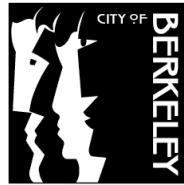


AGENDA



BERKELEY CITY COUNCIL MEETING

**Tuesday, March 30, 2021
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/81872119058>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 818 7211 9058. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

To submit an e-mail comment during the meeting to be read aloud during public comment, email clerk@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

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

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

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

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 for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

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

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

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

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

Consent Calendar

1. **Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**

From: City Manager

Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020 and February 9, 2021.

Financial Implications: See report

Contact: Farimah Brown, City Attorney, (510) 981-6950

2. **Minutes for Approval**

From: City Manager

Recommendation: Approve the minutes for the council meetings of February 2, 2021 (closed), February 9, 2021 (closed and regular), February 16, 2021 (closed and special), February 23, 2021 (special and regular) and February 25, 2021 (closed).

Financial Implications: None

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

3. **Police Accountability Board – Ordinance Amendment for Leaves of Absence and Alternate Commissioner; Amending BMC Chapter 3.02**

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 3.02.030 to provide for leaves of absence for members of the Police Accountability Board and Berkeley Municipal Code Section 3.02.035 to provide for a designated council-approved alternate to serve when a regular member is on a leave of absence.

Financial Implications: See report

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

Consent Calendar

**4. Contract Amendments: Contract No. 088999-1: Center for Independent Living
Contract No. 052129-1: Pacific Center for Human Growth and Contract No.
122380-1: Covenant House California – YEAH! Program**

From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to execute amendments for the following contracts that are funded through State of California Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) monies, increasing each contract as outlined below, and extending the contracts through June 30, 2021:

1. Increasing MHSA PEI Contract No. 088999 -1 with Center for Independent Living (CIL) in the amount of \$8,011 for a total contract amount not to exceed \$288,630 for trauma support services for senior citizens;
2. Increasing PEI ERMA Contract No. 052129-1 with Pacific Center for Human Growth in the amount of \$8,011 for a total contract amount not to exceed \$315,150 for trauma support services for Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, Intersex, Agender, Plus other (LGBTQIA+) individuals;
3. Increasing MHSA PEI Contract No. 122380-1 with Covenant House California-YEAH! Program, in the amount of \$8,041 for a total contract amount not to exceed \$315,150 for trauma support services for Transition Age Youth (TAY).

Financial Implications: Mental Health Services Act - \$24,063

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**5. Contract No. 120650-1 Amendment: Covenant House California – YEAH!
Program**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment for the following Contract No. 120650-1 with Covenant House California – YEAH! Program that is funded through State of California Mental Health Services Act (MHSA) Community Services and Supports (CSS) monies, increasing the contract amount by \$30,714, for a contract amount not to exceed \$878,142, and extending the contract through June 30, 2021.

Financial Implications: Mental Health Services Act Fund - \$30,714

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**6. Designating City's Labor Negotiators Under Govt. Code Section 54957.6
From: City Manager**

Recommendation: Adopt a Resolution establishing a standing list of representatives of the City of Berkeley designated to participate in Closed Sessions with the City Council to discuss labor negotiations with certain unions and unrepresented employees for negotiations between January 1, 2021 and December 31, 2021

Financial Implications: None

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

Consent Calendar

- 7. Side-Letter Agreement: Additional Emergency Paid Sick Leave and Layoff Protection for Employees in the Public Employee Union, Local 1/AFSCME Council 57**
From: City Manager
Recommendation: Adopt a Resolution authorizing City Manager to execute a side-letter agreement to provide 80 hours of additional Emergency Paid Sick Leave (EPSL) and layoff protection through June 30, 2021 for Employees represented by the Public Employee Union, Local 1/AFSCME Council 57 (“Local 1”).
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
- 8. Contract No. 32100021 Amendment: Telfords for Tyler Munis ERP System (locally referred to as ERMA) Implementation Support**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to authorize one-time funding of \$80,000 for a proposed amendment to Contract No. 32100021 with Telfords, for Consulting Services for Tyler Munis ERP system project management and implementation support services to fund the ERMA implementation support contract, and extend the contract to December 30, 2021.
Financial Implications: Various Funds - \$80,000
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
- 9. Contract No. 047162-1 Amendment: ESI Group for the IBM Hardware and Software Lease**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 047162-1 with ESI Group for leasing, maintenance, and technical support for International Business Machines (IBM) hardware lease and software maintenance and support, increasing the current contract by \$120,000, for a total not to exceed \$2,154,769 from June 2, 2003 through June 30, 2022.
Financial Implications: IT Cost Allocation Fund - \$120,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 10. Contract No. 100547-1 Amendment: Tyler Technologies, Inc. for the Open Data Portal’s (ODP) Hosting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 100547-1 with Tyler Technologies, Inc., for the purposes of hosting the City’s Open Data Portal, increasing the amount by \$147,991 for a total contract amount not to exceed \$402,961 and extending the term through June 30, 2024.
Financial Implications: IT Cost Allocation Fund - \$147,991
Contact: Savita Chaudhary, Information Technology, (510) 981-6500

Consent Calendar

- 11. Contract No. 105921-1 Amendment: TruePoint Solutions, LLC for Accela Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 105921-1 with TruePoint Solutions, LLC for professional services, increasing the amount by \$235,000, for a total not-to-exceed amount of \$852,200, and extending the term by two years for the term beginning June 1, 2015 to June 30, 2023.
Financial Implications: Various Funds - \$235,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 12. Contract No. 107364-1 Amendment: Verint Systems Inc. for Customer Relationship Management (CRM) Software Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 107364-1 with Verint Systems, Inc. for CRM software licensing, maintenance, and support, increasing the amount by \$68,440 for a total contract amount not-to-exceed \$1,054,187 from March 23, 2007 through June 30, 2023.
Financial Implications: IT Cost Allocation Fund - \$68,440
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 13. Contract No. 32000177 Amendment: NextRequest for Public Records Act (PRA) Response Software**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000177 with NextRequest for software hosting, implementation, maintenance and related services for a Public Records Act Response Software System, for an additional amount not to exceed \$76,906, for a total not to exceed value of \$141,906, for the period commencing on July 1, 2019 through June 30, 2023.
Financial Implications: IT Cost Allocation Fund - \$76,906
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 14. Contract No. 32000004 Amendment: CBF Electric & Data for Wi-Fi Installation in City Facilities**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000004 (FUND\$ Contract No. 10934) with CBF Electric & Data (CBF) for Wi-Fi installation in City facilities, increasing the contract amount by \$25,000 for a total not-to-exceed amount of \$100,014 and extending the term from July 2, 2018 to June 30, 2022.
Financial Implications: IT Cost Allocation Fund - \$25,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500

Consent Calendar

- 15. Contract No. 32000223 Amendment: Gray Quarter, Inc. for Accela Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000223 with Gray Quarter, Inc. for professional services, increasing the amount by \$200,000, for a total not-to-exceed amount of \$249,500 and extending the term by one year to June 30, 2023.
Financial Implications: Various Funds - \$200,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 16. Protiviti Government Services: Using General Services Administration (GSA) Vehicle for Professional Services Purchase Orders**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti Government Services for the purchase of professional services using the General Services Agency's (GSA) purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$512,000 through June 30, 2022.
Financial Implications: General Fund - \$512,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 17. Contract No. 32000219 Amendment: Lind Marine for Removal of Derelict and Abandoned Vessels at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000219 with Lind Marine to remove and dispose derelict and abandoned vessels at the Berkeley Marina by increasing the contract amount by \$42,000; and authorizing additional contingency of \$4,200 for a total not-to-exceed amount of \$146,400; and contingency of \$42,800.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 18. Utility Agreement: Construction of Gilman Street Sanitary Sewer Line Extension as part of the I-80 Gilman Street Interchange Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Authorizing the City Manager to execute a Utility Agreement (UA) with the Alameda County Transportation Commission (Alameda CTC) for the construction of a sanitary sewer line on Gilman Street (Project) to serve the future fieldhouse restroom at the Tom Bates Regional Sports Complex; and 2. Authorizing the City Manager to issue City funding to Alameda County Transportation Commission (Alameda CTC) in accordance with the UA in amount not to exceed \$720,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

19. Contract No. 10874D Amendment: Street Level Advisors for Development Fee Feasibility Analysis

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10874D with Street Level Advisors, to analyze the impact of fees and other variables on development project feasibility and to gather additional stakeholder input, increasing the contract amount by \$70,000 to a new total not-to-exceed contract amount of \$295,400, and extending the contract period to December 31, 2023.

Financial Implications: See report

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

Council Consent Items

20. Budget Referral – Police Foot/Bike Patrol in West and South Berkeley

From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Mayor Arreguin (Co-Sponsor)

Recommendation: Refer to the FY 2021-22 Budget Process to establish funding for police foot patrol or bicycle officers to cover West Berkeley as defined in the West Berkeley Plan, which includes portions of Berkeley Police Department Beats 11-16; plus in South Berkeley, cover Berkeley Police Department Beats 9, 10 and 11. In addition, consider the possibility of a deputized Community Service Officer, who can issue citations and make arrests, and explore the inclusion of Specialized Care Unit currently under consideration in the City Manager's Reimagining Public Safety initiative.

Financial Implications: See report

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

21. Budget Referral: Funding STOP Signs at Dwight Way and California Street

From: Councilmember Taplin (Author)

Recommendation: That the City Council refers to the budget process the funding of two (2) STOP signs at the west and east ends of the intersection of Dwight Way and California Street and refers the City Manager to oversee the expedited installation of these STOP signs.

Financial Implications: See report

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

22. Letter to Google Requesting Commercial Truck Routes on Google Maps

From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor)

Recommendation: Send a letter to Google headquarters in Mountain View, CA, to request the inclusion of commercial truck routes on the Google Maps platform.

Financial Implications: None

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

Council Consent Items

- 23. Discussion on East Bay Paratransit and the Transportation Needs of Berkeleyans with Disabilities**
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer the Disability Commission and the Transportation Commission to hold a joint public discussion on the use, effectiveness, and accessibility of East Bay Paratransit as well as the transportation needs of the members of our community with disabilities and seniors, and return recommendations to Council.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 24. Providing our Unhoused Community with Fire Extinguishers** *(Reviewed by the Public Safety Committee)*
From: Councilmember Davila (Author)
Recommendation: Direct the City Manager to use existing homeless services funding to develop a program to provide fire extinguishers, fire prevention tools and deploy them through the community based homeless services providers to distribute to our unhoused community. Short term referral to additionally, require some elements of this program be deployed immediately, with a full program deployment within six months.
Policy Committee Recommendation: Send the item to City Council with a qualified positive recommendation to refer the item to the City Manager and the Disaster and Fire Safety Commission to consider fire extinguishers and other fire prevention tools such as wool blankets.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
- 25. Budget Referral: Allocate Funding for a New Project Coordinator Position Within the Public Works Department to Help Implement the Electric Mobility Roadmap and Other Climate Initiatives**
From: Councilmember Harrison (Author)
Recommendation: Refer to the June 2021 budget process: 1. Approximately \$198,386 from the General Fund for a new Community Development Project Coordinator position (1.0 FTE) within Public Works.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 26. Support for AB 20: Corporate-Free Elections Act**
From: Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Alex Lee, Assemblymember Buffy Wicks, and Senator Nancy Skinner in support of Assembly Bill 20, which would prohibit business entities from making campaign contributions to candidates running for elective office.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Council Consent Items

27. Support of AB 37: Vote-by-Mail Ballots

From: Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor)

Recommendation: Send a letter to Assemblymember Marc Berman, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 37, which would require counties to send vote-by-mail ballots to all voters for every election.

Financial Implications: None

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

28. Support for AB 854: Ellis Act Reform

From: Councilmember Robinson (Author)

Recommendation: Send a letter to Assemblymember Alex Lee, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 854, which would make nonsubstantive changes to the Ellis Act.

Financial Implications: None

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

Action Calendar

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

The Presiding Officer will request that persons wishing to speak use the "raise hand" function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

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

Action Calendar – Public Hearings

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

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. 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.

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

Action Calendar – Public Hearings

29. **California Municipal Finance Authority Bond Financing for 2870 Adeline Street, Berkeley, CA (Harriet Tubman Terrace Apartments)**
From: City Manager
Recommendation: Conduct a public hearing under the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986, and upon conclusion, adopt a Resolution approving the issuance of the bonds by the California Statewide Communities Development Authority (CSCDA) for the benefit of the 2870 Adeline Street rental housing development.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Council Action Items

30. **Introduce an Ordinance permanently banning the use of less lethal weaponry, chemical irritants, smoke projectiles, acoustic weapons, directed energy weapons, water cannons, disorientation devices and ultrasonic cannons used by the police on civilians** (*Reviewed by the Public Safety Committee*)
From: Councilmember Davila (Author)
Recommendation: Direct the City Manager and City Attorney to prepare the attached ordinance: “Prohibition On The Use Of Certain Munitions Ordinance” for first reading for the October 27, 2020 Regular City Council Meeting.
Policy Committee Recommendation: Send the item to City Council with a negative recommendation and recommend that Council take no action.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
31. **Recognize the Rights of Nature** (*Reviewed by Facilities, Infrastructure, Transportation, Environment & Sustainability Committee*)
From: Councilmember Davila (Author)
Recommendation: Adopt a resolution to recognize that the natural living world has a right to exist, thrive, regenerate and evolve its life cycles; to protect the ecosystems upon which our own vitality depends; and to transform our human relationship with nature from a property-based to a legal rights-bearing entity.
Policy Committee Recommendation: Send the item to City Council with the qualified positive recommendation revising the final resolved clause of the draft resolution to place obligation on the City and not the residents.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Information Reports

32. **FY 2020 Fourth Quarter Investment Report: Ended June 30, 2020**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Information Reports

33. **FY 2021 First Quarter Investment Report: Ended September 30, 2020**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
34. **Referral Response: Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless**
From: City Manager
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
35. **Report on Workers' Compensation Annual Program Review FY 2019-2020**
From: City Manager
Contact: LaTanya Bellow, Human Resources, (510) 981-6800

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.*

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service 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 posted on the City's website at <http://www.cityofberkeley.info>.

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

COMMUNICATION ACCESS INFORMATION:

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



Captioning services are provided at the meeting, on B-TV, and on the Internet.

I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on March 18, 2021.

Mark Numainville, City Clerk

Communications

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

Zoning Revisions

- 1. Stephanie Wade, on behalf of the Park Hills Association
- 2. Allen Romano
- 3. Avram Gury Arye (2)
- 4. Gail Nankin
- 5. Livable California

Affordable Housing Overlay and Housing as a Human Right

- 6. Gabriel McAdams
- 7. Gerard Ramm

Tax Disparities Due to Square Footage

- 8. Bob Flash

Hopkins Corridor Study and Street Conditions

- 9. Todd Andrew (2)
- 10. Councilmember Hahn

Crime at People's Park

- 11. Kristen Barneich
- 12. Michele Shafroth

DAWN Native Plants at Cesar Chavez Park

- 13. Carol Denney

Berkeley Asphalt Company

- 14. Mike Perlmutter, on behalf of Clean Air Berkeley

URL's Only

15. Russbumper (2)

Supplemental Communications and Reports

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

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



Office of the City Attorney

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Farimah Faiz Brown, City Attorney

Subject: Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)

RECOMMENDATION

Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020 and February 9, 2021.

FISCAL IMPACT OF RECOMMENDATION

To be determined.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to California Government Code section 8630 and Berkeley Municipal Code Chapter 2.88, on March 3, 2020, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19), including a confirmed case in the City of Berkeley. As a result of multiple confirmed and presumed cases in Alameda County, the County has declared a local health emergency. The Proclamation of Local Emergency empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such local emergency. Pursuant to Government Code section 8630(b) and Berkeley Municipal Code section 2.88.040.A.1, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312.

Pursuant to Government Code section 8630(c), the City Council must review the need for continuing the local emergency at least once every sixty (60) days. The Council last reviewed and ratified the Proclamation of Local Emergency on February 9, 2021. The Council therefore must review the continuing need for the local emergency by April 10, 2021.

This item requests that the Council review the continued need for the local emergency and again ratify the Proclamation of Local Emergency issued on March 3, 2020, initially ratified by the Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020 and February 9, 2021. If reviewed and ratified on March 30, 2021, the Council will need to again review and ratify the proclamation by May 29, 2021 in order to continue the local emergency.

If at any time the Council determines that the need for continuing the local emergency has ended, state law directs the Council to terminate the local emergency at the earliest possible date that conditions warrant. (Cal. Gov. Code section 8630(d).)

BACKGROUND

On March 1, 2020, Alameda County Public Health Department and Solano County Public Health Department reported two presumptive cases of COVID-19, pending confirmatory testing by the Centers for Disease Control (CDC), prompting Alameda County to declare a local health emergency.

On March 3, 2020, the City's Director of Emergency Services proclaimed a local emergency due to the spread of COVID-19, including a confirmed case in the City of Berkeley and multiple confirmed and presumed cases in Alameda County.

On March 10, 2020, the City Council ratified the Proclamation of Local Emergency. Since that date, there have been over 3,000 confirmed cases of COVID-19 and at least thirty-three deaths in the City of Berkeley.

The City Council has subsequently reviewed and ratified the Proclamation of Local Emergency on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020 and February 9, 2021.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

RATIONALE FOR RECOMMENDATION

The Resolution would enable the Director of Emergency Services to continue to efficiently allocate resources due to the ongoing and imminent threat to public safety.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Dee Williams-Ridley, City Manager, City Manager's Office (510) 981-7000

Farimah Brown, City Attorney, City Attorney's Office (510) 981-6998

Attachments:

1: Resolution

RESOLUTION NO. –N.S.

RESOLUTION REVIEWING AND RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, the Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to Government Code section 8630, such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, Berkeley Municipal Code section 2.88.040 provides that the City Manager, serving as the Director of Emergency Services, may request that the City Council proclaim the existence of a local emergency; and

WHEREAS, under provision of local law, if the City Council cannot be convened and, in the judgment of the Director of Emergency Services, the circumstances warrant it, a proclamation of local emergency may be issued which must be ratified or nullified by the City Council within seven days of issuance; and

WHEREAS, in accordance with authority granted under the above provisions of state and local law, the Director of Emergency Services beginning on March 3, 2020 did proclaim the existence of a local emergency caused by epidemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (“COVID-19”), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312; and

WHEREAS, Government Code section 8630(c) requires that the City Council review the need for continuing the local emergency at least once every sixty (60) days; and

WHEREAS, the City Council subsequently reviewed the need for continuing the local emergency and again ratified the Proclamation of Local Emergency on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020 and February 9, 2021; and

WHEREAS, the City Council does find that the aforesaid conditions of extreme peril continue to exist, and now include over 3,000 confirmed cases of COVID-19 and at least thirty-three deaths in the City of Berkeley, thereby warranting and necessitating the continuation of the local emergency; and

WHEREAS, the City Council will need to again review the need for continuing the local emergency and ratify the Proclamation of Local Emergency by May 29, 2021.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that it is hereby proclaimed and ordered that the Proclamation of Local Emergency, issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the City Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020 and February 9, 2021, has been reviewed and is hereby again ratified and confirmed; and

BE IT FURTHER RESOLVED that during the existence of this local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, and the Charter, ordinances, resolutions and approved plans of the City of Berkeley.



Office of the City Manager

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Mark Numainville, City Clerk
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the council meetings of February 2, 2021 (closed), February 9, 2021 (closed and regular), February 16, 2021 (closed and special), February 23, 2021 (special and regular) and February 25, 2021 (closed).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. February 2, 2021 – Closed City Council Meeting
2. February 9, 2021 – Closed City Council Meeting
3. February 9, 2021 – Regular City Council Meeting
4. February 16, 2021 – Closed City Council Meeting
5. February 16, 2021 – Special City Council Meeting
6. February 23, 2021 – Special City Council Meeting
7. February 23, 2021 – Regular City Council Meeting
8. February 25, 2021 – Closed City Council Meeting

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

TUESDAY, FEBRUARY 2, 2021

3:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this closed session meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/82983080327>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 829 8308 0327. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

To submit an e-mail comment during the meeting to be read aloud during public comment, email clerk@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

Preliminary Matters

Roll Call: 3:03 p.m.

Present: Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Bartlett

Councilmember Bartlett present at 3:04 p.m.

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

CLOSED SESSION:

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

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property address:	742 Grayson Street
Agency Negotiators:	Dee Williams-Ridley, City Manager
Negotiating parties:	City of Berkeley and 742 GRAYSON OWNER LLC
Property owner:	City of Berkeley
Under negotiation:	Price and terms

Action: No reportable action taken.

2. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, David White, Deputy City Manager, LaTanya Bellow, Human Resources Director, Dania Torres-Wong, Chief Labor Negotiator, Burke Dunphy.

Employee Organizations: International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, Public Employees Union Local 1.

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain - Droste.

Adjourned at 6:10 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on February 2, 2021.

Mark Numainville
City Clerk

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

TUESDAY, FEBRUARY 9, 2021

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this closed session meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

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To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/84931232767>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 849 3123 2767. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 4:04 p.m.

Present: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: None

Public Comment - Limited to items on this agenda only – 6 speakers

CLOSED SESSION:

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

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property address:	125-127 University Avenue, Berkeley, CA 94710
Agency Negotiators:	Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; Scott Ferris, Director, Parks Recreation and Waterfront; Christina Erickson, Deputy Director, Parks, Recreation, and Waterfront
Negotiating parties:	City of Berkeley and Patpatia & Associates, Inc.
Property owner:	City of Berkeley
Under negotiation:	Price and terms

Action: No reportable action taken.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(2); 54956.9(e)(2):

Significant exposure to litigation arising from the January 19, 2021 referral to City Attorney and City Manager to draft an emergency ordinance to guarantee hazard pay of an additional five dollars an hour for grocery store workers, effective upon adoption and until the City returns to the Yellow-Tier 4 rate of positivity for COVID-19 (as revised in 1/19/21 Supplemental Communications Packet #2) and that the City Manager should take into consideration similar hazard pay programs in Long Beach and Los Angeles as part of this referral.

Action: No reportable action taken.

OPEN SESSION:

No reportable action taken.

Adjournment

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

Vote: All Ayes.

Adjourned at 5:18 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on February 9, 2021.

Mark Numainville
City Clerk

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, February 9, 2021
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
 DISTRICT 2 – TERRY TAPLIN
 DISTRICT 3 – BEN BARTLETT
 DISTRICT 4 – KATE HARRISON

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

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

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This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 6:05 p.m.

Present: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: None

Ceremonial Matters:

Adjourn the meeting in memory of all victims of COVID-19 including the 32 Berkeleyans that have died due to COVID-19

City Manager Comments:

The City Manager provided updates on the audit responses for calls for service and the communications center; Development of the Special Care Unit; Reimagining Public Safety efforts with NICJR and appointments to the Task Force; First meeting of the Task Force will be on February 18; Progress on the BerkDOT program.

Action: M/S/C (Arreguin/Hahn) to adopt a temporary rule for the February 9 meeting to set the public speaking time as one minute per speaker.

Vote: All Ayes.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 22 speakers.

Action: M/S/C (Arreguin/Hahn) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes.

Consent Calendar

1. **Amendment: FY 2021 Annual Appropriations Ordinance**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,748-N.S. amending the FY 2021 Annual Appropriations Ordinance No. 7,724-N.S. for fiscal year 2021 based upon recommended re-appropriation of committed FY 2020 funding and other adjustments authorized since July 1, 2020, in the amount of \$197,890,469 (gross) and \$193,471,132 (net).

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

Action: Adopted second reading of Ordinance No. 7,748-N.S.

Consent Calendar

- 2. Amendments to the Berkeley Lobbyist Registration Act; Amending Berkeley Municipal Code Chapter 2.09**
From: Open Government Commission
Recommendation: Adopt second reading of Ordinance No. 7,749-N.S. amending the Berkeley Lobbyist Registration Act (BMC Chapter 2.09) to incorporate the recommendations of the Open Government Commission (OGC).
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
Action: Adopted second reading of Ordinance No. 7,749–N.S.
- 3. Extending Time for Temporary Parklets and Sidewalk Seating Post-COVID-19; Amending Berkeley Municipal Code Chapter 16.18 and Section 14.48.150**
From: Councilmember Hahn (Author), Councilmember Harrison (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt second reading of Ordinance No. 7,750-N.S. revising BMC Chapter 16.18 Right-of-Way Encroachments and Encroachment Permits and BMC Section 14.48.150 Sidewalk Seating, Benches, and Planters to extend the period of time that Parklets and Sidewalk Seating established under the COVID-19 declared City emergency can remain in place to 365 days after the termination of the declared City emergency rather than the current 90 days.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
Action: Adopted second reading of Ordinance No. 7,750–N.S.
- 4. Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,751-N.S. amending Berkeley Municipal Code (BMC) Title 14 and Title 23 which would:
1. Modify Minimum Residential Off-street Parking Requirements
2. Impose Residential Parking Maximums in Transit-rich Areas
3. Amend the Residential Preferential Parking (RPP) Permit Program
4. Institute Transportation Demand Management (TDM) Requirements
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,751–N.S. amended in Section 23C.18.020 and Section 23C.18.030 to change “transit benefit” to “public transit benefit.”

Consent Calendar

- 5. Amend BMC Chapter 14.52 Authorizing goBerkeley Parking Program at All Parking Meters**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,752-N.S. amending Berkeley Municipal Code (BMC) Chapter 14.52 to add all parking meter areas to the goBerkeley parking program, thereby authorizing the use of demand-responsive parking management citywide under the existing goBerkeley fee structure and program guidelines.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted second reading of Ordinance No. 7,752–N.S.
- 6. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**
From: City Manager
Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020 and December 15, 2020.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 69,713–N.S.
- 7. Donation to the Animal Shelter from the Stephen and Mary Birch Foundation**
From: City Manager
Recommendation: Adopt a Resolution accepting a donation from the estate of Stephen and Mary Birch in the sum of \$10,000.
Financial Implications: Animal Services Donation Fund - \$10,000 (donation)
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,714–N.S.

Consent Calendar

8. **Contract No. 081263-1 Amendment: Claremont Behavioral Services for Employee Assistance Program Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 081263-1 with Claremont Behavioral Services (Claremont) in order to provide continued services for the Employee Assistance Program (EAP) by increasing expenditure authority in an amount not to exceed \$500,000, for a total contract amount of \$1,635,000, through December 31, 2025.
Financial Implications: Payroll Deduction Trust Fund - \$500,000
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 69,715–N.S.

Council Consent Items

9. **Installation of Banners Marking “Kala Bagai Way”: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Mayor Arreguin (Author), Councilmember Droste (Author), Councilmember Hahn (Co-Sponsor), Councilmember Robinson (Co-Sponsor)
Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$500 per council member, including \$500 from Mayor Arreguin, to the Downtown Berkeley Association with funds relinquished to the City’s general fund for this purpose from the discretionary council office budget of Mayor Arreguin and any other council members who would like to contribute.
Financial Implications: Mayor's Discretionary Funds - \$500
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,716–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison - \$100; Councilmember Robinson - \$200; Councilmember Hahn - \$200; Councilmember Taplin - \$250; Councilmember Droste - \$250; Councilmember Wengraf - \$250; Councilmember Bartlett - \$100; Councilmember Kesarwani - \$200.
10. **Housing Trust Fund Reservation to rehabilitate low income housing in South Berkeley**
From: Mayor Arreguin (Author), Councilmember Bartlett (Author)
Recommendation: Adopt a resolution reserving \$560,000 from the Housing Trust Fund to the South Berkeley Neighborhood Development Corporation for urgently needed housing rehabilitation at two low income housing complexes: Rosewood Manor and Lorin Station Apartments.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmembers Harrison and Taplin added as co-sponsors. Adopted Resolution No. 69,717–N.S.

Council Consent Items

- 11. Proclaiming February Black History Month and Authorizing City Manager to Fly the Black Lives Matter Flag**
From: Mayor Arreguin (Author), Councilmember Taplin (Author), Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution Proclaiming February as Black History Month and Authorizing the City Manager to fly the Black Lives Matter Flag every year at the Civic Center throughout the month of February.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,718–N.S.
- 12. Support Affirming the Right to Boycott as a Tactic for Social and Political Change** *(Reviewed by the Agenda & Rules Committee)*
From: Councilmember Davila (Author)
Recommendation: Adopt a Resolution with the following actions: 1. Support Affirming the Right to Boycott as a Tactic for Social and Political Change, and celebrate the People of Berkeley for their commitment to Peace, Justice and Equity; 2. The City of Berkeley affirms the right of all people to participate in boycotts of any entity when they have conscientious concerns with the entity's policies or actions; 3. The City of Berkeley condemns attempts by governments to infringe upon the right to peaceful boycotts by criminalizing that participation, denying participants state contracts, or otherwise impeding the freedom of advocacy for all; 4. The City Council encourages City Commissions to recommend boycott policies to the City Council when appropriate, so that the City Council may be well informed in its oversight of City resources 5. Send a copy of this resolution to Governor Gavin Newsom, Attorney General Xavier Becerra, State Assemblymember Buffy Wicks, State Senator Nancy Skinner, United States Senators Bernie Sanders, Kamala Harris, Dianne Feinstein, and United States Congressional Representatives Barbara Lee, Ro Khanna, Alexandria Ocasio-Cortez, Ilhan Omar, Ayanna Pressley, Rashida Harbi Tlaib, and Pramila Jayapal.
(On January 11, 2021, the Agenda and Rules Committee moved the item to the full Council with a Negative Recommendation and recommend that the Council take no action on the item.)
Financial Implications: None
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Approved the recommendation of the Agenda & Rules Committee to take no action.

Council Consent Items

13. Right to Choose Communications Services Provider

From: Councilmember Droste (Author), Mayor Arreguin (Author), Councilmember Taplin (Author), Councilmember Robinson (Author)

Recommendation: Refer to the City Manager and City Attorney to explore, and if deemed feasible, draft ordinance language to clarify that property owners of multi-unit properties cannot interfere with tenants' choice of communications services providers.

The City of San Francisco has implemented such an ordinance, which has since been challenged. This recommendation requests the City Attorney to review the San Francisco law and Federal Communications Commission rulings pertaining to this topic to determine if Berkeley could effectively adopt a similar ordinance.

Financial Implications: See report

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Action: Approved recommendation.

Action Calendar – Public Hearings

14. Second Substantial Amendments to 1) the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in Response to the Addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds, and 2) the PY19 (FY20) Annual Action Plan

From: City Manager

Recommendation: Conduct a Public Hearing on: 1. The proposed Substantial Amendment to the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in response to the addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act funds; and 2. A proposed substantial amendment to the PY19 (FY20) Annual Action Plan;

And upon conclusion adopt a Resolution authorizing the City Manager, or her designee, to:

A. Accept CARES Act Community Development Block Grant-CV3 funding totaling \$891,121 and allocate the full amount allowable under the HUD waiver to public services (\$712,897), and up to 20% to Planning and Administration (\$178,224);

B. Allocate all CDBG-CV3 public services funding (\$712,897) to support the Berkeley Housing Retention program;

C. Reallocate up to \$1.2M of CDBG-CV1 funds previously allocated to COVID-19 Testing to support the Berkeley Housing Retention Program, leaving up to \$200,000 in CDBG-CV1 funding available for COVID-19 testing or vaccinations if needed;

D. Execute resultant agreements and amendments with the Eviction Defense Center for the COVID-19 Housing Retention Program, using \$1,801,541 in CDBG-CV1 & 3, plus any unused CDBG-CV1 funds allocated to the Targeted Equity Testing program (up to \$200,000) for a total possible not-to-exceed contract amount of \$2,001,541;

E. Allocate up to 25% of the PY20 HOME allocation for program administration, up to 10% of the PY20 HOME funds for Community Housing Development Organization (CHDO) operating funds, and the remaining funds to the Housing Trust Fund;

F. Reallocate \$535,633 in PY20 CDBG Housing Services funds, \$1,049,370 PY19

Action Calendar – Public Hearings

CDBG Community Facility Improvement funds, and \$378,230 in available uncommitted funds to the South Berkeley Neighborhood Development Corporation for housing rehabilitation at Rosewood Manor and Lorin Station Apartments and execute resultant agreements, as contained in Exhibits A and B;
G. Update the PY20 CDBG and HOME entitlement allocations to reflect the revised HUD PY20 entitlement awards; and
H. Submit the approved Second Substantial Amendments to the 2020-2025 Consolidated Plan/PY20 Annual Action Plan and the PY19 Annual Action Plan, including public comments, to the U.S. Department of Housing and Urban Development (HUD), and accept any resulting agreements with HUD.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Public Testimony: The Mayor opened the public hearing. 5 speakers. M/S/C (Arreguin/Robinson) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Hahn/Arreguin) to adopt Resolution No. 69,719–N.S.

Vote: All Ayes.

15. **Referral Response: Amendments to the Home Occupations Ordinance; Amending BMC Sub-Titles 23C, 23D, 23E, and 23F** (*Continued from December 15, 2020. Item contains revised material.*)

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance amending the Zoning Ordinance to streamline the permitting process for Home Occupations and amending Berkeley Municipal Code Chapter 23C.16 Home Occupations, Chapter 23E.84 MU-R Mixed Use-Residential District Provisions, Chapter 23F.04 Definitions, and Use Tables in Applicable Zoning Districts.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 3 speakers. M/S/C (Arreguin/Wengraf) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Hahn/Wengraf) to adopt the first reading of Ordinance No. 7,753–N.S. as written in Supplemental Communications Packet #2 from Councilmember Hahn with revisions noted below. Second reading scheduled for February 23, 2021.

Revised action in the recommendation:

Refer to the City Manager to return to the City Council within an appropriate amount of time a report on the implementation of the newly streamlined Home Occupations Ordinance and recommendations regarding potential expansion of Class III Home Occupations to Residential zones, and to propose any and all other changes and updates

Action Calendar – Public Hearings

which may be warranted, based on the first few years' of experience under the new Ordinance.

Ordinance Revisions:

- *Revise text in 23C.16.010.B.8 to clarify prohibited materials: "A Home Occupation shall not involve hazardous materials or waste as defined by Section 15.08.060, or any other materials or waste that is deemed by the hazardous materials manager (or their designee or successor) to be inappropriate or unsafe for a residential setting."*
- *Revise text in 23C.16.010.B.10 to clarify sign prohibitions: "No on-site signs identifying or advertising the Home Occupation, are allowed."*
- *Revise text in 23C.16.010.B.3 to clarify prohibitions on customer visits: "Customer visits are not allowed in the ES-R District."*
- *Add text to create a finding for public safety to 23C.16.030.4: "The degree of customer visits and shipping and delivery activities will not cause a detrimental impact to public safety, as determined by the Fire Marshall."*
- *Update Use Tables in applicable residential districts to disallow Class 2 Home Occupations in the Hillside Overlay.*
- *Revise text in 23C.16.030.2 to clarify compatibility of shipping and delivery activities with residential uses: "The degree of shipping and delivery activity to and from the subject residence will be compatible with surrounding residential uses and will not cause a significant detrimental impact on pedestrian and bicyclist safety or the availability of parking spaces in the immediate vicinity of the Home Occupation; and"*

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Droste.

Action Calendar – Old Business

- 16. Vote of No Confidence in the Police Chief** (*Continued from November 10, 2020*)
From: Councilmember Davila (Author)
Recommendation: Adopt a resolution taking a Vote of No Confidence in the Police Chief.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: 41 speakers. M/S/C (Wengraf/Droste) to take no action on Item 16.
Vote: Ayes – Taplin, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Bartlett, Harrison; Absent – Kesarwani.

Councilmember Kesarwani absent 10:43 p.m. – 11:00 p.m.

Information Reports

- 17. LPO NOD: 1 Orchard Lane/#LMIN2020-0006**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 18 speakers.

Adjournment

Adjourned at 11:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on February 9, 2021.

Mark Numainville
City Clerk

Communications

Reopening Schools

1. Mati Teiblum
2. Rainbow Rubin

Covid-19 and Vaccinations

3. David Lerman (2)
4. J. Wilkes
5. Donna Mickleson

San Pablo Tennis Courts

6. Brian Mangold

2435 San Pablo

7. Whit Ingram
8. naomipilar@
9. Virginia Warheit

Payson House

10. Bernard Marszalek

Childcare Providers

11. Devvin Purnell

Homelessness

12. Rachel Gorham
13. Thomas Lord (2)

People's Park

14. Ivar Diehl and Siobhan Lettow

Threats of Violence

15. Barbara Fisher

Cannabis

16. Getting It Right From the Start

Civic Center Buildings – Arts and Cultural Uses

17. Jennifer Lovvorn, Chief Cultural Affairs Officer/Civic arts Program

Vision 2025

18. Nilang

Greta Thunberg, Environmentalist

19. Thomas Lord

Police Accountability

20. Racial and Criminal Justice Reform Group

LRDP Update Housing Projects #1 and #2

21. Carrie Olson, on behalf of the Berkeley Architectural Heritage Assoc.

TOPA

22. Jenny Johnston

URL's Only

23. Russbumper (2)

24. Vivian Warkentin (3)

Supplemental Communications and Reports 1

Item #4: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23

25. LJ Cranmer

26. Christina Tuccillo

27. David Kellogg

28. Ly

29. Laura Magnani

Supplemental Communications and Reports 2

Item #4: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23

30. Laloni Dunn

31. Christine Goldin

Item #13: Right to Choose Communications Services Provider

32. Stephen Bradley, on behalf of Sonic.com

Item #15: Referral Response: Amendments to the Home Occupations Ordinance; Amending BMC Sub-Titles 23C, 23D, 23E and 23F

33. Supplemental material, submitted by Councilmember Hahn

Item #16: Vote of No Confidence in the Police Chief

34. Elana Auerbach

35. Avi Simon

36. Eileen Joyce

37. Russell Kelly-Gordon

38. MJ Baumann

39. Eric Friedman

40. 4 similarly-worded form letters (We cannot)

41. 3 similarly-worded form letters (I am writing)

Supplemental Communications and Reports 3

Item #4: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23

42. David Kellogg

43. Marjorie Alvord

44. Kathy Dervin, on behalf of 350 East Bay

45. Igor Tregub

46. Mary Ann Furda

47. Richard Rollins

48. Councilmember Harrison

Item #13: Right to Choose Communications Services Provider

49. Chimey Lee

Item #14: Second Substantial Amendments to 1) the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in Response to the Addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds, and 2) the PY19 (FY20) Annual Action Plan

50. Presentation, submitted by Health, Housing, and Community Services

Item #15: Referral Response: Amendments to the Home Occupations Ordinance; Amending BMC Sub-Titles 23C, 23D, 23E and 23F

51. Presentation, submitted by Planning

52. Rebecca Franke

Item #16: Vote of No Confidence in the Police Chief

53. Elisa Mikiten

54. Mary Nash

55. Diana Bohn (2)

56. Chimey Lee (2)

57. Elliot Halpern
58. Uma Channer
59. Alecia Harger
60. Meghan Schwartz
61. Tara Blossom
62. Phoebe Sorgen
63. Gabrielle Sharp
64. Jane Hood
65. Laurel Halvorson
66. James Loza
67. Owen Hart
68. Eugene Turitz
69. Barbara Gilbert
70. 20 similar form letters (Racial)

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING**

TUESDAY, FEBRUARY 16, 2021

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this closed session meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

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To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/87054545221>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **870 5454 5221**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

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Preliminary Matters

Roll Call: 4:03 p.m.

Present: Hahn, Kesarwani, Robinson, Taplin, Wengraf, Arreguin

Absent: Bartlett, Droste, Harrison

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

CLOSED SESSION:

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

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)

a. WCAB Case Number: #ADJ224992.

Action: M/S/C (Hahn/Robinson) to provide direction to outside counsel and approve a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and release, with a release of future medical care, as to workers' compensation matter WCAB Case Number: #ADJ224992.

Vote: Ayes – Hahn, Kesarwani, Robinson, Taplin, Wengraf, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Droste, Harrison.

b. WCAB Case Numbers: #ADJ11556675 and ADJ10831595.

Action: M/S/C (Hahn/Robinson) to provide direction to outside counsel and approve a settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and release, with a release of future medical care, as to workers' compensation matter WCAB Case Numbers: #ADJ11556675 and ADJ10831595.

Vote: Ayes – Hahn, Kesarwani, Robinson, Taplin, Wengraf, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Droste, Harrison.

c. WCAB Case Number: #ADJ11121846.

Action: M/S/C (Hahn/Wengraf) to provide direction to outside counsel and approve a settlement of permanent disability with an award of lifetime future medical care, as to workers' compensation matter WCAB Case Number: #ADJ11121846.

Vote: Ayes – Hahn, Kesarwani, Robinson, Taplin, Wengraf, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Droste, Harrison.

OPEN SESSION:

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

City Council gave direction as follows:

- a. City Council met in closed session Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a

stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release, with a release of future medical care, as to a workers' compensation matter WCAB Case Number: #ADJ224992.

- b. City Council met in closed session Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Numbers: #ADJ11556675 and ADJ10831595.
- c. City Council met in closed session Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved settlement of permanent disability with an Award of lifetime future medical care, as to a workers' compensation matter WCAB Case Number: #ADJ11121846.

Adjournment

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

Vote: Ayes – Hahn, Kesarwani, Robinson, Taplin, Wengraf, Arreguin; Noes – None; Abstain – None; Absent – Bartlett, Droste, Harrison.

Adjourned at 4:31 p.m.

This is to certify that the foregoing is a true and correct record of the closed session meeting on February 16, 2021.

April Richardson, Assistant City Clerk

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Tuesday, February 16, 2021

6:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
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DISTRICT 8 – LORI DROSTE

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This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 6:02 p.m.

Present: Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Bartlett

Report from Closed Session

- a. City Council met in closed session Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release, with a release of future medical care, as to a workers' compensation matter WCAB Case Number: #ADJ224992.
- b. City Council met in closed session Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved settlement of permanent disability with an Award of lifetime future medical care, or in the alternative, by Compromise and Release with a release of future medical care, as to a workers' compensation matter WCAB Case Numbers: #ADJ11556675 and ADJ10831595.
- c. City Council met in closed session Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved settlement of permanent disability with an Award of lifetime future medical care, as to a workers' compensation matter WCAB Case Number: #ADJ11121846.

Worksession

1. **Presentation: Report on Homeless Outreach during Covid 19 Pandemic**
(Continued from November 10, 2020)
From: City Manager
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: 7 speakers. Presentation made and discussion held.
2. **Berkeley Marina Area Specific Plan and Pier/Ferry Work Session**
From: City Manager
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: 19 speakers. Presentation made and discussion held.

Recess: 8:54 p.m. – 9:04 p.m.

Adjournment

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

Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin;
Noes – None; Abstain – None; Absent - Bartlett

Adjourned at 10:23 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on February 16, 2021.

April Richardson
Assistant City Clerk

Communications

Item #2: Berkeley Marina Area Specific Plan and Pier/Ferry Work Session

1. Peter Kuhn

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #2: Berkeley Marina Area Specific Plan and Pier/Ferry Work Session

2. Jim McGrath
3. Clifford Fred
4. Gordon Wozniak

Supplemental Communications and Reports 3

Item #1: Presentation: Report on Homeless Outreach during Covid-19 Pandemic

5. Presentation, submitted by Health, Housing and Community Services

Item #2: Berkeley Marina Area Specific Plan and Pier/Ferry Work Session

6. Presentation, submitted by Parks, Recreation and Waterfront
7. Barbara Gilbert
8. Tom Yamaguchi

**MINUTES
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Tuesday, February 23, 2021

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
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Preliminary Matters

Roll Call: 4:06 p.m.

Present: Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Kesarwani

Councilmember Kesarwani present at 4:13 p.m.

Action: M/S/C (Arreguin/Wengraf) to adopt a special rule for this meeting to limit public comment to one minute per speaker, with the option to yield time up to a total of four minutes.

Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent - Kesarwani

Action Calendar – New Business

1. Report and Recommendations From Mayor's Fair and Impartial Policing Working Group

From: Mayor Arreguin (Author), Councilmember Harrison (Author)

Recommendation:

1. Accept and acknowledge the report from the Fair and Impartial Working Group (Attachment 1).
2. Direct the City Manager to implement the following recommendations summarized below and detailed in full in Attachment 1, with at minimum, quarterly progress updates to the Police Accountability Board (PAB) and/or the Working Group.
 - Focus traffic stops on safety
 - Use a clear, evidence-based definition for stops of criminal suspects
 - Use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria
 - Eliminate stops for low-level offenses
 - Implement an Early Intervention System (EIS) and a risk-management structure
 - Immediately release stop, arrest, calls for service and use of force data from 2012 to present to the Working Group
 - Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole
 - Require written consent for all consent searches
 - Address Profiling by Proxy (PAB Policy Development, Dispatcher Training)
 - Fire racist police officers identified through social media and other media screens
 - Address Profiling by Proxy (Council develop & pass CAREN policy)
 - Require regular analysis of BPD stop, search, and use of force data
 - Make resources on police-civilian encounters more publicly available such as RAHEEM.org
 - Adopt Compliance and Accountability Mechanisms; -Hire consultant to develop implementation plan
 - For any individual detained, BPD officers shall provide a business card with info on a website similar to RAHEEM and info on complaint process with PAB

Action Calendar – New Business

3. Refer the following recommendations summarized below and detailed in full in Attachment 1 to be included in the process to reimagine public safety:

-Create a formalized feedback system to gauge community response to ongoing reforms and ensure this constructive input system is institutionalized with the Police Review Commission or its successor and includes a basic report card and quarterly neighborhood check-ins

-Conduct a baseline community survey

4. Refer the following recommendations summarized below and detailed in full in Attachment 1 to the Police Review Commission, to be taken up by the Police Accountability Board when it is established

-Include a scenario-based training component in the existing officer training required by California Penal Code 13519.4

-Require enhanced annual implicit bias training for police

-Accelerate Crisis Intervention Team (CIT) activity

5. Acknowledge and reaffirm the following recommendations summarized below and detailed in full in Attachment 1 that are already underway:

-Fund and implement a specialized care unit for mental health crises

-Conduct a Capacity Study of police calls and responses and use of officer time outside of case work

6. Refer \$50,000 to the FY 2022 budget process for a consultant to develop an implementation plan as described in Attachment 1 and other minor costs the Department may confer

Financial Implications: See report

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

Action: 40 speakers. M/S/C (Arreguin/Harrison) to:

1. Accept and acknowledge the report from the Mayor's Fair and Impartial Policing Working Group;
2. Acknowledge and appreciate the work already completed or underway by the City Manager's Office and Police Department to implement policing reforms including:
 - Adoption and implementation of Policy 401, Fair and Impartial Policing
 - Public reporting of stop data on the BPD Open Data Portal
 - Initiation of the Center for Policing Equity study
 - Implementation of the Body Worn Camera Program
 - Early adoption of Racial and Identity Profiling Act (RIPA) data collection and reporting
 - Updates to the Use of Force Policy, Policy 300
 - Development and passage of Measure II to create a new Police Accountability Board
 - Launching of the Public Safety Reimagining process
3. Refer to the City Manager to implement the following recommendations summarized below, with quarterly progress updates to the City Council and Police Review Commission/Police Accountability Board (when established):

Implement a new evidence-based Traffic Enforcement Model

 - Focusing the basis for traffic stops on safety and not low-level offenses;
 - Reaffirming and clarifying that the Berkeley Police Department will use a clear, evidence-based definition for stops of criminal suspects;
 - Reaffirming and clarifying that the Berkeley Police Department will use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria

Action Calendar – New Business

- Minimize or de-emphasize as a lowest priority stops for low-level offenses.

Implement Procedural Justice Reforms

- Refer amendments to existing BPD policy and the creation of an Early Intervention System (EIS) related to traffic, bike and pedestrian stops;
- Adopt a policy to require written consent for all vehicle and residence searches and update the consent search form in alignment with best practice and community feedback;
- Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole;
- Address Profiling by Proxy (PAB Policy Development, Dispatcher Training);
- Fire racist police officers identified through social media and other media screens;
- Require regular analysis of BPD stop, search, and use of force data;
- Make resources on police-civilian encounters publicly available such as through RAHEEM.org;
- For any individual detained, BPD officers shall provide a business card with info on the commendation and complaint process with PAB and Berkeley Police Department.

Request that the City Manager report back at a Council Work Session in three months with budget estimates for implementation (to be considered along with the FY 22 budget process), information on legal and operational considerations, and a short-term action plan of recommendations which can be implemented without the hiring of a consultant, and those that will require the assistance of a consultant and additional resources.

Compliance and Accountability Mechanisms

- The City Manager will create an implementation plan with the assistance of a consultant that includes a timeline to monitor, assess, and report on the implementation of the items outlined in the Working Group's policy proposal. Long-term monitoring and assessments will be the responsibility of the police oversight body (the PRC or its successor the Police Accountability Board).
 - The implementation plan will be presented to the Berkeley City Council for approval. Once the plan is approved by the City Council, the consultant's work is finished. Long-term monitoring and assessment will be the responsibility of the police oversight body (the PRC or its successor the Police Accountability Board).
4. Refer the following recommendations summarized below to the Reimagine Public Safety process:
 - Create a formalized feedback system to gauge community response to ongoing reforms and ensure this constructive input system is institutionalized with the Police Review Commission or its successor and includes a basic report card and quarterly neighborhood check-ins
 - Conduct a baseline community survey.
 5. Refer the following training recommendations summarized below to the Police Review Commission, to be taken up by the Police Accountability Board when it is established, and consider the resources required to implement this expanded training:
 - Include a scenario-based training component in the existing officer training required by California Penal Code 13519.4

Action Calendar – New Business

- Require enhanced annual implicit bias training for police
 - Accelerate Crisis Intervention Team (CIT) activity
 - Refer to the PRC/PAB to consider a departmental policy on requiring written consent for person searches and report back in 6 months.
6. Acknowledge and reaffirm the following recommendations summarized below and detailed in full in Attachment 1 that are already underway and have been completed:
- BPD released stop, arrest, calls for service and use of force data from 2012 to present to the Working Group;
 - Fund and implement a specialized care unit for mental health crises;
 - Conduct a Capacity Study of police calls and responses and use of officer time outside of case work.
7. Refer \$50,000 to the FY 2022 budget process for a consultant to assist the City Manager/Police Department in the implementation of these recommendations and other minor costs the Department may confer; and also refer to the FY 2022 budget process a line item for police training for the new evidence-based stop program (costs to be determined by BPD).

Vote: All Ayes.

Adjournment

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

Vote: All Ayes.

Adjourned at 7:07 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on February 23, 2021.

Sarah Bunting
Assistant City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Report and Recommendations From Mayor's Fair and Impartial Policing Working Group

1. Elizabeth Ferguson

Supplemental Communications and Reports 3

Item #1: Report and Recommendations From Mayor's Fair and Impartial Policing Working Group

2. Material, submitted by Mayor Arreguin
3. Presentation, submitted by the Police Department
4. Janice Schroeder
5. Thomas Luce
6. Ben Gerhardstein, on behalf of Walk Bike Berkeley
7. Diana Bohn
8. Sivan Orr
9. Ali Lafferty
10. Allegra Mayer
11. Chimey Lee
12. Moni Law

MINUTES
BERKELEY CITY COUNCIL MEETING
Tuesday, February 23, 2021
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/81676274736>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 816 7627 4736. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

To submit an e-mail comment during the meeting to be read aloud during public comment, email clerk@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 7:20 p.m.

Present: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: None

Ceremonial Matters:

1. Recognition of HelpBerkeley
2. Recognition of Alfred Twu, Commissioner and Activist
3. Adjourned the meeting in memory of Tree Fitzpatrick, Local Advocate
4. Adjourned the meeting in memory of Joanne Marie Yeaton, Berkeley Resident
5. Adjourned the meeting in memory of 500,000 people in the United States to die from COVID-19

City Manager Comments:

The City Manager's Office provided an update on the Reimagining Public Safety Process, including the Task Force's first meeting on February 18 and the progress of the BerkDOT program.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Arreguin/Hahn) to adopt a temporary rule to set the public speaker time limit at one minute per speaker.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Harrison.

