

AGENDA
BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING

MONDAY, SEPTEMBER 29, 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 and virtual attendance. Attend this meeting remotely using [Zoom](#). To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 161 684 1504**. 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. All Committee meetings are recorded.

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

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: September 15, 2025**
- 2. Review and Approve Draft Agenda:**
 - a. 10/14/25 – 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**

Action Calendar

- None

Unscheduled Items

- None

Items for Future Agendas

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

Adjournment – Next Meeting Tuesday, October 14, 2025

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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.*

*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.

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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, September 25, 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, SEPTEMBER 15, 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

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

**Public Comment** – 1 speaker

## **Review of Agendas**

**1. Approval of Minutes: September 2, 2025**

**Action:** M/S/C (Humbert/Taplin) to approve the minutes of 9/2/2025.

**Vote:** All Ayes.

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

a. 9/30/25 – Regular City Council Meeting

**Action:** M/S/C (Humbert/Taplin) to approve the agenda of 9/30/2025 with the changes noted below.

- *Item Added: Prop 47 Grant (City Manager) – added to Consent Calendar*
- *Item 4 Behavior Health (City Manager) – revised dollar amount in recommendation*
- *Item 7 Revenue Grant (City Manager) – revised recommendation*
- *Item 10 Facility Improvements (Taplin) – Councilmembers Bartlett, Tregub, and Blackaby added as co-sponsors*
- *Item 15 Civilian Oversight Agencies (Director of Police Accountability) – placed on the Action Calendar against the recommendation of the Agenda & Rules Committee pursuant to Chapter III.C.1.b of the Rules of Procedure*
- *Item 16 Communications Policy (Director of Police Accountability) – placed on the Action Calendar against the recommendation of the Agenda & Rules Committee pursuant to Chapter III.C.1.b of the Rules of Procedure*
- *Item 17 Unmanned Aerial Systems (Taplin) – referred to Public Safety Committee; Councilmembers Kesarwani and Humbert added as co-sponsors*
- *Item 18 Supporting Proposition 50 (Tregub) – scheduled for Consent Calendar; Councilmember Blackaby added as a co-sponsor*

Order of Action Calendar

Item 14 Planning Dept. Fees

Item 15 Civilian Oversight Agencies

Item 16 Communications Policy

**Vote:** All Ayes.

**3. Adjournments In Memory**

1. Dinh Le, Berkeley Resident and Pedestrian Fatality

## **Scheduling**

**4. Council Worksessions Schedule** – updated to remove published reports

**5. Council Referrals to Agenda Committee for Scheduling** – received and filed

**6. Land Use Calendar** – received and filed

## Action Calendar

- None

## Unscheduled Items

- None

## Items for Future Agendas

- None

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 3:05 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on September 15, 2025.

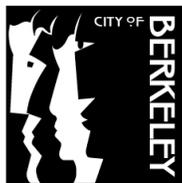
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Mark Numainville, City Clerk

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**DRAFT AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, October 14, 2025**  
**6:00 PM**

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

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – IGOR TREGUB

DISTRICT 5 – SHOSHANA O'KEEFE

DISTRICT 6 – BRENT BLACKABY

DISTRICT 7 – CECILIA LUNAPARRA

DISTRICT 8 – MARK HUMBERT

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

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

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## 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.*

## Recess Items

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

## Consent Calendar

### 2. **Adopt Revisions to the 2025 City Council Meeting Schedule**

**From: City Manager**

**Recommendation:** Adopt a Resolution modifying the City Council regular meeting schedule for 2025, with starting times of 6:00 p.m., to reschedule the November 4, 2025, regular meeting to November 10, 2025.

**Financial Implications:** See Report

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

### 3. **Contract: Healthy Black Families for the African American Holistic Resource Center Project Sankofa**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Healthy Black Families (HBF) for the African American Holistic Resource Center Project Sankofa, which will be funded through the State of California Mental Health Services Act (MHSA) Community Services and Supports funds, for a not to exceed amount of \$300,000, through June 30, 2026.

