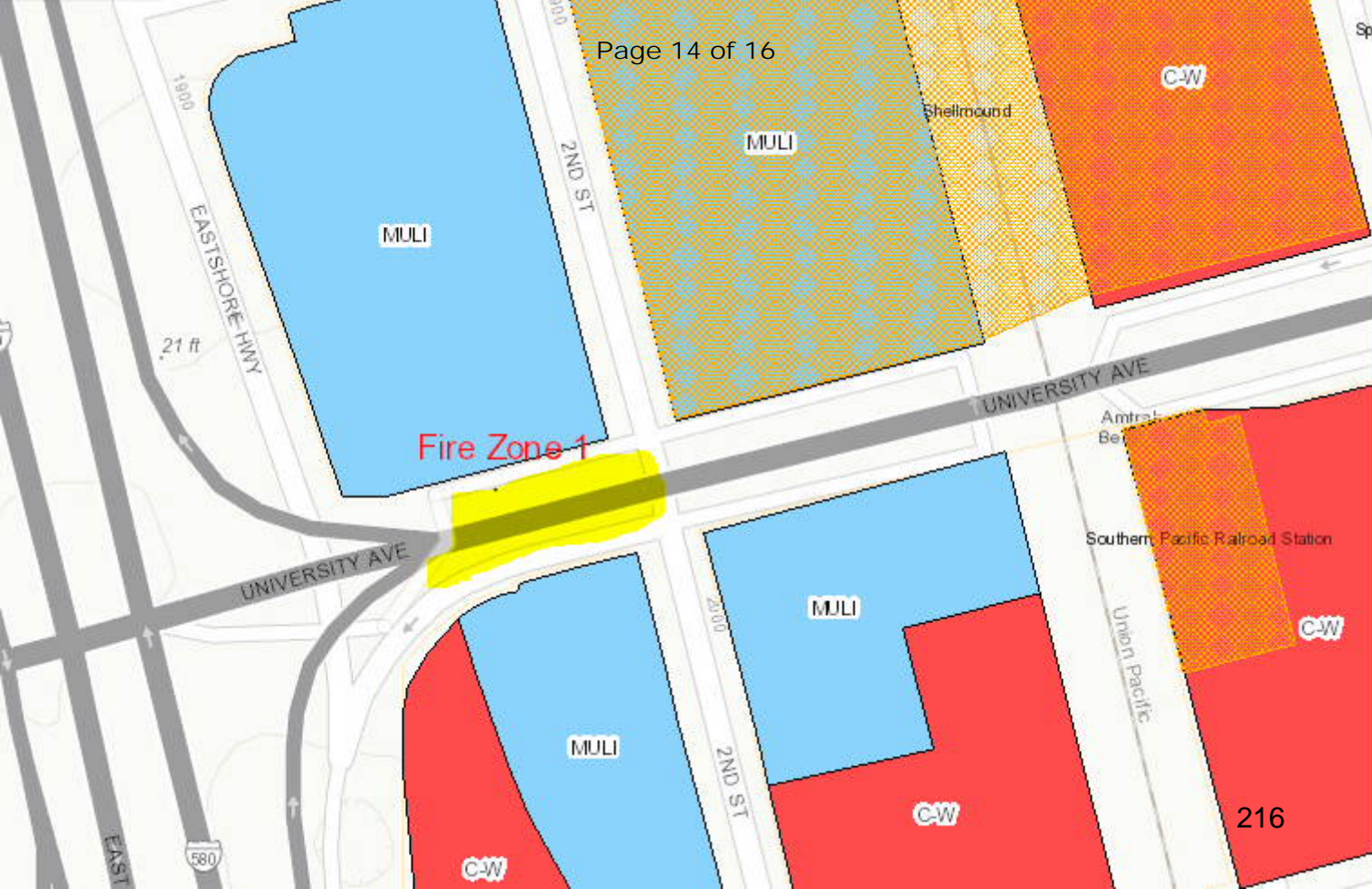
ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
ADAM U. LINDGREN, City Attorney



Fire Zone 1

1800

EASTSHORE HWY

21 ft

2ND ST

MULI

Shellmound

C-W

UNIVERSITY AVE

UNIVERSITY AVE

Amtrak Building

Southern Pacific Railroad Station

MULI

C-W

2ND ST

MULI

C-W

216

580

EAST

C-W

Union Pacific

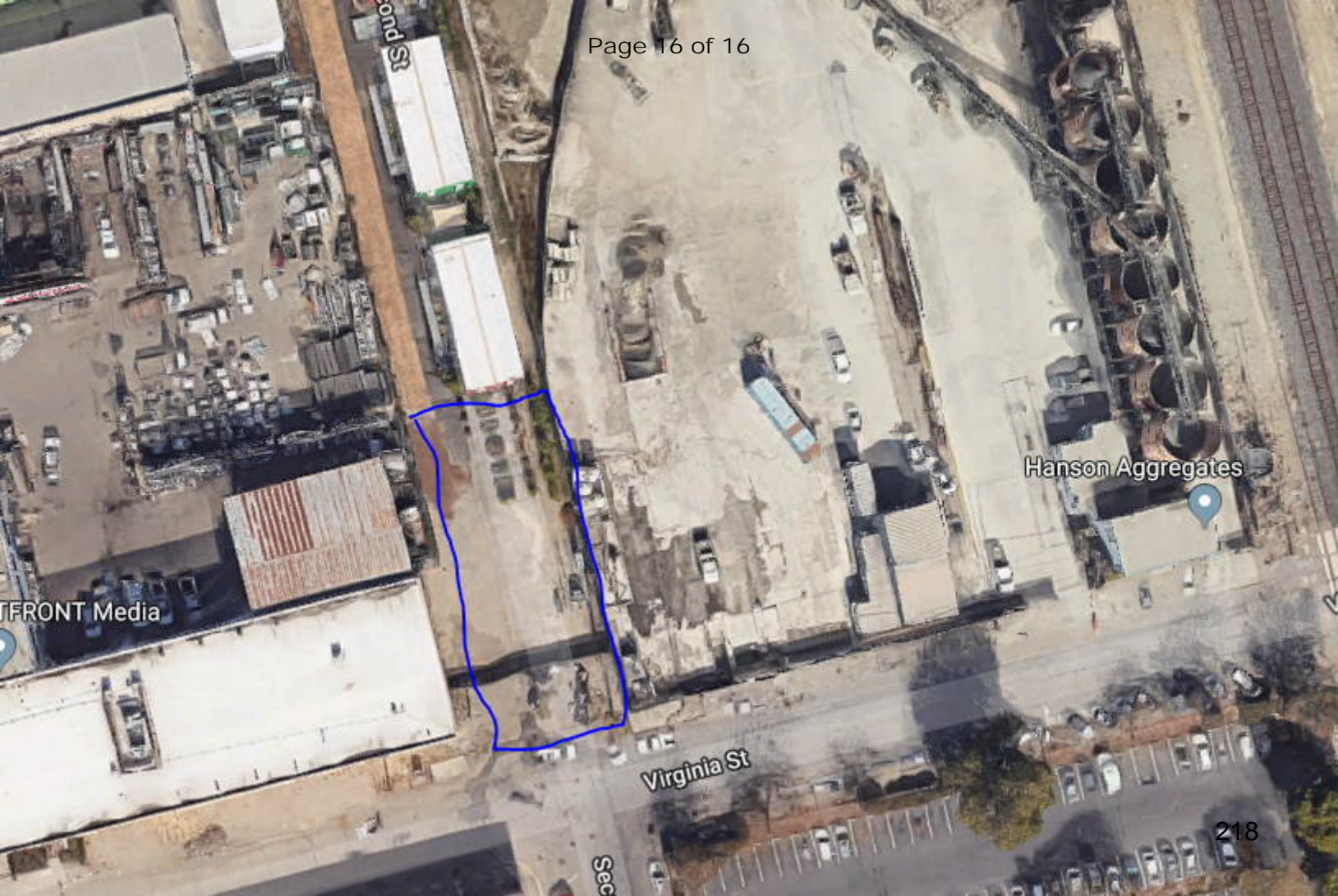


## What would "Sanctioned Encampments" look like? A quick overview of some elements to consider

Chart reads from left to right only, not from top to bottom

<b>LOCATION</b>	100% Resident Discretion	City designated	One/Several locations	Unlimited locations
<b>RESIDENTS</b> <i>Who?</i>	City/Agency Criteria	No Criteria	Resident Criteria	Hybrid
<b>RESIDENTS</b> <i>How Many?</i>	No limit per Encampment	City/Agency determined limit	Resident-determined limit (Who/how decided?)	Variable/Stable
<b>RESIDENTS</b> <i>Criteria?</i>	Resident-Determined	City/Agency determined	Hybrid	Protected Class requirements for criteria?
<b>RESIDENTS</b> <i>Duration</i>	Indefinite/Forever	City/Agency specified – limited time	Resident specified – limited time	
<b>Rules /Code of Conduct</b>	Defined by residents	Defined by City/Agency	Hybrid	
<b>Governance</b>	Resident defined: any system desired, self-governing. What system?	City/Agency Defined	Jointly determined/different areas of governance for each?	
<b>Enforcement of Rules</b>	Residents	City/Agency		
<b>Removal/exclusion of Individuals</b>	Decision and Action by Residents	Decision and Action by City/Agency	No removal or exclusion	
<b>Engagement with Services</b> <i>Housing</i>	Not Necessary	Required	Voluntary	Who decides?
<b>Engagement with Services</b> <i>Other (health, jobs, etc.)</i>	Not necessary	Required	Voluntary	Who decides?
<b>Facilities</b> <i>Provision</i>	Provided by community/Not for profits	Provided by City	Hybrid/Mix	
<b>Facilities</b> <i>maintenance</i>	Residents	City/Agency	Not for Profit Org.	Shared responsibilities
<b>First Amendment issues</b>	"Protest" camp – if City affirmatively sanctions/provides space, does this become sanctioning of one type of speech? Code Pink – type concerns?			
<b>Self-Governance</b>	What system?	Who picks system?	Who ensures fairness?	Recourse?
<b>City/Agency</b>	Which agency?	Scope of Responsibility?	Funding?	

RECEIVED AT  
 COUNCIL MEETING OF:  
 FEB 13 2018  
 OFFICE OF THE CITY CLERK  
 CITY OF BERKELEY



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Hanson Aggregates

Virginia St

Sec



Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
From: Councilmember Wengraf  
Subject: Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley

RECOMMENDATION

Adopt a Resolution declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley

FINANCIAL IMPLICATIONS

None

BACKGROUND

The East Bay hills are home to extremely high fire hazards due to proximity to park land where the fuel load is high; narrow, curvy roads, hampering access by first responders and obstructing efficient evacuation routes; and steep topography and changing weather conditions. On April 23, 2019 Governor Newsom held a press conference in Berkeley, at the edge of Tilden Park, restating his declaration of a state of emergency regarding wildfires in California. Historically, California is at high risk of wildfire and the Governor was dedicating new resources to wildfire prevention. The Governor, in choosing the location for his press conference, was no doubt aware of Berkeley's history.

In 1923, a wildfire swept through north Berkeley, ultimately destroying approximately 600 homes, including churches, schools, libraries, and student living quarters. At that time, the population of Berkeley was 52,000. Today, the population density has more than doubled. In 1980, a fire in Berkeley's Wildcat Canyon destroyed 5 homes and then, on October 17, 1991, a fierce and destructive wildfire consumed southeast Berkeley and Oakland, claiming 25 lives and reducing approximately 3,000 structures to ashes. Had the wind direction not shifted, it is likely that many more people would have died and more of Berkeley would have been destroyed.

Since 1991, due to climate change, wildfires have become larger, hotter, more destructive, and more difficult to control. Vulnerable communities throughout the state have been ravaged. Potentially greater risk exists today not only in the Berkeley Hills but to neighborhoods between the hills and the Bay, as evidenced by the total destruction of Coffey Park in the 2017 Tubbs Fire. Berkeley is ranked at the same risk

level of many of the cities that have already been decimated by fire. Berkeley's risk is ranked as the highest designation in the state.

Berkeley is also at extreme risk for a devastating earthquake on the Hayward Fault, which cuts right through Berkeley's high fire severity zone; when fire ensues it will cause even further destruction to life, property and further challenge the City's resiliency.

It is time for Berkeley to acknowledge our risk and make wildfire prevention and safety a top priority. Our full commitment, by resolution, will allow us to move forward with projects and programs to achieve our shared goals of wildfire prevention and safety; ensure wildfire prevention and safety are reflected in allocation of resources and city policies; and make certain wildfire prevention and safety are addressed as the highest priority in the next updates to the City's General Plan, Climate Action Plan, Local Hazard Mitigation Plan, Resiliency Strategy, 2050 Vision and any other plans where it may be appropriate.