Action: M/S/C (Taplin/Harrison) to make a determination of an emergency situation, accept an urgency item from Councilmember Taplin pursuant to Government Code Section 54954.2(b)(1) entitled Guaranteeing COVID-19 Hazard Pay for Grocery Store Workers, and add the item to the Action Calendar.

Vote: All Ayes.

Public Comment on Consent Calendar and Information Items Only: 19 speakers.

Action: M/S/C (Arreguin/Harrison) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes.

Consent Calendar

- 1. Referral Response: Amendments to the Home Occupations Ordinance; Amending BMC Sub-Titles 23C, 23D, 23E, and 23F**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,753-N.S. amending the Zoning Ordinance to streamline the permitting process for Home Occupations and amending Berkeley Municipal Code Chapter 23C.16 Home Occupations, Chapter 23E.84 MU-R Mixed Use-Residential District Provisions, Chapter 23F.04 Definitions, and Use Tables in Applicable Zoning Districts.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Droste.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,753–N.S.
- 2. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the council meetings of January 19, 2021 (closed, special and regular), January 21, 2021 (special), January 25, 2021 (closed), January 26, 2021 (closed, special and regular) and January 28, 2021 (closed).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.
- 3. Contract: Mildred Howard Sculpture Commission**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract for an amount not to exceed \$210,000, and any amendments thereto, with Mildred Howard for a public art commission of a sculpture for the preferred location at the triangular green space on the northern side of the intersection of Adeline Street and Martin Luther King Jr. Way.
Financial Implications: Cultural Trust Fund - \$210,000
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 69,720–N.S.
- 4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 23, 2021**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$400,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

Consent Calendar

- 5. Contract No. 104289-1 Amendment: Jackson & Coker for Locums Tenens Psychiatrists**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 104289-1 with Jackson & Coker Locum Tenens, LLC to provide Locum Tenens Psychiatrists through June 30, 2024 in an amount not to exceed \$964,480. This amendment will add three years to the contract term and \$564,480 in funding.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,721–N.S.
- 6. California Community Housing Agency Middle Income Rental Housing Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City to become an Additional Member of the California Community Housing Agency (CalCHA), a Joint Powers Authority; supporting CalCHA’s issuance of tax-exempt bonds for the production, preservation, and protection of essential middle-income rental housing; and authorizing the City Manager to enter into purchase option agreements with CalCHA for middle-income rental housing created within City limits.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,722–N.S. as revised in Supplemental Communications Packet #2 by the Health, Housing, and Community Services Department.
- 7. Contract No. 084534-1 Amendment: NextGen Health Care Information Systems Inc. for Electronic Health Records**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 084534-1 with NextGen Healthcare Information Systems, Inc., increasing the amount by \$118,610 for a total contract value not to exceed \$820,937 and extending the term from September 30, 2010 through June 30, 2022.
Financial Implications: General Fund - \$118,610
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,723–N.S.

Consent Calendar

- 8. Contract No. 32100060 Amendment: RevolutionCyber, LLC for Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No 32100060 with RevolutionCyber, LLC for additional professional services to develop the policies and procedures for the City's Data Safety program, for an amount not to exceed \$77,050 and a total contract value not to exceed \$102,025 from November 13, 2020 through June 30, 2022.
Financial Implications: General Fund - \$77,050
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,724–N.S.
- 9. Presidio Network Solutions Group, LLC: Using California National Association of State Procurement Officials (NASPO) ValuePoint Cooperative Pricing Agreement for Networking Hardware, Software, and Service Purchase Orders**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with Presidio Networked Solutions Group, LLC ("Presidio") for the purchase of network equipment hardware, software, and installation services, using NASPO ValuePoint's purchasing agreement number CA#7-14-70-04 for the period beginning March 1, 2021 to June 30, 2022 for an amount not-to-exceed (NTE) \$530,000.
Financial Implications: IT Cost Allocation Fund - \$530,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 69,725–N.S.
- 10. License Agreement: Patpatia & Associates, Inc. for 125-127 University Ave. Office Space**
From: City Manager
Recommendation: Adopt a Resolution to execute a short term license agreement with Patpatia & Associates, Inc. to license 2nd floor office space located at 125-127 University Ave from March 1, 2021 through April 30, 2021.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 69,726–N.S.

Consent Calendar

- 11. Lease Agreement: Patpatia & Associates, Inc. for 125-127 University Ave. Office Space**
From: City Manager
Recommendation: Adopt first reading of an Ordinance executing a lease agreement with Patpatia & Associates, Inc. to lease 2nd floor office space located at 125-127 University Ave. The lease term is anticipated to begin May 1, 2021 and end April 30, 2024.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopt first reading of Ordinance No. 7,754–N.S. Second reading scheduled for March 9, 2021.
- 12. Contracts: Interface Engineering, Inc. and Salas O’Brien Engineers, Inc. for On-Call Citywide Electrical Engineering Services**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute a contract and any amendments with the following firms for On-Call Electrical Engineering Services for City-owned facilities in support of the City’s annual Facilities Capital Improvement Program, each for the period April 1, 2021 through December 31, 2024:
1. Interface Engineering, Inc., for an amount not to exceed \$150,000.
2. Salas O’Brien Engineers, Inc., for an amount not to exceed \$150,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,727–N.S. (Interface); and Resolution No. 69,728–N.S. (Salas O’Brien).
- 13. Contract No. 112783-1 Amendment: LAZ Parking LLC for Managing City-Owned Off-Street Parking Facilities**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 112783-1 (Contract No. 10413A in FUND\$) with LAZ Parking, LLC, a parking management company, to provide management services for the Telegraph Channing, Oxford, and Center Street Garages, extending the term to December 31, 2022 and increasing the contract amount by \$3,556,756 for a total not-to-exceed of \$11,089,951.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,729–N.S.

Consent Calendar

- 14. Purchase Order: Pape Machinery, Inc. for One (1) John Deere 644L Hybrid Wheel Loader**
From: City Manager
Recommendation: Adopt a Resolution satisfying the requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell Contract No.032119-JDC and authorizing the City Manager to execute a purchase order for one (1) John Deere 644L Hybrid Wheel Loader with Pape Machinery, Inc. in an amount not to exceed \$468,700.
Financial Implications: Equipment Replacement Fund - \$468,700
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,730–N.S.
- 15. Purchase Order: National Auto Fleet Group for Four (4) Tractor Trucks and Trailers**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell (formerly NJPA) bid procedures, and authorizing the City Manager to execute a purchase order for four (4) Tractors Trucks and Trailers with National Auto Fleet Group in an amount not to exceed \$1,200,000.
Financial Implications: Equipment Replacement Fund - \$1,200,000
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,731–N.S.
- 16. Agreements with Union Pacific for Reimbursement for Construction of Safety Improvements for Pedestrians, Cyclists and Vehicular Traffic**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute reimbursement agreements and any amendments with Union Pacific Railroad Company to cause the Pacific Railroad Company to construct all necessary elements of the Gilman Interchange Improvement Project within the railroad easement subject to reimbursement by the City for actual costs incurred in connection with traffic safety improvement work at Gilman Street and at Camelia Street railroad crossings.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
Action: Adopted Resolution No. 69,732–N.S.

Consent Calendar

17. Service Animals Welcome Training *(Reviewed by the Health, Life Enrichment, Equity and Community Committee)*

From: Commission on Disability

Recommendation: That the City Council refer to the City Manager a request to implement education and training provisions of the Service Animals Welcome Policy and Program:

a. Work with Business Improvement Districts and Commercial District Organizations to provide opportunities for businesses to learn about their responsibilities regarding service animals in their places of business.

b. Provide information on Service Animals and Access Rights of Persons with Disabilities accompanied by a Service Animal as required staff training on non-discrimination under applicable federal, state and local statutes, regulations and policies.

c. Provide necessary and adequate support to the Disability Compliance Program. *(On January 25, 2021, the Health, Life Enrichment, Equity and Community Policy Committee made a qualified positive recommendation to send the item to Council with the recommendation to take the following action: Refer to the City Manager to review existing information provided to businesses on the Service Animals Welcome Policy and Program as well as other information related to the rights of people with disabilities (pursuant to the Americans with Disabilities Act) and to continue efforts to create an online training.*

Further, refer to the City Manager to: (a.) Work with Business Improvement Districts, the Chamber of Commerce, and other business organizations to provide opportunities for businesses to learn about their responsibilities regarding service animals in their places of business and the rights of people with disabilities, using, for example, the business license renewal as an opportunity to communicate to businesses; (b) Provide information on Service Animals and Access Rights of Persons with Disabilities accompanied by a Service Animal as required City staff training on nondiscrimination under applicable federal, state, and local statutes, regulations and policies. (c) Provide necessary and adequate support to the Disability Compliance Program.)

Financial Implications: Staff time

Contact: Dominika Bednarska, Commission Secretary, (510) 981-6300

Action: Approved the recommendation of the Health, Life Enrichment, Equity and Community Policy Committee.

Consent Calendar

- 18. Prohibition on the Use of City Streets for Operating, Parking, or Idling Combustion Vehicles by 2045** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Community Environmental Advisory Commission
Recommendation: Review and refer to the City Attorney for finalization the attached ordinance prohibiting the use of City-owned streets for the operation, parking, or idling of combustion vehicles beginning in 2045, and establishing an offset-driven fee-based enforcement mechanism.
(On January 20, 2021, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to Council with the recommendation that the Council take no action on the item but to provide the item to staff as background for consideration, particularly as the Federal landscape changes under the new administration and to explore whether the City has the legal authority to pursue.)
Financial Implications: See report
Contact: Viviana Garcia, Commission Secretary, (510) 981-7460
Action: Approved the recommendation of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.
- 19. Prohibition on the Sale of Gasoline, Diesel, and Other Carbon-Based Transportation Fuels by 2045** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Community Environmental Advisory Commission
Recommendation:
Review and refer to the City Attorney for finalization the attached ordinance prohibiting the sale of gasoline, diesel, and other carbon-based transportation fuels effective January 1st, 2045.
(On January 20, 2021, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to Council with the recommendation that Council take no action on the item but to provide the item to staff as background for consideration, particularly as the Federal landscape changes under the new administration and to explore whether the City has the legal authority to pursue.)
Financial Implications: See report
Contact: Viviana Garcia, Commission Secretary, (510) 981-7460
Action: Approved the recommendation of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.

Consent Calendar

20. **Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12** *(Reviewed by the Agenda & Rules Committee. Item contains supplemental material.)*

From: Fair Campaign Practices Commission

Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of an ordinance amending the Berkeley Election Reform Act, Berkeley Municipal Code Chapter 2.12, to prohibit Officeholder Accounts (See Section 18531.62. Elected State Officeholder Bank Accounts, Regulations of the Fair Political Practices Commission).

(On January 25, 2021, the Agenda and Rules Committee made a qualified positive recommendation to send the item to the City Council with the recommendation that the Council take no action on the item, but to refer the concepts and materials to the Agenda & Rules Committee for discussion with representatives of the commission on the item entitled "Amendments to the Berkeley Election Reform Act (BERA) to Regulate Officeholder Accounts and Proposed Changes to City Council Office Budget Expenditure and Reimbursement Policies (Resolution 67,992-N.S.).")

Financial Implications: None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

Action: Approved the recommendation of the Agenda & Rules Committee.

21. **Relinquishments and grants from Councilmembers' office budgets** *(Reviewed by the Agenda & Rules Committee)*

From: Open Government Commission

Recommendation: Adopt a Resolution creating a temporary advisory committee consisting of three (3) members each of the City Council and the Open Government Commission ("OGC") to enable discussion between the Council and the OGC to make recommendations governing relinquishments and grants from Councilmembers' office budgets.

(On January 25, 2021, the Agenda and Rules Committee made a qualified positive recommendation to send the item to the City Council with the recommendation that the Council take no action on the item, but to designate the Agenda & Rules Committee as the entity to engage with the commission on the item entitled "Amendments to the Berkeley Election Reform Act (BERA) to Regulate Officeholder Accounts and Proposed Changes to City Council Office Budget Expenditure and Reimbursement Policies (Resolution 67,992-N.S.).")

Financial Implications: None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

Action: Approved the recommendation of the Agenda & Rules Committee.

Consent Calendar

- 22. Opposition of New U.S. Base Construction in the Henoko-Oura Bay of Okinawa**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution opposing new U.S. base construction in the Hemoko-Oura Bay of Okinawa.
Financial Implications: Minimal
 Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,733–N.S.
Vote: Ayes – Taplin, Bartlett, Harrison, Robinson, Droste; Noes – None; Abstain – Kesarwani, Hahn, Wengraf, Arreguin.
- 23. Initiate a Citywide, Regional and International Just Transition to a Regenerative Economy to Address the Climate Emergency** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee. Item contains revised and supplemental material.)*
From: Councilmember Davila (Author)
Recommendation: Adopt a resolution taking the following actions:
 1) The City of Berkeley shall initiate a citywide, regional and international Just Transition to a Regenerative Economy
 2) The City of Berkeley will work with cities, counties, and institutions such as the UC system to form a joint powers authority regional and statewide task force to oversee a justice and public safety-oriented - scientifically grounded - transition to a regenerative economy here in the Bay Area to be sustained until 2050; and
 3) The City of Berkeley commits to being regenerative, recognizing that attempting to be sustainable is not enough to protect residents from cumulative impacts of centuries of environmental and social degradation and instead will reorient its city planning, policy, governance culture, and resource allocation to improve public and environmental health, be participatory and will invest in a centuries long regenerative whole city culture, infrastructure, policy, development and design process; and
 4) The City of Berkeley shall adopt doughnut economics and implement it's associated methodology to assess sustainability which, by definition, recognizes the necessity of meeting the needs of residents within the carrying capacity of our planet Earth and the greater Bay Area bioregion; and
 5) The City Council directs the City manager to develop a set of ordinances to ensure zero-waste, cradle to cradle, non-toxic, earth friendly non-essential consumer based products are sold within city limits by 2030 with special exception to non-replaceable items for which a sustainable alternative is either unavailable or too expensive for low income residents to afford, critical infrastructure, medical devices and other such life dependent items;
 6) The City of Berkeley shall suspend any and all projects and policies that are incompatible with protecting the earth and people from further environmental degradation, social inequality, public health risks, and global warming; and
 7) The City of Berkeley calls for regional agencies, cities, and counties to agree on a shared definition of the Bay Area's bioregion (s), to define the shared limits of our bio-region's carrying capacity and to organize our governance to be bio-regionally regenerative, sustainable, and to define a developmental trajectory that maximizes the health and vitality of the ecosystems, wildlife, and people for generations to

Council Consent Items

come; and

8) The City of Berkeley identifies our current economy with its focus on near-term perpetual growth requiring resource extraction and wealth enclosure as defunct and incompatible with the needs of sustainability, human thriving, and dignity, and calls for a new economic system which in its design meets human needs within planetary and local environmental and social boundaries of wellbeing and furthers human and ecological flourishing, furthers a regenerative human presence on earth, achieves equitable distribution of resources throughout the planet, and achieves sustainability through a just and regenerative transition to restore a safe climate and adapt to further warming in the near and long term; and

9) The City of Berkeley recognizes the importance of Indigenous leadership in designing and implementing a regenerative economy in Berkeley, the greater Bay Area, and the World, and shall invite delegates from Indigenous communities to all stages of the planning and implementation process.

(On January 20, 2021, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to Council with the recommendation that Council take no action on the item.)

Financial Implications: See report

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Action: Approved the recommendation of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.

24. Create and Support an Adopt an Unhoused community program *(Reviewed by the Health, Life Enrichment, Equity and Community Committee)*

From: Councilmember Davila (Author)

Recommendation:

1. Adopt a resolution to create and support neighborhood volunteers and community groups adopting an encampment, street campers, RV / Vehicle community, located along University Avenue/ Shattuck Avenue / Adeline corridor/ San Pablo Avenue and other areas throughout the City.

2. Short term referral to the City Manager and/or designee(s) to present to the City Council in 90 days: how to implement the program modeled after the City of Oakland Adopt a Spot Program, identify a community based organization to oversee the volunteers, know what is needed to adequately implement these efforts, including different organizational structure options.

(On January 25, 2021, the Health, Life Enrichment, Equity and Community Committee made a qualified positive recommendation to send the item to Council to take the following action: Refer to the City Manager to consider inclusion of homeless encampments in the existing "Adopt a Spot" referral to the Public Works Commission and Parks, Recreation, and Waterfront Commission once the "Adopt a Spot" program has been established.)

Financial Implications: See report

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Action: Approved the recommendation of the Health, Life Enrichment, Equity and Community Committee.

Council Consent Items

25. **Amend Berkeley's Property Tax Measures and Restore Tax Equity by Changing the Square Footage Tax Imposition through a Comprehensive Verification Process** *(Reviewed by the Budget and Finance Policy Committee)*

From: Councilmember Bartlett (Author)

Recommendation: In order to correct inequitable and inconsistently applied rates of property tax assessments, and to ensure that outstanding revenues due to the City are paid, the Finance Department should conduct a comprehensive verification analysis. This process will update and bring the city's taxable square footage database into alignment with Planning's building area database. Through this verification, the City shall also reconcile with the Alameda County Assessor's Public Roll to ensure that the City's tax database is up-to-date and accurate. This reconciliation will restore tax equity, which has been desired by Berkeley voters, while also unifying standards, protocols and terminology between departments. The City should adopt the following habitability criteria for taxation purposes:

1. Taxable space must have manufactured flooring. If the understory has dirt base, it shall not be taxed (Uniform Building Code R502 – floor material requirement).

(Acceptable proof: photo)

2. Taxable basement space must be of required height clearance. If understory has proper flooring and is of limited height, 6' 8" or less, with 6'4" allowance for ducting, then it shall not be taxed (Uniform Building Code R305 – basement height requirement) (Acceptable proof: photo with measuring tape)

3. Taxable attic space must have required height clearance. If finished attic, only areas of 6'4" height or more is taxed for city assessments (Acceptable proof: photo with measuring tape)

4. City of Berkeley shall post the property's taxable square footage in at least 12 point font on the City's Parcel Viewer page. City of Berkeley shall disclose the potential increase to taxable square footage liability for the taxpayer when application for building addition is made.

5. City of Berkeley shall make public the taxable square footage liability of the proposed finished building to the community when a Zoning Adjustments Board application is made.

6. City of Berkeley shall disclose a property's taxable square footage in writing to a property owner or interested buyer, upon request.

7. If the taxpayer requests a correction on the square footage assessments, and the space in question does not align with the above taxability requirements, the taxpayer shall be entitled to a refund on all 9 city and schools assessments for the previous four full years of taxes (Civil Code 5097). Requests for correction shall be allowed at any time.

(On January 28, 2021, the Budget and Finance Committee made a negative recommendation to send the item to Council with the recommendation that Council take no action and for Councilmember Harrison to work with Councilmember Bartlett on another item addressing the broader policy issues surrounding this item.)

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: Approved the recommendation of the Budget and Finance Committee.

Council Consent Items

26. **“Step Up Housing” Initiative: Allocation of Measure P Funds to Lease and Operate a New Permanent Supportive Housing Project at 1367 University Avenue** *(Reviewed by the Budget and Finance Committee)*
From: Councilmember Bartlett (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Mayor Arreguin (Co-Sponsor)

Recommendation: Adopt a resolution allocating approximately \$900,000 per year for 10 years, as well as a one-time allocation of approximately \$32,975 from Measure P transfer tax receipts to support the lease and operation of a new permanent supportive housing project for the homeless at 1367 University Avenue. This resolution is put forward out of consideration that the City Council has already approved in its FY 2020-21 budget—on June 30, 2020—an allocation of \$2.5 million for permanent housing subsidy, a portion of which is available to be spent on the 1367 University Avenue project.

Refer to the next meeting of the Budget and Finance Policy Committee to confirm the availability of requested funding for the 1367 University project and to set priorities for other Measure P-funded programs and services as part of the mid-year budget process.

(On January 28, 2021, the Budget and Finance Policy Committee made a qualified positive recommendation to send the item to Council with the recommendation to confirm the availability of revenues as approved by Council on October 13, 2020, for the 1367 University project and note that the Committee will discuss Measure P allocations in the FY 2022 budget development process.)

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: Approved the recommendation of the Budget and Finance Committee.

Council Consent Items

- 27. Virtual Holocaust Remembrance Day Event: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including \$250 from Councilmember Wengraf, to support the City's Annual Holocaust Remembrance Day program with funds relinquished to the City's general fund. The relinquishment of funds from Councilmember Wengraf's discretionary Council Office Budget and all other Councilmembers who would like to contribute allows the City of Berkeley to invite the community to the City's Virtual 19th Annual Holocaust Remembrance Day program, put together by the community with Council support. This year's program will be held on April 8, 2021.
Financial Implications: Councilmember's Discretionary Funds - \$250
 Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 69,734–N.S. amended to increase the maximum donation to \$500 and to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500; Councilmember Wengraf - \$250; Councilmember Harrison - \$250; Councilmember Robinson - \$150; Councilmember Droste - \$100; Councilmember Taplin - \$250; Councilmember Hahn - \$500; Councilmember Bartlett - \$200; Councilmember Kesarwani - \$250.

Action Calendar

Urgency Item: Guaranteeing COVID-19 Hazard Pay for Grocery Store Workers
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Mayor Arreguin (Co-Sponsor)

Recommendation: Adopt an emergency ordinance to guarantee hazard pay of an additional five dollars an hour for grocery store workers, effective upon adoption and until such time that the 7-Day Average COVID-19 positivity rate for Alameda County falls below 2.0% or the passage of 120 days without extension.

Financial Implications: None

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

Action: M/S/C (Taplin/Harrison) to adopt Urgency Ordinance No. 7,755–N.S. to guarantee hazard pay of an additional five dollars an hour for grocery store workers, effective upon adoption and until such time that the 7-Day Average COVID-19 positivity rate for Alameda County falls below 2.0% or the passage of 120 days without extension with an amendment in Section 13.112.040 written below.

13.112.040 Applicability

A. For purposes of this Chapter, Covered Employers are limited to those who employ three hundred (300) or more Grocery Workers in the state of California.

B. For purposes of this Chapter, the number of Grocery Workers employed by an employer is the total number of Grocery Workers who worked for compensation during the two week period immediately preceding the effective date of this Chapter.

C. Subject to the time limitation in subsection 13.112.040.D., Covered Employers shall provide the Hazard Pay required by this Chapter to any Covered Employee in the City of Berkeley until such time as the 7-Day Average COVID-19 positivity rate for Alameda County falls below 2.0%.

D. Unless extended by the City Council, the Hazard Pay requirement set forth in this Chapter shall only remain in effect for a limited period of 120 days from the effective date of this Chapter, unless terminated earlier as provided in subsection 13.112.040.C.

Vote: All Ayes.

Action Calendar – Public Hearings

28a. Public Hearing: ZAB Appeal: 1850 Arch Street, Use Permit #ZP2019-0212

From: City Manager

Recommendation: Conduct a public hearing on the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2019-0212 to reconfigure the interior of the existing building to add 18 bedrooms to an existing 10-unit, 12-bedroom multi-family residential building at 1850 Arch Street.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 4 speakers.

M/S/C (Harrison/Arreguin) to close the public hearing.

Vote: All Ayes.

28b. Public Hearing: ZAB Appeal: 1862 Arch Street, Use Permits #ZP2019-0213

From: City Manager

Recommendation: Conduct a public hearing on the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2019-0213 to reconfigure the interior of the existing building to add 15 bedrooms to an existing 10-unit, 10-bedroom multi-family residential building at 1862 Arch Street.

Financial Implications: None

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

Public Testimony: The Mayor opened the public hearing. 4 speakers.

M/S/C (Harrison/Arreguin) to close the public hearing.

Vote: All Ayes.

28c. ZAB Appeals: 1850 and 1862 Arch Street, Use Permits #ZP2019-0212 and ZP2019-0213

From: City Manager

Recommendation: Upon conclusion of the agendized public hearings, adopt two Resolutions affirming the Zoning Adjustments Board (ZAB) decisions to approve Use Permits #ZP2019-0212 and ZP2019-0213 to reconfigure the interiors of the existing buildings to add 18 bedrooms to an existing 10-unit, 12-bedroom multi-family residential building at 1850 Arch Street, to add 15 bedrooms to an existing 10-unit, 10-bedroom multi-family residential building at 1862 Arch Street, and dismissing the

Action Calendar – Public Hearings

appeals.

Financial Implications: None

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

Action: M/S/C (Harrison/Robinson) to adopt two Resolutions affirming the Zoning Adjustments Board (ZAB) decisions to approve Use Permits #ZP2019-0212 and ZP2019-0213 to reconfigure the interiors of the existing buildings to add 18 bedrooms to an existing 10-unit, 12-bedroom multi-family residential building at 1850 Arch Street, to add 15 bedrooms to an existing 10-unit, 10-bedroom multi-family residential building at 1862 Arch Street, and dismissing the appeals, with the addition of four new conditions as follows:

- Refuse Capacity. The applicant will increase the capacity of recycling, composting, and garbage disposal to be commensurate with the increase in bedrooms so as to ensure compliance with BMC 12.32.020 requirements disallowing the accumulation of waste.
- Laundry Capacity. The applicant will increase the numbers of washers and dryers available to tenants at the onsite laundry facilities to be commensurate with the increased number of bedrooms in the building, as allowed by space in the laundry facilities.
- Construction Trash Diversion. In addition to the Construction Waste Management Plan, the applicant must ensure that all other garbage generated by workers is disposed of properly off site and not in the onsite refuse bins where tenants dispose of their trash.
- Quarterly Meetings. During active construction, the applicant will hold quarterly meetings open to all tenants to discuss the construction and the rights of tenants, provide ways to contact management with urgent matters, and to field questions and concerns from residents. These meetings should include relevant city staff from the Department of Planning & Development and the Rent Stabilization board to keep new and existing tenants informed of their rights under the Rent Stabilization and Eviction for Good Cause Ordinance (BMC Chapter 13.76) and the Tenant Protection Ordinance (BMC Section 13.79.060). Notification of these meetings should be distributed at least thirty (30) days in advance, both electronically and through physical notices posted at the site.

Adopted Resolution No. 69,735–N.S. (1850 Arch Street, Use Permit #ZP2019-0212).

Adopted Resolution No. 69,736–N.S. (1862 Arch Street, Use Permits #ZP2019-0213)

Vote: All Ayes.

Recess 10:04 p.m. – 10:14 p.m.

Council Action Items

29. Resolution to End Exclusionary Zoning in Berkeley

From: Councilmember Droste (Author), Councilmember Taplin (Author), Councilmember Bartlett (Author), Councilmember Robinson (Author)

Recommendation: Adopt a resolution to state Berkeley City Council's intent to end exclusionary zoning in Berkeley by December of 2022.

Financial Implications: None

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Action: M/S/C (Arreguin/Droste) to suspend the rules and extend the meeting to 12:00 a.m.

Vote: Ayes – Taplin, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – Harrison, Wengraf; Abstain – None; Absent – Kesarwani.

Councilmember Kesarwani absent 10:14 p.m. – 10:16 p.m.

Action: M/S/C (Arreguin/Droste) to suspend the rules and extend the meeting to 12:30 a.m.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – Harrison, Wengraf; Abstain – None.

Action: M/S/C (Arreguin/Wengraf) to suspend the provision in the Rules of Procedure related to reading written comments into the record.

Vote: All Ayes.

Action: M/S/C (Arreguin/Harrison) to accept supplemental material from Mayor Arreguin on Item 29.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

Councilmember Droste absent 12:01 a.m. – 12:03 a.m.

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 12:40 a.m.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – Harrison, Wengraf; Abstain – None.

Action: 67 speakers. M/S/C (Robinson/Taplin) to adopt Resolution No. 69,737–N.S. as submitted in Vice-Mayor Droste's item in Supplemental Communication Packet #2 and further revised in the supplemental material submitted by Mayor Arreguin at the meeting with an amendment to include reference to anti-speculation measures, and receiving and accepting the item submitted by Councilmembers Harrison and Hahn for the record.

Vote: All Ayes.

Information Reports

- 30. FY 2022 Budget Development**
From: City Manager
Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000
Action: Received and filed.
- 31. City Council Short Term Referral Process – Quarterly Update**
From: City Manager
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Received and filed.
- 32. Partnership for the Bay’s Future and Current Anti-Displacement Initiatives**
From: City Manager
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Scheduled for the March 23, 2021 Action Calendar.
- 33. FY2021 Public Art Plan and Budgets**
From: Civic Arts Commission
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
Action: Received and filed.
- 34. Community Environmental Advisory Commission 2021 Work Plan**
From: Community Environmental Advisory Commission
Contact: Viviana Garcia, Commission Secretary, (510) 981-7460
Action: Received and filed.
- 35. 2021 Housing Advisory Commission Work Plan**
From: Housing Advisory Commission
Contact: Mike Uberti, Commission Secretary, (510) 981-7400
Action: Received and filed.

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

Adjournment

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

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Droste.

Adjourned at 12:39 a.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on February 23, 2021.

Mark Numainville
City Clerk

Communications

Item #22: Opposition of New U.S. Base Construction in the Henoko-Oura Bay of Okinawa

1. Diana Bohn and Igor Tregub
2. Wesley Ueunten
3. Scott Tshchitani
4. Ronald Nakasone
5. Travis Seifman
6. Vanessa Peixoto de Souza
7. Risako Sakai
8. Betty Kano
9. Diana Bohn
10. Hideki Yoshikawa
11. Leanne Isley
12. Marisa Kanemoto
13. Gwendolyn Andrews
14. Cristian Izquierdo
15. Lyn Ishizaki
16. Maya Adachi
17. Blythe Nishi
18. Maxwell Ho
19. Erica Ishijima
20. Joseph Tsuboi
21. Mark Fujiwara
22. Jane Yamashiro
23. Yumi Kobayashi
24. Elena Harumi Nielsen
25. Kelsey Ichikawa

- 26. Hisayo Kinjo
- 27. Gwyn Kirk
- 28. Miya Sommers
- 29. Jean Yonemura Wing
- 30. Sherry Schafer

Quadplex Zoning

- 31. Alfred Twu

Elimination of Racially Restrictive Covenants from Alameda County Property Deeds

- 32. Richard Valle, Board of Supervisors, District 2

COVID-19//Vaccinations//Masks

- 33. Anne McClintock
- 34. Jeannette MacMillan
- 35. Katy Love
- 36. Ben Gerhardstein
- 37. Megha Charalambides
- 38. Sylvia
- 39. Paola Laverde
- 40. Ginger Ogle
- 41. David Lerman (2)
- 42. Councilmember Hahn (2)
- 43. Niki
- 44. City of Berkeley COVID-19 Information Services
- 45. Margot Smith
- 46. Carol Denney
- 47. Julia Lang, on behalf of Street Teams

Reorganization of Commissions

- 48. Janice Schroeder (2)
- 49. David Schroeder
- 50. MJ Baumann
- 51. Ellen Brotsky
- 52. Bernard Marszalek
- 53. Thomas Luce
- 54. Alex Mabanta
- 55. George Lippman
- 56. Lee Bishop
- 57. Michael Goldhaber
- 58. Elisabeth Watson

More Homes at the North Berkeley BART

- 59. Sandy Emerson
- 60. Adam Rogers

- 61. Jenny Johnston
- 62. Franklin Lei
- 63. Mel Weitsman
- 64. Forest Kaser
- 65. Barry Fike
- 66. Reynaldo Santa Cruz
- 67. Oren Cheyette
- 68. Phil Soffer
- 69. Mark Rhoades
- 70. David Mar
- 71. Phyllis Orrick
- 72. Andrea Altschuler
- 73. Mary Nash
- 74. Paul Bickmore
- 75. Laura Magnani
- 76. Mary Behm-Steinberg
- 77. 14 similarly worded form letters (I live in)
- 78. 6 similarly worded form letters (6 points)

Horse Fatality at Golden Gate Fields

- 79. Joe Kaplan

TOPA (Tenants Opportunity to Purchase Act)

- 80. Ilona Clark
- 81. taptango@
- 82. George

School Reopening

- 83. Laura Babitt
- 84. Nick Zahariadis
- 85. Shelene Stine and Rohini Haar

Systemic Racism

- 86. Aimee Baldwin
- 87. WD Flient

Eucalyptus Grove at 1120-1140 Cragmont Avenue

- 88. Vadim Shapiro and 25 neighbors

Vision 2025

- 89. Nilang

Weapon Trucks Blocked in Canada

- 90. Russbumper

1915 Berryman

91. Brenda O'Sullivan

Lung Cancer in Non-Smokers

92. Norm Harrison

Police Accountability Board

93. Friends of Adeline

94. David White, Deputy City Manager

City Budget

95. Blair Beekman

Civic Center Redesign and Measure T-1

96. Christopher Adams, Chair, Landmarks Preservation Commission

Unhoused Pooping on Sidewalk in Front of Restaurant

97. Phatcharin Teerapatanaporn, Manager of Tuk Tuk Thai Café

URL's Only

98. Vivian Warkentin (3)

99. Russbumper (9)

100. Barbara Gilbert

Supplemental Communications and Reports 1

Item #3: Contract: Mildred Howard Sculpture Commission

101. Stephanie Anne Johnson

Item #22: Opposition of New U.S. Base Construction in the Henoko-Oura Bay of Okinawa

102. Kirk Sato

Item #28c: ZAB Appeals: 1850 and 1862 Arch Street, Use Permits #ZP2019-0212 and ZP2019-0213

103. Mark Rhoades, on behalf of Rhoades Planning Group

Item #29: Resolution to End Exclusionary Zoning in Berkeley

104. Adam Rogers

105. Stephen Dalton

106. Lisa Bruce (2)

107. Linda Franklin

108. Judy MacLean

109. Lisa Taner

110. Eric Johnson

111. Laura Foote, on behalf of YIMBY Action

112. Priyanka Wali

113. Kevin Burke

- 114. Bill Bogert
- 115. Janet Byron
- 116. Jonathan Singh
- 117. Hilary Clark
- 118. Lauren Carroll
- 119. Lee Bishop
- 120. Ben Domingue
- 121. Jeannette MacMillan
- 122. Toni Mester
- 123. 10 similarly-worded form letters

Supplemental Communications and Reports 2

Item #3: Contract: Mildred Howard Sculpture Commission

- 124. Carole Kennerly

Item #6: California Community Housing Agency Middle Income Rental Housing Program

- 125. Revised material, submitted by Heath, Housing, and Community Services

Item #18: Prohibition on the Use of City Streets for Operating, Parking or Idling Combustion Vehicles by 2045

- 126. Michael Katz

Item #22: Opposition of New U.S. Base Construction in the Henoko-Oura Bay of Okinawa

- 127. Diana Bohn
- 128. Daniel Iwama
- 129. Gwyn Kirk
- 130. Pete Shimazaki Doktor

Item #26: "Step Up Housing" Initiative: Allocation of Measure P Funds to Lease and Operate a New Permanent Supportive Housing Project at 1367 University Avenue

- 131. Supplemental material, submitted by Councilmember Bartlett

Item #29: Resolution to End Exclusionary Zoning in Berkeley

- 132. Supplemental material, submitted by Councilmember Harrison
- 133. Supplemental material, submitted by Councilmember Droste
- 134. Ariella Granett
- 135. Ariel Carlin
- 136. Hannah Thorner
- 137. Sophia DeWitt
- 138. Nick Shere
- 139. Bhima Sheridan
- 140. Jane Scantlebury
- 141. Lovage S
- 142. Christian Bucknell

143. Laura Stevens
144. Jeffrey Wescott
145. Mary-Louise Hansen
146. Robert Johnson
147. Liz Horowitz
148. Lisa Bruce
149. Teresa Clarke
150. Eva Herzer
151. Aubrey Grove
152. Janice Schroeder
153. Leslie Stone
154. Kit Robinson
155. Andrea Robinson
156. Fred Dodsworth
157. Madeleine Shearer
158. tenise@
159. Lisa Goodman
160. Steven Segal
161. Robert Sonderegger
162. George Porter
163. Henson Jones
164. Joshua Schnoll
165. Malcolm Scruggs
166. Michael Katz
167. Martin Holtz
168. Julia Cato
169. Dave Campbell
170. 17 similarly worded form letters (My name is)

Supplemental Communications and Reports 3

Item #18: Prohibition on the Use of City Streets for Operating, Parking or Idling Combustion Vehicles by 2045

171. Thomas Lord (3)

Item #22: Opposition of New U.S. Base Construction in the Henoko-Oura Bay of Okinawa

172. Alvin Ja
173. Julie Higa
174. Diana Bohn (2)
175. Michael Yoshii
176. Kim Geron, on behalf of the Asian Pacific American Labor Alliance
177. Miya Sommers
178. Nikkei Resisters (2)
179. Miho Kim
180. Sherry Lorin
181. Gerry Condon (2)

- 182. Charles Douglas Lummis
- 183. Chimey Lee
- 184. 29 similarly form letters (U.S. Marine air base)

Item #23: Initiate a Citywide, Regional and International Just Transition to a Regenerative Economy to Address the Climate Emergency

- 185. Chimey Lee

Item #25: Amend Berkeley's Property Tax Measures and Restore Tax Equity by Changing the Square Footage Tax Imposition through a Comprehensive Verification Process

- 186. Jay Tharp (2)

Item #29: Resolution to End Exclusionary Zoning in Berkeley

- 187. Material, submitted by Councilmember Droste
- 188. Erin Morris
- 189. Sophie Beach
- 190. Alfred Twu
- 191. Cynthia McGrane
- 192. Louise Rosenkrantz
- 193. Brad Johnson
- 194. Christopher Smith
- 195. Martin
- 196. Lucy Smallsreed
- 197. Senator Nancy Skinner
- 198. Michelle Pasternack
- 199. Adam Smith
- 200. Jay Caspian Kang
- 201. Rudabeh Pakravan
- 202. James Butler
- 203. Leigh Stewart
- 204. Shawn Drost
- 205. Andrew Bestwick
- 206. Emmerich Anklam
- 207. Dora Zhang
- 208. Berkeley Neighborhood Council
- 209. Dona Bretherick
- 210. Robin Kibby and Family
- 211. Adrien Couton
- 212. Phoebe Sorgen
- 213. Tim Ereneta
- 214. Maxine Piper and Family
- 215. Ben Gerhardstein, on behalf of Walk Bike Berkeley
- 216. Sally Nelson
- 217. Becca Schonberg
- 218. Drew Finke
- 219. Tim Goodman

220. Judy MacLean
221. Dawn Thomas
222. Sean Lai McMahon
223. Micki Turner
224. Jeffrey Heller
225. Amanda Prasuhn
226. Councilmember Harrison
227. Nick Morgan
228. Vikran Sridharan and Family
229. Alison Lingo
230. Shirley Dean (2)
231. Karen Chapple
232. Steve Medbery
233. Michael Ho
234. Jennifer Cole
235. Ellen Perry
236. David Pope
237. Nico Calavita
238. Samuel Taplin, on behalf of Associated Students of the University of California
239. Cathy Fogel (2)
240. Phyllis Orrick
241. Gabriel Wolf
242. Igor Tregub, on behalf of Sierra Club Northern Alameda County
243. Molly Baskette
244. Shirley Kirsten
245. Cynthia Colvin
246. Holly Scheider
247. William Barclay
248. Jenna Fahle
249. Elana Auerbach
250. Michai Freeman
251. Theresa Gensler
252. Tom Yamaguchi
253. George Porter (3)
254. Deborah Kropp
255. Aimee Baldwin
256. Anders Riutta
257. Jordan Burns
258. Martine Kraus
259. Lynda Caesara
260. Grant Thompson
261. Meryl Siegal
262. Kim Marienthal
263. Laura Klein
264. David Brandon
265. Vicki Sommer

- 266. Pamela Michaud
- 267. Eric Johnson
- 268. Manuela T
- 269. Cece Littlepage
- 270. Marjorie Lasky
- 271. Elisabeth Lamoureaux
- 272. Thomas Buckey
- 273. Liat Zavodivker
- 274. Carol Hirth
- 275. Sue Martin
- 276. Stephen Dalton (2)
- 277. Sean Martin-Hamburger
- 278. 7 similarly worded form letters (My name is)
- 279. 6 similarly worded form letters (As a member of Cal's)

Urgent Item

Guaranteeing COVID-19 Hazard Pay for Grocery Store Workers

- 280. Urgent item, submitted by Councilmember Taplin
- 281. Becky Rhodes, on behalf of the Alameda Labor Council
- 282. Julio Contreras

**MINUTES
BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES**

THURSDAY, FEBRUARY 25, 2021

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

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

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this closed session meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/82372242662>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 823 7224 2662. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

To submit an e-mail comment during the meeting to be read aloud during public comment, email clerk@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

Preliminary Matters

Roll Call: 4:02 p.m.

Present: Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Arreguin

Absent: Bartlett and Droste

Councilmember Bartlett present at 5:16 p.m.

Councilmember Droste present at 5:25 p.m.

Public Comment - Limited to items on this agenda only – 1 speaker

CLOSED SESSION:

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

1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Negotiators: Dee Williams-Ridley, City Manager, Paul Buddenhagen, Deputy City Manager, David White, Deputy City Manager, LaTanya Bellow, Human Resources Director, Dania Torres-Wong, Chief Labor Negotiator, Burke Dunphy, Labor Negotiator.

Employee Organizations: International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, Public Employees Union Local 1.

Action: No reportable action taken.

OPEN SESSION:

No reportable action.

Adjournment

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

Vote: Ayes –Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain –None; Absent – Bartlett.

Adjourned at 6:19 p.m.

This is to certify that the foregoing is a true and correct record of the closed session meeting on February 25, 2021.

Michael MacDonald, Assistant City Clerk



Office of the City Manager

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Mark Numainville, City Clerk
 Subject: Police Accountability Board – Ordinance Amendment for Leaves of Absence and Alternate Commissioner; Amending BMC Chapter 3.02

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 3.02.030 to provide for leaves of absence for members of the Police Accountability Board and Berkeley Municipal Code Section 3.02.035 to provide for a designated council-approved alternate to serve when a regular member is on a leave of absence.

FISCAL IMPACTS OF RECOMMENDATION

A direct cost to the General Fund \$800 to pay the stipend to the alternate commissioner for the time spent on the required 40 hours of training.

CURRENT SITUATION AND ITS EFFECTS

Measure II was adopted on November 3, 2020 by the voters of Berkeley to create a new Police Accountability Board (hereafter “Board”). The members of the Board are approved by vote of the full Council. The Charter amendment also provided for termination for lack of attendance, leaves of absence, and alternate commissioners pursuant to Berkeley Municipal Code Section 3.02.020, Section 3.02.030, and Section 3.02.035 respectively.

Leaves of absence are an important tool for commissioners to be able to miss a meeting due to illness, unavoidable travel, or other significant conflicting obligations without the absence counting against their attendance record. For commissions appointed by the Council as a whole, Section 3.02.030 requires that the leave of absence be granted by the full Council. This requires an item to be placed on the Council agenda at least four weeks prior to the date of absence (or much longer depending on Council recess periods). This process makes it very difficult to obtain a leave of absence and may lead to commissioners being terminated for attendance due to unforeseen circumstances.

The current process for alternate commissioners involves the Mayor and each Councilmember having up to five alternates that can serve on certain designated commissions. The alternate process provides an efficient method to fill a vacancy due

to a leave of absence without requiring the temporary commissioner to take the oath of office and file a Form 700 for every instance of service as an alternate on a commission. This process is complicated by the Charter requirement that all appointees to the Board be approved by the full Council. The same long lead times and onerous requirement of submitting a council item for the leave of absence would apply to designating an alternate commissioner to serve.

In order to remedy these issues and maintain the integrity of the Charter requirements for approval by the full Council for any member serving on the Board, staff is proposing code amendments to create specific provisions enabling leaves of absence to be granted without approval of the full Council and the use of a single alternate commissioner who will be pre-approved by the full council to serve when another Board member is on a leave of absence. Should City Council adopt the proposed Ordinance, at the time that City Council appoints the initial nine (9) commissioners to the Board, City Council will also be asked to approve an alternate commissioner. This alternate will be required to undergo the same 40-hour training requirement as the regular Board members.

BACKGROUND

The Berkeley Municipal Code provides for leaves of absence for city commissioners and for the use of alternate commissioners on certain commissions. There are additional layers of complexity for boards and commissions that are appointed by the Council as a whole due to the requirement that the leave be granted by the entity that made the appointment.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable effects on sustainability or the environment associated with the recommendation in this report.

RATIONALE FOR RECOMMENDATION

These amendments will allow the Board to have greater continuity in its membership by reducing the number of members that could be terminated for attendance due to the difficulty of obtaining leaves of absence in advance of board meetings. In addition, vacancies on a commission reduce the effectiveness of the body to deliberate and conduct business. Finally, the work of the Board will be enhanced by an alternate Board member who will receive the extensive training provided to the regular Board members.

ALTERNATIVE ACTIONS CONSIDERED

The Council may wish to not adopt the proposed Ordinance and adhere to the current wording of the Berkeley Municipal Code that requires all leaves of absence to be granted by submitting an agenda item to be approved by the full Council for each leave of absence requested by a board member. The Council may also wish to make changes to the proposed Ordinance such as designating who may nominate an alternate commissioner for City Council approval.

CONTACT PERSON

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

Dave White, Deputy City Manager, (510) 981-7000

Attachments:

1: Ordinance

ORDINANCE NO. -N.S.

LEAVES OF ABSENCE AND ALTERNATE COMMISSIONER FOR THE POLICE ACCOUNTABILITY BOARD; AMENDING BERKELEY MUNICIPAL CODE CHAPTER 3.02

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

Section 1. That Berkeley Municipal Code Section 3.02.030 is amended to read as follows:

3.02.030 Leaves of absence.

The following circumstances shall not count as absences for the purposes of Section 3.02.020:

A. A member of a board, commission or committee may be granted a leave of absence not to exceed three months by the appointing Councilmember, the appointing Commission, or the Council, when the appointment is made by the Council as a whole, and a temporary vacancy shall thereupon exist for the period of such leave of absence. Notice of the leave of absence must be filed with the City Clerk prior to the absence.

1. During the period of such temporary vacancy, the appointing Councilmember, the appointing Commission, or the Council, when the appointment is made by the Council as a whole, may fill such vacancy by a temporary appointment to said commission; provided, however, that the period of such temporary appointment shall not exceed the period of the temporary vacancy. At the expiration of a leave of absence so granted, the member shall automatically resume full membership on the board, commission or committee.

2. Alternatively, the appointing Councilmember or Mayor may select one of their Alternate Commissioners to serve temporarily as provided for in Section 3.02.030.A.1 when a leave of absence is granted for one of their appointees.

B. Commissioners may request that an absence be excused due to a conflict between the date of a scheduled commission meeting on which the commissioner sits and a religious or cultural holiday. Such a request shall be made in writing on a form provided by the City and submitted to the secretary prior to the meeting for which the commissioner's absence is to be excused. The request shall not be subject to the approval of the commission but shall be accepted upon request. The secretary shall then excuse that absence and exclude it from the attendance report sent semi-annually to the City Clerk.

The definition of a religious or cultural holiday shall be left to the individual commissioner. However, the following list may be considered illustrative of the religious and cultural holidays for which a commissioner may seek an excused absence: Al Hijrah New Year, Ash Wednesday, Chinese New Year, Diwali, Easter Sunday, Eid Al Fitr, Eid Al Adha,

Good Friday, Hanukkah, Holi, Kwanzaa, Palm Sunday, Passover, Rosh Hashanah, St. Patrick's Day and Yom Kippur.

C. Members of the Police Accountability Board may be granted a leave of absence upon the filing of a notice for leave of absence with the City Clerk by the nominating Councilmember or the Mayor for their nominee. All other conditions and regulations for leaves of absence in this Code and adopted by resolution, that are not inconsistent with the City Charter, shall apply.

Section 2. That Berkeley Municipal Code Section 3.02.035 is amended to read as follows:

3.02.035 Additional provisions pertaining to Alternate Commissioners.

A. Each Councilmember and the Mayor may select up to five individuals to serve as their Alternate Commissioners. Alternate Commissioners shall be qualified and appointed as provided for in the Municipal Code and supplemental regulations adopted by resolution.

B. Alternate Commissioners shall be eligible to serve in such capacity only when a vacancy on a designated commission is the result of an approved leave of absence and the Councilmember or Mayor has delivered written notification to the City Clerk Department for temporary appointment of the selected Alternate Commissioner.

C. A Councilmember or the Mayor may, but is not required to, appoint an Alternate Commissioner to fill a temporary vacancy.

D. Appointment as an Alternate Commissioner does not prevent a Councilmember or the Mayor from appointing that Alternate Commissioner to sit as a Commissioner on any commission as provided for in Article 2 of Chapter 2.04.

E. All regulations and requirements of the BMC that apply to a Commissioner as defined in 3.02.010.A. also apply to Alternate Commissioners except Section 3.02.040.

F. Councilmembers or the Mayor may dismiss an Alternate Commissioner without appointing a replacement provided that the Alternate Commissioner has served the term minimum described in Section 2.04.075. Dismissal of an Alternate Commissioner must be submitted by the appointing Councilmember in writing to the City Clerk Department.

G. The Police Accountability Board shall have one alternate commissioner, approved by the full council by majority vote, and subject to all membership, service, and training requirements of the City Charter for regular members of the Board. All other conditions and regulations for alternate commissioners in this Code and adopted by resolution, that are not inconsistent with the City Charter, shall apply.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Office of the City Manager

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing & Community Services

Subject: Contract Amendments: Contract No. 088999-1: Center for Independent Living
Contract No. 052129-1: Pacific Center for Human Growth
Contract No. 122380-1: Covenant House California – YEAH! Program

RECOMMENDATION

Adopt three Resolutions authorizing the City Manager to execute amendments for the following contracts that are funded through State of California Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) monies, increasing each contract as outlined below, and extending the contracts through June 30, 2021:

1. Increasing MHSA PEI Contract No. 088999 -1 with Center for Independent Living (CIL) in the amount of \$8,011 for a total contract amount not to exceed \$288,630 for trauma support services for senior citizens;
2. Increasing PEI ERMA Contract No. 052129-1 with Pacific Center for Human Growth in the amount of \$8,011 for a total contract amount not to exceed \$315,150 for trauma support services for Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, Intersex, Agender, Plus other (LGBTQIA+) individuals;
3. Increasing MHSA PEI Contract No. 122380-1 with Covenant House California-YEAH! Program, in the amount of \$8,041 for a total contract amount not to exceed \$315,150 for trauma support services for Transition Age Youth (TAY).

FISCAL IMPACTS OF RECOMMENDATION

Funding from MHSA revenue received from the State of California is available in the FY 2021 budget in the following budget codes: Prevention and Early Intervention programs \$24,063 in 315-51-503-526-2016-000-451-636110.

CURRENT SITUATION AND ITS EFFECTS

The State of California provides MHSA funding for local mental health services and supports. One of the annually occurring MHSA funding components is Prevention and Early Intervention (PEI). MHSA PEI funds are to be utilized on strategies to recognize the early signs of mental illness; to improve early access to services and programs,

including the reduction of stigma and discrimination; and for strategies to prevent mental illness from becoming severe and disabling.

In order to utilize MHSA funds, stakeholder informed Three Year Plans and Annual Updates that outline how funds will be utilized are required to be developed and locally approved. The current City Council approved Three Year Plan included the following PEI funded program:

Community Education & Supports: This program implements culturally-responsive psycho-educational trauma support services for individuals (18 and above) in various cultural, ethnic, and age specific populations that are unserved, underserved, and inappropriately served populations through the following community partners:

AGENCY	POPULATIONS SERVED
Center for Independent Living, Inc. (The CIL)	Senior Citizens
Pacific Center for Human Growth	Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, Intersex, Agender, Plus others (LGBTQIA+)
Covenant House California-YEAH! Program	Transition Age Youth

Per previous City Council approval, funds were added and the contracts were extended to March 31, 2021. To ensure fair City Contracting practices, the Three Year Plan also included a Request for Proposal (RFP) process to be executed for each of the PEI services outlined above; which have been conducted by the aforementioned contractors for an extended period of time.

