

AGENDA
BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING

MONDAY, JUNE 9, 2025
2:30 P.M.

Redwood Room – 2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. All Committee meetings are recorded.

Use this URL <https://cityofberkeley-info.zoomgov.com/j/1613733920> to access the meeting remotely. To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 161 373 3920**. To provide public comment, press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person.

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

California Government Code Section 84308 (Levine Act) Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

AGENDA

Roll Call

Public Comment

Review of Agendas

- 1. Approval of Minutes: June 2, 2025**
- 2. Review and Approve Draft Agenda:**
 - a. 6/24/25 – Regular City Council Meeting
- 3. Adjournments In Memory**

Scheduling

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

Referred Items for Review

- None

Unscheduled Items

- 7. Discussion of possible formation of a subcommittee on legislative process changes/improvements.**

Items for Future Agendas

- Requests by Committee Members to add items to the next agenda

Adjournment – Next Meeting Monday, June 23, 2025

~~~~~

## **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.*

*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 in advance of the meeting and retained as part of the official record.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. 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 public participation may be addressed to the City Clerk Department (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 [ada@berkeleyca.gov](mailto:ada@berkeleyca.gov), (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

---

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 Thursday, June 5, 2025.

A handwritten signature in black ink that reads "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, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or [policycommittee@berkeleyca.gov](mailto:policycommittee@berkeleyca.gov).*



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

**MONDAY, JUNE 2, 2025**

**2:30 P.M.**

2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. All Committee meetings are recorded.

Use this URL <https://cityofberkeley-info.zoomgov.com/j/1602079343> to access the meeting remotely. To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 207 9343**. To provide public comment, press \*9 and wait to be recognized by the Chair. To submit a written communication for the public record, email [policycommittee@berkeleyca.gov](mailto:policycommittee@berkeleyca.gov).

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person.

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

**California Government Code Section 84308 (Levine Act)** Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

**Roll Call:** 2:34 p.m. All present.

**Public Comment** – 7 speakers.

## Review of Agendas

**1. Approval of Minutes: May 20, 2025**

**Action:** M/S/C (Humbert/Taplin) to approve the minutes of 5/20/2025.

**Vote:** All Ayes.

**2. Review and Approve Draft Agenda:**

a. 6/17/25 – Regular City Council Meeting

**Action:** M/S/C (Taplin/Humbert) to approve the agenda of 6/17/2025 with the changes noted below.

- *Item 25 Fire Facility Revenue (Taplin) – Mayor Ishii and Councilmembers Blackaby and Humbert added as co-sponsors*
- *Items 42a / 42b – Cesar Chavez Park (Parks & Waterfront Commission) – moved to Consent Calendar*
- *Item 43 Commitment to Vision Zero (Ishii) – revised item submitted; moved to June 17 Consent Calendar*
- *Item 44 – Lorin & Gilman (Ishii) – moved to June 17 Consent Calendar*
- *Item 45 – Fiscal Policies (Taplin) – Councilmember Bartlett added as a co-sponsor; referred to Budget & Finance Committee*
- *Item 46 EMBER (Blackaby) – moved to June 17 Action Calendar*
- *Item 47 Police Equipment (Humbert) – revised item submitted; referred to Public Safety Committee*

Order of Action Calendar

- Item 29 Ambulance Transport Fees Hearing
- Item 30 Fire Permit Fees Hearing
- Item 31 Public Health Fees Hearing
- Item 32 Housing Trust Fund Fees Hearing
- Item 33 Affordable Housing Compliance Fees Hearing
- Item 34 Marina Fees Hearing
- Item 35 Recreation Fees Hearing
- Item 36 Planning Fees Hearing
- Item 37 Carry Concealed Weapon Fees Hearing
- Item 38 Public Works Fees Hearing
- Item 39 Street Lighting Assessments Hearing
- Item 40 Fire Code Amendments Hearing
- Item 41 CALFIRE Map
- Item 46 EMBER Implementation Plan

**Vote:** All Ayes.

**3. Adjournments In Memory** – none

## Scheduling

**4. Council Worksessions Schedule** –The Committee requested a presentation on the City's Infrastructure Maintenance Needs.

5. **Council Referrals to Agenda Committee for Scheduling** – received and filed
6. **Land Use Calendar** – received and filed

### Referred Items for Review

7. **Discussion of possible formation of a subcommittee on legislative process changes/improvements.**  
**Action:** 0 speakers. The Committee discussed potential options for forming a subcommittee on legislative process changes/improvements. The Committee requested that staff return with information on structuring an ad hoc/temporary subcommittee to consider this topic.

### Unscheduled Items

- None

### Items for Future Agendas

- None

### Adjournment

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

Adjourned at 3:15 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on June 2, 2025.

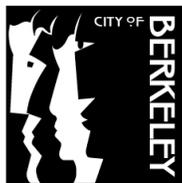
---

Rose Thomsen, Deputy 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, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or [policycommittee@berkeleyca.gov](mailto:policycommittee@berkeleyca.gov).*





**DRAFT AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, June 24, 2025**  
**6:00 PM**

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

TELECONFERENCE LOCATION - 18315 RAY'S RD - CABIN 5, PHILO, CA 95466