ENVIRONMENTAL SUSTAINABILITY

This item supports the City's environmental sustainability goals. Fire prevention is critical for environmental sustainability. In 2018, California wildfires emitted as much carbon dioxide as an entire year's worth of California's electricity according to a November 30, 2018 press release from the U.S Department of the Interior.

CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

Attachments:

1: Resolution

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

## Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley

WHEREAS, wildfires have grown larger and increased in intensity over the last several decades due to climate change and increased density in the wildland/urban interface (WUI), and

WHEREAS, areas of the City of Berkeley are designated by CAL FIRE as having the highest rating of "very high severity" risk to wildfire, and

WHEREAS, on March 22, 2019, Governor Newsom declared a state of emergency in of California with regard to wildfire risk, and

WHEREAS, since 1922, more than a dozen major wildfires have impacted the Berkeley hills, resulting in extensive damage, economic harm and loss of life. The 1991 Oakland/Berkeley firestorm, considered the third most deadly fire in California, burned over 1,500 acres, caused the deaths of 25 people and injured over 150 people, and

WHEREAS, wildfires in this decade are larger, faster and more destructive than in 1991, potentially causing greater risk to not only the Berkeley Hills but to neighborhoods between the hills and the Bay, as evidenced by the total destruction of Coffey Park in the 2017 Tubbs Fire, and

WHEREAS, Berkeley is also at extreme risk for a devastating earthquake on the Hayward Fault, which cuts right through Berkeley's high fire severity zone; when fire ensues it will cause even further destruction to life, property and further challenge the City's resiliency, and

WHEREAS, when a wildfire destroys a neighborhood, the short and long-term economic impact multiplies exponentially. The 1991 Berkeley/Oakland Tunnel Fire resulted in the loss of 2,900 structures and 25 lives. The 1923 North Berkeley fire destroyed about 600 homes and burned all the way to the corner of Hearst and Shattuck, before the winds shifted.

WHEREAS, major disasters such as the 2017 Tubbs Fire and the 2018 Camp Fire severely strain the limited housing stock in a community when survivors are forced to replace housing destroyed in the wildfire. Berkeley already has an affordable housing crisis, and nearby communities would be hard pressed to accommodate thousands of residents displaced by a wildfire or other major disaster, and

WHEREAS, a wildfire in the Berkeley hills threatens the entire City of Berkeley, both hill areas and flat areas and impacts air quality, loss of housing, injury as well as the tragic loss of life.

NOW, THEREFORE, BE IT RESOLVED, that the City Council pass this resolution making wildfire prevention and safety a stated top priority for the City of Berkeley.

BE IT FURTHER RESOLVED, that wildfire prevention and safety be addressed as the highest priority in the next updates to the City's General Plan, Climate Action Plan, Local Hazard Mitigation Plan, Resiliency Strategy, 2050 Vision and any other plans where it may be appropriate; and be reflected in city policies and allocation of resources.



CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
From: Councilmember Rigel Robinson & Mayor Jesse Arreguin  
Subject: Referral: Telegraph Shared Streets

### RECOMMENDATION

Refer to the City Manager to develop and return to Council with a plan to implement the shared streets proposal outlined in the Telegraph Public Realm Plan, including identification of potential regional funding sources for the project.

### BACKGROUND

The Telegraph Public Realm Plan (TPRP), approved by the Council in 2016 after extensive input from community members such as vendors, merchants, property owners, and representatives from UC Berkeley and AC Transit, establishes a vision and provides guidance for a shared street on the first four blocks of Telegraph Avenue.

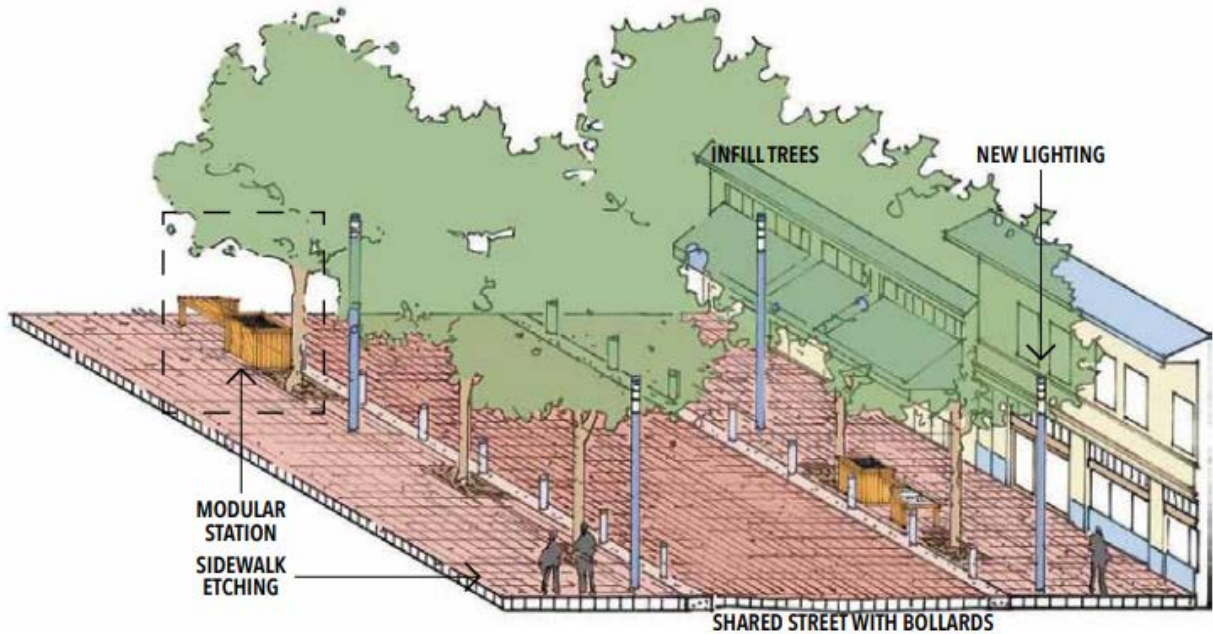
Telegraph Avenue serves as a hub for shopping, dining, music, and nightlife, attracting everyone from students to long-time residents to tourists. Yet, the poor condition of its sidewalks and other public realm elements show that infrastructure improvements have not kept pace. The streetscape has not seen a comprehensive overhaul since the 1970s, demonstrating the need for renewed investment in the area.

The concept of shared streets dates back to before the twentieth century, prior to the invention of modern cars. Most streets were shared between bicycles, carriages, and pedestrians, with minimal delineation between areas for separate transportation modes. As cars became the primary mode of transportation for the majority of Americans, street design standards shifted to prioritize drivers at the expense of bicyclists and pedestrians. Starting in the 1960s, the livable streets movement began to grow as a pushback to auto-centric design. While shared streets are more ubiquitous in European countries, similar projects are becoming more common in the United States. Perhaps most famously, New York City's Times Square was recently transitioned to a pedestrian plaza.<sup>1</sup>

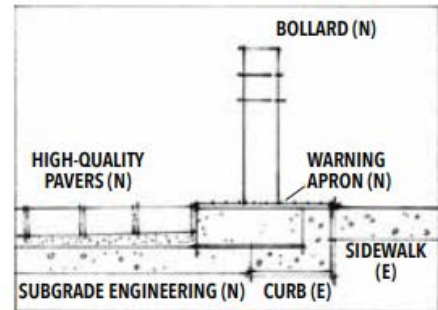
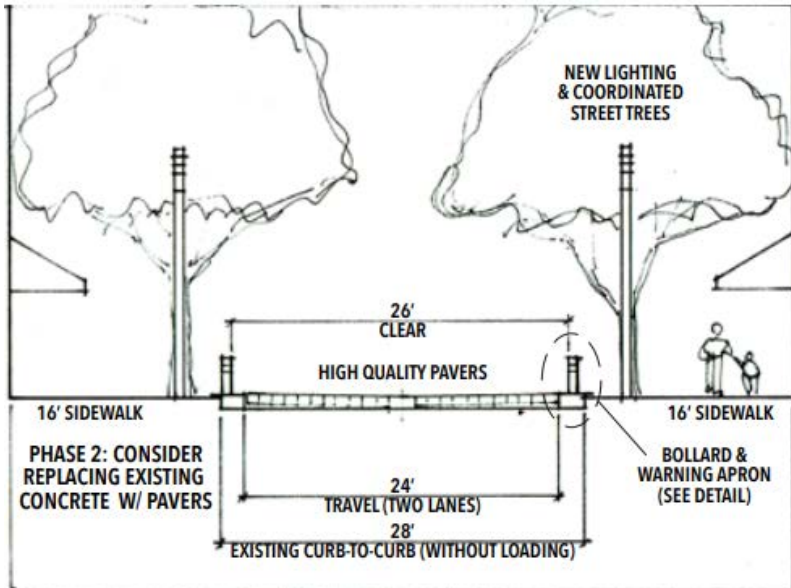
As proposed in the TPRP, the stretch of Telegraph Avenue between Dwight and Bancroft is an ideal location for a shared street because of its high foot traffic. Telegraph serves as both one of the main entrances to the UC Berkeley campus and a major commercial hub, complete with restaurants, retailers, and more. In a May 2016 study, UC Berkeley found that only 6 percent of students drive to school, while 77 percent walk

<sup>1</sup> <https://ny.curbed.com/2017/4/19/15358234/times-square-snohetta-before-after-photos>

and 17 percent bike or use public transit.<sup>2</sup> Merchants on Telegraph would also benefit from a shared street layout, which encourages foot traffic and emphasizes interactions with local businesses and street vendors over through traffic.



*Ultimate Condition.* TRPR proposes a plaza-like shared street and new lighting as a final phase. Sidewalk etching may remain or, if necessary, sidewalks can be replaced.



*Shared Street Cross Section.* Shared streets will be accompanied by bollards to delimit vehicles and tactile warning strips so visually-impaired persons can distinguish where motor vehicles may be present. In phase 2, the existing sidewalk concrete can be replaced with pavers.

<sup>2</sup> [https://opa.berkeley.edu/sites/default/files/where\\_berkeley\\_students\\_live\\_0.pdf](https://opa.berkeley.edu/sites/default/files/where_berkeley_students_live_0.pdf)



This shared streets initiative is deeply similar to what the City of Seattle implemented with its Bell Street Park project in 2014. The City of Seattle's Department of Parks and Recreation and Department of Transportation converted Bell Street, one of the busiest avenues in the city, into a shared street, with similar aesthetic and pedestrian-focused changes to those proposed in the TPRP. In order to further incentivize public transit usage, the City does not allow cars to travel more than one block on Bell Street, while buses can travel straight through unhindered.<sup>3</sup>



Bell Street, during and shortly after construction.

Additionally, the City of Los Angeles' Great Streets initiative has adopted multiple aspects of shared streets into its renovations of major thoroughfares, seeing both fiscal and popular success. One of the most prominent examples of this has been the Venice Boulevard Great Streets project. In 2016, the city refurbished a 0.8 mile stretch of Venice in Mar Vista with bollard-protected bike lanes, restored and decorated sidewalks, commissioned murals, and parklets on the sidewalks and in medians.

In the first year of the Venice Boulevard Great Street, business and popular opinion have improved, with minimal impact on traffic. Economic activity increased by \$3.3 million and transactions in which customers spent ten dollars or more jumped from 50

<sup>3</sup> <https://nacto.org/case-study/bell-street-park-seattle/>

percent to 70 percent.<sup>4</sup> A 2018 survey of the community showed an uptick in public opinion of the neighborhood after the renovation, as the following statistics--which refer to the number of respondents answering “strongly agree” to the statements given--illustrate:

- “The neighborhood is safe” increased from 10% to 46%
- “The neighborhood is active and lively” increased from 6% to 45%
- “The neighborhood is clean and well-maintained” increased from 7% to 35%.<sup>5</sup>

Additionally, the busiest intersection in the Great Streets stretch, Venice Boulevard and Centinela Avenue, saw a 75 percent reduction in collisions since the project’s completion.<sup>6</sup>

Converting Telegraph Avenue into a shared street would make the corridor more appealing to consumers and safer for pedestrians. This vision has similarities to other successful projects, such as the Bell Street Park shared street and the Venice Boulevard Great Street. These case studies highlight additional benefits of a shared street, such as improvements in public opinion and increases in economic activity. The City of Berkeley should move forward with the recommendations made in the TPRP and begin securing the funding needed to put this plan into action by assessing potential regional grant opportunities and partnerships with relevant entities such as UC Berkeley.

#### FINANCIAL IMPLICATIONS

\$5,787,150 for all four blocks according to the 2016 Telegraph Public Realm Plan, with adjustments for inflation and rising construction costs. The City should explore all funding options, including and especially regional grant opportunities.