The execution of the RFP processes has taken longer than originally anticipated, as additional time was taken to ensure that diverse community input will be included in the RFP's. The additional funding and extension of the current contracts to June 30, 2021, will enable the time to execute the RFP and contracting processes, while providing continued service coverage for individual participants.

BACKGROUND

Since the passage of Proposition 63 in 2004, the Health, Housing & Community Services Department, Mental Health Division, has received annual MHSA funding. This funding is utilized to expand and transform the mental health service delivery system and to better meet the needs of underserved and inappropriately served communities. MHSA funding has provided new opportunities for the Mental Health Division to further develop and expand its system of care, adding new programs and utilizing non-profit providers in the planning and delivery of comprehensive mental health services. The contracts this report seeks to extend advance this goal and provide improved coordination between the City and its partner system of care agencies. The City Council has previously amended these contracts.

Contract Amendments: Contract No. 088999-1: Center for Independent Living
Contract No. 052129-1: Pacific Center for Human Growth and
Contract No. 122380-1: Covenant House California – YEAH! Program

CONSENT CALENDAR
March 30, 2021

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

The additional funding and extension of the current contracts to June 30, 2021, will ensure continued services coverage for program participants, while the RFP and contracting processes are executed.

ALTERNATIVE ACTIONS CONSIDERED

In order for MHSA funded trauma support services in the community to continue, no other alternative actions were considered.

CONTACT PERSON

Karen Klatt, Community Services Specialist III, HHCS, (510) 981-7644

Attachments:

- 1: Resolution – Contract No. 088999-1 Amendment: Center for Independent Living, Inc.
- 2: Resolution – Contract No. 052129-1 Amendment: Pacific Center for Human Growth
- 3: Resolution – Contract No. 122380-1 Amendment: Covenant House California – YEAH! Program

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

CONTRACT NO. 08999-1 AMENDMENT: CENTER FOR INDEPENDENT LIVING
FOR TRAUMA SUPPORT SERVICES FOR SENIOR CITIZENS

WHEREAS, the City's Department of Health, Housing & Community Services, Mental Health Division, currently receives Mental Health Services Act Prevention and Early Intervention funds on an annual basis to provide services and supports to children, youth, transition age youth, adults, and older adults; and

WHEREAS, the Mental Health Division works in partnership with community-based agencies and school districts in the provision of such services and supports; and

WHEREAS, pursuant to the City of Berkeley's Mental Health Services Act State approved Prevention and Early Intervention Plan, funds are to be allocated to support the successful implementation of trauma supports for underserved populations; and

WHEREAS, in April 2010, bid Specification No. 10-10508-C was issued for proposals targeting trauma exposed senior citizens and/or those in need of coping strategies for stress related issues and Center for Independent Living was determined to be the best responsible bidder; and

WHEREAS, on April 26, 2011 by Resolution No. 65,237-N.S., City Council authorized Contract No. 8648 with Center for Independent Living to provide mental health services and supports to senior citizens in an amount not to exceed \$26,520 for the period February 1, 2011 through June 30, 2011; and

WHEREAS, on July 19, 2011 by Resolution No. 65,395-N.S., City Council authorized an amendment to Contract No. 8648 with Center for Independent Living to increase the amount by \$26,520 for a total contract amount not to exceed \$53,040, and to extend the term to June 30, 2012; and

WHEREAS, Contract No. 8648 expired before the approved amendment was executed, and a new Contract No. 8801 was executed by the City Manager with Center for Independent Living for the amount of \$26, 520 for the term July 1, 2011 through June 30, 2012; and

WHEREAS, on June 12, 2012 by Resolution No. 65,760-N.S., the City Council authorized an amendment to Contract No. 8801A with Center for Independent Living to increase the amount by \$26,520 for a total contract amount not to exceed \$53,040 and to extend the term to June 30, 2013; and

WHEREAS, on May 7, 2013 by Resolution No. 66,110-N.S., the City Council authorized an amendment to Contract No. 8801B with Center for Independent Living to increase the amount by \$26,520 for a total contract amount not to exceed \$79,560 and to extend the term to June 30, 2014; and

WHEREAS, on June 24, 2014 by Resolution No. 66,673-N.S., the City Council authorized an amendment to Contract No. 8801C with Center for Independent Living to increase the amount by \$26,520 for a total contract amount not to exceed \$106,080 and to extend the term to June 30, 2015; and

WHEREAS, on June 30, 2015 by Resolution No. 67,118-N.S., the City Council authorized an amendment to Contract No. 8801D with Center for Independent Living to increase the amount by \$26,520 for a total contract amount not to exceed \$132,600 and to extend the term to June 30, 2016; and

WHEREAS, on June 28, 2016 by Resolution No. 67,557-N.S., the City Council authorized an amendment to Contract No. 8801E with Center for Independent Living to increase the amount by \$27,846 for a total contract amount not to exceed \$160,446 and to extend the term to June 30, 2017; and

WHEREAS, on July 25, 2017 by Resolution No. 68,102-N.S., the City Council authorized an amendment to Contract No. 8801F with Center for Independent Living to increase the amount by \$32,046 for a total contract amount not to exceed \$192,492 and to extend the term to June 30, 2018; and

WHEREAS, on October 30, 2018 by Resolution No. 68,642-N.S., City Council authorized an amendment to Contract No. 8801G with Center for Independent Living to increase the amount by \$32,046 for a total contract amount not to exceed \$224,538 and to extend the term to June 30, 2019; and

WHEREAS, on July 23, 2019 by Resolution No. 69,036-N.S., City Council authorized an amendment to ERMA Contract No. 088999-1 (8801H) with Center for Independent Living to increase the amount by \$32,046 for a total amount not to exceed \$256,584 and to extend the term to June 30, 2020; and

WHEREAS, on June 30, 2020 by Resolution No. 69,468-N.S., City Council authorized an amendment to ERMA Contract No. 088999-1 (8801H) with Center for Independent Living to increase the amount by \$24,035 for a total amount not to exceed \$280,619 and to extend the term to March 31, 2021; and

WHEREAS, in order to ensure fair City Contracting practices, an RFP process will be executed for these services; and

WHEREAS, the additional funding and extension of the current contracts to June 30, 2021, will enable the time to execute the RFP and contracting processes and will provide service coverage for individual participants, in the event there is a change in contractors following the RFP process.

WHEREAS, funds are available in the FY21 budget in the Mental Health Services Act Fund, budget code 315-51-503-526-2016-000-451-636110.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute an amendment to Contract No. 088999-1 with Center for Independent Living to provide trauma support services to senior citizens, to increase the amount by \$8,011 for a total contract amount not to exceed \$288,830, and to extend the term to June 30, 2021. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

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

CONTRACT NO. 052129-1 AMENDMENT: PACIFIC CENTER FOR HUMAN GROWTH TO PROVIDE TRAUMA SUPPORT SERVICES TO LESBIAN, GAY, BI-SEXUAL, TRANSGENDER, QUEER, INTERSEX, AGENDER, PLUS OTHER (LGBTQIA+) INDIVIDUALS

WHEREAS, the City's Department of Health, Housing & Community Services, Mental Health Division, currently receives Mental Health Services Act Prevention and Early Intervention funds on an annual basis to provide services and supports to children, youth, transition age youth, adults, and older adults; and

WHEREAS, the Mental Health Division works in partnership with community-based agencies and school districts in the provision of such services and supports; and

WHEREAS, pursuant to the City of Berkeley's Mental Health Services Act State approved Prevention and Early Intervention Plan, funds are to be allocated to support the successful implementation of trauma supports for underserved populations; and

WHEREAS, in April 2010, bid Specification No. 10-10508-C was issued for proposals targeting trauma exposed individuals and/or those in need of coping strategies for stress related issues and Pacific Center for Human Growth was determined to be the best responsible bidder; and

WHEREAS, on December 6, 2010, City Council authorized Contract No. 8516 with Pacific Center for Human Growth to provide mental health services and supports to low-income LGBTQI individuals who are suffering from the impact of oppression, trauma, and other life stressors in an amount not to exceed \$26,520 for the period November 1, 2010 through June 30, 2011; and

WHEREAS, on June 28, 2011 by Resolution No. 65,347-N.S., City Council authorized an amendment to Contract No. 8516A with Pacific Center for Human Growth to increase the amount by \$26,520 for a total contract amount not to exceed \$53,040, and to extend the term to June 30, 2012; and

WHEREAS, on June 12, 2012 by Resolution No. 65,762-N.S., City Council authorized an amendment to Contract No. 8516B with Pacific Center for Human Growth to increase the amount by \$26,520 for a total contract amount not to exceed \$79,560 and to extend the term to June 30, 2013; and

WHEREAS, on May 7, 2013 by Resolution No. 66,112-N.S., City Council authorized an amendment to Contract No. 8516C with Pacific Center for Human Growth to increase the amount by \$26,520 for a total contract amount not to exceed \$106,080 and to extend the term to June 30, 2014; and

WHEREAS, on June 24, 2014 by Resolution No. 66,675 -N.S., City Council authorized an amendment to Contract No. 8516D with Pacific Center for Human Growth to increase the amount by \$26,520 for a total contract amount not to exceed \$132,600 and to extend the term to June 30, 2015; and

WHEREAS, on June 30, 2015 by Resolution No. 66,120 -N.S., City Council authorized an amendment to Contract No. 8516E with Pacific Center for Human Growth to increase the amount by \$26,520 for a total contract amount not to exceed \$159,120 and to extend the term to June 30, 2016; and

WHEREAS, on June 28, 2016 by Resolution No. 67,559 -N.S., City Council authorized an amendment to Contract No. 8516F with Pacific Center for Human Growth to increase the amount by \$27,846 for a total contract amount not to exceed \$186,966 and to extend the term to June 30, 2017; and

WHEREAS, on July 25, 2017 by Resolution No. 68,104 -N.S., City Council authorized an amendment to Contract No. 8516G with Pacific Center for Human Growth to increase the amount by \$32,046 for a total contract amount not to exceed \$219,012 and to extend the term to June 30, 2018; and

WHEREAS, on October 30, 2018 by Resolution No. 68,644-N.S., City Council authorized an amendment to Contract No. 8516H with Pacific Center for Human Growth to increase the amount by \$32,046 for a total contract amount not to exceed \$251,058 and to extend the term to June 30, 2019; and

WHEREAS, on July 23, 2019 by Resolution No. 69,038-N.S., City Council authorized an amendment to ERMA Contract No. 052129-1 (8516I) with Pacific Center for Human Growth to increase the amount by \$32,046 for a total amount not to exceed \$283,104 and to extend the term to June 30, 2020; and

WHEREAS, on June 30, 2020 by Resolution No. 69,469-N.S., City Council authorized an amendment to ERMA Contract No. 052129-1 (8516I) with Pacific Center for Human Growth to increase the amount by \$24,035 for a total amount not to exceed \$307,139 and to extend the term to March 31, 2021; and

WHEREAS, in order to ensure fair City Contracting practices, an RFP process will be executed for these services; and

WHEREAS, the additional funding and extension of the current contracts to June 30, 2021, will enable the time to execute the RFP and contracting processes and will provide service coverage for individual participants, in the event there is a change in contractors following the RFP process.

WHEREAS, funds are available in the FY21 budget in the Mental Health Services Act Fund, budget code 315-51-503-526-2016-000-451-636110.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute an amendment to Contract No. 052129-1 with Pacific Center for Human Growth to provide trauma support services to LGBTQIA+ individuals who are suffering from the impact of oppression, trauma, and other life stressors, to increase the amount by \$8,011 for a total contract amount not to exceed \$315,150, and to extend the term to June 30, 2021. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

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

CONTRACT NO. 122380-1 AMENDMENT: COVENANT HOUSE CALIFORNIA-YEAH!
PROGRAM FOR TRAUMA SUPPORT SERVICES FOR TRANSITION AGE YOUTH

WHEREAS, the City's Department of Health, Housing & Community Services, Mental Health Division, currently receives Mental Health Services Act Prevention and Early Intervention funds on an annual basis to provide services and supports to children, youth, transition age youth, adults, and older adults; and

WHEREAS, the Mental Health Division works in partnership with community-based agencies and school districts in the provision of such services and supports; and

WHEREAS, pursuant to the City of Berkeley's Mental Health Services Act State approved Prevention and Early Intervention Plan, funds are to be allocated to support the successful implementation of trauma supports for underserved populations; and

WHEREAS, in April 2010, bid Specification No. 10-10508-C was issued for proposals targeting trauma exposed transition age youth and/or those in need of coping strategies for stress related issues and Youth Engagement Advocacy Housing was determined to be the best responsible bidder; and

WHEREAS, on March 29, 2011 by Resolution No. 65,211-N.S., City Council authorized Contract No. 8606 with Youth Engagement Advocacy Housing for the provision of services and supports to transition age youth who are suffering from the impact of oppression, trauma, and other life stressors in an amount not to exceed \$26,520 for the period November 1, 2010 through June 30, 2011; and

WHEREAS, on June 28, 2011 by Resolution No. 65,345-N.S., City Council authorized an amendment to Contract No. 8606A with Youth Engagement Advocacy Housing to increase the amount by \$26,520 for a total contract amount not to exceed \$53,040, and to extend the term to June 30, 2012; and

WHEREAS, on June 12, 2012 by Resolution No. 65,764-N.S., City Council authorized an amendment to Contract No. 8606B with Youth Engagement Advocacy Housing to increase the amount by \$26,520 for a total contract amount not to exceed \$79,560 and to extend the term to June 30, 2013; and

WHEREAS, on May 7, 2013 by Resolution No. 66,113-N.S., City Council authorized an amendment to Contract No. 8606C with Youth Engagement Advocacy Housing to increase the amount by \$26,520 for a total contract amount not to exceed \$106,080 and to extend the term to June 30, 2014; and

WHEREAS, on June 24, 2014 by Resolution No. 66,676 -N.S., City Council authorized an amendment to Contract No. 8606D with Youth Engagement Advocacy Housing to

increase the amount by \$26,520 for a total contract amount not to exceed \$132,600 and to extend the term to June 30, 2015; and

WHEREAS, on June 30, 2015 by Resolution No. 67,121-N.S., City Council authorized an amendment to Contract No. 8606E with Youth Engagement Advocacy Housing to increase the amount by \$26,520 for a total contract amount not to exceed \$159,120 and to extend the term to June 30, 2016; and

WHEREAS, on June 28, 2016 by Resolution No. 67,560-N.S., City Council authorized an amendment to Contract No. 8606F with Youth Engagement Advocacy Housing to increase the amount by \$27,846 for a total contract amount not to exceed \$186,966 and to extend the term to June 30, 2017; and

WHEREAS, on July 25, 2017 by Resolution No. 68,105-N.S., City Council authorized an amendment to Contract No. 8606G with Covenant House California -YEAH! Program to increase the amount by \$32,046 for a total contract amount not to exceed \$219,012 and to extend the term to June 30, 2018; and

WHEREAS, on October 30, 2018 by Resolution No. 68,645-N.S., City Council authorized an amendment to Contract No. 8606H with Covenant House California-YEAH! Program to increase the amount by \$32,046 for a total contract amount not to exceed \$251,058 and to extend the term to June 30, 2019; and

WHEREAS, on July 23, 2019 by Resolution No. 69,039-N.S., City Council authorized an amendment to ERMA Contract No. 122380-1 (8606I) with Covenant House California-YEAH! Program to increase the amount by \$32,046 for a total amount not to exceed \$283,104 and to extend the term to June 30, 2020; and

WHEREAS, on June 30, 2020 by Resolution No. 69,039-N.S., City Council authorized an amendment to ERMA Contract No. 122380-1 (8606I) with Covenant House California to increase the amount by \$24,005 for a total amount not to exceed \$307,109 and to extend the term to March 31, 2021; and

WHEREAS, in order to ensure fair City Contracting practices, an RFP process will be executed for these services; and

WHEREAS, the additional funding and extension of the current contracts to June 30, 2021, will enable the time to execute the RFP and contracting processes and will provide service coverage for individual participants, in the event there is a change in contractors following the RFP process.

WHEREAS, funds are available in the FY21 budget in the Mental Health Services Act Fund, budget code 315-51-503-526-2016-000-451-636110.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute an amendment to Contract No. 122380-1 with Covenant House California to provide trauma support services to transition age youth

to increase the amount by \$8,041 for a total contract amount not to exceed \$315,150, to provide an advance for FY21 funds and to extend the term to June 30, 2021. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Lisa Warhuus, Director, Health, Housing & Community Services
 Subject: Contract No. 120650-1 Amendment: Covenant House California – YEAH!
 Program

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment for Contract No. 120650-1 with Covenant House California – YEAH! Program that is funded through State of California Mental Health Services Act (MHSA) Community Services and Supports (CSS) monies, increasing the contract amount by \$30,714, for a contract amount not to exceed \$878,142, and extending the contract through June 30, 2021.

FISCAL IMPACTS OF RECOMMENDATION

Funding from MHSA revenue received from the State of California is available in the FY 2021 budget in the following budget code: Community Services and Supports program \$30,714 in 315-51-503-526-2017-000-451-636110.

CURRENT SITUATION AND ITS EFFECTS

The State of California provides MHSA funding for local mental health services and supports. One of the annually recurring MHSA funding components is Community Services and Supports. This funding primarily provides treatment services and supports for Severely Mentally Ill Adults and Seriously Emotionally Disturbed Children and Youth.

In order to utilize MHSA funds, stakeholder informed Three Year Plans and Annual Updates that outline how funds will be utilized are required to be developed and locally approved. The current City Council approved Three Year Plan includes MHSA CSS funding to continue mental health services and supports for Transition Age Youth (TAY) who are homeless or at risk of homelessness. These services are currently provided through Covenant House. Per previous City Council approval, funds were added and the Covenant House contract was extended to March 31, 2021.

To ensure fair City Contracting practices, the Three Year Plan also includes a Request For Proposal (RFP) process to be executed for these mental health services for TAY that have been provided by Covenant House for a period of time. The execution of the RFP process has taken longer than originally anticipated, as additional time was taken to ensure that diverse community input will be included in the RFP. The additional funding and extension of the current contract to June 30, 2021, will enable the time to

execute the RFP and contracting processes, while providing continued service coverage for individual participants.

BACKGROUND

Since the passage of Proposition 63 in 2004, the Health, Housing & Community Services, Mental Health Division, has received annual MHSA funding. This funding is utilized to expand and transform the mental health service delivery system and to better meet the needs of underserved and inappropriately served communities. MHSA funding has provided new opportunities for the Mental Health Division to further develop and expand its system of care, adding new programs, and utilizing non-profit providers in the planning and delivery of comprehensive mental health services. The contract this report seeks to extend advances this goal and provides improved coordination between the City and its partner system of care agencies. The City Council has previously amended this contract.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

The additional funding and extension of the current contract to June 30, 2021 will ensure continued services coverage for program participants, while the RFP and contracting processes are executed.

ALTERNATIVE ACTIONS CONSIDERED

In order for MHSA funded mental health services and supports in the community to continue, no other alternative actions were considered.

CONTACT PERSON

Karen Klatt, Community Services Specialist III, HHCS, (510) 981-7644

Attachments:

1: Resolution – Contract No. 120650-1 Amendment: Covenant House California – YEAH! Program

RESOLUTION NO. -N.S.

CONTRACT NO. 120650-1 AMENDMENT: COVENANT HOUSE CALIFORNIA-YEAH! PROGRAM FOR MENTAL HEALTH SERVICES AND SUPPORTS FOR TRANSITION AGE YOUTH

WHEREAS, the City's Department of Health, Housing & Community Services, Mental Health Division, currently receives Mental Health Services Act Community Services and Supports funds on an annual basis to provide mental health services and supports to seriously emotionally disturbed children, and severely mentally ill transition age youth, adults, and older adults; and

WHEREAS, the Mental Health Division works in partnership with community-based agencies and school districts in the provision of such services and supports; and

WHEREAS, pursuant to issued requests for proposals (Specification No. 07-10176-C) for the provision of mental health services and supports to severely mentally ill transition aged youth who are homeless and not currently receiving services, Youth Engagement Advocacy Housing, submitted a proposal and was determined to be the best responsible bidder; and

WHEREAS, on June 12, 2007 by Resolution No. 63,717-N.S., the City Council authorized Contract No. 7338 with Youth Engagement Advocacy Housing, with the Lutheran Church of the Cross acting as fiscal agent, for the provision of mental health services and supports for transition age youth in an amount not to exceed \$102,917 for the period June 1, 2007 through June 30, 2008 with the option to renew annually with eligible Consumer Price Index adjustments for up to two additional years through June 30, 2010 contingent upon satisfactory contract performance and the availability of external funding; and

WHEREAS, on June 16, 2008 by Resolution No. 63,717-N.S., Contract No. 7339 with Youth Engagement Assistance Housing was amended to increase the amount by \$101,768 for a total contract amount not to exceed \$204,685, and to extend the term to June 30, 2009; and

WHEREAS, on June 18, 2009 by Resolution No. 63, 717-N.S., Contract No. 7338 with Youth Engagement Advocacy Housing was amended to increase the amount by \$101,768 for a total contract amount not to exceed \$306,453, and to extend the term to June 30,2010; and

WHEREAS, Contract No. 7338 expired June 30, 2010; and

WHEREAS, on July 13, 2010, by Resolution No. 64,978-N.S., the City Council authorized the City Manager to execute Contract 8439 with Youth Engagement Advocacy Housing, to continue the provision of support services for transition age youth with serious mental health issues who are homeless and not currently receiving services in an amount not to exceed \$101,768 for the period July 1, 2010 through June 30, 2011; and

WHEREAS, on June 28, 2011 by Resolution No. 65,344-N.S., the City Council authorized the City manager to execute an amendment to Contract No. 8439 with Youth Engagement Advocacy Housing, to increase the amount by \$101,768 for a total contract amount not to exceed \$203,536, and to extend the term to June 30, 2012; and

WHEREAS, on June 12, 2012 by Resolution No. 65-765-N.S., the City Council authorized the City Manager to execute an amendment to Contract No. 8439 with Youth Engagement Advocacy Housing, to increase the amount by \$101,768 for a total contract amount not to exceed \$305,304, and to extend the term to June 30, 2013; and

WHEREAS, on May 7, 2013 by Resolution No. 66,108-N.S., the City Council authorized the City Manager to execute an amendment to Contract No. 8439 with Youth Engagement Advocacy Housing, to increase the amount by \$25,442 for a total contract amount not to exceed \$330,746 and to extend the term to September 30, 2013; and

WHEREAS, in May 2013, the City re-issued a request for proposals for the provision of mental health services and supports for severely mentally ill transition age youth, in order to allow other providers an opportunity to compete for these funds and to ensure that the dollars are allocated to the services most likely to benefit the target population; and

WHEREAS, pursuant to the Request for Proposals (Specification No. 13-10759-C) for the provision of mental health services and supports to severely mentally ill transition age youth, Youth Engagement Advocacy Housing was the only bidder that submitted a proposal and was determined to have the capabilities and expertise to provide the services; and

WHEREAS, on July 16, 2013 by Resolution No. 66,258-N.S., the City Council authorized the City Manager to execute an amendment to Contract No. 8439 with Youth Engagement Advocacy Housing, to increase the amount by \$76,326 and to extend the term to June 30, 2014; and

WHEREAS, before the contract amendment was executed Contract No. 8439 expired and a new contract with Youth Engagement Advocacy Housing was created and given Contract No. 9553 for a not to exceed amount of \$76,326 to provide mental health services and supports for transition age youth through June 30,2014; and

WHEREAS, on June 24, 2014 by Resolution No. 66,671-N.S., the City Council authorized the City Manager to execute an amendment to Contract No. 9553 with Youth Engagement Advocacy Housing, to increase the amount by \$101,768 and to extend the term to June 30, 2015; and

WHEREAS, on June 30, 2015 by Resolution No. 67,116-N.S., the City Council authorized the City Manager to execute an amendment to Contract No. 9553A with Youth Engagement Advocacy Housing, to increase the amount by \$101,768 and to extend the term to June 30, 2016; and

WHEREAS, on June 28, 2016 by Resolution No. 67,562-N.S., the City Council authorized the City Manager to execute an amendment to Contract No. 9553B with Youth Engagement Advocacy Housing, to increase the amount by \$106,856 and to extend the term to June 30, 2017; and

WHEREAS, on July 25, 2017 by Resolution No. 68,107-N.S., the City Council authorized the City Manager to execute an amendment to Contract No. 9553C with Covenant House California-YEAH! Program, to increase the amount by \$122,856 for a contract amount not to exceed \$509,574 and to extend the term to June 30, 2018; and

WHEREAS, on October 30, 2018 by Resolution No. 68,647-N.S., the City Council authorized the City Manager to execute an amendment to Contract No. 9553D with Covenant House California-YEAH! Program, to increase the amount by \$122,856 for a contract amount not to exceed \$632,430 and to extend the term to June 30, 2019; and

WHEREAS, on July 23, 2019 by Resolution No. 69,041-N.S., the City Council authorized the City Manager to execute an amendment to ERMA Contract No. 120650-1 (9553E) with Covenant House California-YEAH! Program, to increase the amount by \$122,856 for a contract amount not to exceed \$755,286 and to extend the term to June 30, 2020; and

WHEREAS, on June 30, 2020 by Resolution No. 69,467-N.S., the City Council authorized the City Manager to execute an amendment to ERMA Contract No. 120650-1 with Covenant House California –YEAH! Program, to increase the amount by \$92,142 for a contract amount not to exceed \$847,428 and to extend the term to March 31,2021; and

WHEREAS, in order to ensure fair City Contracting practices, an RFP process will be executed for these services; and

WHEREAS, the additional funding and extension of the current contracts to June 30, 2021, will enable the time to execute the RFP and contracting processes and will provide service coverage for individual participants, in the event there is a change in contractors following the RFP process.

WHEREAS, funds are available in the FY21 budget in the Mental Health Services Act Fund, budget code 315-51-503-526-2017-000-451-636110.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute an amendment to Contract No. 120650-1 with Covenant House California-YEAH! Program to provide mental health services and supports to severely mentally ill transition age youth who are homeless and not currently receiving services, to increase the amount by \$30,714 for a total contract amount not to exceed \$878,142, and to extend the term to June 30, 2021. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: LaTanya Bellow, Director of Human Resources

Subject: Designating City's Labor Negotiators Under Govt. Code Section 54957.6

RECOMMENDATION

Adopt a Resolution establishing a standing list of representatives of the City of Berkeley designated to participate in Closed Sessions with the City Council to discuss labor negotiations with certain unions and unrepresented employees for negotiations between January 1, 2021 and December 31, 2021.

FINANCIAL IMPLICATIONS

No fiscal impacts result from this action.

CURRENT SITUATION AND ITS EFFECTS

California Government Code Section 3500 et seq., commonly known as the Meyers-Milias-Brown Act, provides that public employees have a right to organize and bargain collectively with local government public employers over wages, hours and other terms and conditions of employment. In order to conduct the City's labor relations program in an efficient and effective manner, it is necessary for City management staff to meet in closed session from time to time with the City Council to provide information and to receive direction and authority. Staff assigned to conduct labor relations includes employees from the City Manager's Department including the Budget Office, the Human Resources Department, Police Department, and an outside negotiator.

BACKGROUND

Government Code Section 54947.6 of the Brown Act, provides that prior to meeting in closed session with its negotiators, the local agency must hold an open session in which the agency identifies its designated labor representatives. The City has retained the services of outside chief negotiators and the list of negotiators to be present must be made current for the upcoming labor negotiations.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

It is necessary for the City to comply with the provisions of the Brown Act, Government Code Section 54947.6, and have the City Council establish a standing list of representatives of the City of Berkeley designated to participate in closed session with the City Council to discuss labor negotiations with certain unions and unrepresented employees.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

LaTanya Bellow, Director of Human Resources, 510-981-6807

Attachment:

1: Resolution

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

PARTICIPATION IN CITY COUNCIL CLOSED SESSIONS FOR LABOR
NEGOTIATIONS

WHEREAS, California Government Code Section 54947.6 requires the local agency to provide public notice of agency representatives attending City Council closed sessions for labor negotiations by specifying the names of the designated representatives attending the closed session and the employee organization in question or, for unrepresented employees, a designation of the unrepresented employees who are the subject of the negotiations.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that pursuant to Government Code Section 54947.6, the following persons are hereby designated to represent the City in closed session labor negotiations with the following unions and unrepresented employee positions:

Union: Berkeley Police Association

Designated Representatives:

Dee Williams-Ridley, City Manager
David White, Deputy City Manager
Paul Buddenhagen, Deputy City Manager
Farimah Brown, City Attorney
Jon Holtzman, Labor Negotiator
Jennifer Louis, Interim Police Chief
LaTanya Bellow, Director of Human Resources
Employee Relations Manager
Alicia Platt, Senior Human Resources Analyst

Union: Berkeley Chief Fire Officers Association, Local 1227

Designated Representatives:

Dee Williams-Ridley, City Manager
David White, Deputy City Manager
Paul Buddenhagen, Deputy City Manager
Farimah Brown, City Attorney
LaTanya Bellow, Labor Negotiator
David Brannigan, Fire Chief
LaTanya Bellow, Director of Human Resources
Employee Relations Manager
Alicia Platt, Senior Human Resources Analyst

Union: Berkeley Fire Fighters Association, Local 1227

Designated Representatives:

Dee Williams-Ridley, City Manager
David White, Deputy City Manager
Paul Buddenhagen, Deputy City Manager
Farimah Brown, City Attorney
LaTanya Bellow, Labor Negotiator
David Brannigan, Fire Chief
LaTanya Bellow, Director of Human Resources
Employee Relations Manager
Alicia Platt, Senior Human Resources Analyst

Union: Berkeley IBEW Local 1245

Designated Representatives:

Dee Williams-Ridley, City Manager
David White, Deputy City Manager
Paul Buddenhagen, Deputy City Manager
Farimah Brown, City Attorney
LaTanya Bellow, Labor Negotiator
Alicia Platt, Labor Negotiator
LaTanya Bellow, Director of Human Resources
Liam Garland, Director of Public Works
Employee Relations Manager
Alicia Platt, Senior Human Resources Analyst

Union: Public Employees Union, Local 1

Designated Representatives:

Dee Williams-Ridley, City Manager
David White, Deputy City Manager
Paul Buddenhagen, Deputy City Manager
Farimah Brown, City Attorney
Burke Dunphy, Labor Negotiator
LaTanya Bellow, Director of Human Resources
Director of Planning
Employee Relations Manager
Alicia Platt, Senior Human Resources Analyst

Union: SEIU Local 1021 CSU & PTRLA

Designated Representatives:

Dee Williams-Ridley, City Manager
David White, Deputy City Manager
Paul Buddenhagen, Deputy City Manager
Farimah Brown, City Attorney
Dania Torres Wong, Labor Negotiator
LaTanya Bellow, Director of Human Resources
TBD, Employee Relations Manager

Union: SEIU Local 1021 M&C

Designated Representatives:

Dee Williams-Ridley, City Manager
David White, Deputy City Manager
Paul Buddenhagen, Deputy City Manager
Farimah Brown, City Attorney
Dania Torres Wong, Labor Negotiator
LaTanya Bellow, Director of Human Resources
TBD, Employee Relations Manager

Unrepresented Employees

Designated Representatives:

Dee Williams-Ridley, City Manager
David White, Deputy City Manager
Paul Buddenhagen, Deputy City Manager
Farimah Brown, City Attorney
LaTanya Bellow, Director of Human Resources
TBD, Employee Relations Manager



Office of the City Manager

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: LaTanya Bellow, Director of Human Resources

Subject: Side-Letter Agreement: Additional Emergency Paid Sick Leave and Layoff Protection for Employees in the Public Employee Union, Local 1/AFSCME Council 57

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a side-letter agreement to provide 80 hours of additional Emergency Paid Sick Leave (EPSL) and layoff protection through June 30, 2021 for Employees represented by the Public Employee Union, Local 1/AFSCME Council 57 (“Local 1”).

FISCAL IMPACTS OF RECOMMENDATION

The 80 additional EPSL hours for Local 1 will result in a fiscal impact of approximately \$833,152, if all employees use all 80 hours of additional EPSL prior to June 30, 2021. The cost may be absorbed in the current General Fund.

CURRENT SITUATION AND ITS EFFECTS

The City’s labor contract with Local 1 expired and was fully terminated on June 27, 2020. On March 3, 2020, the Director of Emergency Services declared a local state of emergency and on March 11, 2020, the World Health Organization announced that it was characterizing the outbreak of Coronavirus Disease 2019 (COVID-19) as a pandemic. As of the date hereof, this public health crisis is continuing.

The impact of Health Office Orders and the associated restrictions on business and other activities has had a significant impact on the City and its fiscal condition. Despite this, the City and Local One have a shared interest in offering stability to staff in the form of additional EPSL for use by employees for COVID-19 related reasons and a commitment that the City will not lay off any employees in positions represented by Local 1 during the current fiscal year.

BACKGROUND

The City’s and Local 1 have been in negotiations for a successor contract since May of 2020 and have had 10 bargaining sessions and have begun pre-impasse mediation. The

City has already entered into a successor MOU with both chapters of the Service Employees International Union, Local 1021 (“SEIU”) providing them with 80 hours of additional EPSL and layoff protection for the term of their one year agreement, expiring on June 30, 2021.

Additionally, and pursuant to the Berkeley Municipal Code, under the emergency powers as Director of Emergency Services, Local 1 employees were granted the ability to take additional hours of EPSL, effective 3/7/2021, as providing additional sick leave to essential government employees for COVID-related illness is “reasonably related” to the declared local emergency.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

RATIONALE FOR RECOMMENDATION

In the interest of promoting harmonious labor relations between the parties and to provide parity with other bargaining units in providing additional EPSL and layoff protection during the COVID-19 pandemic, the City and Local 1 have agreed to enter in to a side-letter agreement and to continue to negotiate the terms of a successor MOU.

ALTERNATIVE ACTIONS CONSIDERED

Not applicable.

CONTACT PERSON

LaTanya Bellow, Human Resources Director, lbellow@cityofberkeley.info or (510) 981-6807.

Attachments:

1: Resolution

Exhibit A: Side-Letter Agreement

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

SIDE-LETTER AGREEMENT TO PROVIDE 80 HOURS OF ADDITIONAL EMERGENCY PAID SICK LEAVE AND LAYOFF PROTECTION FOR EMPLOYEES REPRESENTED BY THE PUBLIC EMPLOYEE UNION, LOCAL 1/AFSCME COUNCIL 57 (“LOCAL 1”)

WHEREAS, Public Employees Union, Local 1/ASCFME Council 57 (“Local 1”) represents a number of classifications at the City of Berkeley (“City”); and

WHEREAS, Local 1 and the City entered into a Memorandum of Understanding dated October 21, 2018 to June 27, 2020 (“MOU”) which set forth the wages, hours and other terms and conditions of employment for Local 1 members; and

WHEREAS, due to the COVID-19 pandemic the parties have a shared interest offering stability to staff in the form of additional Emergency Paid Sick Leave (EPSL) and layoff protection; and

WHEREAS, the City and Local 1 agreed that Local 1 employees will be provided an additional 80 hours of EPSL to be used for COVID-19 related reasons as listed in the EPSL Act. Part-time employees receive a prorated number of hours based on the number of regular hours worked in a pay period. The City will use a specific pay code for this additional emergency paid sick leave and these additional hours will be available until June 30, 2021. These additional 80 EPSL hours shall have no cash value and may not be used towards any CalPERS retirement service credit as outlined in section 59.7 of the MOU; and

WHEREAS, the City recognizes the important role that the employee workforce plays in delivering public services; therefore, during the term of this agreement effective upon City Council adoption of this agreement through June 30, 2021, the City agrees to not layoff any bargaining unit represented career employees. However, should the City determine that its expenditures exceed its revenues during the term of this contract prior to June 30, 2021, the City may notice Local 1/AFSCME Council 57 in writing and they shall be provided an opportunity to meet and discuss one-time cost savings and alternatives such as furloughs, VTO, etc. Nothing in this section requires the City to retain positions (filled or vacant) where state, federal or grant funding has been reduced or eliminated and would require the City to backfill such positions. All other MOU provisions on Layoffs remain unchanged.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is authorized to execute a side-letter agreement (Exhibit A) providing 80 hours of EPSL be available to Local 1 employees effective March 7, 2021, and layoff protection for the term of their one year agreement, expiring on June 30, 2021.

Exhibits:

1. Agreed Upon Side Letter

**LETTER OF AGREEMENT BETWEEN THE CITY OF BERKELEY AND LOCAL ONE/AFSCME COUNCIL 57 REGARDING
IMPLEMENTATION OF BENEFITS MODIFICATIONS RELATED TO COVID-19**

The City of Berkeley, California (the "City") and Local One/AFSCME Council 57 ("Local One" and together with the City, the "Parties") are parties to a memorandum of understanding (the "MOU") that expired on June 30, 2020

On March 11, 2020, the World Health Organization announced that it was characterizing the outbreak of Coronavirus Disease 2019 (COVID-19) as a pandemic. As of the date hereof, this public health crisis is continuing.

The impact of the restrictions on business and other activity on the City's revenues as a result of the "shelter at home" order is unknown at this time. Despite this, the Parties have a shared interest in offering stability to staff in the form of additional sick leave for use by employees for COVID-19 related reasons and a commitment that the City will not lay off any employees in positions represented by Local One during the current fiscal year. In support of this interest, the Parties agree as follows:

- 1) The City shall provide an additional 80 hours of emergency paid sick leave to be used for COVID-19 related reasons as listed in the Emergency Paid Sick Leave Act. Part-time employees receive a prorated number of hours **based on the number of regular hours worked in pay period.** ~~In order to use this additional City emergency paid sick leave, the employee must first exhaust all hours that they received under the Emergency Paid Sick Leave Act.~~ The City will use a specific pay code for this additional emergency paid sick leave and these additional hours will be available until June 30, 2021. These additional 80 emergency paid sick leave hours shall have no cash value and may not be used towards any CalPERS retirement service credit as outlined in section 59.7 of the MOU.
- 2) The City recognizes the important role that the employee workforce plays in delivering public services; therefore, during the term of this agreement effective upon City Council adoption of this agreement through June 26, 2021, the City agrees to not layoff any bargaining unit represented career employees. However, should the City determine that its expenditures exceed its revenues during the term of this contract prior to June 26, 2021, the City may notice Local 1/AFSCME Council 57 in writing and they shall be provided an opportunity to meet and discuss one-time cost savings and alternatives such as furloughs, VTO, etc. Nothing in this section requires the City to retain positions (filled or vacant) where state, federal or grant funding has been reduced or eliminated and would require the City to backfill such positions. All other MOU provisions on Layoffs remain unchanged.
- 3) All other contract terms shall remain unchanged unless otherwise negotiated by the Parties.

LETTER OF AGREEMENT BETWEEN THE CITY OF BERKELEY AND LOCAL ONE/AFSCME COUNCIL 57 REGARDING IMPLEMENTATION OF BENEFITS MODIFICATIONS RELATED TO COVID-19

These changes shall be effective following ratification by the membership of Local One and adoption by the City Council.

Date: 2/1/2021 Date: 2/1/2021

Bruce A. English

Jeff Harrison

For the City of Berkeley

Local One/AFSCME Council 57

Jane ...

3/17/21
Date

For the City of Berkeley



Office of the City Manager

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: LaTanya Bellow, Director, Human Resources Department

Subject: Contract No. 32100021 Amendment: Telfords for Tyler Munis ERP System (locally referred to as ERMA) Implementation Support

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to authorize one-time funding of \$80,000 for a proposed amendment to Contract No. 32100021 with Telfords, for Consulting Services for Tyler Munis ERP system project management and implementation support services to fund the ERMA implementation support contract, for a total not-to-exceed \$180,000 and to extend the contract to December 30, 2021.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this additional scope of work in the amount of \$80,000 will be provided by the FUND\$ replacement fund and Finance Department General Fund in Fiscal Year 2021 as itemized below. Spending for this amendment in future fiscal years is subject to Council approval of the proposed citywide budget and Annual Appropriation Ordinances.

\$60,000 FY 2021: Professional Services
Budget Code: 503-35-362-376-0000-000-472-612990
FUND\$ Replacement Fund, ERMA

\$20,000 FY 2021: Professional Services
Budget Code: 011-33-321-327-0000-000-412-612990
Finance Department, General Fund

\$80,000 **Total FY 2021: Professional Services**

CURRENT SITUATION AND ITS EFFECTS

The City entered into a contract with Telfords to provide the City with consulting services for Tyler Munis ERP System (locally referred to as ERMA) Implementation. The ERMA system has launched payroll processing, and requires additional work to complete first quarter payroll troubleshooting. Telfords will continue to provide project management for the live Payroll module validations, development for an electronic core tool for Human

Resources employee management, coordination of first and second quarter activities, implementation support services for Executime, and the module which will replace paper timecards.

BACKGROUND

Since 1991, the City has used the SunGard Public Sector (formerly HTE) solution for financials, budgeting, and payroll functions. In May 2015, the City contracted with the Government Finance Officers Association (GFOA) for a review of its current financial processes. GFOA was also tasked with identifying areas for improvement and to recommend business process changes to implement a modern Enterprise Resource Planning (ERP) software to provide improved core financial, human resources and payroll processes. This assessment led to the determination that a new enterprise system will improve integration, reporting and roll-up capabilities, organizational processes, and allow for the implementation of best practices for business processes.

The City has invested significant time preparing for the ERP implementation. The needs assessment process included working with GFOA. GFOA worked with City Departments to map “as-is” processes for the preparation and procurement of a modern core ERP system which included developing new “to-be” processes that are modern, streamlined, and followed best practices. This process resulted in the City’s evaluation team recommending the City to proceed with Tyler Technologies. Tyler’s system, Munis, provides financial, human resources and payroll solutions for the City and replaces the core services previously supported through SunGard HTE system.

Telfords and staff conducted extensive testing of the ERMA system running parallel testing in FUND\$ and ERMA, and the ERP implementation project is now live with payroll functioning. However, the project timeline and pace were impacted by the COVID-19 pandemic in conjunction with the ransomware attack on Tyler’s system. As a result, the team moved to a phased approach to launch the payroll function before finalizing the electronic time keeping tool, ExecuTime, resulting in increased costs. This phased implementation will extend the full release date to June 2021 that creates space for staff to respond to the ongoing COVID-19 pandemic impacts, and provides Telfords time to finalize the coordination of first and second quarter activities, and implement ExecuTime.

ENVIRONMENTAL SUSTAINABILITY

The implementation of a modern ERP system will reduce the amount of paper used in processing the City’s business activities. The new system will also greatly reduce the paperwork involved in timesheet processing for the City employees.

RATIONALE FOR RECOMMENDATION

The additional funding is necessary to continue to support and guide the project team through the final project objectives and deliverables needed to implement the Payroll Module and create an electronic Human Resources core tool.

Contract No. 32100021 Amendment: Telfords
ERP System (locally referred to as ERMA) Implementation Support

CONSENT CALENDAR
March 30, 2021

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

LaTanya Bellow, Director of Human Resources, 510-981-6807

Attachments:

1: Resolution

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

CONTRACT NO. 32100021 AMENDMENT: TELFORDS AGREEMENT FOR CONSULTING SERVICES FOR THE TYLER MUNIS ERP PROJECT IMPLEMENTATION

WHEREAS, the City desired to hire a consultant to help identify key issues and work with the project team to develop a plan to meet the project objectives and deliverables; and

WHEREAS, the consultant provided an independent analysis of the in-process results of the project and provides on-going support to the project team to meet project objectives; and

WHEREAS, it is important that these services be provided to finalize the implementation of the ERP system; and

WHEREAS, Telfords has worked with many local cities to implement ERP systems in similar environments, including the cities of Sunnyvale and South San Francisco; and

WHEREAS, the City entered into a Contract No. 32100021 in the amount not to exceed \$100,000 with Telfords to provide implementation support for Tyler Munis ERP System locally referred to as ERMA; and

WHEREAS, the project team recognized the need to revise the project plan with a target date of December 30, 2021 to finalize the coordination of first and second quarter activities, and implement ExecuTime; and

WHEREAS, the funding for the agreement is available in the Fiscal Year 2021 budget and will be allocated through the FUND\$ Replacement Fund (503) in the amount of \$60,000 and the Department of Finance General Fund (011) in the amount of \$20,000 as part of the FY 2021 budget. This contract has been entered into the City's contract management database and assigned CMS No. 32100021.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager or designee is authorized to execute an amendment to Contract No. 32100021 with Telfords to provide implementation support for Tyler Munis ERP system and to increase the contract amount by \$80,000 for a total contract amount not to exceed \$180,000 and extending the contract term to December 30, 2021.



Office of the City Manager

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Savita Chaudhary, Director, Department of Information Technology
Subject: Contract No. 047162-1 Amendment: ESI Group for the IBM Hardware and Software Lease

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 047162-1 with ESI Group for leasing, maintenance, and technical support for International Business Machines (IBM) hardware lease and software maintenance and support, increasing the current contract by \$120,000, for a total not to exceed \$2,154,769 from June 2, 2003 through June 30, 2022.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the additional scope of work in the amount of \$120,000 will be provided by the Department of Information Technology's Cost Allocation Fund baseline budget in Fiscal Year 2022. Spending for this amendment in future fiscal years is subject to Council approval of the proposed citywide budget and Annual Appropriation Ordinances.

\$120,000 FY22 - Hardware Lease including IBM Software Maintenance and Support
Budget Code: 680-35-363-384-6005-000-472-613130-
(IT Cost Allocation, TechISF, Software Renewal)

\$120,000 FY 2022 Software Maintenance

CURRENT SITUATION AND ITS EFFECTS

ESI Group provides lease servicing, hardware and software maintenance, technical support, disaster recovery, and consulting services for the IBM infrastructure that hosts the City's current FUND\$ system. This contract is critical to providing a high-availability infrastructure for all nineteen FUND\$ modules, including accounts receivable, cash receipts, payroll, accounting, billing, property tax, zero waste billing, and fleet management.

BACKGROUND

IBM infrastructure has been required to host FUND\$ since its initial implementation in 1989. In 2003, the City contracted with ESI Group for IBM infrastructure leasing, 24x7

telephone/web support, 4-hour maximum parts replacement, co-location for disaster recovery, and hardware/software maintenance.

In January 2013, the City issued a Request for Proposals (RFP), Specification # 13-10703-C, to explore additional options for this lease; ESI Group was the only certified IBM Partner to respond. Staff continue to renew the support contract with ESI Group to provide uninterrupted service while the City reassesses infrastructure needs as FUND\$ module replacements progress.

In 2018, the City replaced the general ledger and procurement modules, or “core financials”. In January 2021, the City replaced payroll-entry and HR functionality in FUND\$. Throughout the next 5 years, the City will continue to replace additional FUND\$ modules including: budget, work orders, asset management, facilities management, zero waste billing, fleet management, property taxes, and accounts receivables/general billing.

Staff recommends renewing the contract with ESI Group for one year to provide uninterrupted service while the City reassesses infrastructure needs as FUND\$ module replacements continue.

ENVIRONMENTAL SUSTAINABILITY

The IBM hardware and software platform is optimized for maximum energy efficiency. The recent upgrade to newer hardware provides energy efficient equipment and the online disaster recovery capability reduced the need for the tape backups thus resulting in carbon footprint savings and transfer of tapes to offsite facility.

RATIONALE FOR RECOMMENDATION

ESI Group has extensive experience in supporting the AS400 system. Additionally, ESI Group was the only IBM certified partner to respond to the City’s RFP # 13-10703-C. Providing uninterrupted support for the AS400 system is critical to the City’s core operations, and ESI Group has continued to provide excellent technical support and customer service throughout the term of their agreement.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered the possibility of switching vendors and issued an RFP to examine the City’s options; however, ESI Group was the only certified IBM Business Partner to respond.

CONTACT PERSON

Savita Chaudhary, Director, Department of Information Technology, 981-6541

Attachments:
1: Resolution

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

CONTRACT NO. 047162-1 AMENDMENT: ESI GROUP FOR IBM HARDWARE AND SOFTWARE LEASE

WHEREAS, the City of Berkeley relies upon software systems for critical business activities such as including, accounting, billing, fleet management, and permitting; and

WHEREAS, International Business Machines (IBM) hardware and software is required to host the these systems; and

WHEREAS, ESI Group has extensive experience in supporting the AS400 system, and was the only IBM certified partner to respond to the City's RFP # 13-10703-C; and

WHEREAS, providing uninterrupted support for the AS400 system is critical to the City's core operations, and ESI Group has continued to provide excellent technical support and customer service throughout the term of their agreement; and

WHEREAS, funding is allocated in the Department of Information Technology's Fiscal Year 2022 Cost Allocation Fund.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 047162-1 with ESI Group for leasing, maintenance, and technical support for International Business Machines (IBM) hardware lease and software maintenance and support, increasing the current contract by \$120,000, for a total not to exceed \$2,154,769 from June 2, 2003 through June 30, 2022.



Office of the City Manager

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Savita Chaudhary, Director, Information Technology
Subject: Contract No. 100547-1 Amendment: Tyler Technologies, Inc. for the Open Data Portal's (ODP) Hosting Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 100547-1 with Tyler Technologies, Inc., for the purposes of hosting the City's Open Data Portal, increasing the amount by \$147,991 for a total contract amount not to exceed \$402,961 and extending the term through June 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the additional hosting services for \$147,991 is available in the Fiscal Year (FY) 2022-2024 IT Cost Allocation Budget as itemized below, and funding for future years is subject to Council's approval of the proposed citywide Fiscal Year (FY) 2022 and FY 2023-2024 Budget and Annual Appropriation Ordinances.

\$46,944	FY 2022: Software Maintenance Budget Code: 680-35-363-384-6005-000-472-613130 (IT Cost Allocation, Software Renewal, Software Maintenance)
\$49,291	FY 2023: Software Maintenance Budget Code: 680-35-363-384-6005-000-472-613130 (IT Cost Allocation, Software Renewal, Software Maintenance)
\$51,756	FY 2024: Software Maintenance Budget Code: 680-35-363-384-6005-000-472-613130 (IT Cost Allocation, Software Renewal, Software Maintenance)
\$147,991	Total FY 2022-2024 Software Maintenance

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley's Open Data Portal (<http://cityofberkeley.info/opendata/>) is a web-based presence established to serve as a single point of access for Open Data. Open Data is non-confidential, public data provided in searchable formats for unrestricted use to increase transparency and civic engagement. The portal is loaded with datasets directly from city systems, ready for download in numerous formats. The portal also

provides a set of basic tools to create charts, graphs, maps and other visualizations so visitors who do not want to download the data can explore it in place.

The Department of Information Technology (IT) manages the City of Berkeley's Open Data Portal. Staff throughout the City, in coordination with IT and the City Manager's Office, upload city business data to the portal for public consumption. City information is now easily accessible without requiring a Public Information Act request. Information that was regularly requested is now online on the City of Berkeley Open Data Portal, freeing staff to do other tasks.

The City of Berkeley Open Data Portal hosts 77 datasets and 20 map layers, some examples listed below, on various City functions and operations, including crime incidents, 311 service requests, salaries, parcels and energy use.

311 Cases	Municipal Energy & Water Maps
Bicycle Boulevards	Municipal Energy & Water Consumption
Business Licenses	Operating Budget 2014
Car Share Totals	Parcels
Census Blocks 2010	Parks
Census Block Groups 2010	PG&E Metered Energy
Census Tracts 2010	PG&E Energy - CO2 Coefficients
Census Data 2000 and 2010	Restaurant Inspections
Census, Housing, 2012	Police Beats
City Trees	Police Stop Data
Community Energy	Police Arrest Log
Council Districts	Police Jail Booking Log
Crime Incidents	Roof prints
Employee Salaries 2011-2013	Sanitary Sewer Mains & Manholes
Green Businesses in Berkeley	Storm Drains
Land Boundary	Streets Network
Monthly Residential Energy Use	Tree Gain – Annual Totals
Water Consumption, Residential	Zoning Districts
Zip codes	

In 2020, the highest accessed and most downloaded datasets were related to COVID-19. Many datasets related to COVID-19 were uploaded such as list of COVID-19 Confirmed cases, Cases by Age, all test results daily, and weekly statistics. There were charts uploaded for the comparison of COVID-19 case rates and population percentage by age group, and case rates by race and ethnicity.