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – IGOR TREGUB

DISTRICT 5 – SHOSHANA O'KEEFE

DISTRICT 6 – BRENT BLACKABY

DISTRICT 7 – CECILIA LUNAPARRA

DISTRICT 8 – MARK HUMBERT

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

*To access the meeting remotely use this URL: <<INSERT ZOOM for GOV URL HERE>>. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial 1-669-254-5252 or 1-833-568-8864 (Toll Free) and enter Meeting ID: <<INSERT MEETING ID HERE>>. To provide public comment, Press \*9 and wait to be recognized by the Chair. To submit a written communication for the public record, email [council@berkeleyca.gov](mailto:council@berkeleyca.gov).*

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

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

**Government Code Section 84308 (Levine Act)** - *Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.*

## Preliminary Matters

### Roll Call:

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

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

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

**Public Comment on Non-Agenda Matters:** *Up to ten persons will be selected to address matters not on the Council agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council agenda, each person selected will be allotted one minute each.*

*In-person attendees wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to the moment that the Presiding Officer calls for public comment on non-agenda items. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.*

*The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

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

## Consent Calendar

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

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

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

**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

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

## Consent Calendar

**1. Amend Ordinance Prohibiting the Sale or Use of Coordinated Pricing Algorithms (BMC 13.63) to Suspend Effective Date Until March 2026  
From: City Attorney**

**Recommendation:** Adopt amendments to the Ordinance Prohibiting the Sale or Use of Coordinated Pricing Algorithms to Set Rents or Manage Occupancy Levels for Residential Dwelling Units (BMC 13.63) to suspend the effective date until March 1, 2026.

**Financial Implications:** See report

Contact: Farimah Brown, City Attorney, (510) 981-6998

**2. Minutes for Approval  
From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of May 5, 2025 (special closed), May 6, 2025 (special and regular), May 13, 2025 (special closed), May 20, 2025 (special and regular), May 21, 2025 (special closed), and May 27, 2025 (special closed).

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, (510) 981-6900

## Consent Calendar

- 3. Contract: Cultural Planning Group, LLC for a Plan for a Resilient Arts & Culture Sector in Berkeley**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Cultural Planning Group, LLC for an amount not to exceed \$149,980 for the development of a comprehensive plan to support and maintain a Resilient Arts & Culture Sector in Berkeley. The term of the contract will be 18 months.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 4. FY 2026 Reaffirming the Investment Policy and Designation of Investment Authority**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution reaffirming the Investment Policy (no revisions are recommended) and to confirm the delegation of investment authority to the Director of Finance to make investments for FY 2026.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 5. Appropriations Limit for FY 2026**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution establishing the appropriations limit at \$407,546,513 for FY 2026 pursuant to Article XIIB of the Constitution of the State of California based on the calculations for the appropriations limit.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 6. FY 2026 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2026 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.06695 (6.695 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.10132 (10.132 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300

## Consent Calendar

- 7. FY 2026 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance setting the FY 2026 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at the annual tax rate of \$0.1299 (12.99 cents) per square foot of improvements.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 8. Funding Reservation for Resources for Community Development's Maudelle Miller Shirek Community Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: (1) Reserving an additional \$500,000 for Resources for Community Development's (RCD) Maudelle Miller Shirek Community project from the FY25 available Small Sites Program fund balance. (2) Conditioning the funding on RCD providing information to tenants on City rental assistance programs with any nonpayment eviction notices issued at the project. (3) Authorizing the City Manager or designee to execute all original or amended documents or agreements to effectuate this action.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