#### ENVIRONMENTAL SUSTAINABILITY

The Telegraph Public Realm Plan shared streets proposal aligns with the City of Berkeley Climate Action Plan to reduce emissions and make “sustainable mobility modes...the primary means of transportation for Berkeley residents and visitors.”<sup>7</sup> In prioritizing pedestrians, bicyclists, and public transit, this initiative directly works towards these goals.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Liam Howell, Intern

#### Attachments:

1: Telegraph Public Realm Plan: <https://www.berkeleyside.com/wp-content/uploads/2016/09/Telegraph-Public-Realm-Plan-Final-Low-Res.pdf>

<sup>4</sup>[https://static1.squarespace.com/static/595fd8fa5016e119d794e4b1/t/5c1c0c3fcd836656561d106f/1545342048197/VeniceBlvd\\_1-Year\\_Report\\_FINAL\\_.pdf](https://static1.squarespace.com/static/595fd8fa5016e119d794e4b1/t/5c1c0c3fcd836656561d106f/1545342048197/VeniceBlvd_1-Year_Report_FINAL_.pdf)

<sup>5</sup> ibid

<sup>6</sup> ibid

<sup>7</sup> <https://www.cityofberkeley.info/climate/>



Lori Droste  
Councilmember District 8

Consent Calendar  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Mayor Jesse Arreguin, Councilmembers Lori Droste,  
 Rashi Kesarwani, Rigel Robinson  
 Subject: Adopt Resolution to Support Seamless Transit Principles

**Recommendation**

Adopt a Resolution to support seamless transit principles in order to pursue an integrated reliable regional transit system connecting the Bay Area.

**Financial Implications**

Staff time

**Background**

By adopting the seamless transit principles, the City of Berkeley can join prioritize creating an integrated reliable regional transit system connecting the Bay Area.

The Seamless Transit Principles are a set of seven guiding principles developed to guide local, regional, and state decision-makers to pursue a seamlessly integrated, world-class transit system that works for people. They are:

1. Run all Bay Area transit as one easy-to-use system
2. Put riders first
3. Make public transit equitable and accessible to all
4. Align transit prices to be simple, fair, and affordable
5. Connect effortlessly with other sustainable transportation
6. Plan communities and transportation together
7. Prioritize reforms to create a seamless network

They were compiled by Seamless Bay Area , a non-profit 501(c)3 group that advocates for a unified, world class public transit system, with the input of cities and transit advocacy groups, including SPUR, SFTR, Friends of Caltrain, TransForm.

**Purpose of Seamless Transit Principles**

- Build broad support among cities, transit agencies, employers, advocacy groups, mayors, local

elected officials to the vision of seamless transportation.

- Build public awareness and public support for reforms that promote greater regional transit integration; overcome resistance to change within transit agencies.
- Support a strong and robust MTC Business Case Analysis of Fare Integration.
- Support provisions for seamlessly integrated transit to be included in future regional funding measure or other future legislation addressing transit governance or funding.

**Environmental Sustainability**

Supporting public transit improvements can encourage fewer people to drive, thus lowering greenhouse gas emissions from cars.

**Contact Person**

Councilmember Lori Droste 510-981-7180

**Attachment**

- A. Draft Resolution
- B. Seamless Transit Principles

**Attachment A: Draft Resolution**

WHEREAS The San Francisco Bay Area, despite being an exceptional place to live, faces an uncertain future due to several interrelated crises -- decreasing housing affordability, increasing

congestion, rising pollution, and widening inequality -- which are exacerbated by an inadequate and poorly-performing public transportation system;

WHEREAS, Despite billions of dollars of investments in new transportation infrastructure over the past five decades, public transit in the Bay Area has failed to attract large numbers of new riders, and has never been used by more than 12% of the population for commute trips since 1970; by contrast automobiles have always been used for over 75% of commute trips;

WHEREAS The quality of and usage of public transit in the Bay Area has declined in recent years, with transit trips per capita declining by 10%, average bus speeds declining by 9%, and transit commute times increasing by 11% between 2001 and 2016;

WHEREAS The California Air Resources Board reported in 2018 that no California regions, including the Bay Area, are on track to meet their greenhouse gas reduction targets, with increasing Vehicle Miles Travelled (VMT) and declines in transit ridership cited as a primary factors<sup>1</sup>;

WHEREAS Using public transit in the Bay Area is inconvenient and costly for many types of trips, requiring riders to: use multiple transit systems operated independently with little coordination; pay multiple separate fares; experience unpredictable transfers; and navigate different wayfinding systems and brand identities;

WHEREAS Low income people, many of whom have experienced displacement and have long commutes requiring multiple transit services, are among the most adversely affected the Bay Area's poorly integrated public transportation system, experiencing a significant financial burden from needing to pay multiple separate transit fares or being forced into costly vehicle ownership;

WHEREAS Regions with high-ridership public transportation systems are, by contrast, characterized by highly integrated networks of quality local and regional transit services that make traveling without a private automobile convenient and easy for all types of trips, featuring aligned routes and schedules, coordinated transfers, high quality transit hubs, common branding and customer information, and other common regional customer experience standards.

WHEREAS Regions that have successfully integrated and simplified transit fares have experienced many broad social benefits, including a shift in travel from private cars to public transit, an increase in overall public transit usage, and expanded mobility options and cost savings for riders.

Resolution

(1) NOW, THEREFORE, BE IT RESOLVED

The City of Berkeley affirms commitment to working collaboratively with State agencies, MTC, municipalities and other public agencies develop a highly integrated regional transportation system that provides convenient, seamless, and affordable transit for customers.

The Berkeley City Council supports the Seamless Transit Principles listed in Attachment (B), and agrees for the City of Berkeley to be publicly listed as a supporter.

The City of Berkeley supports MTC and Transit Agencies working together to undertake a Business Case Analysis of Fare Integration. The business case should include exploration of options for implementation, governance, and additional funding sources that may be needed for implementation.

### **Attachment B: Seamless Transit Principles**

The Seamless Transit Principles Draft viewable at:  
[www.seamlessbayarea.org/seamless-transit-principles](http://www.seamlessbayarea.org/seamless-transit-principles)

1) Run all Bay Area transit as one easy-to-use system

Public transit should work as one seamless, connected, and convenient network across the San Francisco Bay Area and beyond. Getting around on transit should be as fast and easy as driving a car. Coordinated bus, rail, and ferry routes and schedules should encourage effortless transfers. Consistent and clear customer information, branding, and maps should make using transit simple and dignified.

2) Put riders first

Riders should feel comfortable when using transit and be treated like valued customers. Public transit agencies must do more to listen to riders and continuously improve service. They must be prioritize riders' needs above all else, and overcome all operational, political and bureaucratic barriers to provide an excellent and seamless customer experience.

3) Make public transit equitable and accessible to all

People of all income levels, ages, abilities, genders, and backgrounds should have access to world-class public transit. People who are the most reliant on transit are best served by a universal, inclusive, regionally integrated, connected system that is used by all. People with limited means to pay for transit should be provided with discounts.

4) Align transit prices and passes to be simple, fair, and affordable

Transit should provide good value for money. Fares across the region's 27 public transit agencies must be aligned into a consistent, fair, and affordable system that encourages using transit for all types of trips and doesn't punish riders for transferring. Cost-effective monthly passes should work across the Bay Area and should be widely available to individuals, employers, and schools.

5) Connect effortlessly with other sustainable transportation

A person's journey does not end when they get off a bus or exit a station. Excellent pedestrian, bicycle, and other pollution-free transportation options should seamlessly connect public transit to communities and destinations, supporting door-to-door trips that don't require a car.

6) Plan communities and transportation together

High quality public transit should be at the heart of communities across the Bay Area. Transportation should be closely aligned with our region's land use, promoting a connected network of transit-oriented, walkable communities that expands access to affordable housing and job opportunities, and reduces car travel and greenhouse gas emissions.

7) Prioritize reforms to create a seamless network

A regionally integrated, world-class transit system won't happen on its own -- it will take leadership, unprecedented levels of cooperation, and changes to existing local, regional, and state policies. The cities, counties, public transit agencies, regional authorities, business leaders, advocacy groups and elected representatives of the San Francisco Bay Area and

Northern California megaregion must prioritize the broad public interest and urgently work together collaboratively to advance critical reforms. Our future depends on it!





Homeless Commission

## INFORMATION CALENDAR

October 15, 2019

To: Honorable Mayor and Members of the City Council  
 From: Homeless Commission  
 Submitted by: Carole Marasovic, Chair, Homeless Commission  
 Subject: Adoption of Homeless Commission's Fiscal Year 2020 Workplan

### INTRODUCTION

Each year, the City of Berkeley's Commissions are expected to submit an annual workplan to Council. The Homeless Commission adopted its Fiscal Year 2020 Workplan (Attachment 1) at its regular meeting on July 10, 2019.

### CURRENT SITUATION AND ITS EFFECTS

In 2016, Council adopted direction to Commissions to submit a work plan annually. This report advises Council of the Homeless Commission's recent adoption of a Fiscal Year 2020 workplan, included as Attachment 1 to this report.

### BACKGROUND

At its regular meeting on July 10, 2019, the Homeless Commission adopted its Fiscal Year 2020 Workplan with the following action:

**Action:** M/S/C Mulligan/ Hirpara to approve the FY 2020 Homeless Commission Work Plan as written.

**Vote:** Ayes: Hill, Mulligan, Marasovic, Hirpara, Kealoha-Blake.

**Noes:** None. **Abstain:** None. **Absent:** Behm-Steinberg.

### ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the subject of this report.

### POSSIBLE FUTURE ACTION

None.

### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

None.

CONTACT PERSON

Brittany Carnegie, Community Services Specialist II, (510) 981-5415.

Attachments:

1. Homeless Commission Fiscal Year 2020 Workplan.

**FY20 WORK PLAN & TIMELINE to GUIDE the HOMELESS COMMISSION**Approved by the Commission on: 7/10/2019

Activity	Responsible Contact	June 2019	July 2019	Aug 2019	Sept 2019	Oct. 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020
Regular Meetings.	Commission	12	10		11	9	13		8	12	11	8	13	10
1. Adopt Final Work Plan for FY20.	Chair; Full Commission		x											
2. Continue to discuss implementation of, and make possible recommendations on, 1000 Person Plan.	Full Commission		x		x	x	x		x	x	x	x	x	x
3. Coordinate with other relevant commissions as needed and requested including Measure P panel.	Full Commission		x		x	x	x		x	x	x	x	x	x
4. Discussion/make recommendations on affordable housing as related to persons who are homeless.	Full Commission		x		x	x	x		x	x	x	x	x	x
5. Discussion/monitoring of sanitation facilities and trash pick-up for encampments.	Subcommittee; Full Commission		x		x	x	x		x					
6. Discussion/possible recommendations on 2019 Berkeley-specific Homeless Count.	Full Commission				x	x								
7. Continued input to Council on inclusionary housing and expanding other housing options for the homeless.	Full Commission		x		x	x	x		x	x	x	x	x	x
8. Continued input to Council on identifying locations for RV dwellers.	Full Commission		x		x	x	x		x	x	x	x	x	x
9. Respond to Council referral on homeless youth policy.	Subcommittee; Full Commission		x		x	x	x							
10. Respond to Council referral on encampment models.	Subcommittee; Full Commission		x		x	x	x							

**FY20 WORK PLAN & TIMELINE to GUIDE the HOMELESS COMMISSION**

Approved by the Commission on: 7/10/2019

11. Discussion/possible recommendations on employment strategies for the homeless.	Full Commission		x		x	x	x							
12. Discussion/make recommendations on implementation of City ordinances/policies impacting on homeless persons.	Full Commission		x		x	x	x		x	x	x	x	x	x

Upcoming Worksessions – <i>start time is 6:00 p.m. unless otherwise noted</i>	
Scheduled Dates	
Oct. 22	<ol style="list-style-type: none"> <li>1. Berkeley's 2020 Vision Update</li> <li>2. Census 2020 Update</li> <li>3. Short Term Rentals</li> </ol>
Nov. 5	<ol style="list-style-type: none"> <li>1. Transfer Station Feasibility Study</li> <li>2. Vision Zero Action Plan</li> <li>3. Update: goBerkeley (RPP)</li> </ol>
Jan. 14	<ol style="list-style-type: none"> <li>1. Civic Center Visioning</li> <li>2. Housing Financial Feasibility Study</li> <li>3. Systems Realignment</li> </ol>
Feb. 4	<ol style="list-style-type: none"> <li>1. Discussion of Community Poll (Ballot Measures)</li> <li>2. Adeline Corridor Plan</li> </ol>
March 17	<ol style="list-style-type: none"> <li>1. Zoning Ordinance Revision Project</li> <li>2. CIP Update (PRW and Public Works)</li> <li>3. Measure T1 Update</li> </ol>
May 5	<ol style="list-style-type: none"> <li>1. Budget Update</li> <li>2. Crime Report</li> </ol>
June 23	<ol style="list-style-type: none"> <li>1. Climate Action Plan/Resiliency Update</li> <li>2. Digital Strategic Plan/ERMA/Website Update</li> </ol>
July 21	<ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> </ol>