In December 2020, the City uploaded Racial and Identity Profiling Act (RIPA) data to the Open Data portal in alignment with Assembly Bill 953, "...which among other things

requires each California law enforcement agency employing peace officers to annually report their stop data to the Attorney General."¹.

This information updates on the Open Data portal on the 14th of each month with the previous month's data. Berkeley PD transitioned to RIPA stop data collection effective October 1, 2020. Data collected from these stops conforms to requirements set forth in Government Code section 12525.5 that was enacted as a result of AB 953, the Racial and Identity Profiling Act (RIPA) of 2015 (<https://oag.ca.gov/ab953>). Berkeley PD will begin reporting RIPA data to the CA DOJ effective January 1, 2021.

BACKGROUND

In August 2013, staff began researching and testing open data platforms to determine which would most efficiently support a pilot program for the City of Berkeley in Fiscal Year 2015, given existing citywide fiscal and staff constraints. This included Open Data Portal research, design, and documentation by interns of the Presidio Graduate School (<http://www.presidio.edu/>).

In November 2013, Council issued a referral requesting the creation of an Open Data Policy, citing the Federal Memorandum for Transparency and Open Government.

In June 2014, the Department of Information Technology executed a contract with Socrata, Inc. (<http://www.socrata.com/>) to provide an Open Data platform and cloud hosting. At the time, Socrata, Inc. was the only company whose primary focus was providing open source data services to the public sector in the United States. Also in June 2014, the Department of Information Technology partnered with UC Berkeley's School of Information (<http://www.ischool.berkeley.edu/>) to identify and onboard a volunteer intern Team Lead.

In November 2014, Staff provided an update to Council in City Council Information Report #45 (https://www.cityofberkeley.info/Clerk/City_Council/2014/11_Nov/Documents/2014-11-18_Item_45_Open_Data_Portal.aspx). In December 2014, the Open Data Portal pilot project went live after more than 1,500 hours of combined staff, intern, and student volunteer work. The core objective of the pilot program was to collect metrics around ODP performance, community use, and feedback from both community members and staff. During this pilot program, the City prioritized publishing datasets that community members frequently requested via Public Records Act requests, resulting in 24/7 access to this data, improved service to our community, and improved government transparency.

In 2018, Tyler Technologies, Inc. purchased the Socrata platform. Under Tyler Technologies, Socrata has kept its name and branding. In 2019, staff assigned the contract from Socrata, Inc. to Tyler Technologies, Inc.

¹ (<https://openjustice.doj.ca.gov/exploration/stop-data>)

From 2015 to 2019 the City added about 77 datasets and 20 map layers on various City functions and operations, including crime incidents, 311 service requests, salaries, parcels and energy use.

ENVIRONMENTAL SUSTAINABILITY

By publishing the most frequently requested dataset requests, community members can now access this information at home and electronically, thereby decreasing contributions to global warming emissions and waste, respectively. This supports the Digital Strategic Plan goal of providing more online services and the goal of reducing greenhouse gas emissions of the City's Climate Action Plan.

RATIONALE FOR RECOMMENDATION

Tyler Technologies, Inc. offers the Socrata platform as a user friendly and cost-effective solution for sharing the city's business data across departments and with the public. This amendment will enable the Department of Information Technology to continue to offer this valuable tool for an additional three years. The increase in yearly fee is necessary to acquire an education bundle and additional dataset storage.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered not renewing licenses for the Socrata platform, but doing so would yield operation inefficiencies that would affect the quality of service delivered to City staff and the community.

CONTACT PERSON

Savita Chaudhary, Director, Information Technology, 510-981-6525

Attachments:

1: Resolution

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

CONTRACT NO. 100547-1 AMENDMENT: TYLER TECHNOLOGIES, INC. FOR THE
OPEN DATA PORTAL'S (ODP) HOSTING SERVICES

WHEREAS, the City of Berkeley's Open Data Portal provides community members with access to data that is non-confidential and public provided in searchable formats for unrestricted use; and

WHEREAS, in August 2013, staff researched and tested multiple open data platforms and in November 2013, Council issued a referral requesting the creation of an Open Data Portal; and

WHEREAS, in June 2014, the Department of Information Technology executed a contract with Socrata, Inc. to provide professional and hosting services for an Open Data Portal; and in November 2014, Staff provided an update to Council with Information Report #45; and in December 2014, the Open Data Portal went live; and

WHEREAS, more City information is now easily accessible without requiring a Public Information Act request; and government transparency is improved because the portal provides members of the public with the same access to raw data that governments have; and

WHEREAS, in 2018, Tyler Technologies, Inc. purchased the Socrata platform and, and in 2019, staff assigned the contract from Socrata, Inc. to Tyler Technologies, Inc.; and

WHEREAS, funding for the additional hosting services for \$147,991 is available in the Fiscal Year (FY) 2022-2024 IT Cost Allocation Budget as itemized below, and funding for future years is subject to Council's approval of the proposed citywide Fiscal Year (FY) 2022 and FY 2023-2024 Budget and Annual Appropriation Ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 100547-1 with Tyler Technologies, Inc., for the purposes of hosting the City's Open Data Portal, increasing the amount by \$147,991 for a total contract amount not to exceed \$402,961 and extending the term through June 30, 2024.



Office of the City Manager

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Savita Chaudhary, Director, Information Technology
Subject: Contract No. 105921-1 Amendment: TruePoint Solutions, LLC for Accela Professional Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 105921-1 with TruePoint Solutions, LLC for professional services, increasing the amount by \$235,000, for a total not-to-exceed amount of \$852,200, and extending the term by two years for the term beginning June 1, 2015 to June 30, 2023.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the additional professional services are available in the Fiscal Year (FY) 2021 Permit Service Center Fund, the Information Technology’s Cost Allocation Fund, Sewer Fund, and Transportation Fund, as itemized below, and any future expenditures are subject to Council approval of the proposed citywide budget and Annual Appropriations Ordinances.

FY 2021: Professional Services – Planning

\$150,000 FY 2021: 621-35-362-377-0000-000-472-612990
(Permit Service Center Fund, IT)

FY 2021: Professional Services – Public Works

\$15,000 FY 2021: 611-54-623-676-0000-000-472-612990
(Sewer Fund, Public Works)

\$10,000 FY 2021: 011-54-622-663-0000-000-431-612990
(General Fund, Public Works)

\$10,000 FY 2021: 621-54-623-678-0000-000-472-612990
(Permit Service Center Fund, Public Works)

FY 2021: Professional Services – Information Technology

\$50,000 FY 2021: 680-35-362-377-0000-000-472-612990
(IT Cost Allocation Fund, IT)

\$235,000 Total Professional Services

CURRENT SITUATION AND ITS EFFECTS

The departments of Planning and Public Works currently use the Accela Civic Engagement Platform as its permitting system and need to enhance online features that make it easier for customers to apply for a permit, schedule inspections, and pay for permits online. These online enhancements have become particularly critical in order to keep permitting services accessible and efficient for the community during the COVID 19 pandemic and consistent with the City’s strategic goal *“to be a customer-focused organization that provides excellent, timely and easily accessible service to the community.”*

TruePoint Solutions provide resources that are focused on configuration and scripting work that is needed by the City to effectively implement these new features and provide support. TruePoint will also work on additional issues as requested and prioritized by the City and provide additional enhancements and improvements.

BACKGROUND

Established in 2004, TruePoint Solutions, LLC provides design, implementation, and support services to public sector technology solutions. In 2005, TruePoint Solutions became an Accela-Certified implementation partner.

In 2015, the City contracted with TruePoint Solutions for report writing and additional scripting and configuration of Accela’s Building Permit system. In 2016, the City Council approved an amendment with TruePoint Solutions for the management of the Private Sewer Laterals module for the Department of Public Works. In 2018, the City Council approved an amendment with TruePoint Solutions to provide professional assistance for the work on system issues as requested and prioritized by the City and suggest additional enhancements/improvements. In 2019, the City Council approved an amendment with Truepoint Solutions for additional configuration and troubleshooting assistance.

ENVIRONMENTAL SUSTAINABILITY

The City will help reduce carbon emissions by allowing most, if not all, permitting processes to be performed online thereby reducing traffic into the City.

RATIONALE FOR RECOMMENDATION

TruePoint Solutions is an Accela-Certified implementation partner. TruePoint performs specialized process analysis, configuration, and scripting to support the City’s implementation of Accela’s Permitting system. As a result, TruePoint has in-depth

knowledge of City business processes and data architecture that would take another vendor years to acquire.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered completing these projects and enhancements without professional services however, doing so would lead to an inefficient allocation of staff resources and significantly extend implementation timelines.

CONTACT PERSON

Savita Chaudhary, Director, Information Technology, 510-981-6525

Attachments:

1: Resolution

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

CONTRACT NO. 105921-1 AMENDMENT: TRUEPOINT SOLUTIONS, LLC FOR
ACCELA PROFESSIONAL SERVICES

WHEREAS, TruePoint Solutions provides design, implementation, and support services to public sector technology solutions, and are an Accela-Certified implementation partner; and

WHEREAS, these online enhancements have become particularly critical in order to keep permitting services accessible and efficient for the community during the COVID 19 pandemic and consistent with the City's strategic goal *"to be a customer-focused organization that provides excellent, timely and easily accessible service to the community"*; and

WHEREAS, TruePoint has previously provided excellent report writing, scripting, and consulting services for Accela and therefore has an in-depth knowledge of City business processes and data architecture that would take another vendor years to acquire; and

WHEREAS, funding for the additional professional services are available in the Fiscal Year (FY) 2021 Permit Service Center fund, the Information Technology's Cost Allocation fund, Sewer Fund, and Transportation Fund, and any future expenditures are subject to Council approval of the proposed citywide budget and Annual Appropriations Ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 105921-1 with TruePoint Solutions, LLC, increasing the amount by \$235,000, for a total not-to-exceed amount of \$852,200, and for the term beginning June 1, 2015 to June 30, 2023.



Office of the City Manager

CONSENT CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Savita Chaudhary, Director, Information Technology

Subject: Contract No. 107364-1 Amendment: Verint Systems Inc. for Customer Relationship Management (CRM) Software Maintenance

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 107364-1 with Verint Systems, Inc. for CRM software licensing, maintenance, and support, increasing the amount by \$68,440 for a total contract amount not-to-exceed \$1,054,187 from March 23, 2007 through June 30, 2023.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the additional support and software maintenance in the amount of \$68,440 is available in the Department of Information Technology's Fiscal Year (FY) 2022 and 2023 Information Technology Cost Allocation Fund. Spending for this amendment in future fiscal years is subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

FY 2022: Software Maintenance
 \$33,063 Budget Code: 680-35-364-000-0000-000-472-632130
 (IT Cost Allocation Fund, Information Technology, Software Maintenance)

FY 2023: Software Maintenance
 \$35,377 Budget Code: 680-35-364-000-0000-000-472-632130
 (IT Cost Allocation Fund, Information Technology, Software Maintenance)

\$68,440 Total FY 2022 and 2023 Software Maintenance

CURRENT SITUATION AND ITS EFFECTS

The City currently uses Verint's CRM software, Lagan, to support 311 Customer Service in the routing, monitoring, and reporting on over 100,000 requests for service per year. Lagan also tracks routine inquiries and non-routine cases for a wide range of City services, including refuse pickup, parking tickets, Public Records Act requests, and billing inquiries.

Lagan's knowledgebase provides answers to routine questions by community members, and staff use Lagan to route non-routine requests (known as "cases") to line of business

experts in Public Works, Finance, Health, Housing, and Community Services, Human Resources, and other City Departments. After a unique identifier is assigned to a case, community members can call 311 for updates.

Staff will release an RFP for a replacement CRM software in Fiscal Year 2023. The project as delayed due to proposed budget reductions due to COVID. This timeline aligns with the launch of the City's new work order and zero waste billing systems.

BACKGROUND

In 2006, City Council prioritized and funded a Customer Service Improvement (CSI) initiative in response to community feedback. The CSI initiative included the implementation of a 311 Call Center and a CRM system.

In March 2007, after completing the competitive bidding process through Specification No. 06-10103-C, the City selected and contracted with Lagan Technologies, Inc. to purchase their CRM software. In February 2008, the City of Berkeley piloted the 311 Customer Service Call Center and begin using the Lagan's CRM system to assist community members. In December 2009, June 2012, May 2013, April 2016 and April 2017 the contract was amended to provide software maintenance and City-wide training through June 2019.

In 2010, the 311 Customer Service Call Center was assigned to the Department of Information Technology, and KANA Software acquired Lagan Technologies. In February 2014, Verint Systems, Inc. acquired KANA Software.

In 2015, the City of Berkeley approved a version upgrade from Lagan 7 to Lagan 14. The immense multi-version upgrade to V14.R2 was completed in December 2018. Added functionality includes ability to reclassify cases greatly improving allocation and reporting of online service center cases and cases assigned to other service departments. Lagan V14.R2 system allows for addition of notes and photos to closed cases without reopening them, and backdating case creation and closure dates. The dating features and reassignment of cases enhances input of Public Records Act (PRA) cases and aid in reporting accuracy of PRA closure dates. Other productivity features includes emailing community member directly from the Lagan software and generating notification of case completion.

Lagan also changed their knowledge database product from Lagan to Kana Systems. Features and functionality include role base authoring and approvals with embedded workflow. An expanded taxonomy allows for greater article search capability, build out of FAQ's and enhanced indexing web based knowledge.

ENVIRONMENTAL SUSTAINABILITY

CRM has helped significantly reduce the number of paper-based tracking and reporting systems used by departmental programs. The CRM interactions (routine inquires and non-routine cases) are processed by 311 Customer Service and other City Staff. On an annual basis, staff use Lagan to log the following work activities: approximately 50,000 city services cases, 25,000 service inquiries, 75,000 follow up notes and 15,000 knowledge queries.

RATIONALE FOR RECOMMENDATION

Verint Systems Inc. is the only vendor that provides authorized maintenance for its software system. Renewing the existing agreement ensures continued technical support and software updates to the CRM system.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered operating the software without a maintenance agreement; however Verint retains exclusive rights to their software. Maintenance and support is available only from them. Due to the complexity and scale of the software and the limited ability of our staff to conduct maintenance and apply patches, it is staff recommendation to renew the maintenance contract for two years while we look for a CRM replacement.

CONTACT PERSON

Savita Chaudhary, Director, Department of Information Technology, 981-6541

Attachments:

1: Resolution

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

CONTRACT NO. 107364-1 AMENDMENT: VERINT SYSTEMS INC. FOR CUSTOMER RELATIONSHIP MANAGEMENT (CRM) SOFTWARE MAINTENANCE

WHEREAS, City Council established and funded the Customer Service Improvement Initiative as a priority in Fiscal Year 2006 to address the City's overall customer service needs; and

WHEREAS, in 2007 Lagan Technologies, a Community Relationship Management (CRM) software system was selected through competitive proposal with Specification No. 06-10103-C, and in 2008 the City of Berkeley piloted the 311 Customer Service Call Center with Lagan's CRM solution; and

WHEREAS, in 2010 KANA Software, Inc. acquired Lagan Technologies and in 2014, Verint Systems, Inc. acquired KANA Software, Inc.; and

WHEREAS, Verint Systems, Inc. provides a comprehensive technical CRM platform, reasonably priced software maintenance, and responsive support services; and

WHEREAS, funding for the additional support and software maintenance in the amount of \$68,440 is available in the Department of Information Technology's Fiscal Year (FY) 2022 and 2023 Information Technology Cost Allocation Fund, and spending for this amendment in future fiscal years is subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 107364-1 with Verint Systems Inc. for software licensing, maintenance and support, increasing the amount by \$68,440 for a total contract value not-to-exceed \$1,054,187 from March 23, 2007 through June 30, 2023.



Office of the City Manager

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Savita Chaudhary, Director, Information Technology
Subject: Contract No. 32000177 Amendment: NextRequest for Public Records Act (PRA) Response Software

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32000177 with NextRequest for software hosting, implementation, maintenance and related services for a Public Records Act Response Software System, for an additional amount not to exceed \$76,906, for a total not to exceed value of \$141,906, for the period commencing on July 1, 2019 through June 30, 2023.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the additional software license term in the amount of \$76,906 is available in the Department of Information Technology’s Fiscal Year (FY) 2022 and 2023 IT Cost Allocation Fund as itemized below. Spending for this contract and related amendments in future fiscal years is subject to Council’s approval of the proposed citywide budget and annual appropriation ordinances.

FY 2022: Software Maintenance
\$37,515 Budget Code: 680-35-364-000-0000-000-472-613130
(IT Cost Allocation, 311 Customer Service, Software Maintenance)

FY 2023: Software Maintenance
\$39,391 Budget Code: 680-35-364-000-0000-000-472-613130
(IT Cost Allocation, 311 Customer Service, Software Maintenance)

\$76,906 Total FY 2022-2023: Software Maintenance and Professional Services

CURRENT SITUATION AND ITS EFFECTS

The City completed implementation of the NextRequest platform in November 2020. Staff use the NextRequest platform to receive and track public records requests, and communicate with the requestors. Community members, who issue public records requests, receive automatic email confirmations from NextRequest and can track the status of their request through the NextRequest portal.

Since November 2020, NextRequest has facilitated 230 public records requests for the City. Of these 230 requests, 193 have been closed, and 37 remain open. The average time to respond to these requests is nine days, and the average time to fulfillment is fourteen days.

The Public Records Act Response Software System is a Strategic Plan Priority Project, advancing the city's goal to be a customer-focused organization that provides excellent, timely, easily accessible service and information to the community.

BACKGROUND

The City receives approximately 5,500 Public Record Act (PRA) requests a year. The majority (75%) of the requests are for copies of Police records. The majority of police PRA requests are for copies of incidents and accident reports. Community members submit requests by email, US Mail, in person through the City Clerk's office, or directly to City departments. PRA requests completed using the on-line form posted on the City Clerk's website get entered by City Clerk staff and are allocated to the responsive division to take action.

In 2011, the City adapted the case forms in the Lagan CRM system, a case management system used by 311 Customer Service Call Center, to capture requests for public records. Lagan CRM captures case information but the system lacks the capability to capture the requirements needed to fulfill PRA requests. In addition, the Lagan CRM is not easily searchable by "key words", and staff responding to a PRA cannot access report information on notes, attachments or case description. This limitation makes searching for past responsive documents challenging. As a result, departments such as, Planning and Public Works who routinely receive multiple requests for the same information are forced to duplicate work that has already been performed in order to full a PRA request.

The Open Government Ordinance requires the City of Berkeley to report annually on the number of PRA's processed. The report is processed by City Attorney's office, and requirements include quantity of PRA's responded to on time, the number of PRA's where primary fulfillment date is beyond the required ten days, and the total number of days to fulfill a PRA. In order to produce this report, the City Attorney's office must work closely with the 311 Customer Service Manager and it can take weeks to prepare. The existing system does not produce the level of detail needed to respond to the Open Government Commission.

Given the challenges of the existing system, on November 14, 2018, the City issued a Request for Proposals (RFP) #19-11255-C for an improved Public Records Act Response System, including a redaction module to enable better management of redacting the sensitive information.

The City received two (2) responses to the Public Records Act Response System RFP by the December 13, 2018 deadline. A committee of 7+ staff from the City Clerk, City Attorney, Planning, Fire, Police, and Information Technology departments conducted a

comprehensive evaluation process that included proposal reviews, vendor demonstrations, and reference checks. NextRequest was selected because they offered the most comprehensive and user-friendly solution to meet the City's needs.

ENVIRONMENTAL SUSTAINABILITY

NextRequest provides an improved system with a secure customer-facing portal to allow individuals to conduct self-service searches for public record requests, and receive City generated documents systematically, reducing paper, use of copy equipment and trips to City Clerk's office to view and retrieve documents. This supports the reduction of carbon footprint and goals of the City's Climate Action Plan. Further public can search, find and retrieve document records stored in the PRA portal, reducing the need to enter a new public records request.

RATIONALE FOR RECOMMENDATION

Staff recommends continuing the use of the NextRequest PRA processing software as it best meets City needs and they scored the highest in the evaluation performed by City staff. NextRequest excelled at meeting the City's requirements for a secure public facing portal to provide customers with self-service (24/7/365) technology to make requests and to check the status of PRA requests. Publishing common documents to the portal will streamline service delivery for customers and eliminate publishing duplicate requests. Both City staff and the community will greatly benefit from the functionality offered by NextRequest.

ALTERNATIVE ACTIONS CONSIDERED

No alternatives were considered as this is a recently implemented system.

CONTACT PERSON

Savita Chaudhary, Director, Information Technology, 510-981-6541

Attachments:

1: Resolution

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

CONTRACT NO. 32000177 AMENDMENT: NEXTREQUEST FOR PUBLIC RECORDS
ACT RESPONSE SOFTWARE SYSTEM

WHEREAS, the City of Berkeley has identified the need to improve the efficiency of its management of Public Records Act requests; and

WHEREAS, the City of Berkeley desires to procure a Commercial Off-the-Shelf “turnkey” system to handle Public Records Requests through a customer facing and internal facing portal; and

WHEREAS, on November 14, 2018, the City of Berkeley issued a Request for Proposal No.19-11255-C for an improved Public Records Request Response Software System and received two responding bidders; and

WHEREAS, in response to the City’s Request for Proposal, NextRequest responded with a proposal that received the highest rating among those submitted by competing vendors; and

WHEREAS, funding for the additional software license term in the amount of \$76,906 is available in the Department of Information Technology’s Fiscal Year (FY) 2022 and 2023 IT Cost Allocation Fund, and spending for this contract and related amendments in future fiscal years is subject to Council’s approval of the proposed citywide budget and annual appropriation ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to amend Contract No. 32000177 with NextRequest for software hosting, implementation, maintenance and related services for a Public Records Act Response Software System, for an additional amount not to exceed \$76,906, for a total not to exceed value of \$141,906, for the period commencing on July 1, 2019 through June 30, 2023.



Office of the City Manager

CONSENT CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Savita Chaudhary, Director, Department of Information Technology

Subject: Contract No. 32000004 Amendment: CBF Electric & Data for Wi-Fi Installation in City Facilities

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32000004 (FUND\$ Contract No. 10934) with CBF Electric & Data (CBF) for Wi-Fi installation in City facilities, increasing the contract amount by \$25,000 for a total not-to-exceed amount of \$100,014 and extending the term from July 2, 2018 to June 30, 2022.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the additional professional services is available in the Department of Information Technology's Fiscal Year (FY) 2022 IT Cost Allocation Fund as itemized below. Funding for future years and is subject to Council approval of the proposed citywide budget and Annual Appropriation Ordinances:

FY 2022: Professional Services

\$25,000 Budget Code: 680-35-363-384-6008-000-4772-612990-

(IT Cost Allocation, Wireless Replacement Program, Professional Services)

\$25,000 Total FY 2022 Professional Services

CURRENT SITUATION AND ITS EFFECTS

The City is continuing to establish wireless access (Wi-Fi) at all City facilities, both for use by City staff and for use by the community in City facilities. City Wi-Fi provides City network access to City-issued laptops, and provides internet access on a guest network for use by community members, including the Finance Customer Service Center, the Permit Service Center, the Public Health Clinic, the Mental Health Clinic, and the North and South Berkeley Senior Centers.

To date, the City has installed over 200 Wireless Access Points (WAPs) at over 40 City facilities. The City plans to maintain its wireless infrastructure through a combination of new WAP installations as the needs arise, as well as replacing older WAPs on a scheduled replacement cycle, keeping in line with the City's Strategic Plan Priority to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

The City has previously worked with CBF on other WAP installations. CBF provided reliable and efficient installation services that were completed on time and on budget. The City would like to continue to use CBF Electric & Data for the WAP installs and replacements scheduled for FY 2022.

BACKGROUND

The City has provided wireless access for City staff since FY 2006, beginning with the Public Safety Building parking lot to assist with network connectivity for the Mobile Device Computers (MDCs) in the Police vehicles, as well as the Fire Stations. Shortly after implementation, the City setup Wi-Fi for the Marina berths to stay competitive and provide comparable services in comparison to other Bay Area marinas.

In FY 2014, the City expanded Wi-Fi access to City Hall, the Corp. Yard, and Live Oak Recreation Center. In FY 2015 and FY 2016, the City expanded Wi-Fi access to include Council Chambers, the Mental Health Clinic, the Public Safety Building, the Police Traffic Substation, and the Rent Board.

Recognizing the increasing demand and convenience of wireless access, in FY 2019 the City entered into a contract with CBF Electric & Data to install and/or replace 51 Wireless Access Points (WAPs) across 13 different City locations. Locations for this project included the Finance Customer Service Center, the Permit Service Center, the Public Health Clinic, the Mental Health Clinic, the Frances Albrier Recreation Center, the Shorebird Nature Center, and the North and South Berkeley Senior Centers.

In FY 2020, the City amended the CBF contract to install an additional 89 WAPs across 18 different City locations.

The wireless replacement program was postponed in FY 2021 due to budget reductions.

ENVIRONMENTAL SUSTAINABILITY

As the City deploys advanced technology, and with the increasing demand from the community, this project will assist in providing community access to Wi-Fi at City locations. By providing remote access to data, operational efficiencies are increased for staff, and energy and global warming emissions are reduced by both staff and the community.

RATIONALE FOR RECOMMENDATION

Staff selected CBF Electric & Data due to its competitive rates and quality of service. Throughout our relationship with CBF, the City has been impressed with CBF's responsiveness, timeliness, and the quality of the installations completed.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered completing these installation services internally, but due to the high volume of existing work, staff do not currently have the capacity or the expertise to perform such a high volume of Wi-Fi installations in the given timeline. CBF has extensive experience providing installation services for organizations similar in size and has a proven track record of completing projects on time and on budget, in addition to having responsive customer service.

CONTACT PERSON

Savita Chaudhary, Director, Department of Information Technology, 510-981-6541

Attachments:

1: Resolution

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

CONTRACT NO. 32000004 AMENDMENT: CBF ELECTRIC & DATA FOR WI-FI
INSTALLATION IN CITY FACILITIES

WHEREAS, the City has provided wireless access for City staff since 2006 and beginning in 2014 expanded Wi-Fi access to other City locations; and

WHEREAS, the City is continuing to establish wireless access (Wi-Fi) at all City facilities, both for use by City staff and for use by the community, as well as replacing aging wireless equipment; and

WHEREAS, CBF Electric and Data has extensive experience providing installation services for organizations of similar size, and has a proven track record of completing projects on time and on budget, in addition to having responsive customer service; and

WHEREAS, funding for the additional professional services is available in the Department of Information Technology's Fiscal Year (FY) 2022 IT Cost Allocation Fund, and funding for future years is subject to Council approval of the proposed city-wide budget and Annual Appropriation Ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend the contract with CBF Electric & Data for Wi-Fi installation in City Facilities, increasing the contract amount by \$25,000 for a total not-to-exceed amount of \$100,014 from July 2, 2018 to June 30, 2022.



Office of the City Manager

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Savita Chaudhary, Director, Director of Information Technology
Subject: Contract No. 32000223 Amendment: Gray Quarter, Inc. for Accela Professional Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32000223 with Gray Quarter, Inc. for professional services, increasing the amount by \$200,000, for a total not-to-exceed amount of \$249,500 and extending the term by one year to June 30, 2023.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the additional professional services is available in the Fiscal Year (FY) 2021 and 2022 IT Cost Allocation and General Fund as itemized below. Future expenditures are subject to Council approval of the proposed citywide budget and Annual Appropriations Ordinances.

FY 2021: Professional Services – IT
\$30,000 Budget Code: 680-35-362-377-0000-000-472-612990
(IT Cost Allocation, IT, Professional Services)

FY2021- Professional Services – Finance
\$20,000 For Maintenance for enhancements
Budget Code: 011-33-321-327-0000-000-412-612990
(General Fund, Finance, Professional Services)

FY 2022: Professional Services – Finance
\$150,000 For Online Business License Renewal
Budget Code: 011-33-321-327-0000-000-412-612990-
(General Fund, Finance, Professional Services)

\$200,000 Total FY 2021 and 2022: Professional Services

CURRENT SITUATION AND ITS EFFECTS

The Department of Finance currently uses the Accela Civic Engagement Platform as its Business License system. The Finance Department would like to extend the contract with Gray Quarter in order to enhance online features to make it possible for customers to renew their business license online.

In 2019, the Finance Department completed a pilot program to renew and pay business license tax using an online portal. The pilot program was limited to one record type – Rental of Real Property. This was done with the help of Accela Professional services with Gray Quarter as the sub-contractor. The pilot has been successful and customers have been able to make payments online for the rental real property type. Given the success of the pilot program, the Finance Department would like to implement the online process for the remaining business license types, which includes 16 online renewal processes and 17 online applications processes in the Accela Civic Platform – Accela Citizen Access product.

These online enhancements have become particularly critical in order to keep business license services accessible and efficient for the community during the COVID 19 pandemic, and this functionality is consistent with the City's strategic goal *"to be a customer-focused organization that provides excellent, timely and easily accessible service to the community."*

Gray Quarter will provide resources that are focused on configuration and scripting work that is needed by the City to effectively implement these new features and provide the needed support. Gray Quarter, Inc. will also work on additional issues as requested and prioritized by the City and provide additional enhancements and improvements.

BACKGROUND

Gray Quarter is an Accela Certified Services Partner and Accela Technology Alliance Partner that specializes in Accela software, with proven experience in many challenging projects.

Gray Quarter has been providing support to the city via Accela professional services as a sub-contractor since 2018. In 2019, they were the Accela Professional services sub-contractor to lead effort to implement online renewal of City of Berkeley Renewal Licensing.

In 2020, the City established a direct contract with Gray Quarter to assist with Accela Civic Platform efforts on an as needed basis. Some of the key efforts in which Gray Quarter has assisted the City – includes updating the Finance Cash Receipt (CR) interface file to allow for accurate reporting of revenue when overpayments are received and assistance with completion of the data bridge that sends refund data from Accela directly to FUND\$. Gray Quarter has also assisted with the design and configuration management for Ad Hoc reports, and on-going support of Business Licensing module for Rental of Real Property.

ENVIRONMENTAL SUSTAINABILITY

The City will help reduce carbon emissions by allowing most, if not all, business license processes to be performed online thereby reducing traffic into the City in keeping with the City's Climate Action Plan. This helps with the Digital Strategic Plan goals of providing more online services.

RATIONALE FOR RECOMMENDATION

Gray Quarter, Inc. is an Accela-Certified services partner. They have supported the city in various projects. Gray Quarter has performed specialized process analysis, configuration, and scripting to support the City's online business license system and various other IT and Finance projects. As a result, Gray Quarter has in-depth knowledge of City business processes and data architecture that would take other vendor years to acquire.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered completing these projects and enhancements without professional services; however, doing so would lead to an inefficient allocation of staff resources and significantly extend implementation timelines.

CONTACT PERSON

Savita Chaudhary, Director, Information Technology, 510-981-6525

Attachments:

1: Resolution

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

CONTRACT NO. 32000223 AMENDMENT: GRAY QUARTER, INC. FOR ACCELA
PROFESSIONAL SERVICES

WHEREAS, Gray Quarter, Inc. provides design, implementation, and support services to public sector technology solutions; and

WHEREAS, Gray Quarter is an Accela Certified Services Partner and Accela Technology Alliance Partner that specializes in Accela software since 2002, with proven experience in many challenging projects; and

WHEREAS, Gray Quarter has provided online enhancements to the Accela platform that have become particularly critical in order to keep business license services accessible and efficient for the community during the COVID 19 pandemic, and this functionality is consistent with the City's strategic goal "to be a customer-focused organization that provides excellent, timely and easily accessible service to the community,"; and

WHEREAS, Gray Quarter has provided excellent scripting, configuration and consulting services for Accela and therefore has an in-depth knowledge of City business processes and data architecture that would take another vendor years to acquire; and

WHEREAS, funding for the additional professional services is available in the Fiscal Year (FY) 2021 and 2022 IT Cost Allocation and General Fund, and future expenditures are subject to Council approval of the proposed citywide budget and Annual Appropriations Ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 32000223 with Gray Quarter, Inc., increasing the amount by \$200,000, for a total not-to-exceed amount of \$249,500, and for the term beginning February 17, 2020 to June 30, 2023.



Office of the City Manager

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Savita Chaudhary, Director, Information Technology
Subject: Protiviti Government Services: Using General Services Administration (GSA) Vehicle for Professional Services Purchase Orders

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti Government Services for the purchase of professional services using the General Services Agency’s (GSA) purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$512,000 through June 30, 2022.

FISCAL IMPACTS OF RECOMMENDATION

One time funding for this project is available in the Department of Information Technology’s Fiscal Year (FY) 2021 and 2022 General Fund allocation as itemized below. Spending for this contract in future fiscal years will be subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

	FY 2021: Professional Services
\$200,000	Budget Code: 011-35-363-382-0000-000-472-612990- (General Fund, IT Department, Professional Services)
	FY 2022: Professional Services
\$312,000	Budget Code: 011-35-363-382-0000-000-472-612990- (General Fund, IT Department, Professional Services)
\$512,000	Total FY 2021 and FY 2022 Professional Services

CURRENT SITUATION AND ITS EFFECTS

The City’s existing cyber-resilience plan prioritizes and organizes cyber security projects, objectives, and requirements needed within the next five years to improve the City’s cyber-resilience posture. The cyber resiliency plan categorizes all projects into five focus areas, which include Data Transparency, Data Privacy and Data Security, Program Functional Design, Policy and Rationale, Monitoring, Response & Mitigation, and Training and Culture.

In December 2020, Council approved several top-priority projects for FY 2021 and FY 2022 and later approved funding as part of AAO# 1 in December 2020 that allowed the

City to move forward on six of these high-priority projects during the remainder of FY 2021.

Additionally, the City regularly participates in purchasing vehicles, or Master Award Schedules (MAS) negotiated by GSA. GSA negotiates long term contracts for prices on supplies, products, and services with suppliers on behalf of government agencies, including local government, that ensure volume discount pricing.

BACKGROUND

In May 2019, the City engaged with a consultant to complete an “as-is” assessment of the City’s cyber resiliency. The consultant developed a cyber-resilience plan that recommended and prioritized cyber security projects, objectives, and requirements for the next five years. In May 2020, the consultant also recommended a roadmap to the City with large-scale and coordinated projects that would create and mature the City’s cyber-resilience capabilities and controls in the most efficient and effective manner.

In December 2020, staff presented to Council the assessment of the threats currently facing the City’s information and computer-networks, the recommended roadmap, and prioritized six of the projects, setting their completion date to be on or by June 30, 2021.

ENVIRONMENTAL SUSTAINABILITY

Protiviti Government Services staff will conduct their work remotely thus reducing greenhouse gas emissions from travel to and from City facilities.

RATIONALE FOR RECOMMENDATION

The City is currently using Protiviti Government Services under multiple GSA vehicles across several departments for specific professional services engagements. Protiviti Government Services works with Robert Half International to immediately source an analyst with the skillset and experience required to work on four of the six approved top-priority projects so a purchase order was then cut to obtain this resource.

Staff determined that not using Protiviti Government Services for the remainder of FY 2021 and FY 2022 puts the top four projects in jeopardy of not being completed on time and within budget.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered separate purchase orders for professional services across all six projects. This approach is not recommended as hiring individual consultants would involve additional time and expenses to become familiar with the City’s technologies, departments, and controls.

CONTACT PERSON

Savita Chaudhary, Director, Information Technology, 510-981-6541

Attachments:
1: Resolution

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

PROTIVITI GOVERNMENT SERVICES: USING GENERAL SERVICES ADMINISTRATION (GSA) VEHICLE FOR PROFESSIONAL SERVICES PURCHASE ORDERS

WHEREAS, in May 2019, the City engaged a consultant to complete an “as-is” assessment of the City’s cyber resiliency, which produced a cyber-resilience plan that recommended and prioritized cyber security projects, objectives, and requirements for the next five years; and

WHEREAS, in December 2020, Council approved the recommended roadmap to address the threats currently facing the City’s information and computer-networks, and prioritization of six of the projects setting their completion date to be on or by June 30, 2021; and

WHEREAS, Protiviti Government Services has the outside perspective that provides industry best practices and experience in working with municipalities on cybersecurity operations and implementations and provides well qualified analysts; and

WHEREAS, the City regularly participates in purchasing vehicles, or Master Award Schedules (MAS) negotiated by GSA, who negotiates long term contracts for prices on supplies, products, and services with suppliers on behalf of government agencies, including local government, that ensure volume discount pricing; and

WHEREAS, one time funding for this project is available in the Department of Information Technology’s Fiscal Year (FY) 2021 and 2022 General Fund allocation, and spending for this contract in future fiscal years will be subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized issue purchase orders with Protiviti Government Services for the purchase of professional services using the General Services Agency’s (GSA) purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$512,000 through June 30, 2022.



Office of the City Manager

CONSENT CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Contract No. 32000219 Amendment: Lind Marine for Removal of Derelict and Abandoned Vessels at the Berkeley Marina

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32000219 with Lind Marine to remove and dispose derelict and abandoned vessels at the Berkeley Marina by increasing the contract amount by \$42,000; and authorizing additional contingency of \$4,200 for a total not-to-exceed amount of \$146,400; and contingency of \$42,800.

FISCAL IMPACTS OF RECOMMENDATION

In 2020, the Parks, Recreation, and Waterfront Department received a second SAVE grant in the amount of \$42,000 from the California Division of Boating and Waterways (DBW) that requires a local match of 10% (\$4,200) (Resolution No. 69,349-N.S. on April 14, 2020). These grant funds will be deposited into account code 607-52-544-592-0000-000-472-612990-PRWWF21006, and the local match has been budgeted in the Marina Fund account code 608-52-544-592-0000-000-472-612990-PRWWF21006. These funds, totaling \$46,200, will be appropriated as part of the Second Amendment to the FY 2021 Annual Appropriations Ordinance.

	Contract	Contingency	Total
Current Amount	\$104,400	\$38,600	\$143,000
Proposed Amendment	\$42,000	\$ 4,200	\$46,200
Total	\$146,400	\$42,800	\$189,200

CURRENT SITUATION AND ITS EFFECTS

In 2020, the City received a second SAVE grant from the California Division of Boating and Waterways in the amount of \$42,000 to remove derelict and abandoned vessels at the Berkeley Marina. A contract amendment with Lind Marine is required in order to perform the vessel removal services funded by the grant. This new round of funding will enable us to keep our docks clear of derelict vessels in the coming year, and build upon

the progress we made in removing twenty-one (21) derelict vessels via the 2019 SAVE Grant.

The current contract with Lind Marine has been extended to March 31st 2022, and will be extended once more to September 30, 2022 to coincide with expiration of the SAVE 2020 grant. Along with the not-to-exceed amount of \$146,600, \$42,800 will act as a contingency to cover future abandoned vessel removals and unforeseen circumstances and that may arise between now and the expiration of the SAVE 2019 grant in September 30, 2021 and the SAVE 2020 grant in September 30, 2022.

BACKGROUND

Each year, approximately five to ten vessels get abandoned by their owners at the Berkeley Marina because they lack funds to repair the vessels or they lack funds to pay for their dockage fees. Due to the age and neglect of the vessels, they have no value, are not sea-worthy, and are likely to sink. These vessels occupy slips in the Berkeley Marina that could otherwise be used to generate dockage revenue for the City, and these vessels are a visual blight on our Marina and harm our reputation.

Responsibility for derelict and abandoned vessels, unfortunately, often falls on public agencies. For the past 20 years, the Division of Boating and Waterways has provided grant funding assistance to public agencies to properly remove, store, and dispose of abandoned, wrecked, or dismantled vessels or any other partially submerged objects that pose a substantial hazard to navigation, from navigable waterways or adjacent public property, or private property with the landowner's consent.

In 2019, the Parks, Recreation, and Waterfront Department received a grant in the amount of \$130,000 from the California Division of Boating and Waterways (DBW) to remove abandoned vessels that requires a local match of 10% (\$13,000) (Resolution No. 68,791-N.S. On March 26, 2019). The City conducted a competitive Request For Proposal (RFP) process in 2019 and Lind Marine was selected to perform these services.

ENVIRONMENTAL SUSTAINABILITY

Derelict, abandoned, and sunken vessels pose a navigational and environmental hazard to the Bay waters at the Berkeley Marina. Removal and proper disposal of these vessels contributes to the improvement of water quality of the waters of the Bay.

RATIONALE FOR RECOMMENDATION

The Parks, Recreation, and Waterfront Department has the primary responsibility for removing derelict and abandoned vessels from local waters. The contract amendment will allow the City to continue to safely remove these potential environmental and navigational hazards from the Berkeley Marina.

CONTACT PERSON

Alexandra Endress, Waterfront Manager, 981-6737
Sean Crothers, Waterfront Supervisor, 981-6744

Attachments:
1. Resolution

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

CONTRACT NO. 32000219 AMENDMENT: LIND MARINE, INC. FOR REMOVAL OF
ABANDONED VESSELS AT THE BERKELEY MARINA

WHEREAS, each year, approximately five to ten vessels get abandoned by their owners at the Berkeley Marina because they lack funds to repair the vessels or they lack funds to pay for their dockage fees. Due to the age and neglect of the vessels, they have no value, are not sea-worthy, and are likely to sink. These vessels occupy slips in the Berkeley Marina that could otherwise be used to generate dockage revenue for the City, and these vessels are a visual blight on our Marina and harm our reputation; and

WHEREAS, responsibility for abandoned vessels, unfortunately, often falls on public agencies. For the past 20 years, the Division of Boating and Waterways has provided grants to public agencies, including the City of Berkeley, to remove, store, and dispose of abandoned, wrecked, or dismantled water vessels or any other partially submerged objects that pose a substantial hazard to navigation, from navigable waterways or adjacent public property, or private property with the landowner's consent; and

WHEREAS, the Parks, Recreation and Waterfront Department has the primary responsibility for removing derelict and abandoned vessels from local waters. By applying for SAVE grants, the City is able to substantially leverage our existing funding for these projects, and safely remove potential environmental and navigational hazards from our waters; and

WHEREAS, In 2020, the Parks, Recreation, and Waterfront Department received a second SAVE grant in the amount of \$42,000 from the California Division of Boating and Waterways (DBW) that requires a local match of 10% (\$4,200) (Resolution No. 69,349-N.S. on April 14, 2020). Grant funds will be deposited into account code 607-52-544-592-0000-000-472-612990-PRWWF21006, and the local match has been budgeted in the Marina Fund account code 608-52-544-592-0000-000-472-612990-PRWWF21006. These funds, totaling \$46,200, will be appropriated as part of the Second Amendment to the FY2021 Annual Appropriations Ordinance; and

WHEREAS, in February of 2019, the City conducted a competitive RFP process to obtain services for this project, and received four proposals on April 2, 2019. The bid of Lind Marine was determined to best meet the requirements as set out in the RFP.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to amend Contract No. 32000219 with Lind Marine to remove and dispose derelict and abandoned vessels at the Berkeley Marina by increasing the contract amount by \$42,000; and authorizing additional contingency of \$4,200 for a total not-to-exceed contract amount of \$146,400; and a total authorized contingency of \$42,800. A record signature copy of said contract will be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront
Subject: Utility Agreement: Construction of Gilman Street Sanitary Sewer Line Extension as part of the I-80 Gilman Street Interchange Improvements Project

RECOMMENDATION

Adopt a Resolution:

- Authorizing the City Manager to execute a Utility Agreement (UA) with the Alameda County Transportation Commission (Alameda CTC) for the construction of a sanitary sewer line on Gilman Street (Project) to serve the future fieldhouse restroom at the Tom Bates Regional Sports Complex; and
- Authorizing the City Manager to issue City funding to Alameda County Transportation Commission (Alameda CTC) in accordance with the UA in amount not to exceed \$720,000.

FISCAL IMPACTS OF RECOMMENDATION

Alameda County Transportation Commission (Alameda CTC).....	\$649,300
Contingency.....	\$70,700
Total construction cost.....	\$720,000

Initial funding of \$290,000 is available in the FY 2021 budget in the remaining portion of Measure T1 Phase 1 Fund allocation for this project (Fund 511-52-545-000-0000-000-461-663110-PRWT119014), which covers the conceptual design, the public process, and the sewer line project.

The remaining balance in the amount of \$430,000 will be available in the FY 2023 budget (Fund 511-52-545-000-0000-000-461-663110-PRWT122005) in the Measure T1 Phase 2B allocation for this project, subject to adoption of the Annual Appropriations Ordinance. The Measure T1 Phase 2B allocation will cover the construction phase of the fieldhouse restroom project at the Tom Bates Regional Sports Complex.

CURRENT SITUATION AND ITS EFFECTS

The I-80 Gilman Street Interchange Improvements project, led and primarily funded by the Alameda County Transportation Commission (Alameda CTC), will reconfigure the intersection to improve navigation and traffic operations, and will construct bicycle and pedestrian facilities to improve access connections to the Tom Bates Sports Fields from areas east of the freeway, including Harrison Park and Codornices Path. The interchange project is currently in the final design phase with bidding scheduled to occur in summer of 2021, and construction anticipated to start in late 2021.

In 2019, the City completed the conceptual design of a new fieldhouse and restroom at the Tom Bates Sports Fields. For the restroom to function, a new sanitary sewer line is needed underneath Gilman Street. The closest point of connection to the City's existing sanitary system is just east of the highway, at the intersection of Eastshore Highway and Gilman Street, at a length of approximately 1,000 feet. The City can achieve considerable savings in cost, time, and disruption to the public by paying for the installation of the new sanitary line when the Gilman Interchange Project excavates Gilman Street. The City will provide the funding for the construction of the new sanitary sewer line through a Utility Agreement with the Alameda CTC.

BACKGROUND

The Tom Bates Regional Sports Complex, located at 400 Gilman Street was completed in 2008, and is one of the most highly used public sports complexes in the region. The master plan for the Tom Bates Fields includes a fieldhouse and restroom; however, these elements have not been constructed-to-date due to insufficient funding, and therefore the City currently provides portable toilets at the facility. In 2019, the City completed the conceptual plan for a new fieldhouse and restroom in collaboration with the field user groups and the five Joint Powers Agreement cities (Albany, Berkeley, El Cerrito, Emeryville, and Richmond), using Measure T1 infrastructure bond funding. Funding for the design and construction phase of the Fieldhouse from Phase 2 of the Measure T1 Infrastructure Bond program has been approved by the City (Resolution No. 69,657, December 15, 2020).

During the conceptual phase, the City researched a non-plumbed restroom solution (e.g., vault or compost toilet system). However, this solution would require the excavation of contaminated soils at the site to install a large underground sanitary holding tank, which would then require frequent pump-out service to prevent the building up of toxic gases, odors, and overflow issues. As a result, this option was not found to be feasible in terms of construction and annual operating costs. City staff have worked closely with the design consultant team at Alameda CTC to finalize design of the sanitary sewer line extension. The new sanitary line will be comprised of a gravity line underneath Gilman Street, and a force main that conveys the wastewater from the future pump station near the Fieldhouse facility to the gravity section. The engineer's construction cost estimate by the Alameda CTC is \$720,000 including a contingency for unforeseen underground conditions.

The purpose of the I-80 Gilman Street Interchange Improvements project is to improve navigation and traffic operations on Gilman Street between West Frontage Road and 2nd

Street through the I-80 interchange so that congestion is reduced, queues are shortened and merging and turn conflicts are minimized.

In addition to improving vehicular mobility through the Gilman Street corridor, the project aims to close the gap in local and regional bicycle facilities through the I-80/Gilman Street interchange and provide access for bicycles and pedestrians traveling between the Bay Trail and North Berkeley. This will include closing the gap between the existing terminus of the Bay Trail at the intersection of Gilman at West Frontage Road, and the south end of the new section of Bay Trail leading to the Albany Beach, as well as constructing a pedestrian overcrossing (POC) from the Tom Bates Fields across the highway to Harrison Park and the Lower Codornices Path in West Berkeley.

ENVIRONMENTAL SUSTAINABILITY

The proposed sanitary sewer line extension elements have been incorporated into the environmental evaluations as part of the I-80 Gilman Street Interchange Improvements project. A copy of the Final Environmental Document can be found:

https://www.alamedactc.org/wp-content/uploads/2019/07/EA0A7700_Gilman_FED_IS-EA_and_Appendices_20190617.pdf

RATIONALE FOR RECOMMENDATION

The Tom Bates Regional Sports Complex is one of the most highly used public fields in the region. Just the two artificial turf fields alone provide up to 300,000 player hours per year, rain or shine, and serve approximately 19,000 youth and adult users. The Fieldhouse facility with permanent restrooms should be constructed in order to provide a reasonable accommodation to the sports field users.

With access to the City's Measure T1 Infrastructure Bond funds (Phase 1) in conjunction with Alameda CTC's I-80 Gilman Street Interchange Improvements project, the construction of this sewer line is currently the most efficient and effective way to create this important infrastructure element to support the upcoming development of the Fieldhouse facility at the highly-used Tom Bates Sports Fields.

ALTERNATIVE ACTIONS CONSIDERED

The City can decide that the construction of the sanitary sewer line extension serving TBRSC is not in the City's best interest at this time. It should be noted that the estimated cost to construct this sewer line at the I-80 Gilman Street Interchange Improvements project is significantly less than a standalone project after the completion of the interchange improvements. If the City were to elect this alternative action, in addition to losing the cost-effectiveness, and the efficiency of the combined construction work, it would substantially delay the development of the Fieldhouse facility, and cause significant traffic impacts during re-construction of the newly improved interchange to install the sewer line after the interchange project.

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700
Farid Javandel, Transportation Manager, Public Works, 981-7061
Nelson Lam, Supervising Civil Engineer, PRW, 981-6395

UA: Construction of Gilman Street Sanitary Sewer Line Extension -
during the I-80 Gilman Street Interchange Improvements Project

CONSENT CALENDAR
March 30, 2021

Attachment:

1: Resolution

2: Project Fact Sheet: I80 Gilman Street Interchange Improvement Project

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

AN UTILITY AGREEMENT (UA) WITH THE ALAMEDA COUNTY TRANSPORTATION COMMISSION (ALAMEDA CTC) FOR THE CONSTRUCTION OF A SANITARY SEWER LINE IN GILMAN STREET AS PART OF THE INTERSTATE I-80 GILMAN STREET INTERCHANGE IMPROVEMENTS PROJECT

WHEREAS, the Tom Bates Regional Sports Complex, located at 400 Gilman Street was completed in 2008, and is one of the most highly used public sports complexes in the region; and

WHEREAS, the master plan for the Tom Bates Fields includes a fieldhouse and restroom; however, these elements have not been constructed-to-date due to insufficient funding, and the City currently provides portable toilets at the facility; and

WHEREAS, in 2019, the City completed the conceptual plan for a new fieldhouse and restroom in collaboration with the field user groups and the five Joint Powers Agreement cities (Albany, Berkeley, El Cerrito, Emeryville, and Richmond), using Measure T1 infrastructure bond funding. Funding for the design and construction phase of the Fieldhouse has been identified in Phase 2A and 2B of the Measure T1 Infrastructure Bond program; and

WHEREAS, City staff have worked closely with the design consultant team at Alameda CTC to finalize design of the sanitary sewer line extension. The new sanitary line will be comprised of a gravity line underneath Gilman Street, and a force main that conveys the wastewater from the future pump station near the Fieldhouse facility to the gravity section. The engineer's construction cost estimate by Alameda CTC is \$720,000 including 18% contingency; and

WHEREAS, funding of \$290,000 is available in the FY 2021 budget in the Measure T1 Fund (Fund 511-52-545-000-0000-000-461-663110-PRWT119014); and

WHEREAS, the remaining balance in the amount of \$430,000 will be available in the FY2023 budget in the remaining portion of the Measure T1 phase 2B Fund allocation for this project (Fund 511-52-545-000-0000-000-461-663110-PRWT122005), subject to adoption of the Annual Appropriations Ordinance.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute an Utility Agreement (UA) with the Alameda County Transportation Commission (ACTC) to provide a not-to-exceed amount of \$720,000 in Measure T1 Infrastructure Bond funding for the construction of sewer line extension in Gilman Street as part of the Interstate I-80 Gilman Street Interchange Improvements Project. A record signature copy of the agreement and any amendments is to be on file in the Office of the City Clerk.