- 9. 2024 Housing Trust Fund Request for Proposals - Funding Reservations**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution to: 1. Reserve \$2,990,000 in funding for Resources for Community Development's Adeline Street Apartments (3224 Adeline Street); 2. Reserve \$2,868,571 in funding for Satellite Affordable Housing Associates' Ashby Lofts (2909 Ninth Street); 3. Authorize the City Manager to refinance existing HTF loans for each project into new loans with terms consistent with the HTF Guidelines; 4. Waive Section IV.C.1 of the Housing Trust Fund Guidelines for projects receiving funds through this Request for Proposals process; 5. Condition the funding on the respective housing developers providing information to tenants on City rental assistance programs with any nonpayment eviction notices issued at these properties; 6. Approve multi-year operating funding contracts for Resources for Community Development and Satellite Affordable Housing Associates, starting Fiscal Year (FY)2025-2026 and ending in FY2029-2030, estimated at up to \$30,000 per organization per year; 7. Authorize City Manager or designee to determine the amount of funding to be awarded to Resources for Community Development and Satellite Affordable Housing Associates annually from FY2026 to FY2030, based on the amount of the City's annual allocation of HOME funds and availability of General Fund match; and 8. Authorize the City Manager or designee to execute all original or amended documents or agreements to effectuate this action.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

## Consent Calendar

- 10. Fiscal Year 2025 - Donations for the Berkeley Meals on Wheels Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City to accept donations totaling \$8,000 for the Berkeley Meals on Wheels program for fiscal year 2025.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
- 11. Shelter Plus Care Program Renewal Grants**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or designee to receive up to the maximum grant award for the following two Shelter Plus Care grants and to execute any resultant agreements and amendments. a. Alameda County Shelter Plus Care grant in a not-to-exceed amount of \$1,022,704 to provide tenant-based rental assistance to individuals who are chronically homeless and disabled from March 1, 2025, through February 28, 2026; and b. U.S. Department of Housing and Urban Development (HUD) Shelter Plus Care grant in the amount of \$7,305,893 for Supportive Housing Collaborative Project (SHC) for the period September 1, 2025, through August 31, 2026.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
- 12. Contract: HR Acuity, LLC for Case Management and Employee Relations Software**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100046 with HR Acuity, LLC for case management and employee relations software, for a total amount not to exceed \$189,000 and extending the contract term to June 30, 2028.  
**Financial Implications:** See report  
Contact: Monica Walker, Human Resources, (510) 981-6800
- 13. Contract: Innovative Claim Solutions for Third Party Claims Administration of City's Workers' Compensation Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute and implement a contract and any amendments with Innovative Claim Solutions, Inc. (ICS), to provide workers' compensation third-party administrative services in an amount not to exceed \$1,888,570 for the period July 1, 2025, through June 30, 2028.  
**Financial Implications:** See report  
Contact: Monica Walker, Human Resources, (510) 981-6800

## Consent Calendar

- 14. Contract: Downtown Berkeley YMCA Fitness Center Memberships for City Employees**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with the Downtown Berkeley YMCA in the amount of \$179,136 for fitness center memberships for City employees for the period July 1, 2025, through June 30, 2026.  
**Financial Implications:** See report  
Contact: Monica Walker, Human Resources, (510) 981-6800
- 15. Contract No. 32500005 Amendment: Accela, Inc. for Environmental Health Software**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32500005 with Accela, Inc. (“Accela”) to increase spending authority by \$90,200 for Environmental Health (“EH”) software for a total amount not to exceed \$1,414,393 for the period of July 1, 2024 to June 30, 2027.  
**Financial Implications:** See report  
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 16. Contract No. 31900174 Amendment: Carahsoft Technology Corporation Using General Services Administration (“GSA”) Schedule for Website Hosting, Software, and Related Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900174 to increase spending authority with Carahsoft Technology Corporation (“Carahsoft”) for website hosting services, core infrastructure software, and related services utilizing pricing established by the GSA, for \$700,000 for a total not to exceed amount of \$2,378,953 for the period May 15, 2019 to June 30, 2027.  
**Financial Implications:** See report  
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 17. Contract No. 32300210 Amendment: Pacific Site Management for On-Call Vegetation and Reduction Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend contract No. 32500210 with Pacific Site Management for as-needed vegetation management, increasing the amount by \$300,000 for an amended total amount not to exceed \$900,000.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Consent Calendar

18. **Authorize the City Manager to Accept Metropolitan Transportation Commission Transit Oriented Communities (TOC) Planning Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept the Metropolitan Transportation Commission Transit Oriented Communities (MTC TOC) grant in the amount of \$400,000 for the Ashby BART Station Access Plan.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400
19. **Authorization for Additional Civic Arts Commission Meeting in 2025**  
**From: Civic Arts Commission**  
**Recommendation:** Adopt a Resolution for one additional meeting of the Civic Arts Commission in 2025.  
**Financial Implications:** None  
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
20. **Re-Appointment of Glenn Turner to the Mental Health Commission for the City of Berkeley**  
**From: Mental Health Commission**  
**Recommendation:** Adopt a Resolution re-appointing: Glenn Turner as a representative of the Special Public Interest Category - Family member, to complete her second 3-year term beginning June 25, 2025, and ending June 24, 2028.  
**Financial Implications:** None  
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