#### Unscheduled Workshops

1. Cannabis Health Considerations

#### Unscheduled Presentations (City Manager)

1. BMASP/Berkeley Pier-WETA Ferry (November 2020)

	<b>City Council Referrals to the Agenda Committee and Unfinished Business for Scheduling</b>
1.	<p><b>61a. Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley</b> (<i>Referred from the July 24, 2018 agenda</i>)  <b>From: Housing Advisory Commission</b>  <b>Recommendation:</b> That the City Council not use U1 funds to backfill the Workers' Compensation Fund for the acquisition of the properties located at 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street, City of Berkeley.  <b>Financial Implications:</b> See report  Contact: Amy Davidson, Commission Secretary, 981-5400</p> <p><b>61b. Companion Report: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley</b> (<i>Referred from the July 24, 2018 agenda</i>)  <b>From: City Manager</b>  <b>Recommendation:</b> Accept staff's recommendation to use \$4,730,815 of Measure U1 revenue over a 5 year period (\$946,163 annually) to repay the Workers' Compensation Fund for the acquisition of the properties located at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley.  <b>Financial Implications:</b> See report  Contact: Dee Williams-Ridley, City Manager, 981-7000</p>
2.	<p><b>68. Revisions to Ordinance No. 7,521--N.S. in the Berkeley Municipal Code to increase compliance with the city's short-term rental ordinance</b> (<i>Referred from the July 24, 2018 agenda. Agenda Committee to revisit in April 2019.</i>) <b>March 18, 2019 Action:</b> <i>Item to be agendized at future Agenda and Rules Committee Meeting pending scheduling confirmation from City Manager.</i>  <b>From: Councilmember Worthington</b>  <b>Recommendation:</b> Refer the City Manager to look into adopting revisions to Ordinance No. 7,521--N.S by modeling after the Home-Sharing Ordinance of the City of Santa Monica and the Residential Unit Conversion Ordinance of the City of San Francisco in order to increase compliance with city regulations on short-term rentals of unlicensed properties.  <b>Financial Implications:</b> Minimal  Contact: Kriss Worthington, Councilmember, District 7, 981-7170</p>
3.	<p><b>4. Disposition of City-Owned, Former Redevelopment Agency Properties at 1631 Fifth Street and 1654 Fifth Street</b> (<i>Referred from the September 25, 2018 agenda</i>)  <b>From: City Manager</b>  <b>Recommendation:</b>  1. Adopt first reading of an Ordinance authorizing the sale of two City-owned, former Redevelopment Agency properties at 1631 Fifth Street and 1654 Fifth Street at market rate and deposit the proceeds in the City's Housing Trust Fund (HTF).  2. Direct the City Manager to issue a Request for Proposals to select a real estate broker to manage the sale.  <b>Financial Implications:</b> See report  Contact: Kelly Wallace, Housing and Community Services, 981-5400  <b>Note:</b> <i>At the June 11, 2019 meeting, Council approved a recommendation directing the City Manager to issue a Request for Proposals to select a qualified organization to purchase the single family home at 1654 Fifth Street to operate as housing for the homeless.</i></p>

4. **17. Short-term referral to City Manager and budget referral for creation of a “vehicle dweller program” in Berkeley** *(Referred from the April 2, 2019 agenda.)*

**From: Councilmember Davila**

**Recommendation:** Create a comprehensive program to support those living in their vehicles, including but not limited to RVs, to stay in Berkeley without fear of being criminalized, harassed, displaced, fined or having their vehicles confiscated, and with the support needed to have minimal impact on the neighborhoods in which they reside. The program could include: -Issuing 3-6 month permits for vehicles in running order with an option to renew if no validated complaints have been filed. -Creating a registration process that identifies any additional support needed. -Specifying a consistent, clear and transparent process for investigating complaints to determine validity and issuing warnings. -Distributing permits equally across all parking permit districts and identifying any restrictions on parking (i.e. near schools given bus access, etc.). -Creating an affordable sliding scale permit structure based on size of vehicle, weight, number of wheels, etc. -Providing pump-out services, waste disposal and social services as needed. -Creating a pump-out station for use by RVs within the City of Berkeley. -Creating a program for up to \$3,000 per a vehicle for mechanical and sanitation repairs as well as registration and offering a grace period to get vehicles into compliance for a permit. -Piloting a Safe Parking program modeled after Oakland’s pilot: 4-8 sites with 6-10 vehicles parked at business, school, community or faith-based site parking lots, including support and sanitation services.

Vehicles with permits are exempt from Berkeley Municipal Code (BMC) Chapter 12.76 and BMC Section 14.40.120.


**Financial Implications:** See report

Contact: Cheryl Davila, Councilmember, District 2, 981-7120

CITY CLERK DEPARTMENT				
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL				
Address	Board/ Commission	Appeal Period Ends	Determination on Appeal Submitted	Public Hearing
<b>NOD – Notices of Decision</b>				
2873 Sacramento Street (single family dwelling)	ZAB	10/7/2019		
<b>Public Hearings Scheduled</b>				
0 Euclid Ave - Berryman Reservoir (denial of 4G telecom facility)	ZAB			10/29/2019
2701 Shattuck Ave (construct mixed-use building) (Remanded)	ZAB			11/12/2019
<b>Remanded to ZAB or LPC</b>				
1155-73 Hearst Ave (develop two parcels) 90-Day Deadline: May 19, 2019	ZAB			
<b>Notes</b>				

Last Updated: 9/25/19





No Material  
Available for  
this Item

There is no material for this item.

**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900



**This version incorporates the edits and changes made through the meeting of Sept. 16, 2019.**

# The Berkeley City Council Rules of Procedure and Order

Adopted by Resolution No. ~~##,###~~-N.S.  
Effective ~~October 29, 2019~~

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## I. DUTIES

### A. Duties of Mayor

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. [In the Mayor's absence, the Vice President of the Council \(hereafter referred to as the Vice-Mayor\) shall preside.](#)

Commented [NML1]: Standard current practice per City Charter

### B. Duties of Councilmembers

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

### C. Motions to be Stated by Chair

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

### D. Decorum by Councilmembers

While the Council is in session, the City Council will practice civility and decorum in their discussions and debate. Councilmembers will value each other's time and will preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, use personal, impertinent or slanderous remarks, nor disturb any other member while that member is speaking or refuse to obey the orders of the presiding officer or the Council, except as otherwise provided herein.

All Councilmembers have the opportunity to speak and agree to disagree but no Councilmember shall speak twice on any given subject unless all other Councilmembers have been given the opportunity to speak. [The Presiding Officer may set limits on the speaking time allotted to Councilmembers during Council discussion.](#)

Commented [NML2]: Edit from July 15, 2019 Agenda & Rules Committee meeting

The presiding officer has the affirmative duty to maintain order. The City Council will honor the role of the presiding officer in maintaining order. If a Councilmember believes the presiding officer is not maintaining order, the Councilmember may move that the Vice-Mayor, or another Councilmember if the Vice-Mayor is acting as the presiding officer at the time, enforce the rules of decorum and otherwise maintain order. If that motion receives a second and is approved by a majority of the Council, the Vice-Mayor, or other designated Councilmember, shall enforce the rules of decorum and maintain order.

### E. Voting Disqualification

No member of the Council who is disqualified shall vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be

decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote. A member who is disqualified by conflict of interest in any matter shall not remain in the Chamber during the debate and vote on such matter, but shall request and be given the presiding officer's permission to ~~absent~~ ~~recuse~~ themselves. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

Commented [NML3]: Correct terminology

**F. Requests for Technical Assistance and/or Reports**

A majority vote of the Council shall be required to direct staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service generated by an individual council member.

**G. ~~City Council Policy for Naming and Renaming Public Facilities~~**

~~The City Council Policy for Naming and Renaming Public Facilities adopted on January 31, 2012, and all its successors, is incorporated by reference into the City Council Rules of Procedure and included as Appendix A to this document.~~

Commented [NML4]: Edit from July 15, 2019 Agenda & Rules Committee meeting  
Language is unnecessary here

## II. MEETINGS

### A. Call to Order - Presiding Officer

The Mayor, or in the Mayor's absence, the Vice Mayor, shall take the chair precisely at the hour appointed by the meeting and shall immediately call the Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair. ~~at the conclusion of the business presently before the Council.~~ In the absence of the two officers specified in this section, the ~~Councilmember~~~~council member~~ present with the longest period of Council service shall preside.

Commented [NML5]: Edit from July 15, 2019 Agenda & Rules Committee meeting

Mayor resume chair upon resuming place on dais

Commented [NML6]: Amended to standardize use throughout the document

### B. Roll Call

Before the Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.

### C. Quorum Call

During the course of the meeting, should the Chair note a Council quorum is lacking, the Chair shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the meeting shall be deemed automatically adjourned.

### D. Council Meeting ~~Schedule~~Conduct of Business

~~The City Council shall hold a minimum of twenty four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.~~

Commented [NML7]: Moved to more appropriate location below

~~Regular meetings of the City Council shall be held generally two to three Tuesdays of each month; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.~~

~~Regular City Council meetings shall begin no later than 6:00 p.m.~~

The agenda for the regular business meetings shall include the following: Ceremonial ~~Items (including comments from the City Auditor if requested);~~ Comments from the City Manager; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, Old Business, New Business); Information Reports; and Communication from the Public. Presentations and workshops may be included as part of the Action Calendar. ~~Items removed from the Consent Calendar will be moved to the Action Calendar.~~ The Chair will determine the order in which the item(s) will be heard with the consent of Council.

Commented [NML8]: Edit from July 15, 2019 Agenda & Rules Committee meeting

Commented [NML9]: Items removed from Consent may have many other actions taken and listing this single action is misleading.

Upon request by ~~the Mayor or~~ any ~~Councilmember~~~~council member~~, any item may be moved from the Consent Calendar or Information Calendar to the Action Calendar. Unless there is an objection by ~~the Mayor or~~ any ~~Councilmember~~~~council member~~, ~~at the~~ ~~Council~~~~council member~~ may also move an item from the Action Calendar to the Consent Calendar.

Commented [NML10]: Amended for clarity throughout document

Commented [NML11]: Edit from July 15, 2019 Agenda & Rules Committee meeting – changed "a Councilmember" to "the Council"

A public hearing that is not expected to be lengthy may be placed on the agenda for a regular business meeting. When a public hearing is expected to be contentious



and lengthy and/or the Council's regular meeting schedule is heavily booked, the ~~Agenda Committee~~Agenda & Rules Committee, in conjunction with the staff, will schedule a special meeting exclusively for the public hearing. No other matters shall be placed on the agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

Commented [NML12]: Amended to standardize use throughout the document

Except at meetings at which the budget is to be adopted, no public hearing may commence later than 10:00 p.m. unless there is a legal necessity to hold the hearing or make a decision at that meeting or the City Council determines by a two-thirds vote that there is a fiscal necessity to hold the hearing.

**E. Adjournment**

1. No Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific agenda items to be covered and shall specify in which order these items shall be handled.
2. Any items not completed at a regularly scheduled Council meeting may be continued to an Adjourned Regular Meeting by a two-thirds majority vote of the Council.

**F. Unfinished Business**

Any items not completed by formal action of the Council, and any items not postponed to a date certain, shall be considered Unfinished Business. All Unfinished Business shall be referred to the ~~Agenda Committee~~Agenda & Rules Committee for scheduling for a Council meeting that occurs within 60 days from the date the item last appeared on a Council agenda. The 60 day period is tolled during a Council recess.

**G. City Council Schedule and Recess Periods**

~~Pursuant to the Open Government Ordinance, the City Council shall hold a minimum of twenty-four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.~~

~~Regular meetings of the City Council shall be held generally two to three Tuesdays of each month; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.~~

~~Regular City Council meetings shall begin no later than 6:00 p.m.~~

Commented [NML13]: Proposed addition regarding starting early for ceremonial items was removed at the July 15, 2019 Agenda & Rules Committee meeting

A recess period is defined as a period of time longer than 21 days without a regular ~~or special~~ meeting of the Council.

Commented [NML14]: Special meetings are as needed and are not factored in to the annual schedule that is adopted, which includes the recess periods.

When a recess period occurs, the City Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the City Council during the period of recess except for those duties specifically reserved to the Council by the Charter, and including such emergency actions as are necessary for the immediate preservation of the public peace, health or safety; the authority to

## II. MEETINGS

extend throughout the period of time established by the City Council for the period of recess.

The City Manager shall have the aforementioned authority beginning the day after the ~~Agenda Committee~~ Agenda & Rules Committee meeting for the last regular meeting before a Council recess and this authority shall extend ~~through-up to the deadline for submission of staff reports for date of the first~~ through-up to the date of the first ~~Agenda & Rules Committee~~ Agenda & Rules Committee meeting ~~for the first regular meeting~~ after the Council recess.