**Financial Implications:** See report

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

### 4. **Revenue Grant: FEMA Seismic Hazard Mitigation Grant Program**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a letter of commitment of matching funds for a seismic Hazard Mitigation Grant application for the City of Berkeley Civic Center Project-Seismic Retrofit of MSB and VMB to the Federal Emergency Management Agency (FEMA), and subject to its award, to accept the grant, execute any resultant revenue agreements and amendments, accept any additional funding allocations from the Hazard Mitigation Grant Program (HMGP), and designate the City Manager as the applicant's authorized agent. If awarded, the grant will underwrite the seismic retrofit of two historic and critical buildings in Berkeley's Civic Center, the Maudelle Shirek Building ("MSB" or "Old City Hall") and the Veterans Memorial Building ("VMB").

**Financial Implications:** See report

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

## Consent Calendar

### 5. **Revenue Grant: FEMA Fire Hazard Mitigation Grant Program**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a letter of commitment of matching funds for a Hazard Mitigation Grant application for the City of Berkeley Home Hardening and Defensible Space Grants Project to the Federal Emergency Management Agency (FEMA), and subject to its award, to accept the grant, execute any resultant revenue agreements and amendments, accept any additional funding allocations from the Hazard Mitigation Grant Program, and designate the City Manager and Deputy City Manager as the applicant's authorized agents.

**Financial Implications:** See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400, David Sprague, Fire, (510) 981-3473

### 6. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 14, 2025**

**From: City Manager**

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

**Financial Implications:** See report

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

### 7. **Contract No. 10271 Amendment: Lease of 1521-1535 University Avenue**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 10271 with Satellite Affordable Housing Associates (SAHA) through June 30, 2031, adding \$1,200,000 for a total contract amount of \$2,709,949.20, to fund lease payments for 1521-1535 University Avenue.

**Financial Implications:** See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

### 8. **Contract No. 31900009 Amendment: McKinley House (2111 McKinley Avenue, Berkeley, CA 94703)**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 31900009 with Building Opportunities for Self-Sufficiency (BOSS) through June 30, 2026, adding \$84,474 for a total contract amount not to exceed \$911,133, to fund Mental Health clients living at 2111 McKinley Avenue in Berkeley.

**Financial Implications:** See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

## Consent Calendar

**9. Contract: Preferred Alliance, Inc. for Drug and Alcohol Testing Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to increase the amount of the current contract and any amendments with Preferred Alliance Inc., to continue to provide third party administration of the City's Random Drug and Alcohol Testing Program which expires at the end of 2025. An extension is necessary through June 30, 2027. A contract cap increase is required in an amount not to exceed \$100,000 to continue services.

**Financial Implications:** See report

Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

**10. Contract: ESI Group for IBM Hardware, Software, and related Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with ESI Group for IBM hardware, software and related services (AS400) for the FUND\$ system for an amount not to exceed \$225,000 for the period commencing on July 1, 2025 through June 30, 2027.

**Financial Implications:** See report

Contact: Kevin Fong, Information Technology, (510) 981-6500

## Council Consent Items

**11. Residents Oppose Broadcasting Obnoxious Cacophony Out in Public (ROBOCOP) (Reviewed by the Public Safety Committee)**

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

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

This prohibition shall apply to such devices when installed in the public right-of-way or on private property when triggered by motion in the public right-of-way, and when the sound emitted is audible in public areas. The prohibition shall not apply to conventional burglar alarms that activate only in response to unauthorized entry or tampering.