## Council Consent Items

21. **Berkeley High School All Class Reunion: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember O'Keefe (Author), Mayor Ishii (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember – including \$500 from Mayor Ishii, \$250 from Councilmember O'Keefe, \$250 from Councilmember Taplin, and \$250 from Councilmember Bartlett – to support the Berkeley High School All Class Reunion Committee (BHS ACRC) by way of its fiscal sponsor, the Berkeley Public Schools Fund, with funds relinquished to the City's general fund for this purpose.  
**Financial Implications:** See report  
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150

## Action Calendar

*The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during the Action Calendar public comment period on the item*

*The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise*

## Action Calendar

*hand" function in Zoom, to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

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

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

## Action Calendar – Public Hearings

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

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

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

### **22. Re-Establishment of the Berkeley Tourism Business Improvement District From: City Manager**

#### **Recommendation:**

1. Conduct a public hearing on the renewal of the Berkeley Tourism Business Improvement District (BTBID) for 10 years starting July 1, 2025.
2. Conduct a public hearing on the modification of the existing BTBID to end on June 30, 2025, shortening the existing BTBID's term from ten (10) years to eight (8) years thus modifying the existing BTBID Management District Plan.

Declare results of the majority protest proceedings and Re-Establish (renew) the Berkeley Tourism Business Improvement District (BTBID) for a term of ten (10) years, and modify the term of the existing BTBID to coincide with the renewal/reestablishment of the BTBID.

**Financial Implications:** See report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

## Action Calendar – Public Hearings

### 23. FY 2026 Proposed Budget Update Adoption

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt a Resolution adopting the FY 2026 Proposed Budget Update ("FY 26 Proposed Budget") as presented to Council on May 20, 2025, and as amended by subsequent Council action.

**Financial Implications:** See report

Contact: Shana Amenaghawon, City Manager's Office, (510) 981-7000

## Action Calendar – New Business

### 24. FY 2026 Annual Appropriations Ordinance

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance adopting the FY 2026 Annual Appropriations Ordinance (AAO) in the amount of \$781,761,995 (gross appropriations) and \$670,920,315 (net appropriations).

**Financial Implications:** See report

Contact: Paul Buddenhagen, City Manager, (510) 981-7000

### 25. Borrowing of Funds and the Sale and Issuance of FY 2025-26 Tax and Revenue Anticipation Notes

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the borrowing of Not to Exceed (NTE) \$61,000,000 and the sale and issuance of Fiscal Year 2025-26 Tax and Revenue Anticipation Notes.

**Financial Implications:** See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300

## Action Calendar – Policy Committee Track Items

### 26. Residents Oppose Broadcasting Obnoxious Cacophony Out in Public (ROBOCOP)

**From: Councilmember O'Keefe (Author)**

**Recommendation:** Refer to the City Manager a request that the City Attorney draft amendments to Berkeley Municipal Code Chapter 13.40, Community Noise, to prohibit in certain circumstances the installation and use of motion-activated surveillance devices that emit artificial or pre-recorded sound—including alarms, sirens, or voice recordings—in response to the presence or motion of persons in the public right-of-way or on private property that is open to the public. This prohibition shall apply to such devices when installed in the public right-of-way or on private property when triggered by motion in the public right-of-way, and when the sound emitted is audible in public areas. The prohibition shall not apply to conventional burglar alarms that activate only in response to unauthorized entry or tampering.

**Financial Implications:** See report

Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150

## Information Reports

27. **Voluntary Time Off Program for Fiscal Year 2026**  
**From: City Manager**  
Contact: David White, City Manager's Office, (510) 981-7000
28. **FY 2025 Third Quarter Investment Report: Ended March 31, 2025**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
29. **FY 2025 Second Quarter Investment Report: Ended December 31, 2024**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
30. **State of Public Health in Berkeley Summary Report**  
**From: City Manager**  
Contact: Scott Gilman, Health, Housing, and Community Services, (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.*

Archived indexed video streams are available at:

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

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

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street, and through the City's online records portal: <https://records.cityofberkeley.info/>.

Agendas, agenda reports, and revised/supplemental material may be accessed via the online agenda for this meeting at:

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

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

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

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

**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location.

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

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



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

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