Commented [NML15]: The existing definition left a significant gap that did not allow City Manager action on administratively urgent items

Commented [NML16]: Edit from July 15, 2019 Agenda & Rules Committee meeting

The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

### H. Pledge of Allegiance to the Flag

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the ~~program~~ Ceremonial Calendar will be the Pledge of Allegiance.

### I. Ad Hoc Subcommittees

From time to time the Council or the Mayor may appoint several of its members but fewer than the existing quorum of the present body to serve as an ad hoc subcommittee. Only Council ~~members~~ may ~~become~~ be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from ~~the~~ residents, related commissions, and other groups. Ad Hoc Subcommittees must be reviewed annually by the Council to determine if the subcommittee is to continue.

Upon creation of an ad hoc subcommittee, the Council shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the Council.
2. A target date must be established for a report back to the Council.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extension by the Council.

Subcommittees shall conduct their meetings in ~~public and in accessible~~ locations that are open to the public and meet accessibility requirements under the Americans with Disabilities Act. Meetings may be held at privately owned facilities provided that the location is open to all that wish to attend and that there is no requirement for purchase to attend. Agendas for subcommittee meetings must be posted in the same manner as the agendas for regular Council meetings except that subcommittee agendas may be posted with 24-hour notice. The public will be permitted to comment on agenda items but public comments may be limited to one minute if deemed necessary by the Committee Chair. Agendas and minutes of the meetings must be maintained and made available upon request.

Commented [NML17]: Edit from July 15, 2019 Agenda & Rules Committee meeting

## II. MEETINGS

~~City staff may attend and participate in subcommittee meetings. Depending on the desires of the subcommittee members, City staff may participate the same as members of the public, or may be called upon to offer insights or provide information during discussion.~~

~~Ad hoc~~ subcommittees will be staffed by City Council legislative staff. As part of the ad hoc subcommittee process, City staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item(s) under consideration. Staff analysis at ad hoc subcommittees is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

Subcommittees must be comprised of at least two members. If only two members are appointed, then both must be present in order for the subcommittee meeting to be held. In other words, the quorum for a two-member subcommittee is always two.

~~Certain requirements listed above may not apply to a~~ Ad hoc subcommittees ~~may seeking legal advice and assistance from the City Attorney or meeting with the City Manager or his/her designees for purposes of real estate or labor negotiations.~~ convene a closed session meeting pursuant to the conditions and regulations imposed by the Brown Act.

Commented [NML18]: Staff proposed language based on discussion at July 15, 2019 Agenda & Rules Committee meeting. This language mirrors the language used for Policy Committees Charter III, Section G

Commented [NML19]: Staff proposed language based on discussion at July 15, 2019 Agenda & Rules Committee meeting.

### III. AGENDA

#### A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the agenda of the meeting and posted in accordance with Section III.D.2. Exceptions to this rule are limited to circumstances listed in Section III.D.4.b and items ~~carried over~~ continued from a previous meeting and published on a revised agenda.

Commented [NML20]: Additional clarification

#### B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by the Mayor or any Councilmember~~council member~~, the City Manager, the Auditor, or any board/commission/committee created by the City Council, or any Report For Information which may be acted upon if the Mayor or a Councilmember~~council member~~ so requests. For purposes of this section, appeals shall be considered action items. All information from the City Manager concerning any item to be acted upon by the Council shall be submitted as a report on the agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney client communication concerning a litigation matter.

Council agenda items are limited to a maximum of three Co-Sponsors (in addition to the Primary Author). Co-Sponsors to Council reports may only be added in the following manner:

Commented [NML21]: Must have certainty at the time of submission and throughout the process to properly monitor participation in policy committee meetings per the Brown Act. New language for designation of co-sponsors from the July 15, 2019 Agenda & Rules Committee meeting – removed limitation on when co-sponsors could be added and changed it to limit the addition of co-sponsors to discretion of the primary author.

- In the original item as submitted by the Primary Author
- In a revised item submitted by the Primary Author at the Agenda & Rules Committee
- By verbal request of the Primary Author at the Agenda & Rules Committee
- In a revised item submitted by the Primary Author in Supplemental Reports and Communications Packet #1 or #2
- By verbal or written request of the Mayor or any Councilmember at the Policy Committee meeting or meeting of the full council at which the item is considered

Agenda items shall contain all relevant documentation, including the information listed below. ~~following as applicable:~~

- a) A descriptive title that adequately informs the public of the subject matter and general nature of the item or report ~~and action requested;~~
- b) Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;

III. AGENDA

- c) Recommendation of the [City Manager report author that describes the action to be taken on the item](#), if applicable; ~~(these provisions shall not apply to Mayor and Council items.);~~
- d) Fiscal impacts of the recommendation;
- e) A description of the current situation and its effects;
- f) Background information as needed;
- g) Rationale for recommendation;
- h) Alternative actions considered;
- i) For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
- j) Person or persons to contact for further information, with telephone number.
- k) Additional information and analysis as required. It is recommended that reports include the recommended points of analysis in the Council Report Guidelines in Appendix B.
- j) ~~If the author of any report believes additional background information beyond the basic report is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.~~

Commented [NML22]: Required by the Brown Act for all agenda items.

Commented [NML23]: Outdated. We publish all materials except for the full administrative record of ZAB appeal.

2. "Primary Author" means the Mayor or Councilmember that initiated, authored, and submitted a council agenda item.

3. "Co-Sponsor" means the Mayor or other Councilmembers designated by the Primary Author to be co-sponsor of the council agenda item.

4. "Agenda" means the compilation of the descriptive titles of agenda items submitted to the City Clerk, arranged in the sequence established in Section III.E hereof.

5. "Packet" means the agenda plus all its corresponding duplicated agenda items.

6. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:

III. AGENDA

- a) A work stoppage or other activity which severely impairs public health, safety, or both;
  - b) A crippling disaster, which severely impairs public health, safety or both. Notice of the Council's proposed consideration of any such emergency matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.
7. "Continued Business" Items carried over from a prior agenda of a meeting occurring less than 11 days earlier, ~~as uncompleted items.~~
8. "Old Business" Items carried over from a prior agenda of a meeting ~~as uncompleted items occurring~~ occurring more than 11 days earlier.

Commented [NML24]: Per Open Government Ordinance

**C. Procedure for Bringing Matters Before City Council**

**1. Persons Who Can Place Matters on the Agenda.**

Matters may be placed on the agenda by ~~the Mayor or any Councilmember~~ council member, the City Manager, the Auditor, or any board/commission/committee created by the City Council. All items, other than board and commission items shall be subject to review by ~~an the Agenda Committee~~ Agenda & Rules Committee, which shall be a standing committee of the City Council. ~~The Agenda Committee shall consist of the Mayor and two councilmembers, nominated by the Mayor and approved by the Council. A third council member, nominated by the Mayor and approved by the Council, will serve as an alternate on the Committee in the event that an Agenda Committee member cannot attend a meeting.~~

Commented [NML25]: Superseded by policy committee section below

The ~~Agenda Committee~~ Agenda & Rules Committee shall meet 15 days prior to each City Council meeting and shall approve the agenda of that City Council meeting. ~~Pursuant to BMC Section 1.04.080, if the 15<sup>th</sup> day prior to the Council meeting falls on a holiday, the Committee will meet the next business day.~~ The ~~Agenda Committee~~ Agenda & Rules Committee packet, including a draft agenda and Councilmember, Auditor, and Commission reports shall be distributed by 5:00 p.m. 4 days before the ~~Agenda Committee~~ Agenda & Rules Committee meeting.

Commented [NML26]: Clarification

The ~~Agenda Committee~~ Agenda & Rules Committee shall have the powers set forth below.

- a) **Items Authored by the Mayor, a Councilmember, or the Auditor.** As to items authored by the Mayor, a Councilmember, or the Auditor, the ~~Agenda Committee~~ Agenda & Rules Committee shall review the item and may recommend that the matter be referred to a commission, to the City Manager, ~~a Policy Committee,~~ or back to the author for adherence to required form or for additional analysis as required in Section III.B.2, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

The author of a "referred" item must inform the City Clerk within 24 hours of the adjournment of the ~~Agenda Committee~~ Agenda & Rules Committee meeting whether ~~he or she~~ they prefers to: 1) hold the item for a future

meeting pending modifications as suggested by the Committee; 2) have the item appear on the Council agenda under consideration as originally submitted; 3) pull the item completely; or 4) re-submit the item with revisions as requested by the ~~Agenda Committee~~ Agenda & Rules Committee within 24 hours of the adjournment of the Agenda Committee ~~Agenda & Rules Committee meeting~~ for the Council agenda under consideration. Option 2 is not available for items eligible to be referred to a Policy Committee.

Commented [NML27]: Current practice

Commented [NML28]: Per policy committee regulations

In the event that the City Clerk does not receive guidance from the author of the referred item within 24 hours of the ~~Agenda Committee~~ Agenda & Rules Committee's adjournment, the recommendation of the ~~Agenda Committee~~ Agenda & Rules Committee will take effect.

Items held for a future meeting to allow for modifications will be placed on the next available Council meeting agenda at the time that the revised version is submitted to the City Clerk. ~~If changes made to the item extend beyond the scope of the Agenda Committee referral recommendations, the item must be re-submitted as a new Council item.~~

Commented [NML29]: Unecessary. If the item is being submitted for a future meeting, it is a "new" item.

~~For authors of referred items that select option 2) above, the referred item will automatically be placed at the end of the Action Calendar under the heading "Referred Items". The Agenda Committee shall specify the reason for the referral from the categories listed below. This reason shall be printed with the item on the agenda.~~

Commented [NML30]: No longer needed with the policy committee system.

- ~~Reason 1 — Significant Lack of Background or Supporting Information~~
- ~~Reason 2 — Significant Grammatical or Readability Issues~~

b) **Items Authored by the City Manager.** The ~~Agenda Committee~~ Agenda & Rules Committee shall review agenda descriptions of items authored by the City Manager. The Committee can recommend that the matter be referred to a commission or back to the City Manager for adherence to required form, additional analysis as required in Section III.B.2, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

If the City Manager determines that the matter should proceed notwithstanding the ~~Agenda Committee~~ Agenda & Rules Committee's action, it will be placed on the agenda as directed by the Manager. All City Manager items placed on the Council agenda against the ~~referral~~ recommendation of the ~~Agenda Committee~~ Agenda & Rules Committee ~~or revised items that have not been resubmitted to the Agenda Committee will~~ automatically be placed on the Action Calendar.

Commented [NML31]: Inconsistent with current practices. Staff reports are still in review and are not printed in the Agenda & Rules Committee packet.

c) **Items Authored by Boards and Commissions.** Council items submitted by boards and commissions are subject to City Manager review and must follow procedures and timelines for submittal of reports as described in the

Commissioners' Manual. The content of commission items is not subject to review by the ~~Agenda Committee~~[Agenda & Rules Committee](#).

i) For a commission item that does not require a companion report from the City ~~Manager~~[Manager](#), the ~~Agenda Committee~~[Agenda & Rules Committee](#) may act on an agendaized commission report in the following manner:

1. Move a commission report from the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar.
2. Re-schedule the commission report to appear on one of the next three regular Council meeting agendas that occur after the regular meeting under consideration. Commission reports submitted in response to a Council referral shall receive higher priority for scheduling.
3. Allow the item to proceed as submitted.

ii) For any commission report that requires a companion report, the ~~Agenda Committee~~[Agenda & Rules Committee](#) ~~may~~[will](#) schedule the item on a Council agenda. ~~The Committee must schedule the the~~[commission item](#) for a meeting occurring not sooner than 60 days and not later than 120 days from the date of the meeting under consideration by the ~~Agenda Committee~~[Agenda & Rules Committee](#). A commission report submitted with a complete companion report may be scheduled pursuant to subparagraph c.i. above.

d) The ~~Agenda Committee~~[Agenda & Rules Committee](#) shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in Chapter III, Section E ~~of the Rules of Procedures and Order~~.

**2. Scheduling Public Hearings Mandated by State, Federal, or Local Statute.**

The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or local statute mandates the City Council hold a public hearing.

**3. Submission of Agenda Items.**

a) **City Manager Items.** Except for Continued Business and Old Business, as a condition to placing an item on the agenda, agenda items from departments, including agenda items from commissions, shall be furnished to the City Clerk at a time established by the City Manager.

b) **Council and Auditor Items.** The deadline for reports submitted by the Auditor, Mayor and City Council is 5:00 p.m. on Monday, 22 days before each Council meeting.



- c) **Time Critical Items.** A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or ~~Councilmember~~council member is received by the City Clerk after established deadlines and is not included on the ~~Agenda Committee~~Agenda & Rules Committee's published agenda.