Interstate 80/Gilman Street Interchange Improvement Project

MARCH 2021

PROJECT OVERVIEW

The Alameda County Transportation Commission (Alameda CTC), in cooperation with the California Department of Transportation (Caltrans) and the cities of Berkeley and Albany, proposes to reconfigure the Interstate 80 (I-80)/Gilman interchange, located in northwest Berkeley near the City of Albany. The main component of this project is a pair of roundabouts at Gilman Street intersections on both sides of I-80, as well as new pedestrian and bicycle facilities at and near the interchange.

The purpose of the project is to increase safety and improve navigation, mobility and traffic operations on Gilman Street between West Frontage Road and 5th Street through the I-80 interchange. The project will reduce congestion, shorten queues and minimize merging and turning conflicts. In addition to the roundabouts, the project provides:

- A pedestrian and bicycle overcrossing over I-80
- An at-grade pedestrian/bicycle path through the interchange
- A two-way cycle track on Gilman Street, from the interchange to Fourth Street
- A new traffic signal at Gilman and 4th Streets
- A Bay Trail gap closure at the foot of Gilman Street

This project will be constructed in two phases:

Phase 1: Pedestrian and Bicycle Overcrossing

Phase 2: Interchange Improvements and Local Street Improvements; pedestrian and bicycle improvements through interchange; Bay Trail gap closure; safety improvements at the Gilman/Union Pacific Railroad at-grade crossing



PROJECT NEED

- Higher than average rates of injury collisions
- Significant roadway deficiencies
- Excess left turn vehicle queue lengths on Gilman Street
- Gap in the San Francisco Bay Trail
- Lack of safe pedestrian and bicycle routes to access recreation areas west of I-80

PROJECT BENEFITS

- Provides safe access for pedestrians and bicyclists
- Reduces congestion and improves mobility
- Simplifies traffic operations, navigation and mobility at the interchange
- Shortens queues
- Reduces turning conflicts and improves merging
- Improves local and regional biking facilities

INTERSTATE 80 GILMAN INTERCHANGE IMPROVEMENTS



Overlay of the roundabouts at the project location.



Conceptual rendering of the I-80 Gilman Interchange Improvements project looking north along Eastshore Highway before Gilman Street.

STATUS

Implementing Agency: Alameda CTC

Current Phase: Final Design/Pre-Construction

- Final Environmental Document approved on June 21, 2019; Project Report approved on June 28, 2019.
- Construction funding for Phase 1 approved by the California Transportation Commission in August 2020.
- Phase 1 contract advertised October 26, 2020 and construction to begin spring 2021.

PARTNERS AND STAKEHOLDERS

Caltrans, Alameda CTC, cities of Berkeley and Albany, East Bay Regional Park District, East Bay Municipal Utility District (EBMUD) and various bicycle groups

COST ESTIMATE BY PHASE¹ (\$ x 1,000)

Planning/Scoping	\$794
PE/Environmental	\$4,819
Final Design (PS&E)	\$6,875
Right-of-Way/Utility	\$2,445
Construction	\$50,570
Total Expenditures	\$65,503¹

¹ Does not include separate construction items funded by partner agencies, estimated at \$1.5 million.

FUNDING SOURCES² (\$ x 1,000)

Measure BB	\$14,400
Federal	\$1,079
State (ATP) ³	\$4,152
State (STIP) ⁴	\$41,229
Other (Local, State and EBMUD) ⁵	\$864
TBD	\$3,779
Total Revenues	\$65,503

² Does not include separate construction items funded by partner agencies, estimated at \$1.5 million.

³ Active Transportation Program.

⁴ State Transportation Improvement Program.

⁵ City of Berkeley and East Bay Municipal Utility District (EBMUD).

SCHEDULE BY PHASE⁶

	PHASE 1		PHASE 2	
	Begin	End	Begin	End
Scoping	Spring 2012	Fall 2014	Spring 2012	Fall 2014
Preliminary Engineering/Environmental	Fall 2015	Summer 2019	Fall 2015	Summer 2019
Final Design	Fall 2018	Fall 2020	Fall 2018	Spring 2021
Right-of-Way	Fall 2018	Fall 2020	Fall 2018	Spring 2020
Construction	Spring 2021	2023	Fall 2021	2023

⁶ Schedule subject to funding availability.

Note: Information on this fact sheet is subject to periodic updates.



Office of the City Manager

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Jordan Klein, Interim Director, Planning and Development Department
 Subject: Contract No. 10874D Amendment: Street Level Advisors for Development Fee Feasibility Analysis

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10874D with Street Level Advisors, to analyze the impact of fees and other variables on development project feasibility and to gather additional stakeholder input, increasing the contract amount by \$70,000 to a new total not-to-exceed contract amount of \$295,400, and extending the contract period to December 31, 2023.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this project is provided by a grant from the State Local Early Action Planning (LEAP) Grant Program. It is available under budget code 621-53-584-622-0000-000-472-612990 and will be expended in FY 2021 and FY 2022. Funds will be deposited and expended from the Permit Service Center Fund, as a means to ensure sufficient funding for work to be performed per the agreed upon scope, and until reimbursement of grant monies are received. The contract number is 10874.

CURRENT SITUATION AND ITS EFFECTS

Staff propose increasing the amount of the contract and extending the timeline to enable Street Level Advisors to perform additional feasibility analysis for the site capacity studies that will inform the development of zoning for the Ashby and North Berkeley BART stations. This additional work is necessary to refine the estimates of public subsidy which will be needed for affordable housing at the BART sites. It will also allow Street Level Advisors to further advance the comprehensive update of citywide affordable housing requirements, and enable additional meetings with City staff, City Council, and community members to help gather community input on any potential policy options.

Approval of this contract amendment with Street Level Advisors will fulfill the actions outlined in the June 16, 2020 Council approval of the City's application for the State Local Early Action Planning (LEAP) Grant Program. The majority of the LEAP funding is allocated toward upcoming work on the City's General Plan Housing Element, with the remainder allocated to support the preparation of the Ashby and North Berkeley BART

zoning standards, and to comprehensively review and propose updates to the City's affordable housing requirements. The City was notified by the California Housing and Community Development Department in October 2020 that its application for LEAP funding had been approved.

BACKGROUND

Council authorized issuance of a Request for Proposals (RFP) to conduct a Development Fee Feasibility Analysis for the City of Berkeley. The Planning Department issued the RFP (Spec. #18-11172) on September 25, 2017, and based on written proposals and subsequent interviews, selected Street Level Advisors as the preferred firm to perform the work. Contract 10874 was entered into on April 23, 2018, in an amount not-to-exceed \$40,000, and was subsequently amended (10874-A) to increase that amount to \$45,400 and to extend the contract duration to June 30, 2019.

Street Level Advisors' contract was amended through Council action twice more (10874-B and 10874-C), in May and October 2019. These amendments allowed for additional feasibility analysis of proposed zoning scenarios on the Adeline Corridor Specific Plan project, preliminary work to analyze development feasibility under various AB2923-compliant zoning scenarios for the BART station areas, and analysis of potential revisions to Berkeley's mitigation and impact fees which support development of affordable housing.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

The City is satisfied with the work delivered by Street Level Advisors to date under this contract, and believes that the proposed amendment will provide the consultant with additional capacity to apply the draft financial feasibility tool to other potential policy changes and conduct additional community outreach.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Jordan Klein, Interim Director, Planning and Development Department, 510-981-7534
Steven Buckley, Manager, Land Use Division, 510-981-7411

Attachments:

1: Resolution

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

CONTRACT NO. 10874D AMENDMENT: STREET LEVEL ADVISORS FOR
DEVELOPMENT FEE FEASIBILITY ANALYSIS

WHEREAS the Planning Department issued a Request for Proposals (Spec. #18-11172) on September 25, 2017, seeking a vendor to conduct a Development Fee Feasibility Analysis; and

WHEREAS based on written proposals received and staff panel interviews, Street Level Advisors was selected as the best qualified and most responsive firm to perform the work; and

WHEREAS a contract was entered into on April 23, 2018 (CMS #10874) in the amount of \$40,000 for Street Level Advisors to provide these services; and

WHEREAS a contract amendment was entered into on July 9, 2018 (CMS #10874A) to add an additional \$5,400 for the services, bringing the new contract total not-to-exceed amount to \$45,400; and

WHEREAS, a second contract amendment was entered into on May 23, 2019 (CMS # 10874B) to add an additional \$30,000 for the services, bringing the new contract total not-to-exceed amount to \$75,400, as authorized by City Council Resolution No. 68,712-N.S.; and

WHEREAS a contract amendment was entered into on October 9, 2019 (CMS # 10874C) to add an additional \$150,000 for the services, bringing the new contract total not-to-exceed amount to \$225,400; and

WHEREAS, the work by Street Level Advisors on the Development Fee Feasibility Analysis to date has been critical to advancing key City priorities such as the Adeline Corridor Specific Plan (adopted December 2020), analysis of development feasibility citywide and for the Ashby and North Berkeley BART sites to-date; and

WHEREAS, the City Council adopted a resolution on June 16, 2020 authorizing the City Manager to submit an application for the State Local Early Action Planning (LEAP) Grant Program in the amount of \$500,000, and to execute documents or amendments once the grant was awarded; and

WHEREAS, the State Housing and Community Development Department approved the City's LEAP funding award of \$500,000; and

WHEREAS, the City of Berkeley's LEAP grant application included scope and budget totaling \$70,000 to support development of zoning standards for the Ashby and North

Berkeley BART stations to conform with Assembly Bill 2923, and updating the Citywide affordable housing requirements; and

WHEREAS, this scope and budget will require work from Street Level Advisors which exceeds its current contract funding; and

WHEREAS, the cost of the contracted service is allocated in FY 2021 in budget code 621-53-584-622-0000-000-472-612990.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 10874D with Street Level Advisors to continue its feasibility analysis work for an additional amount of \$70,000, to a new total contact not-to-exceed amount of \$295,400, for the period extending through December 31, 2023.

BE IT FURTHER RESOLVED that a record signature copy of said contract and any amendments will be on file in the Office of the City Clerk.



CONSENT CALENDAR
DATE: March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin, Councilmember Ben Bartlett (co-sponsor), Mayor Jesse Arreguin (co-sponsor)

Subject: Budget Referral – Police Foot/Bike Patrol in West and South Berkeley

RECOMMENDATION

Refer to the FY 2021-22 Budget Process to establish funding for police foot patrol or bicycle officers to cover West Berkeley as defined in the West Berkeley Plan, which includes portions of Berkeley Police Department Beats 11-16; plus in South Berkeley, cover Berkeley Police Department Beats 9, 10 and 11. In addition, consider the possibility of a deputized Community Service Officer, who can issue citations and make arrests, and explore the inclusion of Specialized Care Unit currently under consideration in the City Manager's Reimagining Public Safety initiative.

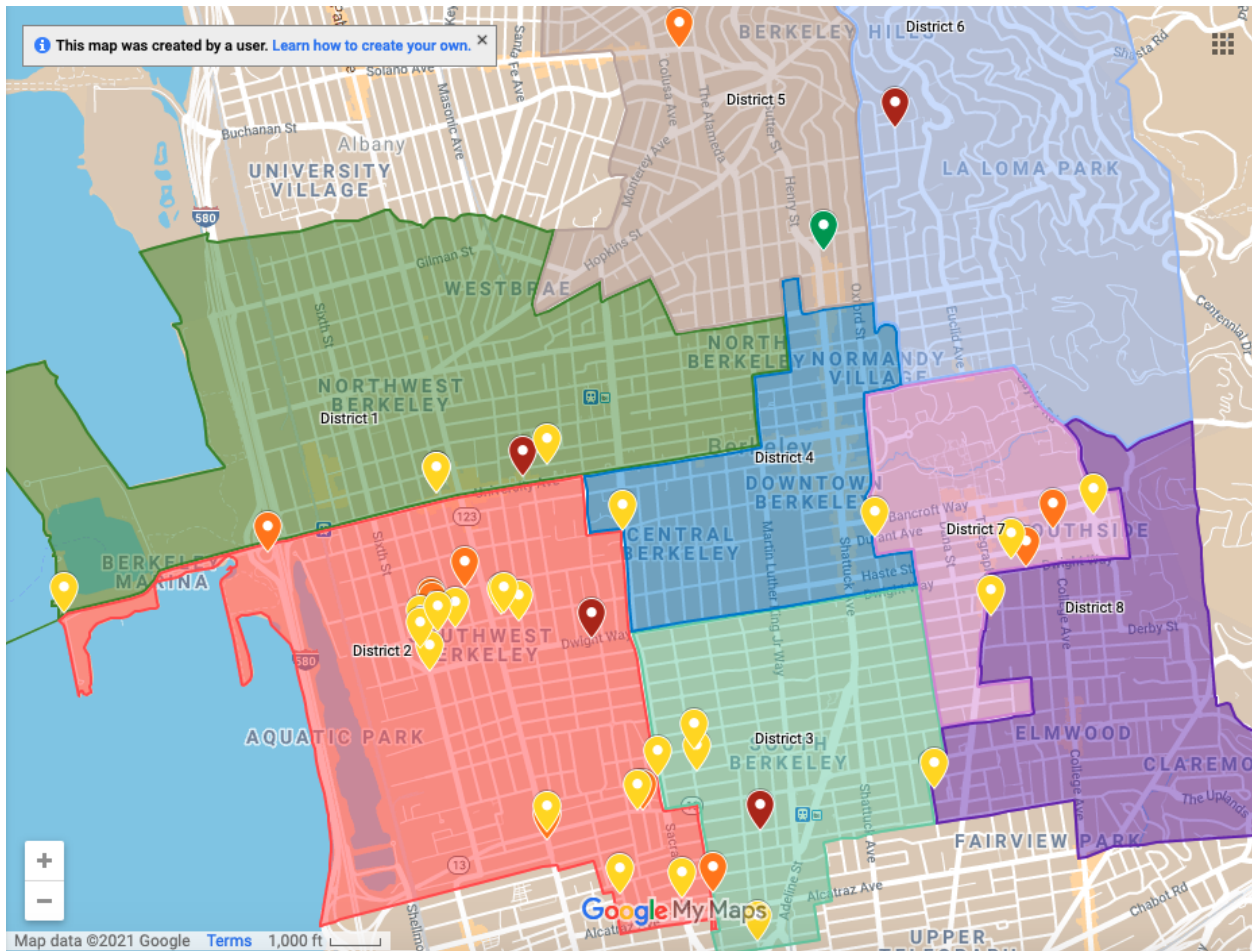
BACKGROUND

According to the Berkeley Police Department's 2019/2020 Crime Report, Berkeley has seen marked increases in aggravated assault, homicides, auto theft and larceny over the past two years.¹ BPD investigated four homicides in 2020, up from zero the previous year. *Berkeleyside* reports that the increase in shootings during the COVID-19 pandemic in particular is consistent with a nationwide trend.² While the overall crime rate remained relatively flat, specific categories of property crimes increased sharply—especially vehicle thefts, which increased by 66% in 2020.

As evidenced by *Berkeleyside* reporter Emilie Raguso's map, most gunfire reported in 2020 was concentrated in South and West Berkeley.

¹ https://www.cityofberkeley.info/Clerk/City_Council/2020/10_Oct/Documents/2020-10-13_Presentations_Item_19__Pres_Police_pdf.aspx

² Raguso, E. (2020, Oct. 15). Annual crime report sees shootings rise for the third straight year. *Berkeleyside*. Retrieved from <https://www.berkeleyside.com/2020/10/15/2020-berkeley-crime-report-shootings-rise-use-of-force-stop-data>



The 2020 Berkeley gunfire map³

In 2010, a successful pilot program operated jointly by University of California Police and BPD took place over the course of six weeks, in which a collaborative UC/BPD beat patrol walked along the Telegraph Avenue corridor. Multiple referrals by the City Council since then were passed unanimously to create a permanent foot patrol in the Telegraph Commercial District.

RATIONALE FOR RECOMMENDATION

A 2016 study from the University of Cambridge found that “vehicle-based” policing is less effective than beat policing. The evidence showed that targeted deployment of two full-time Police Community Support Officers in Peterborough, England “would prevent 86 assaults a year, or incidents of the equivalent crime ‘harm value’, saving potential

³ Raguso, E. (2020, Oct. 3). The 2020 Berkeley gunfire map. *Berkeleyside*. Retrieved from <https://www.berkeleyside.com/2020/10/03/2020-berkeley-gunfire-map>

costs to the public of eight years of imprisonment.”⁴ Transitioning sworn police officers from vehicle duty to foot or bike patrols would also have the potential of reducing Vehicle Miles Traveled (VMT) per capita in the City of Berkeley, lowering greenhouse gas emissions from the transportation sector, which contributes 60% of the city’s total emissions.⁵

Foot and bicycle patrols also have the potential to enhance community trust with BPD as officers will be engaged in visibly non-confrontational contact with the community rather than patrolling in vehicles.

The effectiveness of beat policing could improve morale among BPD officers and help counteract what the department describes as “deepening staffing crisis”⁶ by improving policing outcomes and strengthening community bonds for existing officers and new recruits.

ENVIRONMENTAL IMPACTS

Reduction in VMT per capita can help reduce greenhouse gas emissions, since 60% of the city’s emissions come from transportation.

FISCAL IMPACTS

According to a budget referral from Councilmember Harrison (District 4) passed unanimously by the City Council on March 27, 2018:

Having two beat officers available six hours daily from 4:00 to 10:00 would require 4,452 hours of work annually, or approximately 2 FTE. At a salary for a BPD Officer ranging from \$107,000-\$117,852 and a fringe benefit rate of 97.7%, the total cost would be \$423,331 to \$465,987 annually. Alternatively, these hours could be filled on overtime at an annual cost of \$343,532.

The geographic scope of this referral would necessitate at least 6 FTE, triple the annual cost of the March 2018 referral, or \$1,269,993-1,397,961.

CONTACT

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

⁴ University of Cambridge. (2016, June 14). Policing: Two officers 'on the beat' prevent 86 assaults and save thousands in prison costs. *ScienceDaily*. Retrieved from www.sciencedaily.com/releases/2016/06/160614083845.htm

⁵ https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Doc/2018-12-06_WS_Item_01_Climate_Action_Plan_Update_pdf.aspx

⁶ Raguso, E. (2017, Dec. 15). Chief: Berkeley police face ‘a deepening staffing crisis.’ *Berkeleyside*. Retrieved from <https://www.berkeleyside.com/2017/12/15/chief-berkeley-police-face-deepening-staffing-crisis>

CONSENT CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral: Funding STOP Signs at Dwight Way and California Street

RECOMMENDATION

That the City Council refers to the budget process the funding of two (2) STOP signs at the west and east ends of the intersection of Dwight Way and California Street and refers the City Manager to oversee the expedited installation of these STOP signs.

CURRENT SITUATION AND ITS EFFECTS

The crossing of Dwight Way and California Street is a residential intersection that is a highly trafficked transportation corridor for pedestrians, cyclists, cars, and buses. As a "Bicycle Boulevard" under the City of Berkeley's Bicycle Plan, California Street is designated by the City as a street "where bicycling is safe, comfortable, and convenient for people of all ages and abilities"¹. Despite this, cyclists and pedestrians travelling along California Street that wish to cross Dwight must rely on drivers to slow to a stop and allow them to cross before proceeding on the street that is supposed to prioritize their passage. The precariousness of this intersection undermines its status as a Bicycle Boulevard and has led to near tragedy in the past when a teenage cyclist was sent to the hospital after being hit by an AC Transit bus.² Far from an isolated incident, this injury is just one example that led to the intersection earning the status as part of a "High-Injury Street" according to Berkeley's Vision Zero.³

The City Council has called for traffic calming at this intersection before, with little progress in achieving a safer intersection for cyclists and pedestrians. The City Council passed a budget referral in October of 2017 that called for traffic lights, HAWK lights, or Stop Signs at Dwight and California. Despite this referral and subsequent work done by staff and the Transportation Commission to remedy the issue, Dwight and California remains as dangerous today as it was when a teenager was sent to the hospital over three years ago. Immediate remediation is necessary to avoid further tragedy.

¹https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf

² <https://www.berkeleyside.com/2017/09/26/teen-cyclist-taken-hospital-bus-crash-berkeley>

³https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley_Vision_Zero_Action_Plan_Approved_03102020.pdf

FISCAL IMPACTS

Staff time and an estimated \$1,200 for 2 STOP signs (\$600 per sign).⁴

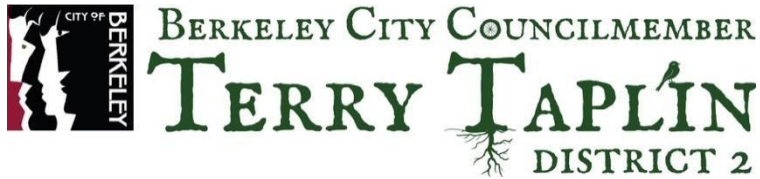
ENVIRONMENTAL IMPACTS

No environmental sustainability impact. Slower traffic.

CONTACT

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

⁴https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley%202020%20Pedestrian%20Plan_Draft_2020-10.pdf



CONSENT CALENDAR
DATE: March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmembers Terry Taplin and Sophie Hahn

Subject: Letter to Google Requesting Commercial Truck Routes on Google Maps

RECOMMENDATION

Send a letter to Google headquarters in Mountain View, CA, to request the inclusion of commercial truck routes on the Google Maps platform.

BACKGROUND

Berkeley Municipal Code 14.56.060 establishes “designated commercial truck route system requiring such vehicles exceeding seven tons gross vehicle weight to use the following streets or portions of streets within the City of Berkeley except when taking the shortest possible route between the truck route system and the point of origin or destination in the City of Berkeley:

1. Adeline Avenue between Martin Luther King Jr. Way (62nd Street) and Shattuck Avenue;
2. Ashby Avenue/Tunnel Road (SR13) between I-80 and east city limit;
3. Gilman Street between West Frontage Road and San Pablo Avenue (SR123);
4. Henry Street between Rose Street and Eunice Street;
5. Martin Luther King Jr. Way between Adeline Avenue (62nd Street) and south city limits;
6. San Pablo Avenue (SR123) between south city limits and north city limits;
7. Shattuck Avenue between Adeline Avenue and Shattuck Place;
8. Shattuck Place between Shattuck Avenue and Rose Street;

9. Solano Avenue between Del Norte Street and west city limits;
10. Sutter Street between Eunice Street and Del Norte Street;
11. University Avenue between I-80 and Oxford Street.”

The California Department of Transportation (Caltrans) also provides an official Caltrans Truck Network Map for all of its 12 districts across the state.

However, Google Maps currently does not offer any feature to filter streets for commercial truck routes when determining optimal driving directions to a specific destination.

Unfortunately, Berkeley residents have reported reckless behavior by truck drivers on residential streets where multi-axle commercial vehicles are discouraged or restricted, which endangers public safety.

In a March 8, 2021 letter to the Berkeley City Council, local resident Scott Schwalbach wrote:

Addison between San Pablo and 10th is constantly blocked by completing delivery vehicles who aren't allowed to block San Pablo. By construction blocking the street without permits for dumpsters and the like. Drivers of those vehicles do not care and have stated such since there is no enforcement.

I continued to watch large vehicles attempt to make turns on the corner of Addison and 10th, often having to back up, adjust, back up, adjust, to make the turn and avoid hitting a legally parked vehicle. This corner is not designed to handle 53 foot tractor trailer[s]. We have many pedestrians, bicycles, strollers and mobility impaired people using the streets and sidewalks constantly put in danger.

And I have been calling this out with city staff from nearly day I moved in, warning that people and property would be hurt, killed or damaged. And on Feb 27th, that happened when an out of state Car Carrier Semi Tractor Trailer, drove down 9th Street from University, turned onto Addison headed east (driving over and damaging the traffic circle) and then attempted to turn from Addison to 10th Street southbound. Please see the video:

<https://share.icloud.com/photos/0IBFA23Nyu6Ew7sWS2e95rohQ>

That car being dragged by the truck was mine. Legally parked. The driver's excuse was that he was wanting to go eat on San Pablo at Gallego's and he's not allowed to park his truck on San Pablo. 5 minutes prior to him hitting the car, two women were walking their children in strollers. If you watch the video closely, you will see a small black truck zooming through the intersection past

the semitruck on the wrong side of the street to beat the truck from turning. You can see how close he came to hitting other vehicles and people.

He caused over \$4000 in damages.

RATIONALE FOR RECOMMENDATION

While there are some proprietary truck route guides available in the state of California, none are as ubiquitous or easily available to the general public as Google Maps. This platform comes installed by default on new Android smartphones and tablets.

The OpenStreetMap (OSM) platform, an open source data project that maps streets worldwide, already includes data on state truck routes. The Overpass turbo¹ tool queries the OpenStreetMap API to visualize this data, and includes data on “HGV” (heavy goods vehicle) routes with reference to the Caltrans truck routes. Mapping truck routes is therefore well within the capabilities of a multi-billion-dollar corporation.

ENVIRONMENTAL IMPACTS

Improvements to public safety and potential reductions in Vehicle Miles Traveled (VMT) by large commercial vehicles.

FISCAL IMPACTS

None.

CONTACT

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

ATTACHMENTS/SUPPORTING MATERIALS

1. Letter
2. BMC Chapter 14

¹ <https://overpass-turbo.eu/>



Google HQ
1600 Amphitheatre Parkway
Mountain View, CA 94043

March 30, 2021

Google Maps team:

Pursuant to Berkeley Municipal Code 14.56.060, the city's designated commercial truck route system requires "vehicles exceeding seven tons gross vehicle weight" to use these routes "except when taking the shortest possible route between the truck route system and the point of origin or destination in the City of Berkeley." Additionally, BMC 14.56.070 lists fifty-five street segments that prohibit "vehicles exceeding three tons gross vehicle weight." A list of those streets is included in the text of the code chapter attached with this letter. Unfortunately, many of our constituents have reported large trucks and other commercial vehicles driving through and parking on smaller residential streets, jeopardizing public safety and the structural integrity of our pavement. While there are some proprietary truck route guides available in the state of California, none enjoy the ubiquitous popularity and ease of access of Google Maps, which comes installed by default on new Android smartphones. Your platform offers a potential tool for alerting commercial vehicle drivers of these restrictions and directing them to designated truck routes, and we request that you develop this feature on Google Maps with all deliberate haste.

Google Maps currently allows users to filter for bike routes or avoiding highways, tolls, and ferries on the way to their destination. However, no option is available for drivers of large commercial vehicles to avoid restricted streets or adhere to truck routes. Providing truck drivers with the same routes as a small sedan presents significant hazards for the public.

The California Department of Transportation (Caltrans) provides an official Caltrans Truck Network Map for all of its 12 districts across the state. This data is already available in maps using the OpenStreetMap API. We request that you incorporate commercial vehicle restrictions from *both* state *and* local jurisdictions in Google Maps as soon as possible.

Thank you for your prompt attention to this urgent public safety matter.

City Council, City of Berkeley
2180 Milvia St
Berkeley, CA 94704

Title 14

VEHICLES AND TRAFFIC**

Chapters:

Division I. Traffic Regulations*

- 14.04 DEFINITIONS
- 14.08 ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS
- 14.12 TRAFFIC CONTROL DEVICES
- 14.16 TURNING MOVEMENTS
- 14.20 SPECIAL STOPS REQUIRED
- 14.24 MISCELLANEOUS DRIVING RULES
- 14.26 PROHIBITING HARASSMENT OF BICYCLISTS
- 14.28 GRADE SEPARATIONS
- 14.32 PEDESTRIAN REGULATIONS
- 14.36 STOPPING, STANDING AND PARKING FOR CERTAIN PURPOSES OR IN CERTAIN PLACES
- 14.40 STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS
- 14.44 STOPPING FOR LOADING OR UNLOADING ONLY
- 14.46 ELECTRIC VEHICLE PARKING
- 14.48 MISCELLANEOUS USE OF STREETS AND SIDEWALKS
- 14.52 PARKING METERS
- 14.56 MOVEMENT OF HEAVY VEHICLES AND EQUIPMENT
- 14.60 TRAINS
- 14.62 VEHICLE SHARING
- 14.64 PENALTIES AND EFFECT OF ORDINANCE
- 14.66 DOUBLE FINES – Sunsetting and Repealed January 1, 2007.

*Editor's Note: Division I, Traffic Regulations, is a codification of the City of Berkeley Traffic Ordinance (Ord. 3262-NS) and all amending ordinances. Prior ordinance section information can be found in the traffic ordinance cross-reference table located at the end of this title.

Division II. Bicycles

- 14.68 BICYCLES AND BICYCLE ESTABLISHMENTS

Division III. Preferential Parking

- 14.72 PREFERENTIAL PARKING PROGRAM
- 14.76 AREA A--BATEMAN NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT
- 14.80 AREA B--WILLARD NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT
- 14.84 AREA C--MAGNA NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT

Division IV. Pedestrian Malls

- 14.88 PEDESTRIAN MALLS IN THE BATEMAN NEIGHBORHOOD

Division V. Trip Reduction

- 14.92 TRIP REDUCTION INFORMATION PROGRAM

TRAFFIC ORDINANCE CROSS-REFERENCE TABLE

**For municipal off-street parking lots, see Ch. 6.24 of this code.

For traffic regulations in public parks, see Chs. 6.28 and 6.32 of this code.

For taxicab licensing and regulations, see Ch. 9.52 of this code.

For campers and house cars, see Ch. 12.76 of this code.

For assemblies and parades, see Ch. 13.44 of this code.

For trespassing by automobiles, see Ch. 13.52 of this code.

Chapter 14.04

DEFINITIONS

Sections:

14.04.010	Definitions of words and phrases.
14.04.020	Motor vehicle code definitions to be used.
14.04.030	Bicycle.
14.04.040	Coach.
14.04.050	Council.
14.04.060	Curb.
14.04.070	Divisional island.
14.04.080	Grade separation.
14.04.090	Loading zone.
14.04.100	Official time standard.
14.04.110	Official traffic control devices.
14.04.120	Official traffic signals.
14.04.130	Park.
14.04.140	Parking meter.
14.04.143	Pay-and-display station.
14.04.146	Pay-and-display station--Dispensing machine ticket.
14.04.150	Pedestrian.
14.04.160	Police officer.
14.04.170	Stop.
14.04.180	Stopping or standing.
14.04.190	Traffic.
14.04.200	Vehicle Code.

Section 14.04.010 Definitions of words and phrases.

The following words and phrases when used in this division shall for the purpose of this division have the meanings respectively ascribed to them in this article. (Ord. 3262-NS § 1, 1952)

Section 14.04.020 Motor vehicle code definitions to be used.

Whenever any words or phrases used in this division are not defined herein, but are defined in the Vehicle Code of the state and amendments thereto, such definitions are incorporated herein and shall be deemed to apply to such words and phrases used herein as though set forth herein in full. (Ord. 3262-NS § 1.1, 1952)

Section 14.04.030 Bicycle.

A light vehicle without a motor, having two wheels, handle bars and a seat or seats, and propelled by the operator. (Ord. 3262-NS § 1.2, 1952)

Section 14.04.040 Coach.

Any motor bus, motor coach, trackless trolley, or passenger stage used as a common carrier of passengers. (Ord. 3262-NS § 1.3, 1952)

Section 14.04.050 Council.

The Council of the City of Berkeley. (Ord. 3262-NS § 1.4, 1952)

Section 14.04.060 Curb.

The lateral boundary of the roadway whether such curb be marked by curbing construction, or not so marked; the word "curb" as herein used shall not include the line dividing the roadway of a street from parking strips in the center of a street, nor from tracks or rights-of-way of public utility companies. (Ord. 3262-NS § 1.5, 1952)

Section 14.04.070 Divisional island.

A raised island located in the roadway and separating opposing or conflicting streams of traffic. (Ord. 3262-NS § 1.6, 1952)

Section 14.04.080 Grade separation.

Every structure by means of which any street passes over or under any stationary rails or tracks or another street. (Ord. 3262-NS § 1.7, 1952)

Section 14.04.090 Loading zone.

The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials. (Ord. 3262-NS § 1.9, 1952)

Section 14.04.100 Official time standard.

Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in this City. (Ord. 3262-NS § 1.10, 1952)

Section 14.04.110 Official traffic control devices.

All signs, signals, markings and devices not inconsistent with this division placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic. (Ord. 3262-NS § 1.11, 1952)

Section 14.04.120 Official traffic signals.

Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction. (Ord. 3262-NS § 1.12, 1952)

Section 14.04.130 Park.

To stand or leave standing any vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or materials. (Ord. 3262-NS § 1.13, 1952)

Section 14.04.140 Parking meter.

A mechanical device installed within or upon the curb or sidewalk area, immediately adjacent to a parking space, for the purpose of controlling the period of time occupancy of such parking meter space by any vehicle. (Ord. 3262-NS § 1.14, 1952)

Section 14.04.143 Pay-and-display station.

An electronic pay station installed within or upon the curb or sidewalk area within a designated parking zone for the purpose of controlling the period of time of occupancy of such pay-and-display space by any vehicle. (Ord. 6839-NS § 1 (part), 2005)

Section 14.04.146 Pay-and-display station--Dispensing machine ticket.

A parking ticket receipt dispensed from a pay-and-display station that when attached properly to a vehicle authorizes the legal parking of said vehicle for the time period indicated on the dispensing machine ticket. (Ord. 6839-NS § 2 (part), 2005)

Section 14.04.150 Pedestrian.

Any person afoot. (Ord. 3262-NS § 1.15, 1952)

Section 14.04.160 Police officer.

Every officer of the Police Department of the City or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. (Ord. 3262-NS § 1.16, 1952)

Section 14.04.170 Stop.

When required, means complete cessation of movement. (Ord. 3262-NS § 1.17, 1952)

Section 14.04.180 Stopping or standing.

When prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. (Ord. 3262-NS § 1.18, 1952)

Section 14.04.190 Traffic.

Pedestrians, ridden or herded animals, vehicles, trains and other conveyances either singly or together while using any street for purposes of travel. (Ord. 3262-NS § 1.19, 1952)

Section 14.04.200 Vehicle Code.

The Vehicle Code of the state of California. (Ord. 3262-NS § 1.20, 1952)

Chapter 14.08

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

Sections:

- 14.08.010 Authority of Police and Fire Department officials.
- 14.08.020 Persons other than officials shall not direct traffic.
- 14.08.030 Obedience to police or authorized officers.
- 14.08.040 Obstruction or interference with police or authorized officers.
- 14.08.050 Public employees to obey traffic regulations.
- 14.08.060 Exemption to certain vehicles.
- 14.08.070 Report of damage to certain property.
- 14.08.080 Authority of police in crowds.
- 14.08.090 When vehicles may be removed from streets.
- 14.08.100 Authority to give notice of violations.

Section 14.08.010 Authority of Police and Fire Department officials.

Officers of the Police Department and such officers as are assigned by the Chief of Police are authorized to direct all traffic by voice, hand, audible or other signal in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department or members of the Fire Department may direct traffic as conditions may require, notwithstanding the provisions to the contrary contained in this division or the Vehicle Code. (Ord. 3262-NS § 2, 1952)

Section 14.08.020 Persons other than officials shall not direct traffic.

It is unlawful for any person other than an officer of the Police Department or members of the Fire Department or a person authorized by the Chief of Police or a person authorized by law to direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate, when and as herein provided, any mechanical push-button signal erected by order of the City Traffic Engineer. (Ord. 3262-NS § 2.1, 1952)

Section 14.08.030 Obedience to police or authorized officers.

It is unlawful for any person to refuse or fail to comply with or to perform any act forbidden by any lawful order, signal, or direction of a traffic or police officer, or a member of the Fire Department, or a person authorized by the Chief of Police or by law. (Ord. 3262-NS § 2.2, 1952)

Section 14.08.040 Obstruction or interference with police or authorized officers.

It is unlawful for any person to interfere with or obstruct in any way any police officer or other officer or employee of the City in their enforcement of the provisions of this division. The removal, obliteration or concealment of any chalk mark or other distinguishing mark used by any police officer or other employee or officer of the City in connection with the enforcement of the parking regulations of this division shall constitute such interference or obstruction. (Ord. 3620-NS § 1, 1958)

Section 14.08.050 Public employees to obey traffic regulations.

The provisions of this division shall apply to the operator of any vehicle owned by or used in the service of the United States Government, this state, any county or city, and it is unlawful for any said operator to violate any of the provisions of this division except as otherwise permitted in this division or by the Vehicle Code. (Ord. 3262-NS § 2.3, 1952)

Section 14.08.060 Exemption to certain vehicles.

A. The provisions of this division regulating the operation, parking and standing of vehicles shall not apply to authorized emergency vehicles operated by the Police or Fire Department, any public ambulance or any public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an

authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner specified by the Vehicle Code in response to an emergency call.

B. The foregoing exemptions shall not, however, protect the operator of any such vehicle from the consequences of their willful disregard of the safety of others.

C. The provisions of this division regulating the parking or standing of vehicles shall not apply to any vehicle of the City department or public utility while necessarily in use for construction or repair work or any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation or delivery of United States mail.

D. The provisions of this division regulating the parking or standing of vehicles shall not apply to any vehicle of the City that carries an (E) license plate and a decal or other insignia identifying it as a City vehicle. The exemption provided by this section shall not apply to City vehicles parked in locations and during the time periods specified in the administrative regulation on employee parking policies issued by the City Manager.

E. The provisions of this division regulating the parking or standing of vehicles shall not apply to any City CarShare vehicle that carries a decal or other insignia identifying it as a vehicle dedicated solely for city business during Monday through Friday from 8:00 AM to 6:00 PM. The exemption provided by this section shall not apply to City CarShare vehicles dedicated solely for city business during these hours parked in locations and during the time periods specified in the administrative regulation on employee parking policies issued by the City Manager.

F. The provisions of this division regulating the parking or standing of vehicles shall not apply to any vehicle displaying a "FIELD" parking permit. The exemption provided by this section shall not apply during time periods and locations specified in the administrative regulation on employee parking policies issued by the City Manager. (Ord. 6937-NS § 1, 2006)

Section 14.08.070 Report of damage to certain property.

A. The operator of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, parking meter, lighting post, telephone pole, electric light or power pole, or resulting in damage to any tree, traffic control device or other property of a like nature located in or along any street, shall within 24 hours after such accident make a written report of such accident to the Police Department of this City.

B. Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person operating or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damage in such accident.

C. The operator of any vehicle involved in an accident shall not be subject to the requirements or penalties of this section if and during the time they are physically incapable of making a report, but in such event they shall make a report as required in subsection A of this section within 24 hours after regaining ability to make such report. (Ord. 3262-NS § 2.5, 1952)

Section 14.08.080 Authority of police in crowds.

At places where large numbers of people and vehicles are to gather or have gathered, nothing in this division shall be construed to prevent any police officer from prohibiting any person from parking any vehicle upon or using any street or sidewalk, or from prohibiting any pedestrian from using any street or sidewalk, and said police officer shall have authority to direct the parking of vehicles in any reasonable manner, way or direction, and it is declared to be unlawful for any person to fail to promptly obey the said police officer's order, signal or command, regardless of any other provision of this division. (Ord. 3262-NS § 2.6, 1952)

Section 14.08.090 When vehicles may be removed from streets.

Any regularly employed and salaried employee of the City of Berkeley Police Department designated by the Chief of Police may remove or cause to be removed:

A. Any vehicle that has been parked or left standing upon a street or highway for 72 or more consecutive hours;

B. Any vehicle that is parked or left standing upon a street or highway when such parking or standing is prohibited by ordinance or resolution of the City and signs are posted giving notice of such removal;

C. Any vehicle which is parked or left standing upon a street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or for the installation of underground facilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any

portion thereof is necessary for the movement of equipment, articles or structures of unusual size and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice that such vehicle may be removed are erected or placed at least 24 hours prior to the removal limit for the above purposes other than construction, and at least 72 hours for construction. (Ord. 6778-NS § 1, 2003: Ord. 4854-NS § 1 (part), 1976: Ord. 4006-NS § 1 (part), 1964: Ord. 3786-NS § 1 (part), 1961: Ord. 3634-NS § 1 (part), 1958)

Section 14.08.100 Authority to give notice of violations.

Those employees of the City who are classified as parking supervisor, assistant parking supervisor, or parking enforcement representative, or who may hereafter be classified by some other appropriate designation with substantially the same duties and responsibilities as parking supervisor, assistant parking supervisor, or parking enforcement representative, or who are designated by the Chief of Police, are authorized to give the notice required by Section 40202 of the Vehicle Code of the state of violation of any provisions of said Vehicle Code governing the standing or parking of a vehicle, or requiring the display or any evidence of registration with respect to an unattended vehicle, or any provision of any ordinance enacted by the City governing the standing or parking of a vehicle or relating to parking meters or parking meter stands, either on the public street, highway or right-of-way, or on municipal off-street parking lots. In addition, employees of an independent contractor which has entered into a contract with the City to operate Sather Gate Garage are authorized to give the notice required by Section 40202 of the Vehicle Code of the state to persons who park illegally in the City-owned, contractor-operated garage at which that employee is employed. Training in the issuance of notices of violation for these contractors' employees shall be substantially similar to the training given to City parking enforcement representatives and such training shall be approved by the Chief of Police or their designee. (Ord. 6253-NS § 1, 1994: Ord. 4854-NS § 1 (part), 1976: Ord. 4182-NS § 1, 1966: Ord. 3825-NS § 1, 1961: Ord. 3795-NS § 1, 1961)

Chapter 14.12

TRAFFIC CONTROL DEVICES

Sections:

- 14.12.010 Authority to install traffic control devices.
- 14.12.020 Traffic control signs required for enforcement purposes.
- 14.12.030 Obedience to traffic control devices.
- 14.12.040 Installation of traffic signals.
- 14.12.050 Lane marking.
- 14.12.060 Authority to remove, relocate and discontinue traffic control devices.
- 14.12.070 Traffic control devices--Hours of operation.
- 14.12.080 Unauthorized painting of curbs.
- 14.12.090 Distinctive roadway markings.
- 14.12.100 Experimental neighborhood traffic control.

Section 14.12.010 Authority to install traffic control devices.

A. The City Traffic Engineer shall place and maintain or cause to be placed and maintained official traffic control devices when and as required to make effective the provisions of this division.

B. Whenever the Vehicle Code requires for the effectiveness of any provision thereof that traffic control devices be installed to give notice to the public of the application of such law the City Traffic Engineer is authorized to install the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

C. The City Traffic Engineer may also place and maintain such additional traffic control devices as they may deem necessary or proper to regulate traffic or to guide or warn traffic, but they shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations, and rules as may be set forth in this division or as may be determined by ordinance or resolution of the Council. (Ord. 3262-NS § 3, 1952)

Section 14.12.020 Traffic control signs required for enforcement purposes.

No provision of the Vehicle Code or of this division for which signs are required shall be enforced against an alleged violator unless appropriate signs are in place and are sufficiently legible to be seen by an ordinarily observant person, giving notice of such provisions of the traffic laws. (Ord. 3262-NS § 3.1, 1952)

Section 14.12.030 Obedience to traffic control devices.

It is unlawful for the operator of any vehicle or train to disobey the instructions of any official traffic control device placed in accordance with this division unless otherwise directed by a police officer or other authorized person subject to the exceptions granted the operator of an authorized emergency vehicle when responding to emergency calls. (Ord. 3262-NS § 3.2, 1952)

Section 14.12.040 Installation of traffic signals.

A. The City Traffic Engineer is directed to install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

B. The City Traffic Engineer shall ascertain and determine the locations where such signals are required by field investigation, traffic counts and other traffic information as may be pertinent and their determinations therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the California Maintenance Manual issued by the Division of Highways of the State Department of Public Works. (Ord. 3262-NS § 3.3, 1952)

Section 14.12.050 Lane marking.

The City Traffic Engineer is authorized to mark center lines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway. (Ord. 3262-NS § 3.4, 1952)

Section 14.12.060 Authority to remove, relocate and discontinue traffic control devices.

The City Traffic Engineer is authorized to remove, relocate or discontinue the operation of any traffic control device not specifically required by the Vehicle Code or this division whenever they shall determine in any particular case that the conditions which warranted or required the installation no longer exist. (Ord. 3262-NS § 3.5, 1952)

Section 14.12.070 Traffic control devices--Hours of operation.

The City Traffic Engineer shall determine the hours and days during which any traffic control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this division. (Ord. 3262-NS § 3.6, 1952)

Section 14.12.080 Unauthorized painting of curbs.

It is unlawful for any person, unless authorized by the City, to paint any street or curb surface; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of any resolution or ordinance of the City pertaining thereto. (Ord. 3262-NS § 3.7, 1952)

Section 14.12.090 Distinctive roadway markings.

The City Traffic Engineer is authorized to place and maintain distinctive roadway markings as described in the Vehicle Code on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings. Such marking or signs and marking shall have the same effect as similar markings placed by the State Department of Public Works pursuant to the provisions of the Vehicle Code. (Ord. 3786-NS § 2 (part), 1961)

Section 14.12.100 Experimental neighborhood traffic control.

A. The City Traffic Engineer is authorized to place and maintain road traffic control devices in the roadway that require a motorist to change said motorist's normally straight direction of travel and require a right turn, left turn or U-turn. Said devices shall include, but shall not be limited to, signs, markings and barriers. Said control devices may be placed or installed at an intersection or between intersections on streets that are classified as local streets in the Circulation Section of the Berkeley Master Plan as adopted by the City Council in August 1968, a copy of which Circulation Section is attached hereto by reference as Exhibit A, a copy of which is on file in the office of the City Clerk. All such signs, markings, barriers or other devices shall comply with the California Vehicle Code, the Traffic Manual of the California Division of Highways, the Uniform Manual of Traffic Control Devices of the United States Department of Transportation.

B. All such proposed control device installations or placements shall be reviewed and approved by the following departments or individuals prior to installation or placement: Department of Planning, Department of Public Works, Fire Department, Police Department and a majority of the residents residing within one block of each direction of the control device location. (Ord. 4664-NS § 2 (part), 1973)

Chapter 14.16

TURNING MOVEMENTS

Sections:

- 14.16.010 Authority to place turning markers.
- 14.16.020 Authority to place and obedience to restricted turn signs.
- 14.16.030 Left turns between intersections.
- 14.16.040 Required turns.

Section 14.16.010 Authority to place turning markers.

The City Traffic Engineer is authorized to place markers, signs or devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and the City Traffic Engineer is authorized to allocate and indicate more than one lane of traffic from which operators of vehicles may make right or left hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by the Vehicle Code or this division. (Ord. 3262-NS § 4, 1952)

Section 14.16.020 Authority to place and obedience to restricted turn signs.

A. The City Traffic Engineer is authorized to determine those intersections at which it shall be unlawful for the operator of any vehicle to make a right, left, or U-turn, and shall place appropriate signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours in which event the same shall be plainly indicated on the signs.

B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, it is unlawful for the operator of any vehicle to disobey the directions of any such sign. (Ord. 3262-NS § 4.1, 1952)

Section 14.16.030 Left turns between intersections.

It is unlawful for the operator of any vehicle to turn such vehicle to the left, whether for the purpose of entering or leaving a driveway or otherwise, at any place between the intersections and during the times so designated by the City Traffic Engineer when such places are appropriately signed or marked. (Ord. 3262-NS § 4.2, 1952)

Section 14.16.040 Required turns.

The City Traffic Engineer is authorized to determine those intersections or segments of roadway between intersections which require a motorist to change said motorist's normally straight direction of travel and require either a right turn, left turn or U-turn. (Ord. 4664-NS § 2 (part), 1973)

Chapter 14.20

SPECIAL STOPS REQUIRED

Sections:

- 14.20.010 Authority to erect stop signs.**
- 14.20.020 Emerging from alley or private driveway.**

Section 14.20.010 Authority to erect stop signs.

A. The Council may by resolution designate and describe any street or portion thereof as a through street, or any intersection thereto, or any railroad grade crossing at which vehicles are required to stop.

B. The City Traffic Engineer shall erect and maintain stop signs on each and every street intersecting such through street or portion thereof so designated and at those entrances of other intersections where a stop is required and at any railroad grade crossing so designated; provided, however, that stop signs shall not be erected or maintained at any entrance to an intersection when such entrance is controlled by an official traffic control signal. Every such sign shall conform with and shall be placed as provided in the Vehicle Code.

C. The City Traffic Engineer is authorized to install and maintain stop signs at one or more of the intersecting approaches to street intersections classified as local streets in the Circulation Section of the Berkeley Master Plan, as adopted by the City Council in August 1968, a copy of which Circulation Section on file with the City Clerk. Every such sign shall conform and be installed in accordance with the recommendations of the Traffic Manual of the California Division of Highways. (Ord. 4664-NS § 1, 1973: Ord. 3982-NS § 1, 1963: Ord. 3262-NS § 5, 1952)

Section 14.20.020 Emerging from alley or private driveway.

The operator of any vehicle emerging from an alley, driveway or building, shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any driveway. (Ord. 3262-NS § 5.1, 1952)

Chapter 14.24

MISCELLANEOUS DRIVING RULES

Sections:

- 14.24.010 Driving through funeral procession.
- 14.24.020 Clinging to moving vehicle.
- 14.24.030 Commercial vehicles using private driveways.
- 14.24.040 Riding or driving on sidewalk.
- 14.24.050 New pavement and markings.
- 14.24.060 Limited access.
- 14.24.070 Vehicles on private property.
- 14.24.080 Removal of vehicle illegally parked on private property.
- 14.24.090 Liability for wrongful removal of vehicle.
- 14.24.100 Removal of vehicle to place of safety.
- 14.24.110 Notice to owner of removed vehicle.
- 14.24.120 Garage keeper's lien.
- 14.24.130 Obedience to barriers and signs.
- 14.24.140 No entrance into intersection that would obstruct traffic.
- 14.24.150 Prima facie speed limit on frontage road
- 14.24.160 Prohibiting the operation of a vehicle down grade on Marin Avenue between Grizzly Peak Boulevard and The Circle at a speed greater than twenty miles per hour.
- 14.24.170 Prima facie speed limit on Sacramento Street.
- 14.24.180 Prima facie speed limit on Solano Avenue.
- 14.24.190 Prohibiting bicycles on Solano Avenue between Del Norte Street and Contra Costa Avenue.
- 14.24.200 Prima facie speed limit on University Avenue.
- 14.24.210 Prima facie speed limit on West Frontage Road.
- 14.24.220 Prima facie speed limit on Claremont Avenue
- 14.24.230 Driving in transit-only lanes.
- 14.24.240 Closure of Camelia Street at Union Pacific Railroad Crossing

Section 14.24.010 Driving through funeral procession.

It is unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral procession or a parade, provided that such vehicles are conspicuously so designated. The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be entirely subject to the orders of the Police Department. (Ord. 3262-NS § 6, 1952)

Section 14.24.020 Clinging to moving vehicle.

It is unlawful for any person to attach themselves with their hands, or to catch on, or hold on to with their hands or by other means, to any moving vehicle or train for the purpose of receiving motive power therefrom. (Ord. 3262-NS § 6.1, 1952)

Section 14.24.030 Commercial vehicles using private driveways.

A. It is unlawful for any person to operate or drive a commercial vehicle in, on or across any private driveway approach or sidewalk area or the driveway itself without the consent of the owner or occupant of the property, if a sign or markings are in place indicating that the use of such driveway is prohibited.