~~~~~



Civic Arts Commission

CONSENT CALENDAR
June 24, 2025

To: Honorable Mayor and Members of the City Council
From: Civic Arts Commission
Submitted by: Cameron Woo, Chairperson, Civic Arts Commission
Subject: Authorization for Additional Civic Arts Commission Meeting in 2025

RECOMMENDATION

Adopt a Resolution for one additional meeting of the Civic Arts Commission in 2025.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Civic Arts Commission requests approval to hold a Special Meeting on August 13, 2025 in order to take a vote on the artist selected for the Martin Luther King Jr. / Young Adult Project (Y.A.P.) Service Center Public Art Project located at 1730 Oregon Street in Grove Park. This public art project, will be a mosaic or tile-based public art piece that is part of a larger seismic retrofit and renovation of the Martin Luther King Jr. Youth Services Center/(Y.A.P.) building. The public art piece will be installed on an exterior wall and extend into the interior lobby of the renovated building, spanning approximately 885 square feet. Submission of this report for authorization of the additional meeting was approved by the Civic Arts Commission at its regular meeting on May 28, 2025.

The vote was as follows: M/S/C (Bullwinkel/Scott) to approve request to Council for additional meeting in 2025 on August 13. Vote: Ayes — Bachrach, Blecher, Bullwinkel, Pineda, Scott, Woo; Nays — None; Abstain — None; Absent — None.

Public Comment: None

BACKGROUND

Resolution No. 68,705–N.S. governs the number of meetings for boards and commissions per year and authorizes the Civic Arts Commission to meet ten times per year. In 2025, the Civic Arts Commission plans to hold its ten regular meetings in addition to this Special Meeting, for a total of eleven meetings in calendar year 2025.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

RATIONALE FOR RECOMMENDATION

In order to meet the construction schedule for the Martin Luther King, Jr. (Y.A.P.) Service Center building located at 1730 Oregon Street, the Civic Arts Commission requests an additional meeting in 2025. The special meeting is to be held on August 13, 2025 in order to take a vote on the artist selected for this project.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager takes no position on the Commission's Report.

CONTACT PERSON

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

Attachments:

1: Resolution

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

AUTHORIZING ADDITIONAL MEETING FOR THE CIVIC ARTS COMMISSION IN
2025

WHEREAS, Resolution No. 68,705–N.S. stipulates how many annual meetings are allowed for Berkeley’s commissions and authorizes the Civic Arts Commission to meet ten times per year; and

WHEREAS, in order to meet the construction and public art installation schedule for the renovation and retrofit of Martin Luther King, Jr. Y.A.P. Service Center building located at 1730 Oregon Street the artist must be selected swiftly; and

WHEREAS the public art project, will be a mosaic or tile-based public art piece that will be installed on an exterior wall and extend into the interior lobby of the renovated building, spanning approximately 885 square feet; and

WHEREAS, the Civic Arts Commission requests an additional meeting in 2025 to take a vote on the artist selected for this project at a special meeting to be held on August 13, 2025.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Civic Arts Commission is authorized to hold one additional meeting in 2025.



Mental Health Commission

CONSENT CALENDAR
June 24, 2025

To: Honorable Mayor and Members of the City Council
 From: Mental Health Commission
 Submitted by: Ajay Krishnan, Mental Health Commission Chair
 Subject: Re-Appointment of Glenn Turner to the Mental Health Commission for the City of Berkeley

RECOMMENDATION

Adopt a Resolution re-appointing: Glenn Turner as a representative of the Special Public Interest Category - Family member, to complete her second 3-year term beginning June 25, 2025, and ending June 24, 2028.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Mental Health Commission is authorized to be composed of thirteen members. However, there are presently four vacancies on the Commission. The Mental Health Commission (MHC) is actively seeking candidates with the ability to fulfill the state law duties for Commissioners, including reviewing and evaluating the community's mental health needs, services, facilities, resources and programs.

Approval of the recommended re-appointment will move the Commission a step closer to having a full and diverse complement of commissioners to review and evaluate the community's behavioral health needs, resources and programs.

BACKGROUND

The Mental Health Commission re-appointed Glenn Turner as a representative of the special public interest appointment to the Mental Health Commission for the City of Berkeley, for a second, three-year term. Glenn Turner has been a resident of Berkeley since 1977. She also works with FASMI (Families Advocating for the Seriously Mentally Ill) at the county and state levels.

California State law requires that appointees to the Mental Health Commission meet specific categories. The public interest category includes anyone who has an interest in and some knowledge of mental health services. The special public interest category includes direct consumers of public mental health services and

family members of consumers, which together must constitute at least fifty percent or nine of the commission seats. Direct consumers and family members shall each constitute at least 20% of the commission membership.

Glenn is currently retired after serving the spiritual needs of Black, Brown, new age, and Queer people at her Berkeley retail business for more than 30 years. She brings legal, financial, operational, and other important skills to the Mental Health Commission. She is also a member of Berkeley Copwatch, Care Not Cops, Creative Action Theater, and has done planning and logistics for the Climate Emergency Task Force.

During her 3-year term with the MHC, Glenn held the vice chair position and has been on multiple sub-committees including the membership, evaluation, care court and finance committees.