The author of the report shall bring any reports submitted as Time Critical to the meeting of the ~~Agenda Committee~~Agenda & Rules Committee. Time Critical items must be accompanied by complete reports and statements of financial implications. If the ~~Agenda Committee~~Agenda & Rules Committee finds the matter to meet the definition of Time Critical, the ~~Agenda Committee~~Agenda & Rules Committee may place the matter on the Agenda on either the Consent or Action Calendar.

- d) The City Clerk may not accept any agenda item after the adjournment of the ~~Agenda Committee~~Agenda & Rules Committee meeting, except for items carried over by the City Council from a prior City Council meeting occurring less than 11 days earlier, which may include supplemental or revised reports, and reports concerning actions taken by boards and commissions that are required by law or ordinance to be presented to the Council within a deadline that does not permit compliance with the agenda timelines in BMC Chapter 2.06 or these rules.

4. **Submission of Supplemental and Revised Agenda Material.**

Berkeley Municipal Code Section 2.06.070 allows for the submission of supplemental and revised agenda material. Supplemental and revised material cannot be substantially new or only tangentially related to an agenda item. Supplemental material must be specifically related to the item in the Agenda Packet. Revised material should be presented as revised versions of the report or item printed in the Agenda Packet. Supplemental and revised material may be submitted for consideration as follows:

- a) Supplemental and revised agenda material shall be submitted to the City Clerk no later than 5:00 p.m. seven calendar days prior to the City Council meeting at which it is to be considered. Supplemental and revised items that are received by the deadline shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. five calendar days prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for citizen review or City Council-member evaluation.

- b) Supplemental and revised agenda material submitted to the City Clerk after 5:00 p.m. seven days before the meeting and no later than 12:00 p.m. one day prior to the City Council meeting at which it is to be considered shall be distributed to Council in a supplemental reports packet and posted to

Commented [NML32]: Per Open Government Ordinance

the City's website no later than 5:00 p.m. one day prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for citizen review or City Council evaluation.

~~a)~~

~~b)c)~~ After ~~5~~12:00 p.m. ~~seven~~one calendar days prior to the meeting, supplemental or revised reports may be submitted for consideration by delivering a minimum of 42 copies of the supplemental/revised material to the City Clerk for distribution at the meeting. Each copy must be accompanied by a completed supplemental/revised material cover page, using the form provided by the City Clerk. Revised reports must reflect a comparison with the original item using track changes formatting. The material may be considered only if the City Council, by a two-thirds roll call vote, makes a factual determination that the good of the City clearly outweighs the lack of time for citizen review or City Council member evaluation of the material. Supplemental and revised material must be distributed and a factual determination made prior to the commencement of public comment on the agenda item in order for the material to be considered.

**5. Scheduling a Presentation.**

Presentations from staff are either submitted as an Agenda Item or are requested by the City Manager. Presentations from outside agencies and the public are coordinated with the Mayor's Office. The Agenda & Rules Committee may adjust the schedule of presentations as needed to best manage the Council Agenda.

~~Any request for a presentation to the Council will be submitted as an agenda item and follow the time lines for submittal of agenda reports. The agenda item should include general information regarding the purpose and content of the presentation; information on the presenters; contact information; and the length of the presentation. The request may state a preference for a date before the Council. The Agenda Committee will review the request and recommend a presentation date and allotted time based on the Council's schedule.~~

~~The City Clerk will notify the presenters of the date and time of the presentation and will coordinate use of any presentation equipment and receipt of additional written material.~~

Commented [NML33]: Reflects current practice, which is much less formal than deleted text.

**D. Packet Preparation and Posting****1. Preparation of the Packet.**

Not later than the thirteenth day prior to said meeting, the City Clerk shall prepare the packet, which shall include the agenda plus all its corresponding duplicated agenda items. No item shall be considered if not included in the packet, except as provided for in Section III.C.4 and Section III.D.4. ~~Reports carried over, at Continued Business or Old Business need not be reproduced again.~~

Commented [NML34]: Inconsistent with OGO

**2. Distribution and Posting of Agenda.**

- a) The City Clerk shall post each agenda of the City Council regular meeting no later than 11 days prior to the meeting and shall post each agenda of a special meeting at least 24 hours in advance of the meeting in the official bulletin board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each agenda.
- b) The City Clerk shall also post agendas and annotated agendas of all City Council meetings and notices of public hearings on the City's website.
- c) No later than 11 days prior to a regular meeting, copies of the agenda shall be mailed by the City Clerk to any resident of the City of Berkeley who so requests in writing. Copies shall also be available free of charge in the City Clerk Department.

**3. Distribution of the Agenda Packet.**

The Agenda Packet shall consist of the Agenda and all supporting documents for agenda items. No later than 11 days prior to a regular meeting, the City Clerk shall:

- a) distribute the Agenda Packet to each member of the City Council;
- b) post the Agenda Packet to the City's website;
- c) place copies of the Agenda Packet in viewing binders in the office of the City Clerk and in the main branch of the Berkeley Public Library; and
- d) make the Agenda Packet available to members of the press.

**4. Failure to Meet Deadlines.**

- a) The City Clerk shall not accept any agenda item or revised agenda item after the deadlines established.
- b) Matters not included on the published agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:
  - A majority of the Council determines that the subject meets the criteria of "Emergency" as defined in Section III.B.5.
  - Two thirds of the Council determines that there is a need to take immediate action and that the need for action came to the attention

of the City subsequent to the posting of the agenda as required by law.

- c) Matters listed on the printed agenda but for which support~~ing~~ materials are not received by the City Council on the eleventh day prior to said meeting as part of the agenda packet, shall not be discussed or acted upon.

**E. Agenda Sequence and Order of Business**

The Council agenda for a regular business meeting is to be arranged in the following order:

- 1. Preliminary Matters: (Ceremonial, Comments from the City Manager, [Comments from the City Auditor](#), [Non-Agenda Public Comment](#))
- 2. Consent Calendar
- 3. Action Calendar
  - a) Appeals
  - b) Public Hearings
  - c) Continued Business
  - d) Old Business
  - e) New Business
  - ~~f) Referred Items~~
- 4. Information Reports
- 4.5. [Non-Agenda Public Comment](#)
- ~~5-6. [Adjournment Communications](#)~~
- ~~6-7. [Communications Adjournment](#)~~

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

The ~~Agenda Committee~~[Agenda & Rules Committee](#) shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in this section.

**F. Closed Session Documents**

This section establishes a policy for the distribution of, and access to, confidential closed session documents by the Mayor and Members of the City Council.

- 1. Confidential closed session materials shall be kept in binders numbered from one to nine and assigned to the Mayor (#9) and each Councilmember (#1 to #8 by district). The binders will contain confidential closed session materials related to Labor Negotiations, Litigation, and Real Estate matters.
- 2. The binders will be maintained by City staff and retained in the Office of the City Attorney in a secure manner. City staff will bring the binders to each closed

Commented [NML35]: Edits to reflect current order

session for their use by the Mayor and Councilmembers. At other times, the binders will be available to the Mayor and Councilmembers during regular business hours for review in the City Attorney's Office. The binders may not be removed from the City Attorney's Office or the location of any closed session meeting by the Mayor or Councilmembers. City staff will collect the binders at the end of each closed session meeting and return them to the City Attorney's Office.

3. Removal of confidential materials from a binder is prohibited.
4. Duplication of the contents of a binder by any means is prohibited.
5. Confidential materials shall be retained in the binders for at least two years.
6. This policy does not prohibit the distribution of materials by staff to the Mayor and Councilmembers in advance of a closed session or otherwise as needed, but such materials shall also be included in the binders unless it is impracticable to do so.

G. Regulations Governing City Council Policy Committees

**1A. Legislative Item Process**

All agenda items begin with submission to the ~~Agenda Committee~~ Agenda & Rules Committee.

**Full Council Track**

Items under this category are exempt from ~~Agenda Committee~~ Agenda & Rules Committee discretion to refer them to a ~~P~~ policy C ~~o~~ mmittee. Items in this category may be submitted for the agenda of any scheduled regular meeting pursuant to established deadlines (same as existing deadlines). Types of Full Council Track items are listed below.

- a. Items submitted by the City Manager and City Auditor
- b. Items submitted by Boards and Commissions
- c. Resolutions on Legislation and Electoral Issues relating to Outside Agencies/Jurisdictions
- d. Position Letters and/or Resolutions of Support/Opposition
- e. Donations from the Mayor and Councilmember District Office Budgets
- f. Referrals to the Budget Process
- g. Proclamations
- h. Sponsorship of Events
- i. Information Reports

Commented [NML36]: Regulations from the Policy Committee resolution are inserted in red text; changes to the resolution language are in track changes

Commented [NML37]: Clarification

III. AGENDA

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j. Presentations from Outside Agencies and Organizations

k. Ceremonial Items

k.l. ~~Committee~~ and Regional Body Appointments

Commented [NML38]: Standard administrative item

~~Notwithstanding the exemption stated above, the Agenda Committee, at its discretion, may route a Full Council Track item submitted by a Councilmember to a policy committee if the item has 1) a significant lack of background or supporting information, or 2) significant grammatical or readability issues.~~

Commented [NML39]: Change made at September 16, 2019 Agenda & Rules Committee; integrated into next paragraph

~~The Agenda Committee~~ Agenda & Rules Committee has discretion to determine if an item submitted by the Mayor or a Councilmember falls under a Full Council Track exception or if it will be processed as a Policy Committee Track item. If an item submitted by the Mayor or a Councilmember has 1) a significant lack of background or supporting information, or 2) significant grammatical or readability issues the Agenda & Rules committee may refer the item to a Policy Committee.

Policy Committee Track

Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to ~~the Agenda Committee~~ Agenda & Rules Committee on a draft City Council agenda (on a list).

Commented [NML40]: Clarification

~~The Agenda Committee~~ Agenda & Rules Committee must refer an item to a Ppolicy Ccommittee at the first meeting that the item appears before the ~~Agenda Committee~~ Agenda & Rules Committee. ~~The Agenda Committee~~ Agenda & Rules Committee may only assign the item to a single Ppolicy Ccommittee.

For a Policy Committee Track item, the ~~Agenda Committee~~ Agenda & Rules Committee, at its discretion, may either route item directly to 1) the agenda currently under consideration, 2) one of the next three full Council Agendas (based on completeness of the item, lack of potential controversy, minimal impacts, etc.), or 3) to a Ppolicy Ccommittee.

Time Critical Track

A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the Mayor or ~~Councilmember~~ council member is received by the City Clerk after established deadlines and is not included on the ~~Agenda Committee~~ Agenda & Rules Committee's published agenda.

~~The Agenda Committee~~ Agenda & Rules Committee retains final discretion to determine the time critical nature of an item.

- a) Time Critical items submitted on the Full Council Track deadlines, that would otherwise be assigned to the Policy Committee Track, may bypass Policy Committee review if determined to be time critical. If such an item is deemed not to be time critical, it may be referred to a Policy Committee.
- b) Time Critical items on the Full Council Track or Policy Committee Track that are submitted at a meeting of the Agenda Committee Agenda & Rules Committee may go directly on a council agenda if determined to be time critical.

**B2. Council Referrals to Committees**

The full Council may refer any agenda item to a Policy Committee by majority vote.

**3. Participation Rules for Policy Committees Pursuant to the Brown Act**

- a. The quorum of a three-member Policy Committee is always two members. A majority vote of the committee (two 'yes' votes) is required to pass a motion.
- b. Two Policy Committee members may not discuss any item that has been referred to the Policy Committee outside of an open and noticed meeting.
- c. Notwithstanding paragraph (b) above, two members of a Policy Committee may co-author an item provided that one of the authors will not serve as a committee member for consideration of the item, and shall not participate in the committee's discussion of, or action on the item. For purposes of the item, the appointed alternate will serve as a committee member in place of the non-participating co-author.
- d. All three members of a Policy Committee may not be co-authors of an item that will be heard by the committee.
- e. Only one co-author who is not a member of the Policy Committee may attend the committee meeting to participate in discussion of the item.
- f. If two or more non-committee members are present for any item or meeting, then all non-committee members may act only as observers and may not participate in discussion. If an author is present to participate in the discussion of their item, no other Councilmembers, nor the Mayor, may attend as observers.
- g. An item may be considered by only one Policy Committee before it goes to the full Council.