B. For the purpose of this section a commercial vehicle shall mean a vehicle having a rated capacity in excess of one-half ton. (Ord. 3262-NS § 6.2, 1952)

Section 14.24.040 Riding or driving on sidewalk.

It is unlawful for any person to ride, drive, propel or cause to be propelled any vehicle or animal across or upon any sidewalk excepting over permanently constructed driveways and excepting when it is necessary for any

temporary purpose to drive a loaded vehicle across a sidewalk; provided further, that said sidewalk area be substantially protected by wooden planks two inches thick, and written permission be previously obtained from the Director of Public Works. Such wooden planks shall not be permitted to remain upon such sidewalk area during the hours from six p.m. to six a.m. (Ord. 3262-NS § 6.3, 1952)

Section 14.24.050 New pavement and markings.

It is unlawful for any person to ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted marking in any street when a barrier or sign is in place warning persons not to drive over or across such pavement or marking, or when a sign is in place stating that the street or any portion thereof is closed. (Ord. 3262-NS § 6.4, 1952)

Section 14.24.060 Limited access.

It is unlawful for any person to drive a vehicle onto or from any limited access roadway except at such entrances and exits as are lawfully established. (Ord. 3262-NS § 6.5, 1952)

Section 14.24.070 Vehicles on private property.

It is unlawful for any person to operate or drive or leave any vehicle in, over, or upon any private property without express or implied permission of the owner thereof, or the person entitled to the possession thereof for the time being, or the authorized agent of either, except that this section shall not apply to public or private parking lots. (Ord. 3315-NS § 1, 1953; Ord. 3262-NS § 6.6, 1952)

Section 14.24.080 Removal of vehicle illegally parked on private property.

Any regularly employed and salaried officer of the Police Department of the City, the owner of any private property or the person entitled to the possession thereof for the time being, or the authorized agent of either, may remove or cause to be removed any vehicle that has been parked or left standing on any private property in violation of Section 14.24.070 of this chapter. (Ord. 3315-NS § 6.6-a, 1953)

Section 14.24.090 Liability for wrongful removal of vehicle.

If a vehicle removed from such private property was rightfully there, the person or persons who complained of the presence of such vehicle and/or the person or persons (other than employees of the Police Department) who caused such vehicle to be removed shall be liable for any and all charges for towage and for caring for and keeping safe such vehicle. (Ord. 3315-NS § 6.6-b, 1953)

Section 14.24.100 Removal of vehicle to place of safety.

Any person referred to in Section 14.24.070 of this chapter who removes any vehicle from any private property in the City is authorized to remove said vehicle to the nearest garage or other place of safety, or to a garage designated or maintained by the City. (Ord. 3315-NS § 6.6-c, 1953)

Section 14.24.110 Notice to owner of removed vehicle.

Any person referred to in Section 14.24.070 of this chapter who removes a vehicle from private property shall give notice to the owner of the vehicle as provided in Section 585 of the Vehicle Code of the state. (Ord. 3315-NS § 6.6-d, 1953)

Section 14.24.120 Garage keeper's lien.

The keeper of any garage in which any vehicle is stored in accordance with the provisions of this chapter shall have a lien thereon for their compensation for towage and for caring for and keeping safe such vehicle, and may satisfy such lien upon compliance with and under the conditions stated in Section 585 of the Vehicle Code of the state. (Ord. 3315-NS § 6.6-e, 1953)

Section 14.24.130 Obedience to barriers and signs.

It is unlawful for any person, public utility or department in the City to erect or place any barrier or sign on any street unless of a type approved by the director of public works, or to disobey the instructions, remove, tamper

with or destroy any barrier or sign lawfully placed on any street by any person, public utility or by any department of this City. (Ord. 3262-NS § 6.7, 1952)

Section 14.24.140 No entrance into intersection that would obstruct traffic.

It is unlawful for the operator of any vehicle to enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle they are operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (Ord. 3262-NS § 6.8, 1952)

Section 14.24.150 Prima facie speed limit on frontage road

A prima facie speed limit of thirty-five miles per hour is established on the westerly frontage road of the Eastshore Highway from Hearst Avenue to Gilman Street. (Ord. 6945-NS § 1 (part), 2006: Ord. 3614-NS § 2, 1958)

Section 14.24.160 Prohibiting the operation of a vehicle down grade on Marin Avenue between Grizzly Peak Boulevard and The Circle at a speed greater than twenty miles per hour.

When authorized signs are in place giving notice thereof, it is unlawful for any person to operate a vehicle at a speed greater than twenty miles per hour down grade on Marin Avenue between Grizzly Peak Boulevard and The Circle. (Ord. 3684-NS § 1, 1959)

Section 14.24.170 Prima facie speed limit on Sacramento Street.

A prima facie speed limit of thirty miles per hour is established on Sacramento Street between Rose Street and the south City limits. (Ord. 3817-NS § 1, 1961)

Section 14.24.180 Prima facie speed limit on Solano Avenue.

A prima facie speed limit of twenty-five miles per hour is established on Solano Avenue, between Del Norte Street and The Alameda. (Ord. 3921-NS § 1, 1963)

Section 14.24.190 Prohibiting bicycles on Solano Avenue between Del Norte Street and Contra Costa Avenue.

It is unlawful for any person to ride, push or wheel a bicycle on the Solano Avenue roadway between Del Norte Street and Contra Costa Avenue. (Ord. 3967-NS § 1, 1963)

Section 14.24.200 Prima facie speed limit on University Avenue.

A prima facie speed limit of thirty-five miles per hour is established on University Avenue, between Eastshore Highway and Marina Boulevard. (Ord. 4574-NS § 1 (part), 1972)

Section 14.24.210 Prima facie speed limit on West Frontage Road.

A prima facie speed limit of thirty-five miles per hour is established on the West Frontage Road between Gilman Street and the south City limit. (Ord. 6276-NS § 1, 1995: Ord. 4574 § 1 (part), 1972)

Section 14.24.220 Prima facie speed limit on Claremont Avenue

A prima facie speed limit of twenty-five miles per hour is established on Claremont Avenue between Ashby Avenue and Alcatraz Avenue/Oakland City limit. (Ord. 6945-NS § 2 (part), 2006: Ord. 6581-NS § 1, 2000)

Section 14.24.230 Driving in transit-only lanes.

In vehicle lanes designated by the use of markings and/or posting for transit-only use, public transit vehicles and bicycles are the only vehicles allowed to operate within such lanes during hours and days indicated by posting and/or marking. Vehicles may be operated momentarily within a transit-only lane while preparing to make

a turn or entering into or exiting from a designated parking space or a driveway. Parking, passenger loading and unloading by non-public transit vehicles, and freight loading or unloading are prohibited in the transit-only lane unless otherwise indicated by markings and/or posting. (Ord. 7576-NS § 1, 2017)

Section 14.24.240 Closure of Camelia Street at Union Pacific Railroad Crossing

As part of the safety improvements for I-80 Gilman Interchange Project the at-grade crossing of Union Pacific railroad corridor at Camelia Street is permanently closed to all traffic, allowing the City to bank credits towards a possible railroad quiet zone in the future. (Ord. 7738-NS § 1, 2020)

Chapter 14.26

PROHIBITING HARASSMENT OF BICYCLISTS

Sections:

- 14.26.010 Findings and purpose.
- 14.26.020 Definitions.
- 14.26.030 Prohibited conduct.
- 14.26.040 Remedies.

Section 14.26.010 Findings and purpose.

Harassment of bicyclists in Berkeley occurs solely based on their status as bicyclists. Persons who harass bicyclists solely based on their status as bicyclists endanger bicyclists and discourage bicyclists from using bicycles for transportation. (Ord. 7221-NS § 1 (part), 2012)

Section 14.26.020 Definitions.

"Bicycle" shall have the same definition as set forth in Vehicle Code section 231.

"Bicyclist" shall mean a person riding a Bicycle. (Ord. 7221-NS § 1 (part), 2012)

Section 14.26.030 Prohibited conduct.

A person is prohibited by this Section from doing or attempting to do the following:

- A. Physically assaulting a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.
- B. Threatening to physically assault or injure a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.
- C. Intentionally injuring a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.
- D. Intentionally distracting a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.
- E. Intentionally forcing a Bicyclist off a roadway for a purpose unrelated to public safety. (Ord. 7221-NS § 1 (part), 2012)

Section 14.26.040 Remedies.

A. An aggrieved Bicyclist may bring a civil lawsuit, including a small claims court action, against a person who violates this Chapter.

B. A person who violates this Chapter shall be liable for (1) treble compensatory damages for each violation, or \$1,000, whichever is greater, and (2) attorney's fees and costs of suit. Additionally, a jury or court may award punitive damages, if warranted.

C. Violations of this Chapter shall not be considered a criminal offense, except where the underlying act independent of this Chapter constitutes a criminal offense.

D. The remedies provided in this Section are in addition to other remedies that may be provided by law. Nothing in this Chapter is intended to preclude a Bicyclist from pursuing any other remedy at law in addition to the remedies provided here. (Ord. 7221-NS § 1 (part), 2012)

Chapter 14.28

GRADE SEPARATIONS

Sections:

- 14.28.010 Use of grade separations by pedestrians.
- 14.28.020 Use of grade separations by bicycles.
- 14.28.030 Use of grade separations by animals.
- 14.28.040 Operation of vehicles on grade separations.
- 14.28.050 Stopping, standing or parking on grade separations.
- 14.28.060 Removal of vehicles from grade separations.
- 14.28.070 Prima facie speed limit.

Section 14.28.010 Use of grade separations by pedestrians.

It is unlawful for any pedestrian to be in or upon any grade separation, except such grade separations as shall have pedestrian walks specifically designated or constructed thereon, provided that the provisions of this section shall not apply, in the event of an emergency, to persons employed to do work or labor upon such grade separation, or to members of the Police Department when engaged in law enforcement or traffic regulation. (Ord. 3262-NS § 7, 1952)

Section 14.28.020 Use of grade separations by bicycles.

It is unlawful for any person to ride a bicycle upon any grade separation. (Ord. 3262-NS § 7.1, 1952)

Section 14.28.030 Use of grade separations by animals.

It is unlawful for any person to ride or drive any animal, even though tethered or harnessed, in or upon any grade separation. (Ord. 3262-NS § 7.2, 1952)

Section 14.28.040 Operation of vehicles on grade separations.

Unless otherwise directed by a member of the Police Department or other authorized person, vehicles in or upon any grade separation shall at all times stay to the right of the center of all grade separations; slow moving vehicles shall remain as close as possible to the right hand side or curb of the grade separation; and where a grade separation is marked with traffic lanes, vehicles shall cross the markings only when overtaking and passing other vehicles. It is unlawful for the operator of any vehicle to cross any such marking unless such movement can be made with safety. (Ord. 3262-NS § 7.3, 1952)

Section 14.28.050 Stopping, standing or parking on grade separations.

It is unlawful for the operator of any vehicle to stop, stand or park said vehicle in or upon any grade separation, except in the event of an emergency, or when necessary to avoid injury or damage to persons or property, or in compliance with the direction of a member of the Police Department or other authorized person, or with the direction of a sign or signal. (Ord. 3262-NS § 7.4, 1952)

Section 14.28.060 Removal of vehicles from grade separations.

When any vehicle in or on any grade separation is stopped for any reason and is obstructing or may obstruct the flow of traffic, any member of the Police Department may move such vehicle or have such vehicle moved to the nearest terminus of said grade separation and beyond to a place of safety. The registered owner or owners and the operator of such vehicle shall be responsible for all reasonable charges for the moving services. (Ord. 3262-NS § 7.5, 1952)

Section 14.28.070 Prima facie speed limit.

A prima facie speed limit of thirty-five miles per hour is established on the overpass on University Avenue from East Shore Highway to Fifth Street. (Ord. 3262-NS § 7.6, 1952)

Chapter 14.32

PEDESTRIAN REGULATIONS

Sections:

- 14.32.010 Traffic Engineer to establish marked crosswalks.
- 14.32.020 When pedestrian must use crosswalks.
- 14.32.030 Crossing at right angles.
- 14.32.040 Standing in roadway--Use of divisional islands.
- 14.32.050 Pedestrians to obey special pedestrian traffic signals.
- 14.32.060 Regulating the use of skateboards.

Section 14.32.010 Traffic Engineer to establish marked crosswalks.

The City Traffic Engineer is authorized to establish and maintain crosswalks and to designate them by appropriate devices or painted signs upon the surface of the roadway. (Ord. 3262-NS § 8, 1952)

Section 14.32.020 When pedestrian must use crosswalks.

It is unlawful for any pedestrian to cross a roadway in any business district other than by a crosswalk. (Ord. 3262-NS § 8.1, 1952)

Section 14.32.030 Crossing at right angles.

It is unlawful for any pedestrian to cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk. (Ord. 3262-NS § 8.2, 1952)

Section 14.32.040 Standing in roadway--Use of divisional islands.

It is unlawful for any person to stand in any roadway other than in a safety zone or in a crosswalk if such action interferes with the lawful movement of traffic and it is unlawful for any person to use any safety zone or divisional island for any purpose other than that necessary to provide temporary safety from moving vehicular traffic. This section shall not apply to any public officer or employee, or employee of a public utility when necessarily upon a street or divisional island in the line of duty. (Ord. 4241-NS § 1, 1967; Ord. 3262-NS § 8.3, 1952)

Section 14.32.050 Pedestrians to obey special pedestrian traffic signals.

Pedestrians shall obey the indication of special traffic signals installed for pedestrians only and shall disregard the indication of a vehicular traffic signal at any location where special pedestrian traffic signals are in place. (Ord. 3262-NS § 8.4, 1952)

Section 14.32.060 Regulating the use of skateboards.

Skateboards shall obey all rules applicable to pedestrians, the California Vehicle Code and comply with the following regulations:

- A. No age restrictions shall be placed upon skateboard users;
- B. Skateboarders shall wear reflecting material and/or light colored clothing when skateboarding after dark;
- C. Butt boarding and lying down on skateboards shall be prohibited;
- D. Home made ramps in streets shall be prohibited;
- E. Sidewalks shall be used for skateboarding where available, and skateboarders will yield the right-of-way to pedestrians;
- F. Where sidewalks are not available, the skateboarder will be required to use the extreme left-hand edge of the roadway; facing oncoming traffic;
- G. Skateboarders are required to obey traffic laws and vehicles codes set forth in California Highway Patrol's Skateboard Safety Handbook. (Ord. 5853-NS § 1, 1988)

Chapter 14.36

STOPPING, STANDING AND PARKING FOR CERTAIN PURPOSES OR IN CERTAIN PLACES

Sections:

- 14.36.010 Application of regulations.
- 14.36.020 Traffic Engineer to maintain no stopping zones and no parking areas.
- 14.36.030 No parking areas.
- 14.36.040 Use of streets for storage of vehicles prohibited.
- 14.36.050 Seventy-two hour limit.
- 14.36.060 Repairing or greasing vehicles on public streets.
- 14.36.070 Washing or polishing vehicles.
- 14.36.080 Parking adjacent to schools.
- 14.36.090 Parking on grades.
- 14.36.100 Parking under overpass.
- 14.36.110 Emergency parking signs.
- 14.36.120 Display of warning devices when commercial vehicle disabled.
- 14.36.130 Designated parking--Disabled persons.

Section 14.36.010 Application of regulations.

A. The provisions of this chapter prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times herein specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

B. The provisions of this chapter imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of this City prohibiting or limiting the standing or parking of vehicles in specified places or at specified times. (Ord. 3262-NS § 9, 1952)

Section 14.36.020 Traffic Engineer to maintain no stopping zones and no parking areas.

A. The City Traffic Engineer is authorized to maintain, by appropriate signs or by paint upon the curb surface, all no stopping zones, no parking areas, and restricted parking areas, as defined and described in this division.

B. When said curb markings or signs are in place it is unlawful for the operator of any vehicle to stop, stand or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this division. (Ord. 3262-NS § 9.1, 1952)

Section 14.36.030 No parking areas.

It is unlawful for the operator of any vehicle to stop, stand, park, or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal:

A. Within any divisional island unless authorized and clearly indicated with appropriate signs or markings;

B. On either side of any street between the projected property lines of any public walk, public steps, street, or thoroughfare terminating at such street, when such area is indicated by appropriate signs or by red paint upon the curb surface;

C. In any area where the City Traffic Engineer determines that the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property, when such area is indicated by appropriate signs or by red paint upon the curb surface;

D. In any area established by resolution of the Council as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface;

E. Upon, along or across any railway track in such manner as to hinder, delay, or obstruct the movement of any car traveling upon such track;

F. In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property;

G. On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice of such no parking are erected or placed at least twenty-four hours prior to the effective time of such no parking.

H. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6686-NS § 2 (part), 2002: Ord. 3634-NS § 1 (part), 1958: Ord. 3366-NS § 1, 1954: Ord. 3270-NS § 1 (part), 1952: Ord. 3262-NS § 9.2, 1952)

Section 14.36.040 Use of streets for storage of vehicles prohibited.

It is unlawful for any person to park, keep or store any motor vehicle which has been damaged, wrecked or is in a state of disrepair upon any public street in the City in connection with or as a part of the business operation of any automobile repair garage, body repair shop, auto wrecking establishment or similar business activity. (Ord. 3954-NS § 1, 1963: Ord. 3262-NS § 9.3, 1952)

Section 14.36.050 Seventy-two hour limit.

It is unlawful for any person to park or leave standing, or cause to be parked or left standing any vehicle upon any public street in the City for seventy-two or more consecutive hours. (Ord. 4006-NS § 1 (part), 1964: Ord. 3954-NS § 2, 1963)

Section 14.36.060 Repairing or greasing vehicles on public streets.

It is unlawful for any person to construct or cause to be constructed, repair or cause to be repaired, to grease or cause to be greased any vehicle or any part thereof upon any public street in the City; provided, however, that temporary repairs in case of an emergency may be made upon a public street in the City. (Ord. 3262-NS § 9.5, 1952)

Section 14.36.070 Washing or polishing vehicles.

It is unlawful for any person to wash or cause to be washed, to polish or cause to be polished any vehicle or any part thereof upon any public street in the City when a charge is made for such service. (Ord. 3262-NS § 9.6, 1952)

Section 14.36.080 Parking adjacent to schools.

A. The City Traffic Engineer is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in their opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon that side of a street adjacent to any school property, it is unlawful for the operator of any vehicle to park said vehicle in any such designated place. (Ord. 3262-NS § 9.7, 1952)

Section 14.36.090 Parking on grades.

It is unlawful for the operator of any vehicle to stand or park said vehicle upon any street, the grade of which exceeds three percent, without setting the brakes thereon and blocking the wheels of said vehicle by turning them against the curb or by other means. (Ord. 3262-NS § 9.8, 1952)

Section 14.36.100 Parking under overpass.

A. Vehicles may be parked in the center of University Avenue under the overpass on University Avenue between Fifth Street and State Highway No. 60 (East Shore Highway).

B. The City Traffic Engineer shall cause painted or marked lines to be placed on the pavement in said area for the purpose of allotting spaces in which to park vehicles, and it is unlawful for the operator of any vehicle to

park said vehicle in said area unless said vehicle is entirely within one allotted space, and is parked in the manner and in the position indicated by the markings. (Ord. 3262-NS § 9.9, 1952)

Section 14.36.110 Emergency parking signs.

A. Whenever the City Traffic Engineer or the Chief of Police shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions, or for other reasons, the City Traffic Engineer shall have authority to order temporary signs to be erected or posted on the affected streets, indicating that the operation, parking and standing of vehicles is prohibited or restricted on such streets and that vehicles in violation are subject to removal during the time such emergency signs are in place.

B. Temporary no parking signs may be issued and used in accordance with rules and regulations therefor as adopted by the City Council. It is unlawful for any person to use such signs except in compliance with such rules and regulations.

C. When authorized signs are in place giving notice thereof, it is unlawful for any person to operate, park or stand any vehicle contrary to the directions and provisions of such signs, except when the driver of said vehicle is so authorized by any police officer.

D. Any vehicle found to be in violation of the provisions of this section may be removed or caused to be removed by any regularly employed and salaried employee of the Police Department of the City, designated by the Chief of Police. (Ord. 5379-NS § 1, 1981; Ord. 3875-NS § 1, 1962; Ord. 3381-NS § 1, 1954; Ord. 3262-NS § 9.10, 1952)

Section 14.36.120 Display of warning devices when commercial vehicle disabled.

When any motor truck having an unladen weight of four thousand pounds or more, any truck tractor irrespective of weight, or any trailer or semitrailer, is, at any time mentioned in 618 of the Vehicle Code, disabled upon the roadway, or within ten feet thereof, of any highway outside of any business or residence district, upon which highway there is insufficient street lighting to reveal a vehicle at a distance of two hundred feet, a warning signal of the character indicated in Section 590 of the Vehicle Code shall be immediately placed at a distance of approximately one hundred feet in advance of and one hundred feet to the rear of such disabled vehicle. The continuous flashing of at least four approved Class A-Type I turn signal lamps, at least two toward the front and at least two toward the rear of the vehicle shall be considered to meet the requirements of this section until the devices mentioned above and in said Section 590 of the Vehicle Code can be placed in the required locations. The warning signals herein mentioned should be displayed continuously during the times mentioned in said Section 618 while such vehicle remains disabled upon the roadway or within ten feet thereof. (Ord. 3658-NS § 1 (part), 1958)

Section 14.36.130 Designated parking--Disabled persons.

A. The City Manager or the City Manager's designee is authorized to place and maintain distinctive traffic markings in compliance with Section 22511.7 of California Vehicle Code to designate parking spaces for the exclusive use of physically handicapped persons whose vehicles display either one of the distinguishing license plates issued to disabled persons pursuant to Section 22511.5 or to disabled veterans as specified in Section 9105 or bear a properly mounted distinguishing placard as specified under these same sections. Any such spaces shall be designated by appropriate blue markings on the curb or edge of pavement and may also be indicated by signs or other suitable means.

B. In determining the location of such designated parking spaces, the City Manager or the City Manager's designee shall consider the interests of all members of the public. (Ord. 4963-NS § 1, 1976)

Chapter 14.40

STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS**Sections:**

14.40.010	Short time limit parking.
14.40.020	Thirty minute parking.
14.40.030	One hour parking.
14.40.035	Ninety minute parking.
14.40.040	Two hour parking.
14.40.045	Long term parking.
14.40.050	Parallel parking.
14.40.060	Diagonal parking.
14.40.070	No stopping zones.
14.40.080	No parking zones to prevent flooding.
14.40.090	Preferential parking.
14.40.100	Disabled persons--Exempt parking.
14.40.110	Waiver of time limit provisions.
14.40.120	No parking between two a.m. and five a.m.
14.40.130	Use of driveways and parking spaces in City Hall area and City parking lots.
14.40.140	Curb parking--Right-of-way.
14.40.150	Special parking regulations for two-wheeled and three-wheeled motor vehicles.
14.40.160	Commercial parking.

Section 14.40.010 Short time limit parking.

A. When authorized signs, parking meters, pay-and-display stations or curb markings are in place giving notice of time limit parking of 24 minutes or less, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle adjacent to any such legible curb marking or sign or parking meter in violation thereof. Such parking time limit shall be applicable for the total time parked within one or more designated parking spaces of a street frontage between intersecting streets, and during the hours and on the days indicated by said signs, parking meters, pay-and-display stations, or curb markings. In addition to said signs, parking meters, pay-and-display stations or curb markings, adjacent curbs may be painted green to indicate such short time limit parking.

B. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6840-NS § 1 (part), 2005: Ord. 6686-NS § 3 (part), 2002: Ord. 5483-NS § 1 (part), 1982: Ord. 4080-NS § 1, 1965: Ord. 3701-NS § 1 (part), 1959: Ord. 3262-NS § 10, 1952)

Section 14.40.020 Thirty minute parking.

A. When authorized signs, parking meters, pay-and-display stations or curb markings are in place giving notice thereof, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle within the City between the hours of nine a.m. and six p.m. of any day except Sundays for a period of time longer than 30 minutes. Such parking limit shall be applicable for the total time parked within one or more designated parking spaces of a street frontage between intersecting streets.

B. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6840-NS § 2 (part), 2005: Ord. 6686-NS § 4 (part), 2002: Ord. 5483-NS § 1 (part), 1982: Ord. 3701-NS § 1 (part), 1959: Ord. 3569-NS § 1, 1957: Ord. 3262-NS § 10-a, 1952)

Section 14.40.030 One hour parking.

A. When authorized signs, parking meters, pay-and-display stations or curb markings are in place giving notice thereof, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle within the City between the hours of nine a.m. and six p.m. of any day except Sundays for a period of time longer than one hour. Such parking time limit shall be applicable for the total time parked within one or more designated parking spaces of a street frontage between intersecting streets.

B. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6840-NS § 3 (part), 2005: Ord. 6686-NS § 5 (part), 2002: Ord. 5483-NS § 1 (part), 1982: Ord. 3701-NS § 1 (part), 1959: Ord. 3262 § 10.1, 1952)

Section 14.40.035 Ninety minute parking.

A. When authorized signs, parking meters, pay-and-display stations or curb markings are in place giving notice of parking time limits of ninety minutes, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle within the City between the hours of nine a.m. and six p.m. of any day except Sundays for a period of time longer than ninety minutes adjacent to any such legible curb markings, sign, parking meter or pay-and-display station in violation thereof. Such parking time limit shall be applicable for the total time parked within one or more designated parking spaces of a street frontage between intersecting streets.

B. Each person shall be guilty of a separate and distinct offense for each and every ninety minutes of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6912-NS § 2 (part), 2006)

Section 14.40.040 Two hour parking.

A. When authorized signs, parking meters, pay-and-display stations or curb markings are in place giving notice of parking time limits of two hours, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle within the City between the hours of nine a.m. and six p.m. of any day except Sundays for a period of time longer than two hours adjacent to any such legible curb markings, sign, parking meter or pay-and-display station in violation thereof. Such parking time limit shall be applicable for the total time period parked within one or more designated parking spaces of street frontage between intersecting streets.

B. Each person shall be guilty of a separate and distinct offense for each and every two hours of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6912-NS § 3 (part), 2006: Ord. 6840-NS § 4 (part), 2005: Ord. 6686-NS § 6 (part), 2002: Ord. 5483-NS § 1 (part), 1982: Ord. 3701-NS § 1 (part), 1959: Ord. 3262-NS § 10.2, 1952)

Section 14.40.045 Long term parking.

A. When authorized signs, parking meters, pay-and-display stations are in place giving notice of parking longer than two-hours time limit, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle within the City between the hours of nine a.m. and six p.m. of an day except Sundays adjacent to any such legible sign, parking meter or pay-and-display station in violation thereof. Such parking time limit shall be applicable for a total period within one or more designated parking spaces of street frontage between intersecting streets.

B. Each person shall be guilty of a separate and distinct offence for each and every time limit of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6912-NS § 4 (part), 2006)

Section 14.40.050 Parallel parking.

A. In such areas where any painted or marked lines have been placed on the pavement for the purpose of allotting space to parked vehicles, it is unlawful for the operator of any vehicle to park said vehicle unless said vehicle is entirely within the limits of said allotted space.

B. Any vehicle parked on a street designated as a one-way street shall be parked in accordance with the provisions of this chapter, except that such vehicle shall be faced in the direction indicated by the one-way street sign, and both wheels of such vehicle on the side nearest the curb shall be not more than 18 inches distant from the curb or the bike lane dividing line or buffer.

C. The provisions of this section shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case that vehicle may be backed up to the curb, provided that such vehicle does not extend beyond the center line of the street and does not block traffic thereby. (Ord. 7576-NS § 2, 2017: Ord. 3262-NS § 10.3, 1952)

Section 14.40.060 Diagonal parking.

On any of the streets or portions of streets established by resolution of the Council as diagonal parking zones, when signs or pavement markings are in place indicating such diagonal parking, it is unlawful for the operator of any vehicle to park said vehicle except:

A. At the angle and in the direction to the curb indicated by signs or pavement markings allotting space to parked vehicles and entirely within the limits of such allotted space, and with the bumper of the vehicle nearest the curb within 12 inches of the curb, or where a bike lane is marked between the diagonal parking and the curb, within 12 inches of the bike lane dividing line or buffer.

B. Upon any portion of a street where back-in diagonal parking is indicated by a traffic control device, no vehicle shall idle more than sixty seconds.

C. No vehicle shall be parked in a diagonal parking zone if it exceeds twenty feet in length or eight feet in width, including cargo or load.

The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight or goods, in which event the provisions applicable in Section 14.40.050 of this chapter shall be complied with. (Ord. 7576-NS § 3, 2017; Ord. 3584-NS § 1, 1957; Ord. 3262-NS § 10.4, 1952)

Section 14.40.070 No stopping zones.

A. The City Traffic Engineer shall designate established no stopping zones by placing and maintaining appropriate signs indicating that stopping vehicles is prohibited and indicating the hours and day when stopping is prohibited.

B. During the hours and on the days designated on the signs, it is unlawful for the operator of any vehicle to stop said vehicle on any of the streets or parts of streets established by Resolution of the Council as no stopping zones. (Ord. 3262-NS § 10.5, 1952)

Section 14.40.080 No parking zones to prevent flooding.

A. In order to prevent flooding of adjacent property, the City Traffic Engineer shall designate established no parking zones by placing and maintaining appropriate signs indicating that parking of vehicles is prohibited and indicating the hours and days when parking is prohibited.

B. During the hours and on the days designated on the signs, it is unlawful for the operator of any vehicle to park said vehicle on any of the streets or parts of streets established by Resolution of the Council as such no parking zones. (Ord. 3334-NS § 1, 1953)

Section 14.40.090 Preferential parking.

A. The City Traffic Engineer shall designate established preferential parking zones by placing and maintaining appropriate signs indicating that parking of vehicles beyond the permitted time within the zone is prohibited, unless a valid permit is attached to the left rear bumper. Unless a valid parking permit is properly displayed, it is unlawful for the operator of any vehicle to park said vehicle in excess of the posted time during the days designated on the signs on a preferential parking street or parts of streets as established by Resolution of the Council.

B. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6686-NS § 7 (part), 2002; Ord. 5248-NS § 1, 1980)

Section 14.40.100 Disabled persons--Exempt parking.

Disabled person, as used in this section, shall mean any person who has completely lost by paralysis the use of one or both feet or one or both legs, or who has had one or both feet or one or both legs amputated.

The provisions of this section regulating overtime parking shall not apply to any vehicle owned and operated by a disabled person as herein defined when parked by said disabled person in any area limiting parking, nor shall they be required to operate any parking meter, subject to the following requirements:

A. The disabled person shall complete an application on a form furnished by the Police Department. Upon approval of the application by the Police Department the disabled person will be issued one special vehicle identification windshield sticker and one personal identification card.

B. The disabled person shall have a valid driver's license and the personal identification card in their immediate possession at all times when driving or parking a motor vehicle and shall display said driver's license and identification card to any police officer upon request.

C. The disabled person shall display the special vehicle identification windshield sticker in compliance with the provisions of Section 676 (a) of the Vehicle Code.

D. The disabled person shall operate the motor vehicle themselves when expecting the benefits herein stated.

E. The disabled person will not be permitted to park a motor vehicle in any zone where it is otherwise unlawful to park, nor to claim the benefits of this section while parked in a 24 minute parking zone.

Abuse of privileges, or noncompliance with any of the above mentioned requirements by disabled persons will constitute sufficient grounds for revocation by the Chief of Police of all privileges herein granted. (Ord. 3314-NS § 1, 1953; Ord. 3262-NS § 10.7, 1952)

Section 14.40.110 Waiver of time limit provisions.

In its sound discretion and good cause appearing therefore, the Council, by Resolution, may waive the provisions of Sections 14.40.010, 14.40.020, 14.40.030 and 14.40.040 of this chapter and permit the parking of vehicles in 24-minute, 30-minute and one- and two-hour zones for extended periods of time. (Ord. 6686-NS § 8 (part), 2002; Ord. 3614-NS § 1, 1958; Ord. 3262-NS § 10.8, 1952)

Section 14.40.120 No parking between two a.m. and five a.m.

A. It is unlawful for any person to park any oversize or heavy duty commercial vehicle on any street between the hours of two a.m. and five a.m. for a greater length of time than one hour.

B. For the purpose of this section, oversize or heavy duty commercial vehicle shall mean a single vehicle or combination of vehicles having more than two axles, a single vehicle or combination of vehicles 20 feet or more in length, or a single vehicle or combination of vehicles six feet six inches or more in width, and shall include, but shall not be limited to dump trucks, moving vans, tractors, pole or pipe dollies, recreational vehicles (RVs), campers. (Ord. 7643-NS § 1, 2019; Ord. 3262-NS § 10.9, 1952)

Section 14.40.130 Use of driveways and parking spaces in City Hall area and City parking lots.

A. The roadways, driveways, and parking spaces in the City-operated parking lots in the City Hall area, bounded by Grove Street, Allston Way, McKinley Avenue and Addison Street, the City-operated parking lots on the west side of McKinley Avenue between Allston Way and Addison Street and the City-operated parking lots in the Corporation Yard area bounded by Allston Way, Acton Street, Bancroft Way and West Street are hereby reserved for the use of City-, county-, and state-owned equipment and vehicles and the vehicles of City, county and state officers and employees and other authorized persons who have been so authorized by the issuance of approved stickers, which shall be placed in the lower right-hand corner of the windshield of the vehicle or in such other place on the vehicle as may be specified when said stickers are issued. It is unlawful for any person other than those so authorized as hereinabove set forth to park any motor vehicle in said areas, or to use the roadway or driveways for vehicular traffic, or as a thoroughfare from one street to another in the City Hall area or parking lots referred to in this section.

B. When signs are in place or painted or marked lines are placed on the pavement in the City Hall area or City-owned parking lots for allotting space to parked vehicles, or directing the movement of vehicles, it is unlawful for the operator of any vehicle to park said vehicle unless it is entirely within the limits of said allotted space or to move a vehicle contrary to said signs or markings.

C. It is further unlawful for the operator of any vehicle to park said vehicle in a space marked "No Parking", "Emergency" or "Reserved", except those vehicles for which the space is specifically provided, or to park any vehicle in a backed-in position in any diagonal parking space.

D. The City Traffic Engineer shall cause appropriate signs to be erected, indicating that the roadways, driveways and parking spaces in the City Hall property and City-owned parking lots are restricted as hereinabove indicated.

E. Any regularly employed and salaried officer of the Police Department of the City may remove or cause to be removed any vehicle that has been parked or left standing in violation of the provisions of this section upon the roadways, driveways or parking spaces in the City-operated parking lots in the City Hall area bounded by Grove Street, Allston Way, McKinley Avenue and Addison Street, the City-operated parking lots on the west side of McKinley Avenue between Allston Way and Addison Street, and the City-operated parking lots in the

Corporation Yard area bounded by Allston Way, Acton Street, Bancroft Way and West Street, provided signs are posted giving notice of such removal. (Ord. 4459-NS § 1, 1969: Ord. 4398-NS § 1, 1969: Ord. 3937-NS § 1, 1963: Ord. 3721-NS § 1, 1959: Ord. 3658-NS § 1 (part), 1958: Ord. 3262-NS § 10.10, 1952)

Section 14.40.140 Curb parking--Right-of-way.

A. Definition--Limited Curb Parking Space. For the purpose of this section, a "limited curb parking space" means an area open for lawful parking along side of, and adjacent to, a curb, which area is not of sufficient length to permit two or more vehicles to freely move for parking therein at the same time.

B. Parking at Curb--Right-of-Way. Any person seeking to park their vehicle, in a limited curb parking space, whose vehicle arrives at said parking space prior to any other vehicle, and who proceeds beyond said space a distance not to exceed ten feet for the purpose of backing their vehicle therein, shall have the right-of-way over any person driving or attempting to drive any other vehicle directly into such limited curb parking space or who in any manner obstructs such limited curb parking space and the driver of such other vehicle shall yield the right-of-way to the driver who first arrived at said parking space. (Ord. 3786-NS § 2 (part), 1961)

Section 14.40.150 Special parking regulations for two-wheeled and three-wheeled motor vehicles.

A. The City Traffic Engineer is authorized to establish special parking zones for two-wheeled and three-wheeled motor vehicles. When authorized signs or curb markings are in place giving notice of such special parking zones, it is unlawful for the operator of any vehicle except a two-wheeled or three-wheeled motor vehicle to stop, stand or park such vehicle in such special parking zone.

B. The City Traffic Engineer is authorized to establish parking time limits for special parking zones for two-wheeled and three-wheeled motor vehicles. When authorized signs or curb markings are in place giving notice of such parking time limit, it is unlawful for the operator of any vehicle to stop, stand or park such vehicle in such special parking zone for a period of time greater than the parking time limit specified on such authorized signs or curb markings. (Ord. 6545-NS § 1, 2000: Ord. 4130-NS § 1, 1965)

Section 14.40.160 Commercial parking.

When authorized signs are in place, commercial vehicles are prohibited from stopping, parking, or standing with the wheels of such vehicle more than 18 inches from the curb on the south side of Center Street adjacent to the established taxi stand zone between Shattuck Avenue and Milvia Street, more specifically described as that area beginning at the front of the passenger loading zone and extending 150' in the westerly direction.(Ord. 6689-NS § 1, 2002)

Chapter 14.44

STOPPING FOR LOADING OR UNLOADING ONLY

Sections:

- 14.44.010 Authority to establish loading zones.
- 14.44.020 Standing for loading or unloading only.
- 14.44.030 Standing in passenger loading zones.
- 14.44.040 Bicycle zones.
- 14.44.050 Special passenger loading zones.
- 14.44.060 Coach zones.
- 14.44.070 Funeral zones.
- 14.44.080 Taxicab stands.

Section 14.44.010 Authority to establish loading zones.

The City Traffic Engineer is authorized to determine and to mark loading zones in metered or unmetered areas, and passenger loading zones at any place in any business district, or elsewhere in front of or adjacent to any place of business or any hall or place used for the purpose of public assembly. (Ord. 7586-NS § 1, 2017: Ord. 3262-NS § 11, 1952)

Section 14.44.020 Standing for loading or unloading only.

A. Yellow curb marking shall mean no stopping, standing, or parking at any time between seven a.m. and six p.m. of any day except Sundays, unless other times are designated by appropriate signs, for any purpose other than the loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not consume more than three minutes, nor the loading or unloading of materials more than twenty minutes.

B. Passenger vehicles may use a loading zone for the purpose of loading or unloading passengers but may not load or unload materials unless said passenger vehicles are used for commercial purposes, which fact is plainly indicated by signs placed in the windows of such vehicles, or by other appropriate markings.

C. When authorized signs or curb markings are in place, it is unlawful for the operator of any vehicle to stop, stand, or park said vehicle in any loading zone for any purpose other than loading or unloading passengers or materials for such time as is permitted in this section.

D. When commercial loading zones are designated as paid parking areas by appropriate signs, drivers of commercial vehicles using the metered yellow curb must pay the applicable fee.

E. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 7586-NS § 2, 2017: Ord. 6686-NS § 9 (part), 2002: Ord. 4170-NS § 1, 1966: Ord. 3701-NS § 1 (part), 1959: Ord. 3262-NS § 11.1, 1952)

Section 14.44.030 Standing in passenger loading zones.

A. White curb marking shall mean no stopping, standing or parking for any purpose other than loading or unloading of passengers which shall not exceed three minutes, except when otherwise designated by appropriate signs.

B. When authorized signs or curb markings are in place, it shall be unlawful for the operator of any vehicle to stop, stand or park said vehicle in any passenger loading zone for any purpose other than the loading or unloading of passengers for such time as is specified in this section.

C. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6686-NS § 10 (part), 2002: Ord. 3262-NS § 11.2, 1952)

Section 14.44.040 Bicycle zones.

A. It is unlawful for the operator of any vehicle to stop or park such vehicle in any of those zones designated by the City Traffic Engineer as bicycle zones.

B. The City Traffic Engineer shall cause the provisions of this section to be designated by placing and maintaining appropriate signs directing that the stopping of vehicles is prohibited, or by placing or maintaining red paint or other red material upon the entire curb surface within such zones. (Ord. 3262-NS § 11.3, 1952)

Section 14.44.050 Special passenger loading zones.

A. It is unlawful for the operator of any vehicle to stop, stand, or park said vehicle in any special passenger loading zone when approved permanent or portable signs are in place, as hereinafter provided, for any period of time longer than is necessary for the loading or unloading of passengers and not to exceed three minutes.

B. Special passenger loading zones, as used herein, shall be those areas adjacent to the curb, not more than sixty feet in length, located between two approved permanent or portable signs in front of or adjacent to, and within the projected real property boundaries of any church theater, club, or place of business or public gathering. Said signs shall be provided and paid for by the church, theater, club, or place of business or public gathering for which they are used and shall be approved by the City Traffic Engineer. The signs shall be located upon the sidewalk or pavement area within two feet of the curb, and shall be used under such terms and conditions as may be imposed by the City Traffic Engineer. (Ord. 3262-NS § 11.4, 1952)

Section 14.44.060 Coach zones.

A. The City Traffic Engineer is authorized to establish coach zones opposite curb space for the loading and unloading of coaches and to determine the location thereof subject to the directives and limitations set forth herein.

B. The City Traffic Engineer shall designate coach zones by painting the curb red or by placing and maintaining appropriate signs.

C. It is unlawful for the operator of any vehicle except a coach to stop, stand or park said vehicle in a coach zone, provided that if a coach zone is designated by a sign or signs and such sign or signs indicate that said zone is a coach zone only during specified hours, such prohibition shall apply only during such specified hours.

D. When stopping to load or unload passengers at places designated as coach zones, the operator of the coach must stop or park said coach within the coach zone and in such a manner that the front wheel of such coach on the side nearest the curb is not more than three feet distant from said curb; provided, however, when stopping to load or unload passengers at coach zones which are sixty feet or more in length, the operator of the coach must stop or park said coach within the coach zone and in such a manner that both wheels of such coach on the side nearest the curb are not more than eighteen inches distant from said curb. (Ord. 4411-NS § 1, 1969; Ord. 3338-NS § 1, 1953; Ord. 3262-NS § 11.5, 1952)

Section 14.44.070 Funeral zones.

It is unlawful for the operator of any vehicle to stop, stand or park said vehicle for any period of time longer than is necessary for the loading or unloading of passengers and not to exceed three minutes at any place between the limit markers or signs placed within the projected real property boundaries of any undertaking establishment, private residence, or any public or private place at any time during or within forty minutes prior to the beginning of any funeral or funeral service, unless the operator of said vehicle is directed by or has received permission from the director or other person in charge of such funeral or funeral service to park such vehicle in such place, provided that such director or person in charge shall have placed and maintained prior to and during the time limit herein specified two approved portable signs, one at each extremity of such place, upon the sidewalk or pavement area and within two feet of the curb. (Ord. 3262-NS § 11.6, 1952)

Section 14.44.080 Taxicab stands.

A. The curb surface within each taxicab stand shall be painted white and marked "Taxicab Stand" in red lettering, or shall be designated by signs of a type and size approved by the City Traffic Engineer.

B. It is unlawful for the operator of any vehicle, other than a taxicab or automobile for hire, to park said vehicle in such taxicab stand. (Ord. 3262-NS § 11.7, 1952)

Chapter 14.46

ELECTRIC VEHICLE PARKING

Sections:

- 14.46.010 Authority.**
- 14.46.020 Purpose.**
- 14.46.030 Definitions.**
- 14.46.040 Designation of electric vehicle parking spaces.**
- 14.46.050 Electric vehicle parking restriction.**

Section 14.46.010 Authority.

This chapter is enacted pursuant to California Vehicle Code §§ 22511 and 22511.1. (Ord. 7601-NS § 2 (part), 2018)

Section 14.46.020 Purpose.

The electric vehicle parking standards established in this chapter are intended to promote sustainable and alternative transportation practices; manage the availability of on-street parking, particularly in areas that will maximize the use of electric vehicles; and thereby improve traffic and parking circulation. (Ord. 7601-NS § 2 (part), 2018)

Section 14.46.030 Definitions.

As used in this chapter, unless otherwise apparent from the context, the following words and phrases shall have the following meanings:

A. "Electric vehicle (EV)" means any vehicle that operates, either partially or exclusively, on electrical energy from an off-board source that is stored on-board for motive purpose.

B. "Electric vehicle supply equipment (EVSE)" means a unit of fueling infrastructure that supplies electric energy for the recharging of electric vehicles, such as plug-in electric vehicles, including electric cars, neighborhood electric vehicles, and plug-in hybrids. EVSE is also referred to as EV charging station unit and EV charging infrastructure.

C. "Charging event" means an EV is plugged into the EVSE and in the process of charging.

D. "Electric vehicle charging station" means a parking space dedicated to active charging events. (Ord. 7601-NS § 2 (part), 2018)

Section 14.46.040 Designation of electric vehicle parking spaces.

A. Designation of Parking Spaces. The City Traffic Engineer is authorized in accordance with the purposes of this chapter to designate spaces on street for the exclusive parking of electric vehicles that are connected to electric vehicle charging stations for the purpose of transfer of electricity to the battery or other energy storage device of an electric vehicle.

B. Signs or Markings. Upon designation of a parking space or spaces for the exclusive use of electric vehicles pursuant to Subsection A of this section, the Public Works department shall place signs or markings giving adequate notice that the parking space or spaces are restricted and to be used only for such electric vehicles. The signs or markings shall be in compliance with California Vehicle Code § 22511 indicating that vehicles left standing in violation of the restriction may be removed. The parking restriction shall not apply to the designated parking spaces until the sign or markings have been placed. (Ord. 7601-NS § 2 (part), 2018)

Section 14.46.050 Electric vehicle parking restriction.

A. In parking stalls designated by the use of markings and/or posting as electric vehicle charging stations, only electric vehicles are allowed to park for charging events during designated hours.

B. It is unlawful for the operator of any vehicle to allow a vehicle to park or stand in a designated electric vehicle charging station longer than the posted time limit.

C. It is unlawful for the operator of an electric vehicle to allow that vehicle to park or stand in a designated electric vehicle charging station unless the vehicle is actively conducting a charging event.

D. The police department is authorized to cite and/or remove or cause the removal of vehicles parked in violation of this section in accordance with California Vehicle Code § 22511. (Ord. 7601-NS § 2 (part), 2018)

Chapter 14.48

MISCELLANEOUS USE OF STREETS AND SIDEWALKS

Sections:

- 14.48.010 One-way streets.
- 14.48.020 Obstructions on streets and sidewalks.
- 14.48.030 Objects in transit.
- 14.48.040 Construction materials and barricades.
- 14.48.050 Trees and shrubs.
- 14.48.060 Poles, hydrants, signs, etc.
- 14.48.070 Bicycle racks.
- 14.48.080 Bus benches and bus shelters.
- 14.48.090 Mail boxes and armed forces recruiting signs.
- 14.48.100 Newspaper racks and newspapers.
- 14.48.110 Authorized retail displays.
- 14.48.120 Temporary Noncommercial Objects.
- 14.48.130 Decorative noncommercial installations.
- 14.48.140 Public telephones.
- 14.48.150 Sidewalk seating, benches and planters.
- 14.48.160 Removal of obstructions on streets and sidewalks.
- 14.48.170 Use of streets and sidewalks by vendors.
- 14.48.180 Trap doors in sidewalks.
- 14.48.190 Parklets.

Section 14.48.010 One-way streets.

The City Traffic Engineer is authorized and directed to suitably indicate by appropriate signs those streets or portion of streets designated by resolution of the Council as one-way streets. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12, 1952)

Section 14.48.020 Obstructions on streets and sidewalks.

It is unlawful for any person to place or cause to be placed anywhere upon any Sidewalk, Parklet or roadway, any object which obstructs, restricts, or prevents the use of any portion of such Sidewalk, Parklet or roadway, except as set forth in this Chapter or in a regulation promulgated by the City Manager and adopted by the City Council.

For purposes of this Chapter, Sidewalk is defined as provided in BMC Section 1.04.010(18) as that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians. Parklet is defined as provided in BMC Section 14.48.190(B)(4). (Ord. 7632-NS § 1 (part), 2018: Ord. 7449-NS § 2, 2015: Ord. 6471-NS § 3, 1999: Ord. 4709-NS § 1, 1974: Ord. 3262-NS § 12.1, 1952)

Section 14.48.030 Objects in transit.

Goods, wares, merchandise, containers, furniture, suitcases and other similar objects in the immediate custody and control of individuals readily able to move or remove such objects may be allowed on the outer one-third of the sidewalk for up to one hour while in the actual course of receipt, delivery, transport, transit or removal. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.1-a, 1952)

Section 14.48.040 Construction materials and barricades.

Materials used in the construction or repair of any building or structure, together with the necessary pedestrian walkways, barricades and warning signs, when required permits have been obtained from the City. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.1-b, 1952)

Section 14.48.050 Trees and shrubs.

Trees, shrubs and flowers with the necessary barricades when planted or maintained by the City, or by private parties when expressly allowed by Council action or by the City Manager. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.1-c, 1952)

Section 14.48.060 Poles, hydrants, signs, etc.

Poles, fire and police boxes, lamp posts, parking, street directional or warning signs, parking meters, drinking fountains, poster kiosks, hydrants, flag poles or standards, decorations for public events, sidewalk clocks, refuse cans, book return receptacles, barriers and any other similar installation; provided, however, that any such installation belongs to the City or is authorized by Council action. (Ord. 7632-NS § 1 (part), 2018: Ord. 4519-NS § 1, 1971: Ord. 3262-NS § 12.1-d, 1952)

Section 14.48.070 Bicycle racks.

Bicycle racks of a type and at locations approved by and under such conditions as may be imposed by the City Manager. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.1-e, 1952)

Section 14.48.080 Bus benches and bus shelters.

Bus benches and bus shelters at such locations and in accordance with such rules and regulations as may be prescribed by the City Manager. (Ord. 7632-NS § 1 (part), 2018: Ord. 4677-NS § 1, 1973: Ord. 3382-NS § 1, 1954: Ord. 3262-NS § 12.1-g, 1952. Formerly 14.48.090)

Section 14.48.090 Mail boxes and armed forces recruiting signs.

Mail boxes and armed forces recruiting signs that are placed in such locations that they do not interfere with the normal use of the sidewalk by pedestrians. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.1-h, 1952. Formerly 14.48.100)

Section 14.48.100 Newspaper racks and newspapers.

Newspaper racks which are installed and maintained in accordance with Chapter 16.40 or Chapter 16.44 of the Berkeley Municipal Code. (Ord. 7632-NS § 1 (part), 2018: Ord. 6471-NS § 4, 1999: Ord. 6326-NS § 3 (part), 1996: Ord. 3262-NS § 12.1-j, 1952. Formerly 14.48.120)

Section 14.48.110 Authorized retail displays.

Objects such as, but not limited to, tables, chairs, umbrellas and canopies that are permitted pursuant to Chapter 9.48. (Ord. 7632-NS § 1 (part), 2018: Ord. 7300-NS § 1, 2013. Formerly 14.48.160)

Section 14.48.120 Temporary Noncommercial Objects.

A. Temporary Noncommercial Objects ("TNC Objects") are personal belongings:

1. In the immediate custody and control of a person or persons at substantially all times;
2. Not offered for sale or exchange or involved in the solicitation of money for immediate payment;
3. Not otherwise prohibited and of a size, weight and quantity that can be easily moved by the owner.
4. Not furniture. Furniture is only allowed pursuant to BMC Chapter 9.48 or pursuant to BMC § 14.48.030

Objects in Transit.

The City Manager may adopt regulations specifying what TNC Objects may be permitted under this Section and where such TNC Objects may be permitted, as well as procedures and limitations to implement this Section. Any such regulation shall contain provisions and shall be applied in such a manner as to ensure that it does not deprive any person of rights protected by the state or federal constitutions, including freedom of expression, and any size limitation contained therein shall not apply to dogs, or to limited cushioning material being used to sit on such as, but not limited to, blankets, cushions or mats. Regulations adopted by the City Manager under this Section shall not take effect until they have been presented to the City Council for approval at a regularly scheduled meeting.