The Mental Health Commission passed the following motions at the April 30, 2025, meeting:

Vote to re-appoint Commissioner Glenn Turner to the Mental Health Commission M/S/C (Gu, Teague) Move to re-appoint Glenn Turner to the MHC and send to City Council for approval

PASSED

Ayes: Gu, Opton, Sol, Teague, Turner; Noes: None; Abstentions: None; Absent: Jones, Krishnan, Tregub, Prichett

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Approval of the recommended action will allow the Mental Health Commission to move one step closer to having a full and diverse complement of commissioners to review and evaluate the community's mental health needs, resources, and programs.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

Jamie Works-Wright, Commission Secretary, HHCS, 510-981-7721

Appointment of Glenn Turner to the MHC

CONSENT CALENDAR
June 24, 2025

Attachments:
1: Resolution

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

APPOINTMENT OF GLENN TURNER TO THE MENTAL HEALTH COMMISSION

WHEREAS, membership of the Mental Health Commission is composed of thirteen appointments by the City Council as a whole, including one appointment by the Mayor (*or designee*), six special public interest appointments, and four general public interest appointments; and

WHEREAS, with the ongoing implementation of the Mental Health Services Act, the City of Berkeley will need to have a full complement of diverse appointees to the Commission to review and evaluate the community's mental health needs, resources, and programs and to fulfill its mandate; and

WHEREAS, Ms. Glenn Turner has volunteered within the community and is a family member of a person with lived experience,

WHEREAS, the Mental Health Commission at its April 30, 2025, meeting recommended the re-appointment of Glenn Turner.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council re-appoint Glenn Turner as a representative of the Special Public Interest category, to complete her second term ending June 24, 2028.



To: Honorable Mayor and Members of the City Council
 From: Councilmember Shoshana O'Keefe (Author), Mayor Adena Ishii and
 Councilmembers Terry Taplin and Ben Bartlett (Co-Sponsors)
 Subject: Berkeley High School All Class Reunion: 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 Ishii, \$250 from Councilmember O'Keefe, \$250 from Councilmember Taplin, and \$250 from Councilmember Bartlett – to support the Berkeley High School All Class Reunion Committee (BHS ACRC) by way of its fiscal sponsor, the Berkeley Public Schools Fund, with funds relinquished to the City's general fund for this purpose.

BACKGROUND

The Berkeley High School All Class Reunion Committee (BHS ACRC) is planning its 7th Biennial All Class Picnic on Saturday, August 23, 2025. The event will take place at San Pablo Park from 10:00 AM to 6:00 PM.

This community celebration was designed to rekindle memories of BHS pride and reconnect friendships, neighbors, and families. Alumni and people of all ages can enjoy a picnic in the park with good food, live music, vendors, a kids zone, and a health fair. Previous reunions have reconnected over 2,000 people. Any excess funds will go toward funding a BHS Scholarship.

ENVIRONMENTAL SUSTAINABILITY

None.

FISCAL IMPACTS

No General Fund impact. \$500 is available from contributing Councilmembers' Council Office Budget discretionary accounts.

CONTACT

Councilmember O'Keefe, 510-524-1625

RESOLUTION ##,###-N.S.

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

WHEREAS, Mayor Ishii, and Councilmembers Shoshana O'Keefe, Terry Taplin, and Ben Bartlett have surplus funds in their office expenditure accounts; and

WHEREAS, a California non-profit tax-exempt corporation Berkeley Public Schools Fund seeks funds to provide the following public services: Berkeley High School All Class Reunion; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: reunion for BHS alumni and BHS scholarships;

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 Berkeley Public Schools Fund to fund the following services: Berkeley High School All Class Reunion.



To: Honorable Mayor and Members of the City Council
 From: Councilmember Shoshana O'Keefe (Author)
 Subject: Residents Oppose Broadcasting Obnoxious Cacophony Out in Public (ROBOCOP)

RECOMMENDATION

Refer to the City Manager a request that the City Attorney draft amendments to Berkeley Municipal Code Chapter 13.40, Community Noise, to prohibit in certain circumstances the installation and use of motion-activated surveillance devices that emit artificial or pre-recorded sound—including alarms, sirens, or voice recordings—in response to the presence or motion of persons in the public right-of-way or on private property that is open to the public.

This prohibition shall apply to such devices when installed in the public right-of-way or on private property when triggered by motion in the public right-of-way, and when the sound emitted is audible in public areas.

The prohibition shall not apply to conventional burglar alarms that activate only in response to unauthorized entry or tampering.

SUMMARY STATEMENT

This item refers to the City Manager a request to amend Berkeley Municipal Code Chapter 13.40, Community Noise, to prohibit the installation and use of fixed security cameras or surveillance devices in the public right-of-way or on private property that emit arterial or pre-recorded sound into the public realm and neighboring residential properties.

In recent months, community members submitted multiple complaints regarding a new class of noise-generating surveillance devices installed on private property and aimed toward the public right-of-way. Specifically, residents living near the CVS at 1451 Shattuck Avenue reported being repeatedly disturbed by automated announcements triggered by motion.