*Policy Committee Recommendation: To send the item with a qualified positive recommendation to Council, requesting that the City Attorney draft ordinance language as outlined in the recommendation, with additional clarification regarding location parameters and permissible volume levels.*

**Financial Implications:** See report

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

## Action Calendar

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

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

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

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

## Action Calendar – Public Hearings

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

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

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

### **12. Amendments to Title 21 (Subdivisions) to Allow Separate Sale of ADUs**

**From: City Manager**

**Recommendation:** Conduct a public hearing, and upon conclusion, adopt the first reading of an Ordinance to amend Berkeley Municipal Code Title 21 (Subdivisions Ordinance) and Chapter 23.306 Accessory Dwelling Units to implement Assembly Bill (AB) 1033 by establishing local regulations for the separate sale of ADUs as condominiums.

**Financial Implications:** None

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

## Action Calendar – Policy Committee Track Items

13. **Urging Police Accountability Board Regulations Completion**  
**From: Councilmember Blackaby (Author), Mayor Ishii (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution urging the Police Accountability Board (PAB), Berkeley Police Association (BPA), the Berkeley Police Department (BPD) and the City of Berkeley to complete negotiations on final PAB Regulations.  
**Financial Implications:** None.  
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

## Information Reports

14. **Changes to Special Events Permitting Fees and Requirements**  
**From: City Manager**  
Contact: Peter Radu, City Manager's Office, (510) 981-7000
15. **Referral Response Alternative Housing Options for People Experiencing Homelessness**  
**From: City Manager**  
Contact: Peter Radu, City Manager's Office, (510) 981-7000
16. **Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring Audit Status Report**  
**From: City Manager**  
Contact: David White, City Manager's Office, (510) 981-7000
17. **Civic Arts Grant Awards: Fiscal Year 2026**  
**From: City Manager**  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
18. **Update: HR Response: Audit Directive(s) for Comprehensive Domestic Violence Policy to Support City Employees**  
**From: City Manager**  
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
19. **Landmark Preservation Ordinance Notice of Decision: 2000 Blake Street /#LMIN2025-0003**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400

## 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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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

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Internal

CONSENT CALENDAR
October 14, 2025



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, with additional clarification regarding location parameters and permissible volume levels.

This prohibition shall apply to such devices when installed in the public right-of-way or on private property when triggered by motion in the public right-of-way, and when the sound emitted is audible in public areas. The prohibition shall not apply to conventional burglar alarms that activate only in response to unauthorized entry or tampering.

POLICY COMMITTEE RECOMMENDATION

On September 18, 2025, the Public Safety Committee adopted the following action: M/S/C (Blackaby/Kesarwani) to send the item with a qualified positive recommendation to Council, requesting that the City Attorney draft ordinance language as outlined in the recommendation, with additional clarification regarding location parameters and permissible volume levels. Vote: All Ayes.

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

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/>

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 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

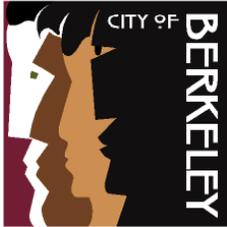
This item has no direct environmental impact.

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



Brent Blackaby
Councilmember District 6

CONSENT CALENDAR
October 14, 2025

To: Honorable Mayor and Members of the City Council
From: Councilmember Blackaby (Author), Mayor Ishii (Co-Sponsor)
Subject: Urging Police Accountability Board Regulations Completion

RECOMMENDATION

Adopt a Resolution urging the Police Accountability Board (PAB), Berkeley Police Association (BPA), the Berkeley Police Department (BPD) and the City of Berkeley to complete negotiations on final PAB Regulations.

FINANCIAL IMPLICATIONS

None

CURRENT SITUATION AND ITS EFFECTS

In November 2020, Berkeley residents voted to create a Police Accountability Board (PAB). The PAB would increase the oversight of the Berkeley Police Department and expand the authority and autonomy of the former Police Review Commission. The PAB approved interim regulations, to enable the board to begin fulfilling its duties, and Council approved them in October 2021.

Since that time, final regulations have not come to City Council for approval as protracted negotiations have continued without stakeholders coming to agreement.