Commented [NML41]: New requirements due to re-evaluation of Brown Act applicability to policy committees

**C4. Functions of the Committees**

Committees shall have the following qualities/components:

- a. All committees are Brown Act bodies with noticed public meetings and public comment. Regular meeting agendas will be posted at least 72 hours in advance of the meeting.
- b. Minutes shall be available online.
- c. Committees shall adopt regular meeting schedules, generally meeting once or twice per month; special meetings may be called when necessary, in accordance with the Brown Act.
- d. Generally, meetings will be held at 2180 Milvia Street in publicly accessible meeting rooms that can accommodate the committee members, public attendees, and staff.
- e. Members are recommended by the Mayor and approved by the full Council no later than January 31 of each year. Members continue to serve until successors are appointed and approved.
- f. Chairs are elected by the Committee at the first regular meeting of the Committee after the annual approval of Committee members by the City Council. In the absence of the Chair, the committee member with the longest tenure on the Council will preside.
- f.g. The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.
- g.h. Committees will review items for completeness in accordance with Section III.B.2 of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.
- i. Reports leaving a Ppolicy Cecommittee must adequately include budget implications, administrative feasibility, basic legal concerns, and staff resource demands in order to allow for informed consideration by the full Council.
- h.i. Per Brown Act regulations, any such materials must be direct revisions or supplements to the item that was published in the agenda packet.

Commented [NML42]: Clarification of authority; reflects Charter

Commented [NML43]: Added for transparency and to avoid violations arising from submission of materials only tangentially related to the agendized items

Items referred to a Ppolicy Cecommittee from the Agenda-CommitteeAgenda & Rules Committee or from the City Council must be agendized for a committee meeting within 60 days of the referral date.

Within 120 days of the referral date, the committee must vote to either (1) accept the author's request that the item remain in committee until a date certain (more than one extension may be requested by the author); or (2) send the item to the Agenda-CommitteeAgenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below.

- 1. Positive Recommendation (recommending Council pass the item as proposed),
- 2. Qualified Positive Recommendation (recommending Council pass the item with some changes),



- 3. Qualified Negative Recommendation (recommending Council reject the item unless certain changes are made) or
- 4. Negative Recommendation (recommending the item not be approved).

The Policy Committee's ~~will include their~~ recommendation will be included in a new separate section of the report template for that purpose.

A Policy Committee may not refer an item under its consideration to a city board or commission.

Commented [NML44]: Clarification of authority. Commissions are advisory to the Full Council

The original Council author of an item referred to a Policy Committee is responsible for revisions and resubmission of the item back to the full Council. Items originating from the City Manager are revised and submitted by the appropriate city staff. Items from Commissions are revised and resubmitted by the members of the Policy Committee. Items and Recommendations originating from the Policy Committee are submitted to the agenda process by the members of the committee.

Commented [NML45]: Clarification of responsibility for shepherding items through process

A policy committee may refer an item to another policy committee for review. The total time for review by all policy committees is limited to the initial 120-day deadline.

Commented [NML46]: Inconsistent with Brown Act – review by two committees would result in an illegal serial meeting

If a ~~P~~olicy ~~C~~ommittee does not take final action by the 120-day deadline, the item is returned to the ~~Agenda Committee~~ Agenda & Rules Committee and appears on the next available Council agenda. The ~~Agenda Committee~~ Agenda & Rules Committee may leave the item on the agenda under consideration or place it on the next Council agenda. Items appearing on a City Council agenda due to lack of action by a Policy Committee may not be referred to a Policy Committee and must remain on the full Council agenda for consideration.

Commented [NML47]: Closes "endless loop" loophole

Non-legislative or discussion items may be added to the Policy Committee agenda by members of the Committee with the concurrence of a quorum of the Committee. These items are not subject to the 120-day deadline for action.

Commented [NML48]: Clarification

Once the item is voted out of a ~~P~~olicy ~~C~~ommittee, ~~the~~ final item will be resubmitted to the agenda process by the author, and it will return to the ~~Agenda Committee~~ Agenda & Rules Committee on the next available agenda. The ~~Agenda Committee~~ Agenda & Rules Committee may leave the item on the agenda under consideration or place it on the following Council agenda. Only items that receive a Positive Recommendation can be placed on the Consent Calendar.

Commented [NML49]: Clarification

The lead author may request expedited committee review for items referred to a committee. Criteria for expedited review is generally to meet a deadline for action (e.g. grant deadline, specific event date, etc.). If the committee agrees to the request, the

deadline for final committee action is 45 days from the date the committee approves expedited review item first appeared on the committee agenda.

**5D. Number and Make-up of Committees**

Six committees are authorized, each comprised of three Councilmembers with a fourth Councilmember appointed as an alternate. Each Councilmember and the Mayor will serve on two committees. The Mayor shall be a member of the Agenda and Rules Committee.

The committees are as follows:

1. Agenda and Rules Committee
2. Budget and Finance Committee
3. Facilities, Infrastructure, Transportation, Environment, and Sustainability
4. Health, Life Enrichment, Equity, and Community
5. Land Use, Housing, and Economic Development
6. Public Safety

The ~~Agenda Committee~~ Agenda & Rules Committee shall establish the Ppolicy Committee topic groupings, and may adjust said groupings periodically thereafter in order to evenly distribute expected workloads of various committees.

All standing Policy Committees of the City Council are considered "legislative bodies" under the Brown Act and must conduct all business in accordance with the Brown Act.

**6E. Role of City Staff at Committee Meetings**

Committees will be staffed by appropriate City Departments and personnel. As part of the committee process, staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item. Staff analysis at the Policy Committee level is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

Commented [NML50]: This will allow two members of a policy committee to co-author an item. The Alternate will substitute for one of the co-authors while the item is heard by the policy committee.

Commented [NML51]: Clarification

## IV. CONDUCT OF MEETING

### A. Comments from the Public

Public comment will be taken in the following order:

- An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.
- Public comment on the Consent and Information Calendars.
- Public comment on action items, appeals and/or public hearings as they are taken up under procedures set forth in the sections governing each below.
- Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall stand and identify themselves, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry.

#### 1. Public Comment on Consent Calendar and Information Items.

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." 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."

The Council will then take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. A speaker may only speak once during the period for public comment on Consent Calendar and Information items. 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, the Mayor or 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.

**2. Public Comment on Action Items.**

After the initial ten minutes of public comment on non-agenda items and public comment and action on consent items, the public may comment on each remaining item listed on the agenda for action as the item is taken up.

The Presiding Officer will request that persons wishing to speak, line up at the podium 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, 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.

[This procedure also applies to public hearings except those types of public hearings specifically provided for in this section.](#)

**3. Appeals Appearing on Action Calendar.**

With the exception of appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission, appeals from decisions of City commissions appear on the "Action" section of the Council Agenda. Council determines whether to affirm the action of the commission, set a public hearing, or remand the matter to the commission. Appeals of proposed special assessment liens shall also appear on the "Action" section of the Council Agenda. Appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission are automatically set for public hearing and appear on the "Public Hearings" section of the Council Agenda.

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants [of a single appeal](#) collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. [If there are multiple appeals filed, each appellant or group of appellants shall have seven minutes to comment.](#) Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. In the case of an appeal of proposed special assessment lien, the appellant shall have seven minutes to comment.

After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes. Each side shall be informed of this public comment procedure at the time the Clerk notifies the parties of the date the appeal will appear on the Council agenda.

Commented [NML52]: Reflects existing due process standards

**4. Public Comment on Non Agenda Matters.**

Immediately following Ceremonial Matters and the City Manager Comments and prior to the Consent Calendar, persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.

Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.

For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers by subject. The Presiding Officer will generally request that persons wishing to speak, line up at the podium to be recognized to determine the number of persons interested in speaking at that time. Each speaker will be entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate given the number of speakers.

~~According to the current Rules and Procedures Pursuant to this document, no~~ Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items. If any agenda item remains unfinished at 11:00 p.m. or the expiration of any extension after 11:00 p.m., it will be referred to the ~~Agenda Committee~~ [Agenda & Rules Committee](#) for scheduling pursuant to Chapter II, Section F. In that event, the meeting shall be automatically extended for up to fifteen (15) minutes for public comment on non-agenda items.

**5. Ralph M. Brown Act Pertaining to Public Comments.**

The "Brown Act" prohibits the Council from discussing or taking action on an issue raised during Public Comment, unless it is specifically listed on the agenda. However, the Council may refer a matter to the City Manager.

**B. Consent Calendar**

There shall be a Consent Calendar on all regular meeting agendas on which shall be included those matters which the Mayor, ~~C~~ouncilmembers, boards, commissions, City Auditor and City Manager deem to be of such nature that no debate or inquiry will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

IV. CONDUCT OF MEETING

It is the policy of the Council that [the Mayor or Councilmembers](#) wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of consent calendar items can be minimized.

Consent Calendar items may be moved to the Action Calendar by the Council. Action items may be reordered at the discretion of the Chair with the consent of Council.

**C. Information Reports Called Up for Discussion**

Reports for Information designated for discussion at the request of [the Mayor or any Councilmember](#) shall be added to the appropriate section of [the Reports for Action Calendar](#) and may be acted upon at that meeting or carried over as pending business until discussed or withdrawn. The agenda will indicate that at the request of [Mayor or any Councilmember](#) a Report for Information may be acted upon by the Council.

**D. Communications**

Letters from the public will not appear on the Council agenda as individual matters for discussion but will be distributed as part of the Council agenda packet with a cover sheet identifying the author and subject matter and will be listed under "Communications."

All such communications must have been received by the City Clerk no later than 5:00 p.m. fifteen days prior to the meeting in order to be included on the agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council agenda to the Council to be reproduced in the "Communications" section of the Council packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the City Clerk Department.

All communications shall be simply deemed received without any formal action by the Council. [The Mayor or any Councilmember](#) may refer a communication to [staff](#) the City Manager for action, if appropriate, or prepare a consent or action item for placement on a future agenda.

[Communications related to an item on the agenda that are received after 5:00 p.m. fifteen days before the meeting are published as provided for in Chapter III.C.4.](#)

Commented [NML53]: Clarification per OGO

**E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters**

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to public presentations. Staff shall introduce the public hearing item and present their comments.

Following any staff presentation, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Such reports shall include a brief statement describing the name, date, place, and content of the contact. Written reports shall be available for public review

in the office of the City Clerk prior to the meeting and placed in a file available for public viewing at the meeting.

This is followed by five-minute presentations each by the appellant and applicant. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have five minutes to comment and the applicant shall have five minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons supporting the action of the board or commission on appeal shall have five minutes to comment. In the case of a public nuisance determination, the representative(s) of the subject property shall have five minutes to present.

Commented [NML54]: Same as above

The Presiding Officer will request that persons wishing to speak, line up at the podium 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, 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. Any person that addressed the Council during one of the five-minute periods may not speak again during the public comment period on the appeal. 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.

Commented [NML55]: Current practice. Matches existing language for appeals above.

**F. Work Sessions**

The City Council may schedule a matter for general Council discussion and direction to staff. Official/formal action on a work session item will be scheduled on a subsequent agenda under the Action portion of the Council agenda.

In general, public comment at Council work sessions will be heard after the staff presentation, for a limited amount of time to be determined by the Presiding Officer.

The Presiding Officer will request that persons wishing to speak, line up at the podium 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, 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.

After Council discussion, if time permits, the Presiding Officer may allow additional public comment. During this time, each speaker will receive one minute. Persons who spoke during the prior public comment time may be permitted to speak again.

**G. Public Discussions**

Commented [NML56]: Unnecessary. A "public discussion" must still occur at a noticed meeting which is regulated by the Brown Act, OGO, and this document.

#### IV. CONDUCT OF MEETING

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~~The City Council may, from time to time, schedule a matter for public discussion and may limit the amount of time to be devoted to said discussions. At the time the public discussion is scheduled, the City Council may seek comment from others if they so determine.~~

#### H. Protocol

People addressing the Council may first give their name in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a ~~Councilmember~~council member except through the Presiding Officer.



## V. PROCEDURAL MATTERS

### A. Persons Authorized to Sit at Tables

No person, except City officials, their representatives and representatives of boards and commissions shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Council.

### B. Decorum

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council Dais without consent. Any written communications addressed to the Council shall be delivered to the City Clerk for distribution to the Council. ~~message to or contact with any member of the Council while the Council is in session shall be through the City Clerk.~~

Commented [NML57]: Clarification that Clerk forwards written communications only, not verbal messages

### C. Enforcement of Decorum

When the public demonstrates a lack of order and decorum, the presiding officer shall call for order and inform the person(s) that the conduct is violating the Rules of Order and Procedure and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and desist the disruptive conduct, the presiding officer may call a five (5) minute recess to allow the disruptions to cease.

If the meeting cannot be continued due to continued disruptive conduct, the presiding officer may have any law enforcement officer on duty remove or place any person who violates the order and decorum of the meeting under arrest and cause that person to be prosecuted under the provisions of applicable law.

### D. Precedence of Motions

When a question is before the Council, no motion shall be entertained except:

1. To adjourn,
2. To fix the hour of adjournment,
3. To lay on the table,
4. For the previous question,
5. To postpone to a certain day,
6. To refer,
7. To amend,
8. To substitute, and

9. To postpone indefinitely.

These motions shall have precedence in order indicated. Any such motion, except a motion to ~~adjourn~~, amend, or substitute, shall be put to a vote without debate.