B. After approval by the City Council, the City Manager shall ensure that regulations adopted pursuant to this Section are publicized in a manner substantially equivalent to the manner in which ordinances are published, and that materials summarizing such regulations are available for dissemination in Commercial and

Manufacturing zones. The City may also post fixed signage in Commercial and Manufacturing zones informing the public of such regulations.

C. No person may be cited for a violation of this Section or the regulations adopted pursuant to it unless that person has first been warned that their conduct is in violation hereof, is allowed a reasonable opportunity to comply but refuses to do so.

D. Violations of this Section or City Manager regulations adopted pursuant to this Section shall be charged as infractions, and not as misdemeanors. (Ord. 7632-NS § 1 (part), 2018: Ord. 7527-NS § 1, 2017: Ord. 7449-NS § 3, 2015: Ord. 4686-NS § 1, 1974: Ord. 4594-NS § 1, 1972: Ord. 3389-NS § 1, 1954: Ord. 3262-NS § 12.1-o, 1952. Formerly 14.48.170)

Section 14.48.130 Decorative noncommercial installations.

Decorative noncommercial installations subject to the following regulations and requirements:

A. At least six feet of improved sidewalk area measured at right angles to the curb shall be kept open and unobstructed.

B. Such decorative noncommercial installations shall be placed and maintained in the portion of the sidewalk area farthest from the curb; provided, however, that subject to all other conditions herein specified, such installations may be placed and maintained in the portion of the sidewalk area adjacent to the curb if such installations will not interfere with access to or from any parked vehicle and are:

1. Not closer than twenty-five feet to any curb return or fire hydrant;
2. Not located adjacent to any commercial or passenger loading zone;
3. Not closer to the curb than eighteen inches;
4. Not affixed to any City or utility company-owned poles or appurtenances;
5. Not mounted in or affixed to the sidewalk;
6. Not inconsistent with safety, development in the area, or other decorative noncommercial installations.

C. No decorative noncommercial installation shall be placed or maintained in the sidewalk area without a permit therefor. Application for such permit shall be made to the office of the City Manager, who may require as part of the application such information as may be deemed necessary to determine compliance with this Section and other applicable laws and regulations, including but not limited to a scaled site plan, signature of the fronting property owner and permittee, and agreement to indemnify the City as specified in Subsection D. The application shall be referred to the Public Works Department and the Civic Art Commission for review to determine that it is in the public interest to grant the permit, and that the granting thereof will not be detrimental to the public health, safety or general welfare. The permit shall not be granted without the approval of both the Public Works Department and the Civic Art Commission. If such approval is given and the City Manager concurs, the permit shall be granted subject to the conditions hereinabove set forth, and such additional conditions as may reasonably be imposed. Such permit shall be subject to revocation by the City Manager without cause; the decorative noncommercial installation for which the permit has been given shall be removed within ten days after notice.

D. Anyone granted a permit for a decorative noncommercial installation shall agree to indemnify and hold harmless the City, its officers and employees of and from any and all claims, damages or suits that may arise or in any way be occasioned by the granting of the permit or the maintenance of the decorative noncommercial installation permitted thereby.

1. The permittee shall carry liability insurance in the amount of \$500,000.

E. For purposes of this Chapter, "Decorative Noncommercial Installations" shall include but are not limited to artwork, planters, and other objects that are placed within the public right-of-way by a private party for the purpose of decoration in a residential, commercial, or industrial district, not for the purpose of advertising, commerce or other economic benefit.

F. Decorative Noncommercial Installations that are not permitted under this Section are prohibited encroachments under 16.18 and shall constitute a public nuisance subject to the remedies in Chapter 1.26.

G. The City Council may by resolution establish fees for the implementation and administration of this Section. (Ord. 7632-NS § 1 (part), 2018: Ord. 7203-NS § 1, 2011: Ord. 4026-NS § 1, 1964: Ord. 3262-NS § 12.1-p, 1964. Formerly 14.48.180)

Section 14.48.140 Public telephones.

Telephones for public use of a type and at locations approved by and under such conditions as may be imposed by the City Manager. (Ord. 7632-NS § 1 (part), 2018: Ord. 4476-NS § 1, 1970: Ord. 3262 § 12.1-q. Formerly 14.48.190)

Section 14.48.150 Sidewalk seating, benches and planters.

A. Notwithstanding anything to the contrary in this Chapter, the City of Berkeley Engineering Division of the Department of Public Works, or its successor, may approve Sidewalk Seating, Benches and/or Planters on sidewalks, parking lanes, street areas, and other public right of way locations as set forth in, and in compliance with, this Section.

1. No permit may be issued under this Section for any sidewalk area in front of a single parcel if there are any current violations of this Chapter in that sidewalk area.

2. A permit for Sidewalk Seating, Benches and/or Planters may not be issued unless the business for which the Sidewalk Seating, Benches and/or Planters is/are proposed is in full compliance with Title 23 and any Permit issued thereunder.

B. For purposes of this Chapter, the following terms shall be defined as follows:

1. "Bench" means a seat designed for two or more persons.

2. "Bus Bench" means a bench installed and maintained under an agreement between the City, A.C. Transit and Lamar Transit Advertising or another public or semi-public transit provider.

3. "Commercial Establishment" means, but is not limited to, a place where Business Activity is established. Business activity is defined as any activity subject to BMC Chapter 9.04 and any economic activity which generates receipts but is exempt from BMC Chapter 9.04 by state or federal law.

4. "District-wide Sidewalk Bench/Planter Area Plan" means a City-approved plan for a specific commercial district as defined in said plan, that establishes area-specific regulations for benches, planters and/or plant material, and establishes general regulations for the placement of benches and planters in the public right-of-way, for the designated district.

5. "District-wide Sidewalk Seating Area Plan" means a City-approved plan for a specific commercial district as defined in said plan, that establishes area-specific regulations for sidewalk cafe seating, and establishes general regulations for the placement of sidewalk cafe seating in the public right-of-way, for the designated district.

6. "Food Service Establishment" has the same meaning as set forth in BMC Chapter 23F.04.

7. "Furniture" means amenities such as but not limited to tables, chairs, benches, and other equipment that facilitates the stationary use of sidewalk, parking lanes, street area, and other public right of way spaces.

8. "Planter" means a container that is designed or used for growing plants.

9. "Parking Lane" and "Street Area" are considered to be part of the Public right-of-way (PROW), known as, "any public street, public way, public place or rights-of-way, now laid out or dedicated, and the space on, above or below it, and all extensions thereof, and additions thereto, owned, operated and/or controlled by the City or subject to an easement owned by City and any privately-owned area within City's jurisdiction which is not yet, but is designated as a proposed public place on a tentative subdivision map approved by City." as defined in BMC 23F.04.010.

10. "Sidewalk" has the same meaning as set forth in BMC 1.04.010(18).

11. "Sidewalk Seating" means tables and/or chairs (including benches) and umbrellas and other associated furniture with lawfully operating Food Service Establishments or other commercial establishments, in or on the sidewalk. During cases of a declared City emergency in response to a disease outbreak, "Sidewalk Seating" includes seating and associated furniture in the public right-of-way or resting on, or projecting into, the sidewalk, parking lane, or street area, or any combination thereof which are not physically or structurally attached to a building, retaining wall or fence. Such Sidewalk Seating shall be permitted in any area of the public right-of-way for the duration of the declared City emergency if Traffic Engineer makes a finding that the use of the right-of-way for Sidewalk Seating purposes does not create a dangerous condition for customers, pedestrians, or bicycle or motor vehicle traffic. Upon termination of the declared City emergency, any Sidewalk Seating present in the public right-of-way and not on the sidewalk shall within 90 days of date of termination either obtain a valid encroachment permit or be removed from the public right-of-way.

12. "Transit Stop" means an AC Transit bus stop, UC Berkeley bus stop, a paratransit bus stop, Bay Area Rapid Transit station entrance, or another public transit provider.

13. "Window Box Planter" means a box, designed to hold soil for growing plants, attached at or on a windowsill.

C. Sidewalk Seating, Benches and Planters shall fully conform to the following requirements of this subdivision:

1. Any object permitted under this Section shall leave a minimum horizontal clear space of six feet for ADA-compliant path of travel, (or reduce to 5 feet at a single point of contact) or such greater (or smaller) amount of clear space as the Engineering Division finds necessary to protect and enhance pedestrian and vehicle traffic for public use in the sidewalk area, as that space is determined by the City of Berkeley Engineering Division of the Department of Public Works, or its successor.

2. Objects permitted under this Section shall not:

a. Unduly interfere with access by public employees and utility workers to meters, fire hydrants or other objects (street hardware) in the right-of-way;

b. Block or obstruct the view of necessary authorized traffic devices;

c. Unduly interfere with pedestrian traffic in the public ROW/sidewalk, pedestrian safety, access to public or private parking, traffic circulation, and/or vehicular safety;

d. Be closer than 25 feet to any curb return or fire hydrant; except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, Sidewalk Seating, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshal as appropriate;

e. Be affixed to any City or utility company-owned poles or appurtenances;

3. All sidewalk seating shall be subject to the following additional standards and requirements:

a. All Sidewalk Seating configurations shall comply with applicable Americans with Disabilities Act (ADA) accessibility standards.

b. All Sidewalk Seating components shall be stored in a secure location on private property when not in use.

c. The permittee shall regularly inspect and clean the Sidewalk Seating and that portion of the public sidewalk adjacent to the establishment. A waste receptacle shall be provided.

4. All benches and planters shall be subject to the following additional standards and requirements:

a. All proposals shall comply to the greatest extent possible with any design requirements adopted by the City for benches, planters and/or plant material.

D. All permits issued under this Section shall be subject to the following conditions:

1. The permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by any object(s) permitted by this Section, including any design requirements hereafter enacted, from the building frontage to the curb, parking lane, or street area.

2. The permittee shall restrict any objects permitted under this Section to the approved location(s) and configuration, and ensure compliance with all applicable laws, and the number of tables and chairs shall not be increased without prior approval of the Public Works or Public Health Department.

3. When any objects permitted under this Section are found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the City, or any existing or proposed City design plans, those objects shall, upon written demand of the City Manager or their designee, be removed or relocated in such a way as to eliminate the conflict. Should the permittee fail to comply with said written demand within a reasonable period of time, the City may cause such relocation of the placement at the expense of the permittee. Any such non-compliance shall also be a violation of this Section.

4. Permits issued under this Section shall be posted in plain view within the commercial establishment for which the permit has been issued along with any other relevant permits that support health and safety of patrons and the general public.

5. By accepting a permit under this Section, the permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittee's installation, operation, maintenance or removal of Sidewalk Seating, Furniture, Benches and/or Planters.

6. Prior to permit approval, the permittee shall demonstrate possession of liability insurance in the amount of \$1,000,000 for Benches and Planters, and related Sidewalk Seating furniture. Said insurance shall name the City of Berkeley as additionally insured and shall be in a form acceptable to the City Attorney.

7. The permittee shall monitor and control the use of the Sidewalk Seating so as to prevent disturbance of the surrounding neighborhood.

8. A food service establishment that proposes to serve alcoholic beverages within an outdoor dining area shall comply with the standards established by the State of California Department of Alcoholic Beverage Control. The dining area shall be:

a. Physically defined and clearly part of the restaurant it serves; and

b. Supervised by a restaurant employee to ensure compliance with laws regarding the on-site consumption of alcoholic beverages.

E. Permits under this Section are not transferable, and must be renewed annually.

F. Sidewalk Seating, Benches, Furniture, and/or Planters that are not permitted under this Section are prohibited encroachments under Chapter 16.18, and shall constitute public nuisances subject to the remedies in Chapter 1.26.

G. The City Council may by resolution establish or waive fees for the implementation and administration of this Section. (Ord. 7707-NS § 1, 2020: Ord. 7632-NS § 1 (part), 2018: Ord. 7468-NS § 1, 2016: Ord. 7401-NS § 1, 2015; Ord. 7203-NS § 2, 2011: Ord. 6281-NS § 5, 1995. Formerly 14.48.200)

Section 14.48.160 Removal of obstructions on streets and sidewalks.

Anything placed or permitted to remain upon any sidewalk or roadway in violation of this Chapter, is declared to constitute a nuisance and the City is authorized and empowered to abate such nuisance by removing the same to the custodian of lost property in the Police Department or the Corporation Yard of the City, or other location designated by the City. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.2, 1952. Formerly 14.48.210)

Section 14.48.170 Use of streets and sidewalks by vendors.

Any properly licensed vendor may use the public streets of the City in commercial or industrial zones for the sale of goods, wares, merchandise, or food when conducted under the conditions stated in this section.

A. Sidewalk vending is permitted as regulated by Chapter 9.48 of the Berkeley Municipal Code.

B. Other street vending is permitted from vehicles which are lawfully parked upon streets which are not regulated by parking meters or other posted parking time limits.

C. It is unlawful for any person to vend in violation of this section. (Ord. 7632-NS § 1 (part), 2018: Ord. 5483-NS § 1 (part), 1982: Ord. 4587-NS § 1, 1972: Ord. 4569-NS § 1, 1972: Ord. 3262-NS § 12.3, 1952. Formerly 14.48.220)

Section 14.48.180 Trap doors in sidewalks.

A. Trap doors in sidewalks used to cover an opening for an elevator, stairway or chute must be kept in such a condition that they will not endanger persons or property, and it is unlawful for any person owning or being in charge or control of any such doors in sidewalks used for covering entrances to elevators, stairways or chutes, or other openings in the sidewalk leading to the basement, to allow said doors to remain open, except when such elevator, stairway or chute is being used and monitored for pedestrian safety while loading or unloading or transferring of merchandise or material.

B. The requirements of this section shall be in addition to and not in lieu of any other ordinance of the City having to do with doors or other openings in sidewalks. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.6, 1952. Formerly 14.48.250)

Section 14.48.190 Parklets.

A. Notwithstanding anything to the contrary in this Chapter, the City of Berkeley Engineering Division of the Department of Public Works, or its successor, may approve Parklets, Benches and/or Planters in the public right-of-way (excluding Sidewalks alone, which are subject to and governed by Section 14.48.150) as set forth in, and in compliance with, this Section.

1. No permit may be issued under this Section for any right-of-way area in front of a single parcel if there are any current violations of this Chapter in that right-of-way area.

2. A permit for a Parklet may not be issued unless the parklet Host is in full compliance with all applicable requirements of Title 23 and any Permit issued thereunder.

3. A permit for a Parklet may only be issued adjacent to parcels in the following zoning districts: all Commercial (C-prefixed districts), Mixed-Use Light Industrial (MU-LI), Mixed-Use Residential (MU-R), and Mixed Manufacturing (MM).

B. For purposes of this Chapter, the following terms shall be defined as follows:

1. "Bench" means a seat designed for two or more persons.

2. "Bike Parking" means a location with bike racks intended for the secure parking of bicycles.

3. "Furniture" means amenities such as but not limited to tables, chairs, benches, and other equipment that facilitates the stationary use of public space.

4. "Parklet" means a platform or similar level surface extending into the public right-of-way with amenities such as but not limited to tables and/or chairs (including Benches), Bike Parking, and umbrellas, designated as public space, located in or on the public right-of-way or resting on, or projecting into, the sidewalk and parking area, which are not physically or structurally attached to a building, retaining wall or fence.

5. "Planter" means a container that is designed or used for growing plants.

6. "Sidewalk" has the same meaning as set forth in Section 1.04.010(18).

7. "Sponsoring Business," "Host," "Permit Holder" or "Permittee" means, and is limited to, any establishment engaged in insuring and caring for the Parklet as set forth in the Parklet maintenance agreement.

8. "Transit Stop" means an AC Transit bus stop, UC Berkeley bus stop, a paratransit bus stop, Bay Area Rapid Transit station entrance, or another public transit provider.

C. Parklets, Benches and Planters shall fully conform to the following requirements of this subdivision:

1. Any object permitted under this Section shall leave a minimum of clear space as the Engineering Division finds necessary to protect and enhance pedestrian or vehicle traffic for public use in and around the Parklet area, as that space is determined by the City of Berkeley Engineering Division of the Department of Public Works, or its successor.

2. Parklets shall comply with applicable Americans with Disabilities Act (ADA) accessibility standards.

3. Objects permitted under this Section shall not:

a. Unduly interfere with access by public employees and utility workers to meters, fire hydrants or other objects (street hardware) in the right-of-way;

b. Block or obstruct the view of necessary authorized traffic devices;

c. Unduly interfere with pedestrian traffic in the right-of-way, including the Sidewalk, pedestrian safety, traffic circulation, and/or vehicular safety;

d. Be closer than 25 feet to any curb return or fire hydrant; except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, a parklet, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshal as appropriate;

e. Be affixed to any City or utility company-owned poles or appurtenances;

f. The width of the Parklet must not extend beyond six feet from the curb line, except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, a Parklet, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshal as appropriate.

4. All Parklets shall be subject to the following additional standards and requirements:

a. Parklets must remain publicly accessible and must include signage posted on site to this effect;

b. Parklet construction materials must be of high quality, durable, and suitable for public use;

c. A visible edge to the Parklet is required, which may consist of Planters, railing, or cabling. The edges should be visually permeable;

d. The Permittee shall regularly inspect and clean the Parklet and that portion of the public sidewalk adjacent to the Parklet;

e. Access panels must be included in order to maintain the gutter and area underneath the Parklet and the design must allow for drainage along the gutter to pass underneath the Parklet;

f. Safe hit posts and wheel stops, or approved equivalents, may be required. If Bike Parking is provided, the bike racks can be at street grade.

5. All Benches, Furniture, and Planters within the Parklet shall be subject to the following additional standards and requirements:

a. All proposals shall comply with any design requirements adopted by the City for Benches, Planters and/or plant material;

b. All non-secured Parklet components shall be stored in a secure location on private property when not in use;

c. Any unsecured Furniture must be clearly different from the Furniture used by a Parklet Host in order to emphasize that the Parklet is public space, as determined by City staff.

D. All permits issued under this Section shall be subject to the following conditions:

1. The Permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by any object(s) permitted by this Section, including any design requirements hereafter enacted, from the building frontage to the right-of-way, including the Parklet area.

2. The Permittee shall restrict any objects permitted under this Section to the approved location(s) and configuration, ensure compliance with all applicable laws, and the number and configuration of Benches, Furniture and Planters and overall square footage of the Parklet shall not be modified without prior approval of the Public Works Department.

3. When any objects permitted under this Section are found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the City, or any existing or proposed City design plans, those objects shall, upon written demand of the City Manager or their designee, be removed or relocated in such a way as to eliminate the conflict, at the sole expense of the Permittee. Should the Permittee fail to comply with said written demand within a reasonable period of time, the City may cause such relocation of the placement at the expense of the Permittee. Any such non-compliance shall also be a violation of this Section.

4. Permits issued under this Section, when under review prior to issuance, shall be posted in plain view within the sponsoring establishment(s) for which the permit has been issued. Public notice, permitting, and appeal for Parklets are set forth in BMC Section 16.18.060 (Permit procedure for minor encroachment) of the Berkeley Municipal Code. Section D(4) is not applicable in cases of declared local emergency due to disease outbreak.

5. By accepting a permit under this Section, the Permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the Permittee's installation, operation, maintenance or removal of the Parklet, Benches and/or Planters.

6. Prior to permit approval, the Permittee shall demonstrate possession of liability insurance, in the amount not less than \$1,000,000, for the Parklet including any associated Benches, Planters and Furniture. Said insurance shall name the City of Berkeley as an additional insured and shall be in a form acceptable to the City Attorney.

7. The City Manager or their designee may require a performance bond to ensure Parklet removal in the event of a permit cancellation.

8. The Permittee shall monitor and control the use of the Parklet to prevent disturbance of the surrounding neighborhood.

9. A Sponsoring Business or other business is not permitted to perform table service at a Parklet or otherwise incorporate a Parklet into its business operations. Section D(9) is not applicable in cases of declared local emergency due to disease outbreak.

10. Commercial signage, smoking, and advertising are prohibited at Parklets.

E. Parklets, Benches and/or Planters that are not permitted under this Section are prohibited encroachments under Chapter 16.18, and shall constitute public nuisances subject to the remedies in Chapter 1.26.

F. The City Council may by resolution establish or waive fees and guidelines for the implementation and administration of this Section. (Ord. 7706-NS § 1, 2020: Ord. 7632-NS § 1 (part), 2018: Ord. 7598-NS § 1, 2018. Formerly 14.48.300)

Chapter 14.52

PARKING METERS

Sections:

- 14.52.010 Parking meter zones.
- 14.52.020 Manner of installation.
- 14.52.030 Time of operation of parking meters and pay-and-display stations.
- 14.52.040 Operational procedure to be followed.
- 14.52.050 Unlawful to park after meter and/or pay-and-display station time has expired.
- 14.52.060 Unlawful to extend time beyond limit.
- 14.52.063 No pay-and-display dispensing machine ticket displayed.
- 14.52.066 Improperly displayed pay-and-display dispensing machine ticket.
- 14.52.070 Improper use of meter and pay-and-display station.
- 14.52.080 Deposit of coins in meter or coins, credit card, debit card, or epark card in pay-and-display station by unauthorized person.
- 14.52.090 Parking meters, pay-and-display stations and parking meter/pay-and-display station standards not to be used for certain purposes.
- 14.52.100 Rule of evidence.
- 14.52.110 Use of money deposited in parking meters and pay-and-display stations.
- 14.52.120 Parking meter and Pay-and-Display Station fees.
- 14.52.130 Time limits enforced at inoperable parking meters and pay-and-display stations.

Section 14.52.010 Parking meter zones.

A. Parking meter zones are those streets or portions of streets in the City hereinafter described as zones within which the parking of motor vehicles shall be controlled, regulated and inspected with the aid of parking meters, pay-and-display stations and/or a City-approved software application that processes pay-by-phone payments from a mobile phone, consisting of:

- Acton Street, both sides, from 150 feet north of University Avenue to University Avenue.
- Adeline Street, east side, from Ward to Stuart Street.
- Adeline Street, both sides, from Stuart Street to Oregon Street.
- Adeline Street, east side, from Oregon Street to Russell Street.
- Adeline Street, both sides, from Russell Street to Ashby Avenue.
- Alcatraz Avenue, south side, from 75 feet east of College Avenue to College Avenue.
- Ashby Avenue, both sides, from Domingo Avenue to Claremont Avenue.
- Blake Street, both sides, from Telegraph Avenue to 125 feet west of Telegraph Avenue.
- Bonar Street, east side, from University Avenue to 150 feet south of University Avenue.
- Bonar Street, west side, from University Avenue to Addison Street.
- California Street, both sides, from 100 feet north of University Avenue to 100 feet south of University Avenue.
- Camelia Street, north side, from Ninth Street to Tenth Street.
- Camelia Street, north side, from San Pablo Avenue to 100 feet west of San Pablo Avenue.
- Claremont Avenue, east side, from Russell Street to Ashby Avenue.
- Claremont Avenue, west side, from Russell Street to Claremont Boulevard.
- Colby Street, west side, from Webster Street to South Hospital Drive.
- College Avenue, east side, from 150 feet north of Alcatraz Avenue to Berkeley-Oakland city limits south of Alcatraz Avenue.
- College Avenue, west side, from Alcatraz Avenue to Berkeley-Oakland city limit, south of Alcatraz Avenue.
- Colusa Avenue, east side, from 225 feet south of Solano Avenue to Catalina Avenue.
- Colusa Avenue, west side, from 180 feet south of Solano Avenue to Catalina Avenue.
- Curtis Street, both sides, from 100 feet north of University Avenue to University Avenue.
- Derby Street, north side, from 150 feet east of Telegraph Avenue to 50 feet west of Telegraph Avenue.
- Derby Street, south side, from 150 feet east of Telegraph Avenue to Telegraph Avenue.
- Derby Street, south side from Milvia Street to 300 feet east of Milvia Street.
- Domingo Avenue, both sides, from Berkeley-Oakland city limit to Ashby Avenue.
- Dwight Way, north side, from San Pablo Avenue extending 40 feet east of San Pablo Avenue.

Ensenada Avenue, east side, from 90 feet south of Solano Avenue, to 66 feet north of Solano Avenue.
Fresno Avenue, east side, from 69 feet south of Solano Avenue to Solano Avenue.
Grayson Street, south side, from San Pablo Avenue extending 60 feet west of San Pablo Avenue.
Grove Street, both sides, from Allston Way to Berkeley Way.
Hearst Avenue, north side, from Third Street to Fifth Street.
Hearst Avenue, south side, from Third Street to Sixth Street.
McKinley Avenue, east side, from approximately 110 feet from Allston Way to 155 feet, Monday through Friday, nine a.m. to six p.m.
Milvia Street, east side from Derby Street to Ward Street.
Modoc Street, east side, from 90 feet south of Solano Avenue to Solano Avenue.
Modoc Street, west side, from 66 feet south of Solano Avenue to Solano Avenue.
Oregon Street, north side, from 75 feet east of Telegraph Avenue to 50 feet west of Telegraph Avenue.
Oregon Street, south side, from 175 feet east of Telegraph Avenue to Telegraph Avenue.
Oregon Street, both sides, from Adeline Street to Shattuck Avenue.
Page Street, north side, from San Pablo Avenue to Tenth Street.
Pardee Street, south side, from San Pablo Avenue extending 60 feet west of San Pablo Avenue.
Parker Street, both sides, from 200 feet west of Regent Street to 100 feet west of Telegraph Avenue.
Peralta Avenue, both sides, from Solano Avenue to Capistrano Avenue.
Regent Street, west side, from Ashby Avenue to South Hospital Drive.
Regent Street, east side, from Ashby Avenue to 125 feet south of Webster Street.
Russell Street, south side, from 75 feet east of Telegraph Avenue to 100 feet west of Telegraph Avenue.
San Pablo Avenue, both sides, from Hearst Avenue to Allston Way.
San Pablo Avenue, both sides, from Harrison Street to Gilman Street.
San Pablo Avenue, east side, from Gilman Street to Camelia Street.
San Pablo Avenue, both sides, from Camelia Street to Virginia Street.
San Pablo Avenue, both sides, from Virginia Street to Delaware Street.
San Pablo Avenue, both sides, from Delaware Street to Hearst Avenue.
San Pablo Avenue, both sides, from Allston Way to Channing Way.
San Pablo Avenue, east side, from Channing Way to Parker Street.
San Pablo Avenue, both sides, from Parker Street to Heinz Street.
San Pablo Avenue, east side, from Russell Street to Burnett Street.
San Pablo Avenue, west side, from Bancroft Way to Ashby Avenue.
Shattuck Avenue, both sides, from Carleton Street to Ashby Avenue.
Solano Avenue, both sides, from Tulare Avenue to The Alameda.
Solano Avenue, north side, from 140 feet to 184 feet east of The Alameda.
South Hospital Drive, south side, from Colby Street to 75 feet west of Colby Street.
Stuart Street, south side, from 50 feet east of Telegraph Avenue to Telegraph Avenue.
Stuart Street, north side, from Adeline Street to 70 feet east of Shattuck Avenue.
Tacoma Avenue, both sides, from Solano Avenue to 66 feet north of Solano Avenue.
Telegraph Avenue, west side, from Dwight Way to Prince Street.
Telegraph Avenue, east side, from Dwight Way to Woolsey Street.
The Alameda, east side, from Los Angeles Avenue to Solano Avenue.
Tenth Street, both sides, from Gilman Street to Camelia Street.
The Alameda, west side, from 220 feet north of Los Angeles Avenue to 90 feet north of Solano Avenue.
Tulare Avenue, east side, from 90 feet south of Solano Avenue to Solano Avenue.
University Avenue, both sides, from McGee Avenue to Third Street.
Ward Street, north side from Milvia Street to 300 feet east of Milvia Street.
Webster Street, north side, from Bateman Street to Regent Street.
Webster Street, north side, from Colby Street to 150 feet west of Telegraph Avenue.
Webster Street, south side, from Colby Street to 100 feet west of Telegraph Avenue.
Fifth Street, both sides, from Addison Street to Hearst Avenue.
Fifth Street, west side, from Hearst Street to Virginia Street.
Fourth Street, east side, from Addison Street to Virginia Street.
Fourth Street, west side, from Addison Street to Cedar Street.
Sixth Street, east side, Addison Street to University Avenue.
Seventh Street, east side, from University Avenue to 150 feet south of University Avenue.

Eighth Street, west side, from 100 feet north of University Avenue to 200 feet south of University Avenue.

Ninth Street, west side, from 75 feet north of University Avenue to 150 feet south of University Avenue.

Ninth Street, east side from Gilman Street to 300 feet north of Gilman Street.

Tenth Street, east side, from 100 feet north of University Avenue to 100 feet south of University Avenue.

Tenth Street, west side from Gilman Street to 300 feet north of Gilman Street.

B. goBerkeley Program parking meter zones are those streets or portions of streets in the City located within the goBerkeley Areas hereinafter described as zones within which the parking of motor vehicles shall be controlled, regulated and inspected with the aid of parking meters, pay-and-display stations, and/or a City-approved software application that processes pay-by-phone payments from a mobile phone at fees set in 14.52.120(B):

Addison Street, north side, from Martin Luther King Jr. Way to 170 feet west of Martin Luther King Jr. Way.

Allston Way, both sides, from Harold Way to Shattuck Avenue.

Allston way, south side, from Oxford Street to Martin Luther King Jr. Way.

Ashby Avenue, north side, from College Avenue to Benvenue Avenue.

Ashby Avenue, south side, from Benvenue Avenue to Elmwood Avenue.

Ashby Place, east side, from Ashby Avenue to a point 80 feet north of Ashby Avenue.

Bancroft Way, both sides, from Piedmont Avenue to Fulton Street.

Bancroft Way, both sides, from Fulton Street to Milvia Street.

Benvenue Avenue, west side, from Ashby Avenue to 100 feet south of Ashby Avenue.

Berkeley Way, south side, from Oxford Street to 385 feet west of Shattuck Avenue.

Berkeley Way, north side, from Oxford Street to Henry Street.

Blake Street, south side, from 80 feet west of Shattuck Avenue to Shattuck Avenue.

Bonita Avenue, east side, from University Avenue to Berkeley Way.

Bowditch Street, east side, from Bancroft Way to Dwight Way.

Center Street, north side, from Oxford Street to Martin Luther King Jr. Way.

Center Street, south side, from Oxford Street to Martin Luther King Jr. Way.

Channing Way, north side, from 200 feet west of Dana Street to College Avenue.

Channing Way, north side, beginning 250 feet west of Shattuck Avenue to Shattuck Avenue.

College Avenue, east side, from 75 feet south of Webster Street to 175 feet north of Russell Street.

College Avenue, west side, from 140 feet north of Russell Street to Webster Street.

College Avenue, east side, from Bancroft Way to 200 feet south of Dwight Way.

College Avenue, west side, from Bancroft Way to Dwight Way.

Dana Street, west side, between Bancroft Way and Channing Way.

Dana Street, west side, from Haste Street to 150 feet south of Haste Street.

Delaware Street, south side, from Shattuck Avenue to 60 feet east of Shattuck Avenue.

Durant Avenue, north side, from Ellsworth Street to College Avenue.

Durant Avenue, south side, from Ellsworth Street to College Avenue.

Durant Avenue, both sides, from Milvia Street to Fulton Street.

Dwight Way, both sides, from Milvia Street to Fulton Street.

Dwight Way, south side, from Hillegass Avenue to Benvenue Street.

Dwight Way, north side, from 300 feet east of Dana Street to 300 feet east of Telegraph Avenue.

Dwight Way, south side, beginning 325 feet west of Telegraph Avenue and extending 125 feet east of Regent Street.

Dwight Way, north side, from Bowditch Street to College Avenue.

Grant Street, both sides, from 100 feet north of University Avenue to 100 feet south of University Avenue.

Euclid Avenue, west side, beginning at Hearst Avenue and extending 130 feet north of Ridge Road.

Euclid Avenue, east side, beginning at Hearst Avenue and extending 135 feet north of Ridge Road.

Francisco Street, both sides, from Shattuck Avenue to 100 feet west of Shattuck Avenue.

Fulton Street, both sides, from Bancroft Way to Kittredge Street.

Fulton Street, west side, beginning at Durant Avenue and extending south for 80 feet.

Fulton Street, east side, from Bancroft Way to Durant Avenue.

Harold Way, both sides, from Allston Way to Kittredge Street.

Haste Street, both sides, from Milvia Street to 250 feet east of Shattuck Avenue.

Haste Street, north side, from College Avenue to Dana Street.

Haste Street, south side, beginning 350 feet west of Telegraph Avenue to 300 feet east of Telegraph Avenue.

Haste Street, south side, from Bowditch Street to College Avenue.

Hearst Avenue, north side, from Oxford Street to Shattuck Avenue.
Hearst Avenue, south side, from Shattuck Avenue to Oxford Street
Hearst Avenue, south side, from Oxford Street to Arch Street
Hearst Avenue, north side, from Scenic Avenue to LaLoma Avenue.
Hearst Avenue, south side, from Euclid Avenue to Gayley Road.
Kittredge Street, both sides, from Shattuck Avenue to Oxford Street.
LaLoma Avenue, both sides, from Hearst Avenue to Ridge Road.
LeRoy Avenue, both sides, from Hearst Avenue to Ridge Road.
Lincoln Street, south side, from Shattuck Avenue to 150 feet west of Shattuck Avenue.
Martin Luther King Jr. Way, both sides, from Center Street to Addison Street.
Milvia Street, both sides, from Berkeley Way to Addison Street.
Oxford Street, west side, from Hearst Avenue to University Avenue.
Ridge Road, north side, beginning 250 feet west of Euclid Avenue and extending 100 feet east of Euclid Avenue.
Ridge Road, south side, from 250 feet west of Euclid Avenue to LeRoy Avenue.
Rose Street, north side, from 100 feet east of Shattuck Avenue to 100 feet west of Henry Street.
Rose Street, south side, from Walnut Street to Shattuck Place.
Russell Street, north side, from 85 feet east of College Avenue to 175 feet west of College Avenue.
Russell Street, south side, from 200 feet west of College Avenue to 120 feet east of College Avenue.
Scenic Avenue, east side, from Hearst Avenue to Ridge Road.
Shattuck Avenue, east side, from Rose Street to Vine Street.
Shattuck Avenue, both sides, from 100 feet north of Rose Street to University Avenue.
Shattuck Avenue, both sides, of the west roadway, from University Avenue to Addison Street (Shattuck Square).
Shattuck Avenue, both sides, of the east roadway, from University Avenue to Addison Street (Shattuck Square).
Shattuck Avenue, both sides, of the west roadway, from Addison Street to Center Street (Berkeley Square).
Shattuck Avenue, both sides, of the east roadway, from Addison Street to Center Street (Berkeley Square).
Shattuck Place, west side, from Rose Street to Shattuck Avenue.
University Avenue, both sides, from Oxford Street to McGee Avenue.
Webster Street, north side, from 125 feet east of College Avenue to 100 feet west of College Avenue.
Webster Street, south side, from 100 feet west of College Avenue to 125 feet east of College Avenue.
Addison Street, both sides, from Milvia Street to Oxford Street.
Allston Way, both sides, from MLK Jr. Way to Oxford Street.
Berkeley Square, both sides, from Addison Street to Center Street.
Center Street, both sides, from MLK Jr. Way to Oxford Street.
Harold Way, both sides, from Allston Way to Kittredge Street.
Kittredge Street, both sides, from Milvia Street to Shattuck Avenue.
Milvia Street, east side, from Kittredge Street to Center Street.
Milvia Street, both sides, from Center Street to Addison Street.
MLK Jr. Way, both sides, from Center Street to Allston Way.
Oxford Street, both sides, from University Avenue to Kittredge Street.
Oxford Street, east side, from Hearst Street to University Avenue.
Parker Street, both sides, from 100 feet west of Shattuck Avenue to Shattuck Avenue.
Parker Street, north side, from 100 feet east of Shattuck Avenue to Shattuck Avenue.
Shattuck Avenue, both sides, from Center Street to Carleton Street.
Telegraph Avenue, both sides, from Dwight Way to Bancroft Way.
Vine Street, north side, from 75 feet east of Walnut Street to 100 feet east of Henry Street.
Vine Street, south side, from 100 feet east of Henry Street to 150 feet east of Walnut Street.
Virginia Street, north side, from 150 feet east of Shattuck Avenue to 150 feet west of Shattuck Avenue.
Virginia Street, south side, from Shattuck Avenue to 125 feet west of Shattuck Avenue.
Walnut Street, both sides, from University Avenue to Berkeley Way.
Walnut Street, west side, from Rose Street to 200 feet south of Vine Street.
Walnut Street, east side, from 75 feet north of Vine Street to 125 feet south of Vine Street.

C. The City Traffic Engineer shall cause parking meters and pay-and-display stations to be installed and maintained in all parking meter zones and goBerkeley Program parking meter zones. (Ord. 7679-NS § 1, 2019:

Ord. 7628-NS § 3, 2018: Ord. 7589-NS § 1, 2018: Ord. 7586-NS § 3, 2017: Ord. 7533-NS § 1, 2017: Ord. 7498-NS § 1, 2016: Ord. 7390-NS § 1, 2015: Ord. 7305-NS (part), 2013)

Section 14.52.020 Manner of installation.

A. Single space meters.

1. Parking meters shall be installed upon the curb or sidewalk area immediately adjacent to each parking space. Each meter shall be placed in such manner as to show or display by a sign or signal that the parking space adjacent thereto is or is not legally in use. Each parking meter shall indicate the limit of parking time in the parking space adjacent to the parking meter.

2. Each parking meter shall be set to display, after the operational procedure has been completed, a sign or signal indicating legal parking for that period of time conforming to the limit of parking time as indicated on the meter, and shall continue to operate from the time of the completion of the operational procedure until the expiration of the time fixed as the parking limit or a portion thereof for the part of the street upon which said meter is placed. Each said meter shall also be so arranged that upon the expiration of said legal parking time it will indicate by a mechanical operation and by proper signal that the lawful parking period has expired.

B. Pay-and-display stations.

1. Pay-and-display stations shall be installed upon the curb or sidewalk area within any designated meter zone. Each pay-and-display station shall indicate the limit of parking time in that particular designated meter zone.

2. Each pay-and-display station shall be set to dispense, after the operational procedure has been completed, a two-part windshield dispensing machine ticket indicating legal parking for that period of time conforming to the limit of parking time as indicated on the pay-and-display station or indicated by signage or curb markings. (Ord. 7305-NS (part), 2013)

Section 14.52.030 Time of operation of parking meters and pay-and-display stations.

The provision of this chapter relating to the operation of parking meters and pay-and-display stations shall be effective between the hours of nine a.m. and six p.m. every day except Sundays, and as may be otherwise provided for specific locations in the sections of establishing parking meter zones. (Ord. 7305-NS (part), 2013)

Section 14.52.040 Operational procedure to be followed.

A. Single space meters. Immediately after occupancy of a parking meter space, the operator of a vehicle shall, if necessary, deposit a coin of the United States, or use a credit or debit card acceptable to the City, or use a City-approved software application that processes pay-by-phone payments from a mobile phone, at said parking meter in accordance with the instructions posted on the face of the parking meter or the pay-by-phone software application that processes payments from a mobile device.

B. Pay-and-Display stations.

1. Immediately after occupancy of a pay-and-display station space, the operator of a vehicle shall, if necessary, locate the nearest pay-and-display station on the block and deposit a coin of the United States, or use a credit or debit card acceptable to the City, or use a City-approved software application that processes pay-by-phone payments from a mobile phone at said pay-and-display station and make selections in accordance with the instructions posted on the face of the pay-and-display station, or the pay-by-phone software application that processes payments from a mobile phone.

2. Upon obtaining the printed dispensing machine ticket from the pay-and-display station, the operator of the vehicle shall return immediately to their vehicle and place the dispensing machine ticket face up on the street-side of the vehicle's dashboard in such a manner that the expiration time and date are readily visible from the exterior. (Ord. 7628-NS § 4, 2018: Ord. 7586-NS § 4, 2017: Ord. 7305-NS (part), 2013)

Section 14.52.050 Unlawful to park after meter and/or pay-and-display station time has expired.

A. Single space meter. It is unlawful for the operator of any vehicle to permit said vehicle to remain parked in any parking space during any time that an operable meter is showing a signal indicating that such space is illegally in use, such as where the time has expired, other than such time immediately after the original occupancy as is necessary to operate the meter to show legal parking.

B. Pay-and-Display stations. It is unlawful for the operator of any vehicle to permit said vehicle to remain parked in any parking space during any time that pay-and-display station dispensing machine ticket is indicating that such space is illegally in use, such as where the time has expired, other than such time immediately after the

original occupancy as is necessary to obtain a receipt from the pay-and-display station and to place said dispensing machine ticket face up on the street-side of the vehicle's dashboard to show legal parking. (Ord. 7305-NS (part), 2013)

Section 14.52.060 Unlawful to extend time beyond limit.

A. Single space meter. It is unlawful and a violation of the provisions of this chapter for any person to follow the operational procedure or any part of the operational procedure for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space adjacent to which said parking meter is placed.

B. Pay-and-Display stations. It is unlawful and a violation of the provisions of this chapter for any person to follow the operational procedure or any part of the operational procedure for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space which is indicated on the pay-and-display station dispensing machine ticket. (Ord. 7305-NS (part), 2013)

Section 14.52.063 No pay-and-display dispensing machine ticket displayed.

A motor vehicle on which is properly displayed a valid pay-and-display dispensing machine ticket as provided for herein shall be permitted to stand or be parked in a pay-and-display zone for which the dispensing machine ticket has been issued for the period of time indicated on the dispensing machine ticket without being subject to parking penalties in effect for such area. However, any motor vehicle on which there is not displayed a valid dispensing machine ticket as provided herein shall be subject to parking regulations and consequent penalties in effect for such area. (Ord. 7305-NS (part), 2013)

Section 14.52.066 Improperly displayed pay-and-display dispensing machine ticket.

A motor vehicle on which the pay-and-display dispensing machine ticket is not properly displayed as provided herein shall be subject to parking regulations and consequent penalties in effect for such area. (Ord. 7305-NS (part), 2013)

Section 14.52.070 Improper use of meter and pay-and-display station.

It is unlawful to deposit or cause to be deposited in any parking meter any defaced or bent coin, or any slug, device or metallic substitute for a coin of the United States, or to otherwise use any card or other device in a parking meter or pay-and-display station having alternative payment capability in lieu of a card or device lawful and appropriate to an alternative payment process at such parking meter or pay-and-display station, or for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter or pay-and-display station. (Ord. 7305-NS (part), 2013)

Section 14.52.080 Deposit of coins in meter or coins, credit card, debit card, or epark card in pay-and-display station by unauthorized person.

A. Single space meter. It is unlawful for any person, other than the owner or operator of a vehicle, to deposit any coin, debit card or credit card in any parking meter without the knowledge or consent of said owner or operator of the vehicle using the parking space immediately adjacent to said meter.

B. Pay-and-display stations. It is unlawful for any person, other than the owner or operator of a vehicle, to deposit any coin, credit card, debit card, or epark card in any pay-and-display station without the knowledge or consent of said owner or operator of the vehicle using the parking space. (Ord. 7305-NS (part), 2013)

Section 14.52.090 Parking meters, pay-and-display stations and parking meter/pay-and-display station standards not to be used for certain purposes.

A. Single space meters. It is unlawful for any person to attach anything to or allow a bicycle, newsrack or any other article or thing to lean against a parking meter or a parking meter standard.

B. Pay-and-display stations. It is unlawful for any person to attach anything to or allow a bicycle, newsrack or any other article or thing to lean against a pay-and-display unit or a pay-and-display standard. (Ord. 7305-NS (part), 2013)

Section 14.52.100 Rule of evidence.

A. Single space meters. The parking or standing of any motor vehicle in a parking space, at which space the parking meter displays the sign or signal indicating illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter.

B. Pay-and-display stations. The parking or standing of any motor vehicle in a parking space, at which space the pay-and-display station dispensing machine ticket indicates illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter. (Ord. 7305-NS (part), 2013)

Section 14.52.110 Use of money deposited in parking meters and pay-and-display stations.

Except as permitted under subdivision G below, all moneys collected from parking meters and pay-and-display stations in the City shall be placed in a special fund, which fund shall be used for the following purposes:

A. For the purchasing, leasing, installing, repairing, maintaining, operating, removing, regulating and policing of parking meters and pay-and-display stations in the City and for the payment of any and all expenses relating or incidental thereto.

B. For the purchasing, leasing, acquiring, improving, operating and maintaining of off-street parking facilities in the City.

C. For the installation and maintenance of traffic control devices and signals.

D. For the painting and marking of streets and curbs required for the direction of traffic and the parking of motor vehicles.

E. For the proper regulation, control and inspection of parking and traffic upon the public streets.

F. To be pledged as security for the payment of principal of and interest on off-street parking revenue bonds issued by the City.

G. Additional Revenue deemed to be generated by the goBerkeley Pilot Program will be used to fund goBerkeley efforts, pursuant to Section 1012(b) of Intermodal Surface Transportation Efficiency Act of 1991, as amended, as agreed in the 2012 Cooperative Agreement between the City of Berkeley, the California Department of Transportation and the Federal Highway Administration.

H. Surplus money not utilized under subdivision A through F above may be transferred to the general fund. The City Manager or their designee may make an annual determination as to what is surplus based on the needs and obligations of the special fund and transfer such surplus to the general fund. (Ord. 7498-NS § 2, 2016; Ord. 7305-NS (part), 2013)

Section 14.52.120 Parking meter and Pay-and-Display Station fees.

Parking meter and Pay-and-Display Station fees for the parking meter zones hereinabove set forth shall be as follows:

A. For parking meter zones set forth in 14.52.010(A) and 14.52.010(B):

1. Pay-and-Display Stations and credit card enabled single-space meters shall accept nickels, dimes, quarters, one dollar coins and credit/debit cards.

2. Single-space parking meters that accept coins only shall accept nickels, dimes and quarters.

3. The minimum transaction amount for cash payment shall be five cents (\$0.05) and shall purchase a segment of time proportional to the prevailing hourly rate, rounded up to the nearest whole minute. The prevailing hourly rate for meter zones specified in 14.52.010(A) shall be \$1.50 per hour. The prevailing hourly rate for meter zones specified in 14.52.010(B) shall be set by section 14.52.120(B).

4. The 12-minute minimum transaction amount for credit/debit card payment shall purchase a segment of time proportional to the prevailing hourly rate, rounded up to the nearest whole minute. The prevailing hourly rate for meter zones specified in 14.52.010(A) shall be \$1.50 per hour. The prevailing hourly rate for meter zones specified in 14.52.010(B) shall be set by section 14.52.120(B).

B. For parking meter zones set forth in Section 14.52.010(B) (goBerkeley Program Areas):

At single-space meters and Pay-and-Display Stations within the goBerkeley Program parking meter zones:

1. The hourly rate may vary between \$0.50 and \$5.00 per hour effective FY 2017, between \$0.50 and \$6.00 per hour effective FY 2018, between \$0.50 and \$7.00 effective FY 2019, and between \$0.50 and \$8.00 effective FY 2020, as set by the City Manager.

2. The parking fee may be either flat rates (same rate for a specified time period e.g. 1 hour, 4 hours, all day), or may be variable rates based on time of day, length of stay, or a combination of those pricing structures, as set by the City Manager.
3. The City Manager may adjust the parking fee by increments no larger than 50 cents (\$0.50) per hour.
4. The City Manager may implement special event pricing at designated times and at designated pay-and-display stations and parking meters,
5. Adjustments to the parking fee must be supported by published data on parking usage statistics with the goal of achieving 65-85% parking occupancy of spaces as calculated in the goBerkeley Program Guidelines.
6. Adjustments to the parking fee at pay-and-display stations and parking meters must be posted to the City's website no later than 30 calendar days prior to the adjustment.
7. Parking rates may be adjusted no more frequently than once per 60 calendar days. (Ord. 7498-NS § 3, 2016; Ord. 7308-NS § 1, 2013; Ord. 7305-NS (part), 2013)

Section 14.52.130 Time limits enforced at inoperable parking meters and pay-and-display stations.

- A. Single space meters. Where parking meters are installed in the City, if the parking meter is inoperable, the time limits posted on the parking meter shall be enforced during the hours of operation of parking meters.
- B. Pay-and-display stations. Where pay-and-display stations are installed in the City, if the pay-and-display station is inoperable, the time limits posted on the pay-and-display station within the block that the vehicle is parked or indicated by signage or curb markings shall be enforced during the hours of operation of the pay-and-display station. (Ord. 7600-NS § 1, 2018; Ord. 7305-NS (part), 2013)

Chapter 14.56

MOVEMENT OF HEAVY VEHICLES AND EQUIPMENT

Sections:

- 14.56.010 Permit required.
- 14.56.020 Flange wheel machinery.
- 14.56.030 Prohibiting commercial vehicles on Bolivar Drive.
- 14.56.040 Prohibiting the operation of commercial vehicles on Marin Avenue between Grizzly Peak Boulevard and The Circle.
- 14.56.050 Prohibiting the use of certain streets by vehicles exceeding five tons gross vehicle weight.
- 14.56.060 Designated truck route system.
- 14.56.070 Prohibiting the use of certain streets by commercial trucks exceeding three tons gross vehicle weight.
- 14.56.080 Definitions and truck classification.

Section 14.56.010 Permit required.

A. It is unlawful for any person to move or operate upon any street in the City any vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum specified in the Vehicle Code without a written permit from the Director of Public Works.

B. The Director of Public Works may, by written permit, authorize a vehicle, combination of vehicles or special mobile equipment of a size or weight in excess of the maximum specified in the Vehicle Code if, in their judgment, the streets upon which such vehicle, combination of vehicles or special mobile equipment is to be operated can safely withstand the additional weight or size and if the applicant will guarantee to the City that all costs of repair to the streets or to the public property of the City damaged by the movement of such load or of such overweight or oversized vehicle, combination of vehicles or special mobile equipment will be paid in full, and will provide indemnity for any injury resulting from the operation of such vehicle, combination of vehicles or special mobile equipment. Such permit shall be granted upon such conditions as the Director of Public Works in their discretion may require and upon filing such indemnity bond or certificate of insurance as the Director of Public Works may require. (Ord. 3786-NS § 1 (part), 1961; Ord. 3262-NS § 14, 1952)

Section 14.56.020 Flange wheel machinery.

It is unlawful for any person to operate over the City streets any vehicle, piece of equipment or machinery which has lugs, cleats, flanges or other projections on the wheels or tracks. If the tread of the track has projections or corrugations, a filler block may be placed on each section so that a flat bearing surface will be in contact with the pavement at all times. (Ord. 3262-NS § 14.1, 1952)

Section 14.56.030 Prohibiting commercial vehicles on Bolivar Drive.

It is unlawful for any person to operate any commercial vehicle upon Bolivar Drive in the Aquatic Park. (Ord. 3304-NS § 1, 1953)

Section 14.56.040 Prohibiting the operation of commercial vehicles on Marin Avenue between Grizzly Peak Boulevard and The Circle.

A. It is unlawful for any person to operate any commercial vehicle over four tons gross weight on Marin Avenue between Grizzly Peak Boulevard and The Circle. Provided, however, that this section shall not apply to any commercial vehicle using said street when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on said portion of Marin Avenue or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such portion of Marin Avenue for which a building permit has previously been obtained therefore, providing the operator of said commercial vehicle enters and leaves said portion of Marin Avenue by the cross street either above or below the point of pickup or delivery. Provided, further,

that this section shall not apply to any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility. (Ord. 6799-NS § 1 (part), 2004: Ord. 3600-NS § 1, 1957)

Section 14.56.050 Prohibiting the use of certain streets by vehicles exceeding five tons gross vehicle weight.