While these systems may be marketed as deterrents to nuisance behavior, they have created a new kind of public nuisance – disturbing the peace, disrupting sleep, and transforming neighborhood sidewalks into sites of relentless audio warnings. Under today's decibel-and-duration thresholds (e.g. 65 dBA for up to 30 minutes per hour) and the exemptions for interior or bona fide emergency alarms, these short, motion-triggered voice announcements – often under 10 seconds at a time do not meet the threshold of 'noise disturbance.' However, these repeated and unpredictable loud noises create a significant disturbance in the surrounding

environment and are similarly detrimental to public health, welfare, safety, and quality of life to people in the area.

This item aims to close a gap in the City's noise regulations by prohibiting the installation of audio-enabled surveillance devices that are either in the public right-of-way or affixed to private property but triggered by movement in the public right-of-way, that emit persistent, automated, and blaring noise into the public realm, and undermine the peaceful nature of Berkeley's neighborhoods.

BACKGROUND

Berkeley has long recognized the importance of protecting residents from excessive and intrusive noise. The City's Community Noise Ordinance, BMC Chapter 13.40, establishes that noise can be detrimental to public health, safety, welfare, and overall quality of life, and that every person is entitled to an environment free from disturbing and unnecessary sound.

Prompted by multiple complaints from neighbors about such a device recently installed at the CVS at 1451 Shattuck Avenue, this referral aims to address an emerging class of noise disturbances. Residents reported being subjected to loud, repetitive announcements from the automated surveillance system – including warnings that the area is under video monitoring and aggressive pre-recorded messages directed at pedestrians walking by. Of the two types of announcements reported, one, stating “for your safety, this parking lot is being recorded” occurred at regular intervals of around every 30 minutes. The other occurred during all times of the day and night, and was triggered by motion in public areas, specifically on the sidewalk along Shattuck Ave. It reportedly instructed residents to “leave the area immediately or the police will be called.”

These pre-recorded messages could be heard from hundreds of feet away, including inside homes with closed windows. With announcements occurring at all hours, including late at night and early in the morning, many nearby residents reported interrupted sleep or disruption to work and other activities. While the stated intent of such systems is to deter unwanted behavior on private property, their impact on surrounding homes and public spaces has created new concerns about noise, privacy and equity. Residents have likened the experience to living under constant surveillance, with automated messages and flashing lights eroding neighborhood livability and creating a hostile, dystopian atmosphere.

At present, these devices are not clearly regulated under existing provisions of the City's noise ordinance. Neither the City, nor the Berkeley Police Department approved the installation of this device. However, Berkeley's residents are not the first to be impacted by these types of devices

– residents in cities like Seattle and Washington DC have also reported feeling threatened by these “intrusive” and advanced security systems.¹²

This referral seeks to initiate a review and amendment of BMC Chapter 13.40 to ensure that Berkeley’s policies address these emerging trends in surveillance technology and uphold the City’s values of peace, dignity and fairness.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Berkeley’s Community Noise Ordinance (BMC Chapter 13.40) outlines the City’s framework for regulating sound levels and identifies noise pollutants as a public health and welfare issue. Specifically, Section 13.40.010, Purpose and Intent, establishes the City’s position:

“Certain sound levels and vibrations are detrimental to the public health, welfare, safety, and quality of life, and are contrary to the public interest; Every person is entitled to an environment in which the noise is not detrimental to their life, quality of life, health, or enjoyment of property.”

The ordinance goes on to state that:

“The public health, comfort, convenience, safety, welfare, prosperity, peace, and quiet of the City and its inhabitants will be promoted by maintaining quiet in those areas which exhibit low sound levels and by reducing noise in those areas within the City where sound levels are above acceptable values.” (BMC Section 13.40.010, Ord. 7122-NS § 1, 2009; Ord. 5500-NS)

Although the ordinance provides broad authority to regulate offensive and excessive sound, it does not currently address the growing use of motion-activated security devices that emit loud, repetitive, artificial sound from private property into public space. Under current law, the sporadic nature of these types of announcements may not cumulatively meet the required noise threshold. Neighbors reported that the device emitted several notifications within an hour, but likely did not exceed the 30-minute exterior noise requirement, as described in the ordinance.

This referral proposes amending the ordinance to explicitly prohibit the types of devices that project sound into the public right-of-way and/or adjacent properties, and are triggered by routine, lawful activity.