We trust that this negotiation process has been conducted in good faith. However, we also know that the PAB's work to create robust oversight of the Berkeley Police Department will be improved by approving final regulations. In addition, Berkeley's Police Officers should have finality and certainty about how personnel complaints will be handled, and Berkeley residents deserve to know that public safety is being maximized by a well-functioning relationship between PAB, BPD, and the City in handling complaints.

This item calls for a resolution to urge completion of the Police Accountability Board (PAB) Regulations.

BACKGROUND

In November 2020, the voters of Berkeley overwhelmingly passed Measure II, amending the City Charter to create the Police Accountability Board (PAB). The Charter was intended to create robust oversight of the Berkeley Police Department

(BPD) by expanding the authority and autonomy of the PAB's predecessor, the Police Review Commission (PRC).

The stated purpose of the PAB is "to promote public trust through independent, objective, civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and to provide a means for prompt, impartial and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department." (Charter Article XVIII, Section 125(1).)

The Charter enumerates several powers and duties of the PAB, including the power and duty "to adopt rules and regulations necessary for the conduct of its business." (Charter Article XVIII, Section 125(3)(a)(6).)

The PAB approved the interim regulations, with a few changes, and Council approved the regulations in October 2021. Council deferred a decision on certain provisions, however, on the grounds that they would trigger meet and confer negotiations with the Berkeley Police Association (BPA).

After four years of negotiations, it is necessary to bring final regulations to the Council for adoption.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No direct impact

CONTACT PERSON

Councilmember Brent Blackaby Council District 6 510-981-7160

Attachments:

1: Resolution

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

DEADLINE FOR POLICE ACCOUNTABILITY BOARD REGULATIONS

WHEREAS, Berkeley voters overwhelmingly passed Measure II, amending the City Charter to create the Police Accountability Board (PAB) in November 2020; and

WHEREAS, the PAB would amplify the citizen oversight of the Berkeley Police Department and expand the authority and autonomy of the former Police Review Commission (PRC); and

WHEREAS, in October 2021, City Council approved the PAB's interim regulations, enabling the Police Accountability Board to begin fulfilling its duties; and

WHEREAS, since that time, 4 years later, final regulations have not come to City Council for approval as protracted negotiations have continued without stakeholders coming to agreement; and

WHEREAS, the PAB's work to create robust civilian oversight of the Berkeley Police Department would be improved by approving final regulations; and

WHEREAS, Berkeley Police Officers should have finality and certainty about how personnel complaints will be handled; and

WHEREAS, Berkeley residents deserve to know that public safety is being maximized by a well-functioning relationship between PAB, BPD and the City in handling complaints.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the PAB regulations process has been conducted in good faith.

BE IT FURTHER RESOLVED that Council urges the Police Accountability Board (PAB), Berkeley Police Association (BPA), the Berkeley Police Department (BPD) and the City of Berkeley to complete negotiations on final PAB Regulations.

BE IT FURTHER RESOLVED that Council requests a closed session meeting in 2025 to receive updates from the stakeholders on the state of negotiations and any outstanding issues.

Upcoming Worksessions and Special Meetings	
Scheduled Dates	
Sept 30 (4pm)	Council Referral: Social Housing
Oct 28 (4pm)	Ashby BART East Lot RFP
Nov 6 (6pm)	San Pablo Avenue Specific Plan, and Corridors Zoning Update

Unscheduled Presentations and Special Meetings
<ol style="list-style-type: none">1. Presentation on City's Unfunded Liabilities2. Presentation on City's Deferred Infrastructure Needs (September - TBD)3. PAB/ODPA Annual Report (Fall 2025)

Future Information Reports
<ol style="list-style-type: none">1. Affordable Housing Fee Feasibility Study2. 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			
2109 Virginia Street (Demolish 2-story commercial building)	ZAB	9/30/2025	
2147 San Pablo Avenue (modify Group Living Accommodation (GLA) units)	ZAB	9/30/2025	
Public Hearings Scheduled			
Remanded to ZAB or LPC			
Notes			

9/24/2025