Commented [NML58]: Motion to adjourn is not debatable pursuant to Roberts Rules

**E. Roberts Rules of Order**

Roberts Rules of Order have been adopted by the City Council and apply in all cases except the precedence of motions in Section V.D shall ~~supercede~~supersede.

**F. Rules of Debate**

**1. Presiding Officer May Debate.**

The presiding officer may debate from the chair; subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of that person acting as the presiding officer.

**2. Getting the Floor - Improper References to be avoided.**

Members desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine themselves to the question under debate.

**3. Interruptions.**

A member, once recognized, shall not be interrupted when speaking unless it is to call a member to order, or as herein otherwise provided. If a member, while speaking, were called to order, that member shall cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.

**4. Privilege of Closing Debate.**

The ~~Mayor or Councilmember~~council member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the ~~Mayor or Councilmember~~council member moving adoption of an ordinance, resolution or other action shall have three minutes to conclude the debate.

**5. Motion to Reconsider.**

A motion to reconsider any action taken by the Council may be made only during the same session on the day such action is taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made ~~and seconded~~ by a member one of the prevailing sides, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

Commented [NML59]: Must happen at the same meeting, not just the same day.

Commented [NML60]: Inconsistent with Roberts Rules. Requiring a seconder to be on the prevailing side could infringe on a single member's right to reconsider their vote.

**6. Repeal or Amendment of Action Requiring a Vote of Two-Thirds of Council, or Greater.**

Any ordinance or resolution which is passed and which, as part of its terms, requires a vote of two-thirds of the Council or more in order to pass a motion pursuant to such an ordinance or resolution, shall require the vote of the same percent of the Council to repeal or amend the ordinance or resolution.

**G. Debate Limited**

1. ~~Except as provided in Section V.F.b hereof, e~~ Consideration of each matter coming before the Council shall be limited to 20 minutes from the time the matter is first taken up, at the end of which period consideration of such matter shall terminate and the matter shall be dropped to the foot of the agenda, immediately ahead of ~~Good of the City Information Reports~~; provided that either of the following two not debatable motions shall be in order:
  - a) A motion to extend consideration which, if passed, shall commence a new twenty-minute period for consideration; or
  - b) If there are one or more motions on the floor, the previous question, which, if passed, shall require an immediate vote on pending motions.
2. The time limit set forth in subparagraph ~~a-1~~ hereof shall not be applicable to any public hearing, public discussion, Council discussion or other especially set matter for which a period of time has been specified (in which case such specially set time shall be the limit for consideration) or which by applicable law (e.g. hearings of appeals, etc.), the matter must proceed to its conclusion.
3. In the interest of expediting the business of the City, failure by the Chair or any ~~Councilmember~~ council member to call attention to the expiration of the time allowed for consideration of a matter, by point of order or otherwise, shall constitute unanimous consent to the continuation of consideration of the matter beyond the allowed time; provided, however, that the Chair or any ~~Councilmember~~ council member may at any time thereafter call attention to the expiration of the time allowed, in which case the Council shall proceed to the next item of business, unless one of the motions referred to in ~~subparagraph Section a-4D~~ hereof is made and is passed.

**H. Motion to Lay on Table**

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority and with consent of two-thirds of the members present.

**I. Division of Question**

If the question contains two or more propositions, which can be divided, the presiding officer may, and upon request of a member shall, divide the same.

**J. Addressing the Council**

~~Any person desiring to address the Council shall first secure the permission of the presiding officer to do so.~~ Under the following headings of business, unless the presiding officer rules otherwise, any ~~qualified and~~ interested person shall have the right to address the Council in accordance with the following conditions and upon obtaining recognition by the presiding officer:

**1. Written Communications.**

Commented [NML61]: Exactly restated later in same paragraph

Commented [NML62]: Not sure what could be meant by "qualified"

Interested parties or their authorized representatives may address the Council ~~by in the form of~~ written communications in regard to matters of concern to them ~~by submitting their written communications at the meeting, or prior to the meeting pursuant to the deadlines in Chapter III.C.4.~~

~~Communications pertaining to an item on the agenda which are received by the City Clerk after the deadline for inclusion in the Council Agenda packet and through 5:00 p.m. seven calendar days prior to the meeting shall be compiled into a supplemental communications packet. The supplemental communications packet shall be made available to the City Council, public and members of the press no later than five days prior to the meeting.~~

~~Communications received by the City Clerk after the aforementioned deadline and by noon on the day of a Council meeting shall be duplicated by the City Clerk and submitted to the City Council at the meeting if related to an item which is on the agenda for that meeting. Communications submitted at the Council meeting will be included in the public viewing binder and in the Clerk Department the day following the meeting.~~

Commented [NML63]: Described elsewhere and unnecessary here.

**2. Public Hearings.**

Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to matters then under consideration.

**3. Public Comment.**

Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment.

**K. Addressing the Council After Motion Made**

When a motion is pending before the Council, no person other than ~~the Mayor or a Councilmember~~ council member shall address the Council without first securing the permission of the presiding officer or Council to do so.

## VI. FACILITIES

### A. Council Chamber Capacity

~~Council Chamber~~ Attendance at council meetings shall be limited to the posted seating capacity of the meeting location~~thereof~~. Entrance to the ~~City Hall~~ meeting location will be appropriately regulated by the City Manager on occasions when ~~the Council Chamber~~ capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the ~~Council Chamber~~ meeting room except to address the Council, and sitting on the floor shall not be permitted. ~~The Council proceedings may be conveyed by loudspeaker to those who have been unable to enter the Council Chambers.~~

Commented [NML64]: Updated to reflect new locations of meetings and to not be as specific with regards to meeting locations

### B. Alternate Facilities for Council Meetings

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the ~~City Council Chambers~~ School District Board Room.

If the City Manager has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the ~~City Council Chambers~~ Board Room and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Manager shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes the action.

If a suitable alternate facility is not available, the City Council may reschedule the matter to a date when a suitable alternate facility will be available.

Alternate facilities are to be selected from those facilities previously approved by the City Council as suitable for meetings away from the ~~City Council Chambers~~ Board Room.

### C. Signs, Objects, and Symbolic Materials

Objects and symbolic materials such as signs which do not have sticks or poles attached or otherwise create any fire or safety hazards will be allowed within the ~~Council Chamber~~ meeting location during Council meetings.

### D. Fire Safety

Exits shall not be obstructed in any manner. Obstructions, including storage, shall not be placed in aisles or other exit ways. Hand carried items must be stored so that such items do not inhibit passage in aisles or other exit ways. Attendees are strictly prohibited from sitting in aisles and/or exit ways. Exit ways shall not be used in any way that will present a hazardous condition.

### E. Overcrowding

Admittance of persons beyond the approved capacity of a place of assembly is prohibited. When the ~~Council Chambers~~ meeting location has ~~have~~ reached the posted maximum capacity, additional attendees shall be directed to the designated overflow area.

## APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

### Purpose

To establish a uniform policy regarding the naming and renaming of existing and future parks, streets, pathways and other public facilities.

### Objective

A. To ensure that naming public facilities (such as parks, streets, recreation facilities, pathways, open spaces, public building, bridges or other structures) will enhance the values and heritage of the City of Berkeley and will be compatible with community interest.

### Section 1 – Lead Commission

The City Council designates the following commissions as the 'Lead Commissions' in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility. The lead commission shall receive and coordinate comment and input from other Commissions and the public as appropriate.

#### Board of Library Trustees

Parks and Recreation Commission –Parks, recreation centers, camps, plazas and public open spaces

Public Works Commission –Public buildings (other than recreation centers), streets and bridges or other structures in the public thoroughfare.

Waterfront Commission –Public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.

### Section 2 – General Policy

- A. Newly acquired or developed public facilities shall be named immediately after acquisition or development to ensure appropriate public identity.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. Public facilities that are renamed must follow the same criteria for naming new facilities. In addition, the historical significance and geographical reference of the established name should be considered when weighing and evaluating any name change.
- D. The City encourages the recognition of individuals for their service to the community in ways that include the naming of activities such as athletic events, cultural presentations, or annual festivals, which do not involve the naming or renaming of public facilities.
- E. Unless restricted by covenant, facilities named after an individual should not necessarily be considered a perpetual name.

### Section 3 – Criteria for Naming of Public Facilities

When considering the naming of a new public facility or an unnamed portion or feature within an already named public facility (such as a room within the facility or a feature within an established park), or, the renaming of an existing public facility the following criteria shall be applied:

- A. Public Facilities are generally easier to identify by reference to adjacent street names, distinct geographic or environmental features, or primary use activity. Therefore, the preferred practice is to give City-owned property a name of historical or geographical significance and to retain these names.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. The naming of a public facility or any parts thereof in recognition of an individual posthumously may only be considered if the individual had a positive effect on the community and has been deceased for more than 1 year.
- D. When a public facility provides a specific programmatic activity, it is preferred that the activity (e.g. skateboard park, baseball diamond) be included in the name of the park or facility.
- E. When public parks are located adjacent to elementary schools, a name that is the same as the adjacent school shall be considered.
- F. When considering the renaming of an existing public facility, in addition to applying criteria A-E above, proper weight should be given to the fact that: a name lends a site or property authenticity and heritage; existing names are presumed to have historic significance; and historic names give a community a sense of place and identity, continuing through time, and increases the sense of neighborhood and belonging.

#### Section 4 –Naming Standards Involving a Major Contribution

When a person, group or organization requests the naming or renaming of a public facility, all of the following conditions shall be met:

- A. An honoree will have made a major contribution towards the acquisition and/or development costs of a public facility or a major contribution to the City.
- B. The honoree has a record of outstanding service to their community
- C. Conditions of any donation that specifies that name of a public facility, as part of an agreement or deed, must be approved by the City Council, after review by and upon recommendation of the City Manager.

#### Section 5 –Procedures for Naming or Renaming of Public Facilities

- A. Any person or organization may make a written application to the City Manager requesting that a public facility or portion thereof, be named or renamed.
  - 1. Recommendations may also come directly of the City Boards or Commissions, the City Council, or City Staff.
- B. The City Manager shall refer the application to the appropriate lead commission as defined in Section 1 of the City's policy on naming of public facilities, for that commission's review, facilitation, and recommendation of disposition.
  - 1. The application shall contain the name or names of the persons or organization making the application and the reason for the requested naming or renaming.
- C. The lead commission shall review and consider the application, using the policies and criteria articulated to the City Policy on Naming and Renaming to make a recommendation to Council.
  - 1. All recommendations or suggestion will be given the same consideration without regard to the source of the nomination
- D. The lead commission shall hold a public hearing and notify the general public of any discussions regarding naming or renaming of a public facility.



APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

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1. Commission action will be taking at the meeting following any public hearing on the naming or renaming.
- E. The commission's recommendation shall be forwarded to Council for final consideration.

The City of Berkeley Policy for Naming and Renaming Public Facilities was adopted by the Berkeley City Council at the regular meeting of January 31, 2012.

## APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the [Agenda Committee](#) ~~Agenda & Rules Committee~~ to request that the author of an item provide “additional analysis” if the item as submitted evidences a “significant lack of background or supporting information” or “significant grammatical or readability issues.”

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
  - a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
  - b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
  - c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
  - d. Fiscal impacts of the recommendation;
  - e. A description of the current situation and its effects;
  - f. Background information as needed;
  - g. Rationale for recommendation;
  - h. Alternative actions considered;
  - i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
  - j. Person or persons to contact for further information, with telephone number. If the author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

Guidelines for City Council Items:

1. Title
2. Consent/Action/Information Calendar
3. Recommendation
4. Summary Statement/Current situation and its effects
5. Background
6. Review of Existing Plans, Programs, Policies and Laws
7. Actions/Alternatives Considered
8. Consultation/Outreach Overview and Results
9. Rationale for Recommendation
10. Implementation, Administration and Enforcement
11. Environmental Sustainability
12. Fiscal Impacts
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

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**1. Title**

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

**2. Consent/Action/Information Calendar**

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

**3. Recommendation**

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
- Referral to a Commission or to a Standing or Ad Hoc Council Committee
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

**4. Summary Statement/ “Current situation and its effects”**

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):  
*Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.*

**5. Background**

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

**6. Review of Existing Plans, Programs, Policies and Laws**

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan

- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

#### 7. Actions/Alternatives Considered

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

#### 8. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted
  - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
  - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

#### 9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented,

but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

**10. Implementation, Administration and Enforcement**

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

**11. Environmental Sustainability**

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

**12. Fiscal Impacts**

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

**13. Outcomes and Evaluation**

State the specific outcomes expected, if any (i.e., "*it is expected that 100 homeless people will be referred to housing every year*") and what reporting or evaluation is recommended.

**14. Contact Information**

**15. Attachments/Supporting Materials**