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Councilmember Shoshana O’Keefe discussed the ordinance with City Attorney, Farimah Brown, and the City Manager, Paul Buddenhagen. The City Attorney expressed interest in amending

¹ Dowling, J. (2022, May 27). *Neighbor calls new talking security camera outside Queen Anne CVS “intrusive.”* FOX 13 Seattle. <https://www.fox13seattle.com/news/uptown-resident-calls-new-talking-security-camera-outside-cvs-intrusive>

² Crabtree, E. (2024, July 13). *CVS shopper shocked at new “police robot” anti-theft measure.* The US Sun. <https://www.the-sun.com/news/11911844/cvs-shopper-shocked-new-anti-theft-measure/>

the Berkeley Municipal Code Chapter 13.40 to expressly forbid the installation and use of automated amplified sound equipment when it is triggered by movement in the public right-of-way and emits repeated, blaring noise that can be disruptive to those in the public realm.

RATIONALE FOR RECOMMENDATION

This ordinance would protect the health and welfare of residents by preventing disturbing and excessive noise from artificial surveillance devices in the public realm and private dwellings. The existing Berkeley Municipal Code (13.40.010) already establishes that:

- Certain sound levels are detrimental to the quality of life;
- Individual are entitled to an environment free of disruptive noise;
- Offensive and excessive noise negatively affect the peace and comfort of the community.

This item aligns with Berkeley's goals of maintaining vibrant, safe, and peaceful neighborhoods, and ensures technology used for private surveillance does not come at the expense of the broader public welfare.

IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

This referral requests the City Manager to instruct the City Attorney to draft amendments to Berkeley Municipal Code Chapter 13.40, Community Noise, to address the use of automated, amplified and motion-activated security systems installed in the public right-of-way or on private property that can be triggered by people on public property, and impact public space.

Specifically, this item asks the City Manager and City Attorney to:

- Add a new prohibition on motion-activated and audio-enabled surveillance devices that are triggered by movement in public areas, while being mindful of any potential First Amendment issues.
- Create a tailored exemption for private intrusion/burglar alarms monitored exterior sensors that activate only in response to unauthorized entry or tampering.

Once draft language is adopted by the Council, implementation and enforcement would be carried out through existing procedures outlined in the City's noise ordinance. Administration would likely be managed by the Health, Housing, and Community Services (HHCS) Department, with possible support from the Berkeley Police Department, particularly for after-hours or repeated violations.

ENVIRONMENTAL SUSTAINABILITY

This item has no direct environmental impact.

FISCAL IMPACTS

No significant fiscal impact expected. Staff time may be required for enforcement given the potential updates to noise enforcement protocols.

CONTACT

Councilmember Shoshana O'Keefe, 510-981-7150

Upcoming Worksessions and Special Meetings	
Scheduled Dates	
June 26 (Thu-6pm)	Zoning Ordinance and General Plan Amendments Relating to Middle Housing
July 8 (4pm)	Comprehensive Summary of Homeless Response
July 23 (Wed-6pm)	Land Use Appeal Hearings: <ul style="list-style-type: none"> • Landmarks Preservation Commission: 2138 Kittredge Street • Landmarks Preservation Commission: 2425 Durant Avenue • Zoning Adjustments Board: 2655 Shattuck Street
Nov 4 (4pm)	San Pablo Avenue Specific Plan

Unscheduled Presentations and Special Meetings
<ol style="list-style-type: none"> 1. Council Referral: Social Housing (June or July) 2. Evacuation Study and Response Times 3. ODP/A/PAB Annual Report (July 22 or July 29) 4. Presentation on City's Unfunded Liabilities 5. Presentation on City's Deferred Infrastructure Needs

Future Information Reports
<ol style="list-style-type: none"> 1. Reimagining Public Safety Update 2. Affordable Housing Fee Feasibility Study 3. Berkeley Fire Department Annual Report

	City Council Referrals to the Agenda & Rules Committee and Unfinished Business for Scheduling
	None

CITY CLERK DEPARTMENT			
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL			
Address	Board/ Commission	Appeal Period Ends	Public Hearing
NOD – Notices of Decision			
1902 University Avenue (Stop and Save Market - sale of beer and wine)	ZAB	6/4/2025	
2660-2680 Bancroft Way (Multifamily building with 79 dwelling units)	ZAB	6/11/2025	
2845 Woolsey Street (landmark designation)	LPC	6/17/2025	
1947 Center Street (structural alteration - windows replacement)	LPC	6/17/2025	
Public Hearings Scheduled			
2138 Kittredge Street (Landmark designation for The Fitzpatrick House and Pepper Tree Tea Room)	LPC		7/23/2025
2655 Shattuck Avenue (mixed-use residential building)	ZAB		7/23/2025
2425 Durant Avenue - Laura Tull Property (landmark designation)	LPC		7/23/2025
Remanded to ZAB or LPC			
Notes			

6/4/2025



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

City of Berkeley City Council Agenda Index Webpage:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>