A. It is unlawful for any person to operate any vehicle exceeding five tons gross vehicle weight on the following portions of streets, hereafter referred to as "restricted streets":

1. Gilman Street east of San Pablo Avenue;
2. Martin Luther King Jr. Way between Hearst Avenue and Hopkins Street;
3. Hopkins Street between Gilman Street and Sacramento Street;
4. Martin Luther King Jr. Way between Hearst Avenue and University Avenue;
5. The Alameda between Martin Luther King Jr. Way and Solano Avenue.

B. The provisions of this section shall not apply to:

1. Any vehicle subject to Sections 1031 through 1036 of the California Public Utilities Code (governing certain common carriers engaged in the transportation of passengers for compensation);

2. Any vehicle owned by a public utility company or a licensed contractor while necessarily in use in the construction, installation or repair of any public utility;

3. Any commercial vehicle using any restricted street for the purpose of (a) making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on such restricted street; or (b) delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon any restricted street for which a building permit has previously been obtained;

4. Any vehicle owned, leased, operated or controlled by any licensed contractor while necessarily in use in the construction, maintenance, or repair of a public works project, or by any highway carrier regulated by the Public Utilities Commission while transporting any materials to or from a public works project, when the bids for such project were opened prior to the adoption of the ordinance establishing this section, unless an alternate direct route is provided substantially within and by the City.

C. The prohibitions established herein shall not be effective until appropriate signs are erected indicating the streets affected by this section. (Ord. 6799-NS § 1 (part), 2004: Ord. 6751-NS § 1, 2003: Ord. 6526-NS § 1, 2000: Ord. 6508-NS § 1, 1999: Ord. 6426-NS § 1, 1998: Ord. 6351-NS § 1, 1996: Ord. 6265-NS § 1, 1994: Ord. 6102-NS § 1, 1992)

Section 14.56.060 Designated truck route system.

The City establishes a designated commercial truck route system requiring such vehicles exceeding seven tons gross vehicle weight to use the following streets or portions of streets within the City of Berkeley except when taking the shortest possible route between the truck route system and the point of origin or destination in the City of Berkeley:

1. Adeline Avenue between Martin Luther King Jr. Way (62nd Street) and Shattuck Avenue;
2. Ashby Avenue/Tunnel Road (SR13) between I-80 and east city limit;
3. Gilman Street between West Frontage Road and San Pablo Avenue (SR123);
4. Henry Street between Rose Street and Eunice Street;
5. Martin Luther King Jr. Way between Adeline Avenue (62nd Street) and south city limits;
6. San Pablo Avenue (SR123) between south city limits and north city limits;
7. Shattuck Avenue between Adeline Avenue and Shattuck Place;
8. Shattuck Place between Shattuck Avenue and Rose Street;
9. Solano Avenue between Del Norte Street and west city limits;
10. Sutter Street between Eunice Street and Del Norte Street;
11. University Avenue between I-80 and Oxford Street. (Ord. 6799-NS § 1 (part), 2004: Ord. 6535-NS § 1, 2000)

Section 14.56.070 Prohibiting the use of certain streets by commercial trucks exceeding three tons gross vehicle weight.

A. It is unlawful for any person to operate any commercial vehicle exceeding three tons gross vehicle weight on the following portions of streets, hereafter referred to as "restricted streets":

1. Hearst Avenue between 6th Street and San Pablo Avenue;
2. Hearst Avenue between San Pablo Avenue and Sacramento Street;

3. 7th Street between University Avenue and Cedar Street;
4. 8th Street between University Avenue and Cedar Street;
5. 9th Street between University Avenue and Cedar Street;
6. 10th Street between University Avenue and Cedar Street;
7. Delaware Street between San Pablo Avenue and 6th Street;
8. Delaware Street between San Pablo Avenue and Sacramento Street;
9. Virginia Street between San Pablo Avenue and 6th Street;
10. Virginia Street between San Pablo Avenue and Sacramento Street;
11. Francisco Street between San Pablo Avenue and Sacramento Street;
12. Hopkins Street west of Gilman Street;
13. Blake Street between Shattuck Avenue and Telegraph Avenue;
14. Blake Street between San Pablo Avenue and Sacramento Street;
15. Parker Street between Shattuck Avenue and Telegraph Avenue;
16. Carleton Street between Shattuck Avenue and Telegraph Avenue;
17. Carleton Street between San Pablo Avenue and Sacramento Street;
18. Channing Way between San Pablo Avenue and Sacramento Street;
19. Derby Street between Shattuck Avenue and Telegraph Avenue;
20. Ward Street between Shattuck Avenue and Telegraph Avenue;
21. Stuart Street between Shattuck Avenue and Telegraph Avenue;
22. Oregon Street between Shattuck Avenue and Telegraph Avenue;
23. Parker Street between San Pablo Avenue and Sacramento Street;
24. Russell Street between Shattuck Avenue and Telegraph Avenue;
25. Howe Street between Ellsworth Street and Telegraph Avenue;
26. Fulton Street between Ashby Avenue and Dwight Way;
27. Ellsworth Street between Ashby Avenue and Dwight Way;
28. Dana Street between Ward Street and Dwight Way;
29. Spaulding Avenue between Dwight Way and Addison Street;
30. California Street between Dwight Way and University Avenue;
31. Jefferson Avenue between Dwight Way and University Avenue;
32. McGee Avenue between Dwight Way and University Avenue;
33. Roosevelt Avenue between Dwight Way and Addison Street;
34. McKinley Avenue between Dwight Way and Addison Street;
35. Addison Street between Sacramento Street and Martin Luther King Jr. Way;
36. Allston Way between Sacramento Street and Martin Luther King Jr. Way;
37. Bancroft Way between Sacramento Street and Martin Luther King Jr. Way;
38. Channing Way between Sacramento Street and Martin Luther King Jr. Way;
39. Grant Street between Dwight Way and University Avenue;
40. Cedar Street east of 6th Street;
41. Dwight Way between San Pablo Avenue and Martin Luther King Jr. Way;
42. Claremont Avenue between Ashby Avenue and Belrose Avenue;
43. Belrose Avenue between Claremont Avenue and Derby Street;
44. Derby Street between Belrose Avenue and Warring Street;
45. Warring Street between Derby Street and Dwight Way;
46. Piedmont Avenue between Dwight Way and Bancroft Way;
47. Milvia Street between Dwight Way and Hopkins Street;
48. The Uplands between Claremont Avenue and Tunnel Road;
49. Panoramic Way between Canyon Road and Berkeley/Oakland city limits;
50. Kains Avenue between Virginia Street and Harrison Street;
51. Virginia Street between Shattuck Avenue and Martin Luther King Jr. Way,
52. Francisco Street between Shattuck Avenue and Martin Luther King Jr. Way,
53. Delaware Street between Shattuck Avenue and Martin Luther King Jr. Way,
54. Hearst Avenue between Shattuck Avenue and Martin Luther King Jr. Way,
55. Berkeley Way between Shattuck Avenue and Martin Luther King Jr. Way.

B. All inter-city buses and tourist buses will be prohibited on these streets. School buses, emergency vehicles, and buses converted for use by disabled people will be allowed to use three-ton commercial truck weight limit routes.

C. The provisions of this section shall not apply to subsections 14.56.050 B and C. (Ord. 7428-NS § 1, 2015: Ord. 6799-NS § 1 (part), 2004)

Section 14.56.080 Definitions and truck classification.

For purposes of this chapter:

- A. Commercial vehicle shall mean a vehicle having a commercial license plate.
- B. 1 ton = 2000 LBS.
- C. Truck classifications shall be defined as follows:

Descriptive Size	Class	Gross Vehicle Weight (lbs)	# Of Axles	# Of Tires	Representative Vehicles
Light	1	<6,000	2	4	Pick-Up, Van
	2	6,000-10,000	2	4	Step Van, Small Courier Van
Medium	3	10,000-14,000	2	6	Metro Van, Small Tow Truck
	4	14,000-16,000	2	6	Flat Bed
	5	16,000-19,500	2	6	Large Tow Truck, Stake Truck, Package Delivery Van
Light-Heavy	6	19,500-26,000	3	6	Single Unit Truck (30'), Moving Van, Beverage Truck, Home Heating Oil Truck, Armored Car, Mini Bus
Heavy	7	26,000-33,000	3	10	Tractor/Trailer (40'), Moving Truck, Dump Truck, Transit Bus
	8	>33,000	3 3 +	10 10 +	Tractor/Trailer (50'), Moving Truck, Freight Truck, Concrete Truck, Gravel Truck, Articulated Bus, Greyhound Bus

(Ord. 6799-NS § 1 (part), 2004)

Chapter 14.60

TRAINS

Sections:

14.60.010 Trains not to block crossing for more than five minutes.

14.60.020 Railway gates.

14.60.030 Speed limit of trains in residential districts.

Section 14.60.010 Trains not to block crossing for more than five minutes.

It is unlawful for any person, firm or corporation either as owner, employee or otherwise, controlling, operating or in charge of any car or train of cars, or any portion of such train, to cause or permit such car or train of cars, or any portion of such train, to stand or to be moved along or across any public street in such a manner as to prevent for a period of more than five minutes, any person or vehicle from crossing the track or tracks on which such car or train of cars is standing or being moved. (Ord. 3262-NS § 15, 1952)

Section 14.60.020 Railway gates.

No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed. (Ord. 3786-NS § 2 (part), 1961)

Section 14.60.030 Speed limit of trains in residential districts.

The maximum speed limit of trains in any district of the City designated as a residential district by the Zoning Ordinance shall be fifteen miles per hour. (Ord. 4494-NS § 1, 1970)

Chapter 14.62

VEHICLE SHARING

Sections:

14.62.010	Findings and purpose.
14.62.020	Definitions.
14.62.030	Term.
14.62.040	Permit parking exemption.
14.62.050	Free-floating parking permit.
14.62.060	Master residential parking permit.
14.62.070	One-way vehicle share parking zone.
14.62.080	Modification after initial designation of one-way vehicle share parking zone.
14.62.090	Issuance of parking permits.
14.62.100	Parking permit fees.
14.62.110	Suspension or revocation.
14.62.120	Penalties, liability and enforcement.

Section 14.62.010 Findings and purpose.

The Council finds that the use of vehicle sharing within Berkeley has numerous benefits, including improved mobility for residents, reduced personal vehicle ownership and vehicle miles traveled and overall reduction in greenhouse gas emissions. The purpose of this Chapter is to facilitate vehicle sharing within Berkeley by establishing a program under which permitted one-way vehicle share vehicles may park in metered and unmetered spaces in which parking is allowed for up to two hours or longer. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

Section 14.62.020 Definitions.

A. "Vehicle sharing" means a membership-based service, available to all licensed drivers, who meet the vehicle sharing organization's eligibility requirements, which offers members access to a network of vehicles, 24 hours per day, 7 days a week, at self-service locations and allows members to reserve and use a one-way vehicle share vehicle without a separate written agreement, at rates that are proportional to usage.

B. "One-way vehicle sharing" means a vehicle sharing model that allows members to pick up a vehicle from one location and drop it off at a different location within a defined geographic area, as specified by the qualified vehicle share organization that operates that vehicle.

C. "Vehicle share organization" means an entity that provides shared-use vehicles for its members at geographically distributed locations at hourly, daily and weekly rates (or fractions thereof) with insurance coverage provided by the vehicle share organization. The Public Works Department will maintain the criteria necessary to become a qualified vehicle share organization. The Public Works Department will compile a list of qualified vehicle share organizations entitled to apply for one-way vehicle share permits. The Public Works Director or their designee may make changes to these criteria at any time.

D. "One-way vehicle share vehicle" means a vehicle requiring a driver's license to operate it, (including, but not limited to, passenger cars, motorized sit scooters, and motorcycles) owned and operated by a qualified vehicle share organization that is clearly and distinctly branded, is constantly tracked through Global Positioning System ("GPS"), and is technologically-enabled to allow members to pick up a vehicle from one location and drop it off at a different location within a defined geographic area, as specified by the vehicle share organization.

E. "Qualified vehicle share organization" is a vehicle share organization that has a fleet of at least twenty one-way vehicles for member use.

F. "One-way vehicle share parking zone" is the area agreed upon by the qualified vehicle share organization permit holder and the Public Works Department, which bounds the geographic area where one-way vehicle share members may legally park one-way vehicle share vehicles within Berkeley. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

Section 14.62.030 Term.

Reserved. (Ord. 7722-NS § 1 (part), 2020: Ord. 7653-NS § 1 (part), 2019: Ord. 7508-NS § 1 (part), 2016)

Section 14.62.040 Permit parking exemption.

A. A one-way vehicle share vehicle with a free-floating parking permit, parked at metered parking spaces in which parking is allowed for up to two hours or longer, that is located within the company's defined one-way vehicle share parking zone, shall be exempt from the provisions stated in Chapter 14.52, which regulate the parking or standing of vehicles, which includes time limits enforced at inoperable parking meters and pay-and-display stations except that it may not remain parked at the same location for more than 72 hours.

B. A one-way vehicle share vehicle with a master residential parking permit shall be permitted to stand or be parked in any of the residential permit parking areas established pursuant to Chapter 14.72 Preferential Parking Program with the same rights and restrictions as RPP holders. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

Section 14.62.050 Free-floating parking permit.

A. A free-floating parking permit entitles qualified vehicle share organization members to park one-way vehicle share vehicles in metered and unmetered spaces in which parking is allowed for up to two hours or longer, for up to 72 hours within the designated free-floating zone.

B. This Chapter shall not exempt a member of a vehicle share organization or qualified vehicle share organization from any other traffic controls and regulations. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

Section 14.62.060 Master residential parking permit.

A. A master residential parking permit entitles qualified vehicle share organization members to park one-way vehicle share vehicles in a residential parking permit area as if the member had a residential parking permit for that zone as designated by chapter 14.72.050, even if the member is not a resident or employee within that zone.

B. The master residential parking permit does not guarantee or reserve a parking space for the member of the vehicle share organization.

C. This Chapter shall not exempt a member of a vehicle share organization or qualified vehicle share organization from any other traffic controls and regulations. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

Section 14.62.070 One-way vehicle share parking zone.

The one-way vehicle share parking zone boundaries will be established by a qualified vehicle share organization in consultation with the Public Works Department. Current and updated maps of one-way vehicle share parking zones will be publicly available on the City of Berkeley's website. The GPS coordinates of one-way vehicle share parking zones shall be programmed into the navigation equipment of those vehicles in order to alert members using those vehicles where parking is permitted. Qualified vehicle share organizations shall notify their members of any modifications to the one-way vehicle share parking zones applicable to their vehicles at least three days prior to such modification. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

Section 14.62.080 Modification after initial designation of one-way vehicle share parking zone.

A qualified vehicle share organization may request up to four modifications to the one-way vehicle share parking boundary zone during the term of the parking permit. Application for such modifications shall be made to the Public Works Department. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

Section 14.62.090 Issuance of parking permits.

A. Free-floating parking permits shall be issued by the Public Works Department in accordance with requirements set forth in this chapter.

B. Master residential parking permits shall be issued by the Public Works Department in accordance with requirements set forth in this chapter.

C. A vehicle share organization applying for parking permits shall provide the license plate numbers for the one-way vehicle share vehicles for which permits are sought to the Public Works Department.

D. The Public Works Department shall issue the permits with a maximum term of one year. Permits can be granted quarterly each year through the end of the City's fiscal year.

E. A vehicle share organization can apply for up to 700 parking permits to be used on vehicle share vehicles based within fifty miles of the Berkeley city limits. A vehicle share organization may alternatively apply for up to 500 parking permits to be used on vehicles based within fifty miles of the Berkeley city limits plus up to 300 parking permits for vehicles based more than fifty miles from the Berkeley city limits. The Public Works Department will review the quantity of parking permits requested by the vehicle share organization to balance the parking needs of the vehicle share organization with the on-street parking needs of private residents and employees.

F. Any free-floating and master residential parking permits which are renewed shall be subject to the same conditions applicable to the permits when originally issued. The Public Works Department may attach additional conditions to a renewed permit.

G. The Public Works Department shall issue rules and regulations consistent with this Chapter governing issuance and display of proof that a one-way vehicle share vehicle is owned by a qualified vehicle share organization with a valid free-floating and/or master residential parking permit. (Ord. 7722-NS § 1 (part), 2020: Ord. 7653-NS § 2, 2019: Ord. 7508-NS § 1 (part), 2016)

Section 14.62.100 Parking permit fees.

A. Fees for master residential parking permits and free-floating parking permits, and for the implementation and administration of this Chapter may be adopted by resolution of the City Council. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

Section 14.62.110 Suspension or revocation.

A. The City may suspend or revoke the status of any qualified vehicle share organization for any violation of the provisions of this Chapter or regulations promulgated to implement this Chapter. During the time that the permit is suspended or revoked, it shall be unlawful for the vehicle share organization to exercise any of the rights granted under this Chapter.

B. The permit holder shall be entitled to appeal the City's decision to suspend or revoke its permit by filing a written notice of appeal with the City Manager within ten days from the date the notice of suspension or revocation is mailed.

a. The appeal shall clearly and concisely set forth the grounds upon which it is based.

b. If the permit holder files a timely request for appeal, a hearing shall be held before the City Manager or their designee. The decision of the City Manager or their designee shall be final.

C. Pending the appeal hearing it shall be unlawful for the permit holder to exercise its rights under this Chapter. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

Section 14.62.120 Penalties, liability and enforcement.

A. Every person who violates any provision of this chapter may be subject to administrative citations pursuant to Chapter 1.28.

B. Each violation of this chapter and each day of violation of this chapter shall be considered a separate and distinct violation thereof and the imposition of a penalty shall be as set forth in subsection A of this section for each and every separate violation and each and every day of violation. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

Chapter 14.64

PENALTIES AND EFFECT OF ORDINANCE

Sections:

14.64.010 Penalties.

Section 14.64.010 Penalties.

Any person violating any provisions of this title, or any other provisions regulating the parking and standing of vehicles in the City, or failing to comply with any orders pursuant to this section, thereof shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code.

After the issuance of the first citation, therefore, each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized vehicle parking in violation of the provisions of Titles 6 and 14, and may be cited accordingly.

Except that violations of the following sections of this division shall be deemed misdemeanors:

- A. Section 14.08.030 "Obedience to Police or Authorized Officers;"
- B. Section 14.08.040 "Obstruction or Interference with Police or Authorized Officers;"
- C. Section 14.08.080 "Authority of Police in Crowds."

Further, where required by state law, a person shall be deemed guilty of a misdemeanor. (Ord. 6686-NS § 14 (part), 2002: Ord. 5716-NS § 3 (17), 1986: Ord. 4395-NS § 1, 1968: Ord. 3262-NS § 17, 1952)

Chapter 14.66

DOUBLE FINES

Chapter 14.66 (Ordinance No. 6,828-N.S., adopted November 9, 2004) sunsets on January 1, 2007, and as of that date is repealed.

Chapter 14.68

BICYCLES AND BICYCLE ESTABLISHMENTS*

Sections:

14.68.010 Definitions.

Article I. Bicycles and Motorized Bicycles

- 14.68.020 License and registration required.
- 14.68.030 Applicability of provisions.
- 14.68.040 License--Application required.
- 14.68.050 License--Proof of ownership.
- 14.68.060 License--Bicycle to be presented.
- 14.68.070 License--Examination of applicant required when.
- 14.68.080 License--Renewal procedures.
- 14.68.090 License--Fees.
- 14.68.100 License--Issuance.
- 14.68.110 Operation--Conformity with chapter provisions required.
- 14.68.120 Riding motorized bicycles on sidewalk prohibited.
- 14.68.130 Riding bicycles on sidewalk permitted when.
- 14.68.140 Operation restrictions--Playgrounds, parks, school grounds.
- 14.68.150 Operation restrictions--Public places.
- 14.68.160 Stunt riding.
- 14.68.170 Procedures on emerging from driveway or alley.
- 14.68.180 Parking restrictions.
- 14.68.190 Accidents--Procedures required.
- 14.68.200 Accidents--Report required when.

Article II. Bicycle Establishments

- 14.68.210 Business license and permit required.
- 14.68.220 Permit--Application.
- 14.68.230 Permit--Not transferable.
- 14.68.240 Weekly secondhand buy report required.
- 14.68.250 Dealer's report of sale required weekly.
- 14.68.260 Holding period for bicycles and parts.
- 14.68.270 Bicycle register--Required--Contents.
- 14.68.280 Bicycle register--Disposition of purchased items.
- 14.68.290 Bicycle register--Safekeeping--Inspection.
- 14.68.300 Permit--Revocation conditions.

Article III. General Regulations

- 14.68.310 Provisions supersede other regulations.
- 14.68.320 License transfer prohibited.
- 14.68.330 Dismantled or junked bicycles--Return of registration certificate.
- 14.68.340 Bicycle rental agency--Licensing requirements.
- 14.68.350 Abandoned or unidentified bicycles.
- 14.68.360 Violation of provisions by persons under eighteen--Penalty.
- 14.68.370 Violations Generally--Penalty.

*Editor's Note: This chapter was editorially renumbered from 14.04 to 14.68 during 1999 recodification.

Section 14.68.010 Definitions.

A. "Bicycle" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain or gears, and having either two or three wheels in a tandem or tricycle arrangement.

B. "Bicycle establishment" means and includes a business operated by any person, partnership, association or corporation, wherein new or used bicycles or bicycle parts are purchased, sold, dismantled or junked.

C. "Motorized bicycle" means any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor which produces less than two gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground. (Ord. 4957-NS §§ 1-3, 1976)

Article I. Bicycles and Motorized Bicycles

Section 14.68.020 License and registration required.

It is unlawful for any person to operate or use a bicycle or motorized bicycle in the city which has not been registered and licensed in accordance with Section 39002(a) of the Vehicle Code of the state. (Ord. 4957-NS § 4, 1976)

Section 14.68.030 Applicability of provisions.

Any bicycle or motorized bicycle not subject to the provisions of Division 16.7 of the Vehicle Code of the state of California shall be subject to this chapter, as provided by Section 39002(b) of the Vehicle Code of the state. (Ord. 4957-NS § 5, 1976)

Section 14.68.040 License--Application required.

Every person making application for a bicycle license or registration in the City shall make application to the Chief of Police, either directly or through a bicycle establishment, upon forms provided by the Chief of Police. Said application form shall contain such information as may be required by the Chief of Police as to the applicant and the description of the bicycle licensed. (Ord. 6230-NS § 1, 1994; Ord. 4957-NS § 6, 1976)

Section 14.68.050 License--Proof of ownership.

For each bicycle license issued, the applicant may be required to provide proof of ownership to the Chief of Police. Said proof shall be in any form designated by the Chief of Police to be satisfactory for such purpose. (Ord. 4957-NS § 7, 1976)

Section 14.68.060 License--Bicycle to be presented.

Upon making application for a bicycle license or bicycle license renewal, the applicant shall present the bicycle at such place designated by the Chief of Police as a licensing facility. (Ord. 4957-NS § 8, 1976)

Section 14.68.070 License--Examination of applicant required when.

Upon making an application for a first bicycle license, the applicant may be required to be examined by an examining officer designated by the Chief of Police. The Chief of Police may further designate the manner of examination. Upon completion of said examination, the examining officer may refuse to issue a license to the applicant if the said examination discloses to the examining officer that the applicant does not have a reasonable knowledge of the provisions of this chapter, the provisions of Division 11 (commencing with Section 21220) of the Vehicle Code of the state, or that the applicant is unable to exercise reasonable control in operating a bicycle. (Ord. 4957-NS § 9, 1976)

Section 14.68.080 License--Renewal procedures.

Application for a bicycle license renewal shall be made by presentation of the licensed bicycle and the registration certificate last issued for the bicycle, and by payment of the full annual fee for said bicycle as provided by this chapter. (Ord. 4957-NS § 10, 1976)

Section 14.68.090 License--Fees.

The fees required to be paid pursuant to the provisions of this chapter are:

A. For each new bicycle license and registration certificate, the sum shall be two dollars per year or any portion thereof;

- B. For each transfer of registration certificate, the sum shall be one dollar;
- C. For each replacement of a bicycle license and registration certificate, the sum shall be one dollar;
- D. For each replacement of a registration certificate only, there shall be no fee;
- E. For each bicycle license renewal, the sum shall be one dollar. (Ord. 5181-NS § 1, 1979: Ord. 4957-NS § 11, 1976)

Section 14.68.100 License--Issuance.

Upon approval of the application and payment of the license fee, the Chief of Police will issue a license and a copy of the registration certificate to the applicant pursuant to Section 39003 of the Vehicle Code of the state. (Ord. 4957-NS § 12, 1976)

Section 14.68.110 Operation--Conformity with chapter provisions required.

It is unlawful for any person to operate a bicycle or motorized bicycle in the City in violation of any of the provisions of this chapter. (Ord. 4957-NS § 13, 1976)

Section 14.68.120 Riding motorized bicycles on sidewalk prohibited.

No person shall ride or operate a motorized bicycle on any sidewalk in the City. (Ord. 4957-NS § 14, 1976)

Section 14.68.130 Riding bicycles on sidewalk permitted when.

No person shall ride or operate a bicycle on any sidewalk in the city except:

- A. Juveniles, exercising the due care and giving the pedestrian the right-of-way, may ride and operate their bicycles upon the sidewalk, except such sidewalks as are in front of schools, stores or buildings used for business purposes;
- B. Juveniles riding or operating a bicycle on the sidewalk shall do so in single file;
- C. Peace officers who determine in good faith that riding or operating a bicycle on the sidewalk is necessary to perform official duties. (Ord. 6113-NS § 1, 1992: Ord. 4957-NS § 15, 1976)

Section 14.68.140 Operation restrictions--Playgrounds, parks, school grounds.

No person shall ride or operate a bicycle or motorized bicycle upon any playground, park, or school ground where children are playing, without the permission of the person having supervision of said playground, park or school ground. (Ord. 4957-NS § 16, 1976)

Section 14.68.150 Operation restrictions--Public places.

No person shall ride or operate a bicycle or motorized bicycle upon any public place in the City other than a public street or highway, without due regard for the safety of the operator and other persons upon such public place. (Ord. 4957-NS § 17, 1976)

Section 14.68.160 Stunt riding.

No person riding or operating a bicycle or motorized bicycle shall perform or attempt to perform any acrobatic, fancy or stunt riding upon any public place, other than a street or highway, in the City. (Ord. 4957-NS § 18, 1976)

Section 14.68.170 Procedures on emerging from driveway or alley.

The operator of a bicycle or motorized bicycle, on leaving a driveway or alley when the operator's view of either the sidewalk or street area is obstructed, shall stop such bicycle or motorized bicycle immediately prior to riding upon or across such sidewalk or street area. (Ord. 4957-NS § 19, 1976)

Section 14.68.180 Parking restrictions.

No person shall park any bicycle or motorized bicycle against windows or parking meters or on the main-traveled portion of the sidewalk, nor in such manner as to constitute a hazard to pedestrians, traffic or property. (Ord. 4957-NS § 20, 1976)

Section 14.68.190 Accidents--Procedures required.

The operator of any bicycle or motorized bicycle involved in an accident shall take reasonable steps to ascertain whether or not anyone was injured, and shall give their name, address and the license number of their bicycle or motorized bicycle to the person with whom they had the accident, and shall obtain the same information from the other person. (Ord. 4957-NS § 21, 1976)

Section 14.68.200 Accidents--Report required when.

It shall be the duty of the operator of any bicycle or motorized bicycle to make a written report of any accident resulting in death or injury to the Police Department immediately after such accident. (Ord. 4957-NS § 22, 1976)

Article II. Bicycle Establishments

Section 14.68.210 Business license and permit required.

No person or persons in the city shall establish, carry on or operate a bicycle establishment, except as authorized by this chapter, and without first obtaining a business license as provided in Ordinance 2805-NS of the City, and a permit from the Chief of Police. (Ord. 4957-NS § 23, 1976)

Section 14.68.220 Permit--Application.

A. The application for such permit shall be in writing and signed by the applicant and shall set forth the following information: The name, age and residence address of the applicant if a natural person, or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers with their respective residence addresses, or if a partnership, association or unincorporated company, the names of the partners or persons comprising the partnership, association or company with their respective residence addresses. The application shall state whether the applicant had conducted a bicycle establishment prior to the current filing. If so, the applicant shall specify each and every such business, its location and dates of operation.

B. The application shall be made on forms provided by the Chief of Police and filed in duplicate with the Chief of Police. (Ord. 4957-NS § 24, 1976)

Section 14.68.230 Permit--Not transferable.

No person having a bicycle establishment permit under the provisions of this chapter shall transfer, sell, assign, loan or permit any person to have or use such permit. (Ord. 4957-NS § 25, 1976)

Section 14.68.240 Weekly secondhand buy report required.

A. All persons operating a bicycle establishment are required to make a weekly report to the Chief of Police upon forms provided for that purpose by the Chief of Police, giving the true name and address of the person from whom each bicycle or bicycle part is purchased, and a description of each bicycle, its frame number and the number of any license found thereon, if any. If the bicycle does not have a license, the buyer shall require the seller to obtain the approval of the Chief of Police to complete such sale or exchange. This report shall be known as the "secondhand buy report," and shall be made in triplicate. The original shall be mailed or delivered to the Chief of Police, the duplicate shall remain with the dealer, and the triplicate shall be given to the seller. It shall be the duty of the dealer to mail or deliver to the Chief of Police all reports at the close of each business week.

B. This section shall not apply to new bicycles or bicycle parts purchased at wholesale. (Ord. 4957-NS § 26, 1976)

Section 14.68.250 Dealer's report of sale required weekly.

All persons operating a bicycle establishment shall make a weekly report to the Chief of Police upon forms provided for that purpose by the Chief of Police, to report all sales made, including the name and address of each person to whom a bicycle is sold, together with the make, frame number and license number found thereon, if any. These reports shall be known as the "dealer's report of sale," and shall be made in triplicate. The original shall be mailed or delivered to the Chief of Police, the duplicate shall be retained by the dealer, and the triplicate shall be given to the seller. It shall be the duty of the dealer to make or deliver all reports to the Chief of Police at the close of each business week. (Ord. 4957-NS § 27, 1976)

Section 14.68.260 Holding period for bicycles and parts.

No person operating a bicycle establishment shall alter, repair or dispose of any bicycle or bicycle part purchased or taken in exchange as secondhand bicycle or bicycle part thereof until after the expiration of thirty days from the date of purchase or exchange, and during those thirty days the bicycle or bicycle part so obtained shall remain without alteration on the premises of such bicycle establishment, shall be kept separate from bicycles or bicycle parts previously purchased, and shall be subject to inspection at any time during business hours by the Chief of Police, or any police officer or other person designated by the Chief of Police. (Ord. 4957-NS § 28, 1976)

Section 14.68.270 Bicycle register--Required--Contents.

A. The Chief of Police shall furnish free of charge to every person operating a bicycle establishment a book known as the "bicycle register" in which shall be entered in plain and legible handwriting a record of all bicycles or bicycle parts purchased or taken in exchange. The entry must be made at the time of purchase or immediately thereafter and shall include, in addition to the date and hour of purchase, a full description of the bicycle or bicycle part, the price paid therefor, and the name, address, age, height, weight and complexion of the seller. In entering the description of the bicycle, the name of the manufacturer and the factory serial number thereof shall in every case be recorded if known or if it can be ascertained.

B. This section shall not apply to new bicycles or bicycle parts purchased at wholesale. (Ord. 4957-NS § 29, 1976)

Section 14.68.280 Bicycle register--Disposition of purchased items.

The operator of a bicycle establishment shall also enter in the bicycle register a record showing the disposition of each bicycle purchased, indicating whether such bicycle was resold or dismantled. (Ord. 4957-NS § 30, 1976)

Section 14.68.290 Bicycle register--Safekeeping--Inspection.

The operator of a bicycle establishment shall keep the bicycle register in a safe place and see that it is not mutilated or destroyed. The bicycle register shall remain the property of the City, and shall be opened to inspection by the Chief of Police or any police officer at any time the establishment is open for business, and it may be taken by such police officer from the possession of the operator of a bicycle establishment if deemed necessary. (Ord. 4957-NS § 31, 1976)

Section 14.68.300 Permit--Revocation conditions.

A. Bicycle establishment licenses issued pursuant to this chapter may be revoked by the Chief of Police after notice and hearing for any of the following reasons:

1. Fraud, misrepresentation, or any false statement contained in the application for a permit;
2. Any violation of any provision of this chapter or any provisions of any other chapter or law relating to and regulating the bicycle establishment;
3. Conviction of the permit holder of any felony or lesser crime reasonably related to the purposes of this chapter.

B. Any hearing on revocation or suspension conducted by the Chief of Police shall be conducted pursuant to written rules of procedure adopted by the City Council. (Ord. 4957-NS § 32, 1976)

Article III. General Regulations

Section 14.68.310 Provisions supersede other regulations.

The provisions of this chapter with reference to bicycles shall supersede and be in lieu of any other ordinance or section of any other ordinance which is in conflict with the provisions of this chapter. (Ord. 4957-NS § 40, 1976)

Section 14.68.320 License transfer prohibited.

It is unlawful to transfer a bicycle license from one bicycle or motorized bicycle to another. (Ord. 4957-NS § 34, 1976)

Section 14.68.330 Dismantled or junked bicycles--Return of registration certificate.

Upon dismantling or disposing of a bicycle or motorized bicycle as junk, the licensee shall turn in the registration certificate for such bicycle or motorized bicycle to the Chief of Police within ten days of the date of said disposal indicating that the bicycle or motorized bicycle was junked. (Ord. 4957-NS § 35, 1976)

Section 14.68.340 Bicycle rental agency--Licensing requirements.

All persons engaged in operating a bicycle rental agency for the purpose of renting or lending bicycles or motorized bicycles to patrons shall first obtain a bicycle license and registration certificate for each bicycle or motorized bicycle prior to renting or lending such bicycle or motorized bicycle. (Ord. 4957-NS § 36, 1976)

Section 14.68.350 Abandoned or unidentified bicycles.

All bicycles and motorized bicycles that are abandoned or unidentified remaining in the hands of the Chief of Police shall at the end of six months be sold at auction and the proceeds therefrom deposited in the general fund of the City. (Ord. 4957-NS § 37, 1976)

Section 14.68.360 Violation of provisions by persons under eighteen--Penalty.

Where this chapter has been violated by juveniles under the age of eighteen years, in lieu of such fine and imprisonment provided in Section 14.68.370, and in lieu of filing charges in the juvenile court, the Chief of Police may prohibit the operation upon the streets, alleys and public places in the City for a period not to exceed thirty days of a bicycle so used in such violation, in which event the bicycle so used in such violation shall be impounded by the Chief of Police and retained by them during the period of the operation which is prohibited, and the owner's registration card shall be held for a like period. (Ord. 4957-NS § 39, 1976)

Section 14.68.370 Violations Generally--Penalty.

Any person found to be in violation of any of the provisions of this chapter, except for Section 14.68.130, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as set forth in Chapter 1.20 of this code. Any person found to be in violation of Section 14.68.130 shall be deemed guilty of an infraction and upon conviction thereof shall be punished as set forth in Chapter 1.20 of this code. (Ord. 6921-NS § 1, 2006; Ord. 5716-NS § 3 (part), 1986; Ord. 4957-NS § 38, 1976)

Chapter 14.72

PREFERENTIAL PARKING PROGRAM*

Sections:

14.72.010	Legislative purpose.
14.72.020	Legislative findings.
14.72.030	Definitions.
14.72.040	Permit parking exemption.
14.72.050	Designation of a residential permit parking area.
14.72.060	Modification after designation of a residential permit parking area.
14.72.070	Designation of campus zone--Special regulations.
14.72.080	Issuance of permits.
14.72.090	Residential parking permit.
14.72.100	Local business parking permits.
14.72.105	Neighborhood-serving community facility permits.
14.72.110	Senior event permits.
14.72.115	Visitor permits.
14.72.120	Posting of residential permit parking area.
14.72.130	Parking permit fees.
14.72.140	Penalties, liability and enforcement.
14.72.150	Administrative regulations.

*Editor's Note: This chapter was editorially renumbered from 14.08 to 14.72 during 1999 recodification.

Section 14.72.010 Legislative purpose.

This chapter is enacted in response to the serious adverse effects caused in certain areas and neighborhoods of Berkeley by motor vehicle congestion, particularly the long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents thereof. As set forth in more specific detail in Section 14.72.020, such long term parking by nonresidents threatens the health, safety and welfare of all of the residents of Berkeley. In order to protect and promote the integrity of these areas and neighborhoods, it is necessary to enact parking regulations restricting unlimited parking by nonresidents therein, while providing the opportunity for residents to park near their homes. Uniform parking regulations restricting residents and nonresidents alike would not serve the public interest, rather such regulations would contribute to neighborhood decline while ignoring the public transit alternatives to automobile travel available to nonresidents. For the reasons set forth in this chapter, a system of preferential resident parking is enacted hereby for the City of Berkeley (Ord. 5908-NS § I, 1989; Ord. 5803-NS § 2, (part), 1987)

Section 14.72.020 Legislative findings.

A. General Finding. The City Council finds as a result of public testimony, evidence generated by both professional urban planning studies and derived from other sources, that the continued vitality of Berkeley depends on the preservation of safe, healthy and attractive neighborhoods and other residential areas therein. The Council further finds that one factor that has detracted from the safety, health and attractiveness of neighborhoods and other residential areas of the City is the excessive and burdensome practice of nonresidents of certain areas and neighborhoods parking their motor vehicles for extended periods of time therein. Since there is in Berkeley at any one time a large surplus of motor vehicles over available on and off-street parking spaces, this condition detracts from a healthy and complete urban environment. A system of preferential resident parking will serve to reduce a number of strains on residents of the City and thus promote the general public welfare.

B. Specific Findings. The following specific legislative findings of the City Council in support of preferential resident parking are set forth as illustrations only and do not exhaust the subject of the factual basis supporting its adoption:

1. The safety, health and welfare of the residents of Berkeley can be greatly enhanced by maintenance of the attractiveness and livability of its neighborhoods and other residential areas.

2. A large portion of Berkeley residents possess automobiles and as a result are daily faced with the need to store these automobiles in or near their residences.

3. Certain neighborhoods and areas of Berkeley do not have sufficient on or off-street space to accommodate the convenient parking of motor vehicles by residents thereof in the vicinity of their homes. To the extent that such facilities do exist, the program set forth herein is designed to encourage the maximum feasible utilization of off-street parking facilities.

4. Such areas as described in 3 above are often further burdened by influxes of motor vehicles owned by nonresidents which compete for the inadequate available on-street parking spaces.

5. There further exist certain parking "attractors" within Berkeley, such as hospital and university complexes, employment centers, BART stations and locations convenient for commute parking, which further exacerbate resident parking problems.

6. Unnecessary vehicle miles, noise, pollution, and strains on interpersonal relationships caused by the conditions set forth herein work unacceptable hardships on residents of these neighborhoods and other residential areas by causing the deterioration of air quality, safety, tranquility and other values available in an urban residential environment.

7. If allowed to continue unchecked, these adverse effects on the residents of Berkeley will contribute to a further decline of the living conditions therein, a reduction in the attractiveness of residing within Berkeley, and consequent injury to the general public welfare.

8. The system of residential permit parking as enacted by this chapter will serve to promote the safety, health and welfare of all the residents of Berkeley by (a) reducing unnecessary personal motor vehicle travel, noise, and pollution, and (b) promoting improvements in air quality, the convenience and attractiveness of urban residential living, and the increased use of public mass transit facilities available now and in the future. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

Section 14.72.030 Definitions.

A. "Designated residential parking permit area" means any contiguous area upon which the Council imposes parking limitations pursuant to the authority granted by this chapter.

B. "Block front" means all of the property on one side of a street between two consecutive intersecting streets.

C. "Mixed use" means the use of a lot or building with two or more different land uses including, but not limited to, residential, commercial, retail, office or manufacturing, in a single structure or a group of physically integrated structures; in a neighborhood context, it means blocks containing single-use residences interspersed with other land uses, such as commercial or industrial.

D. "Mixed Use-Residential" and "Mixed Use-Light Industrial" refer to the zoning designations so defined in Berkeley Municipal Code Chapters 23E.84 and 23E.80, respectively.

E. "Assessor's Use Code" means the code used by the Alameda County Assessor to assess property for property tax purposes. These codes cover a range of building descriptions and uses, including a variety of residential uses.

F. "Nonresidential vehicle" means a motor vehicle not eligible to be issued a residential parking permit, pursuant to the terms and conditions of this chapter, for the specific area in which it is parked. However, it could be eligible for a local business parking permit, or any other parking permit the council shall designate.

G. "Residential parking permit" means a permit issued under this chapter which, when displayed upon a vehicle, as described herein, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.

H. "Local business parking permit" means a permit issued under this chapter which, when displayed upon a motor vehicle, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.

I. "Trapped resident" means: 1) any resident whose dwelling is on a block that may not legally opt-in because less than 80% of the block fronts are residentially zoned and either: a) whose address is on a block front adjacent to and/or surrounded by block fronts that are already included in the RPP program; or b) whose address is within the general boundary of a designated RPP area; or 2) any resident whose dwelling abuts controlled curb parking and either: a) whose address is on a block front adjacent to and/or surrounded by RPP areas; or b) whose address is within the general boundary of a designated RPP area.

J. "Neighborhood-service community facility" means churches, schools and senior centers located wholly within the general boundary of an RPP designated area.

K. "Neighborhood-serving business and establishment" means any business or establishment located in a neighborhood commercial district as defined in the Zoning Ordinance Section Cl a, Cl b, Cl c, Cl b(E).

L. "One-day visitor permit" means a parking permit issued pursuant to this chapter or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions pursuant to this chapter, for the date indicated upon the face of said permit.

M. "Two-week visitor permit" shall mean a parking permit issued pursuant to this chapter or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions established pursuant to this chapter for a period of 14 consecutive calendar days, beginning upon the date indicated upon the face of said permit.

N. "Motor vehicle" shall be an automobile, truck, motorcycle or other self-propelled form of transportation not in excess of 8,000 pounds gross weight and not in excess of 20 feet in length. A trailer, trailer coach, utility trailer, motor home/(RV), or any other type of vehicle as defined in the California Vehicle Code that is not self-propelled, is not eligible for an RPP permit.

O. "Controlled curb parking" means any on-street parking with existing parking limitations, such as meters, time restrictions, red zone, etc.

P. "Schools" shall mean any school or other place of learning providing a pre-school, elementary or secondary level of study, and which regularly employs a staff of at least 15 certificated persons regularly employed as a classroom teacher.

Q. "Senior centers" means the three senior centers affiliated with the City: North Berkeley Senior Center, South Berkeley Senior Center and the West Berkeley Senior Center. (Ord. 7654-NS § 1, 2019; Ord. 7589-NS § 2, 2018; Ord. 7391-NS § 1, 2015; Ord. 6762-NS § 1 (part), 2003; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

Section 14.72.040 Permit parking exemption.

A. A motor vehicle on which is displayed a valid residential parking permit as provided for herein shall be permitted to stand or be parked in the residential permit parking areas for which the permit has been issued without being limited by time restrictions established pursuant to this chapter or any resolution thereunder. Additionally, a motor vehicle displaying a valid local business parking permit or a valid neighborhood-serving community facility permit as provided herein shall be permitted to stand or park in a designated residential permit parking area for which the permit has been issued without being limited by time restrictions established pursuant to this chapter. Any vehicle which does not display a valid parking permit shall be subject to the preferential parking regulation and consequent penalties in effect for such area.

B. A residential or local business parking permit or any other permit as designated by council shall not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area.

C. This chapter shall not be interpreted or applied in a manner which shall abridge or alter regulations established by authority other than this chapter. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2, (part), 1987)

Section 14.72.050 Designation of a residential permit parking area.

A. There shall be two alternative processes by which City Council could consider any area for designation as a residential permit parking area:

1. Residents petition. The City Council shall consider for designation as a residential permit parking area any proposed area for which a petition has been submitted which meets and satisfies the following requirements:

a. Prior to obtaining signatures, neighborhood organizers shall consult with City staff to assure that the proposed area meets guidelines set in the administrative regulations for the establishment of permit parking boundaries.

b. The petition shall contain a description or a map showing the proposed residential permit parking area.

c. Said description or map shall be followed in the petition by a statement describing the residential permit parking program and the current residential permit fees.

d. The statement shall be followed by a signature, printed name, address, and date of signing of the application by a number of adult residents including at least 51% of the housing units within the area.

e. For applicants in areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, a petition shall only be deemed valid if at least 51% of the housing units on each block front have an address that has a residential Assessor's Use Code.

f. All petitions shall be the same as the standard petition form developed by City staff. Any petition form different from the standard petition form shall be deemed invalid for the purposes of this chapter.

g. In the proposed residential permit parking area, at least 80% of the block fronts with unlimited on-street parking must be residentially zoned, and at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

h. In areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

2. City Council initiation. City Council shall consider for designation as a residential permit parking area any area for which the following requirements have been met:

a. City Council shall initiate the area as a residential permit parking area.

b. For areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, Council shall only initiate the area as a residential permit parking area if at least 51% of the housing units on each block front have an address that has a residential Assessor's Use Code.

c. In the proposed residential permit parking area at least 80% of the block fronts with unlimited on-street parking must be residentially zoned, and at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m. or unlimited on-street parking is projected to be impacted by parking spillover from a more congested residential permit parking area.

d. In areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

e. A notice of intent to establish permit parking shall be sent to all addresses within the proposed residential parking permit area.

B. Upon receipt by the City Council of a petition as described in subsection A.1 of this section, or after Council has initiated a residential permit parking area as described in subsection A.2 of this section, the Council shall:

1. Undertake or cause to be undertaken such surveys or studies which it deems necessary.

2. Cause to be drafted a resolution which would establish a residential permit parking area based upon the aforementioned proposal and studies, including all regulations and time restrictions determined by the Council to be reasonable and necessary in such area.

C. The Council shall thereafter conduct a public hearing on said draft resolution. Notice of the hearing shall be posted at least ten days prior to the hearing on all block fronts proposed to be included in the residential permit parking area. Following the hearing, the City Council may enact, amend or reject said draft resolution in any manner, including but not limited to, modification of boundaries of the proposed area and the restrictions imposed on such proposed area. In order to grant permit parking designation, Council shall find that the designation will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the area of designation. In reaching this decision, consideration shall be given to the residents' support for residential permit parking, the existing parking conditions, the expected effectiveness of residential permit parking in improving parking conditions, and the location and size of the residential permit parking area. (Ord. 7654-NS § 2, 2019; Ord. 7589-NS § 3, 2018; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

Section 14.72.060 Modification after designation of a residential permit parking area.

A. After holding a public hearing with notice as provided in the Berkeley Municipal Code Section 14.72.050 the City Council may, by appropriate ordinance or resolution amendment, modify a designated residential permit parking area in any manner not inconsistent with this chapter.

B. City Council may exclude blocks from a designated residential permit parking area for which a petition has been submitted which satisfies the following requirements:

1. All petitions submitted after adoption of this chapter shall be the current standard petition developed by City staff. Any petition form different from the standard petition form shall be deemed invalid for the purposes of this chapter.

2. The petition form shall include a signature, printed name, address and date of signing of the petition by a number of adult residents including at least 51% of the housing units within the area proposed for exclusion from residential permit parking designation. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

Section 14.72.070 Designation of campus zone--Special regulations.

In the area designated by Council resolution as the Campus Zone Area I, the following provisions shall be applicable notwithstanding any provisions of the chapter to the contrary:

A. Residents and trapped residents within the general boundary of the Campus Zone shall be eligible for a residential parking permit as set forth in Section 14.72.090 of this chapter.

B. Monitoring and related actions shall be required as follows:

1. 90 days after permits go on sale the City shall conduct a parking occupancy survey of the zone during either the fall or spring academic session of the University of California. Such a survey shall also subsequently be conducted if directed by Council or upon receipt by the staff of a request for such a survey submitted by resident petition of at least 33% of the residential units of Area I. For the purposes of this section, the term "residential unit" shall include, but shall not be limited to, all residential rooms contained in group living quarters. Such petition shall be on a form approved by the staff and shall state that the undersigned residents believe that the occupancy level in the zone exceeds 75%.

2. If the results of either the initial survey or a subsequent survey requested by resident petition indicate that parking occupancy within the zone exceeds 75%, the City Council shall implement programs to attempt to reduce such occupancy to below 75%. Such programs may include but are not limited to the following:

- a. Expansion of the Sather Gate garage;
- b. Incorporation of block fronts bordering the Oxford Tract into the Campus Zone Area I;
- c. Conversion of unused bicycle lanes within the Campus Zone Area I to on-street, residential permit parking;
- d. Implementation and enforcement of residential permit parking limits earlier in the day in the Campus Zone Area I;

e. Allowance of Campus Zone Area I residents to park without restrictions at meters;

f. Modification of the Zoning Ordinance to regulate the rental of off-street parking for residential projects; and

g. Reduction of the time allotted to non-permit holders to park in the Campus Zone Area I.

3. No sooner than 60 days after the completion of such programs, but not later than 90 days from completion of the survey under subsection B.1, the City shall conduct a follow-up parking survey in the zone. The survey will be conducted during the fall or spring academic session of the University of California and will be delayed if necessary.

4. If the follow-up survey indicates a parking occupancy in the zone of over 75% at the beginning of the next permit year and each year thereafter, the City Council shall authorize the issuance of up to 350 permits in other zones to residents of the Campus Zone according to a method as the Council shall prescribe and according to the following distribution schedule:

Expanded MAGNA, Area C:	2.2%
Elmwood, Area D:	48.4%
Golden Bear District, Area E:	4.3%
Panoramic Hill, Area K:	4.5%
LeConte District, Area J:	40.6%

5. The Department of Finance and the traffic engineering division are authorized to establish rules and regulations consistent with the guidelines set forth in this section of the chapter on the Campus Zone Area I. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

Section 14.72.080 Issuance of permits.

A. Residential, local business and neighborhood-serving community facility parking permits shall be issued by the Department of Finance in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon the identification of the particular residential, local business or neighborhood-serving community facility permit parking area for which it is issued. No more than one residential or local business parking permit shall be issued to each motor vehicle for which application is made.

B. When issuing local business and neighborhood-serving community facility permits, the Department of Finance in consultation with the traffic engineering division shall issue permits such that they will not unduly be concentrated on a specific block front in any given residential permit parking area.

C. 1. No permits shall be issued to residents in newly constructed residential units which do not meet the parking requirements established by the Zoning Ordinance unless a variance for parking requirement set forth in

the Zoning Ordinance was issued. In the C-T Zoning District, the R-SMU Zoning District, and portions of the R-S Zoning District where no parking is required for residential uses, no residential parking permits will be issued for occupants of residential units created after the effective date of the Southside Plan. The Current Planning division shall provide a listing of newly-constructed housing units to the Department of Finance.

2. No permits shall be issued to residents of Group Living Accommodations as defined in Chapter 23F.04 that are approved after January 1, 2012, unless the Zoning Adjustments Board specifies otherwise when it approves the GLA. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

3. In the R-2 and R-2A zoning districts, no permits shall be issued to residents of dwelling units with more than 5 bedrooms to which new bedrooms have been added subsequent to January 1, 2012. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

4. This subdivision shall not prevent issuance of permits to residents of permitted and legal nonconforming sororities, fraternities and student cooperatives who are not otherwise prohibited from obtaining them.

D. The Department of Finance and the traffic engineering division are authorized to issue such rules and regulations necessary to implement this chapter, and are not inconsistent with it.

E. Parking permits shall not be issued for vehicles for which there is any outstanding City of Berkeley notice of violation of parking rules and restrictions that are unpaid for more than 21 calendar days from the issuance of the parking violation. (Ord. 7240-NS § 1, 2012; Ord. 7225-NS § 1, 2012; Ord. 7210-NS § 1, 2011; Ord. 6762-NS § 2 (part), 2003; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

Section 14.72.090 Residential parking permit.

A. The City Manager and/or their designee shall issue residential parking permits with a term not to exceed one year to motor vehicles which comply with the requirements set forth in this section.

1. No more than three (3) permits may be purchased for each residential address. Applicants may request a waiver if additional permits are needed.

2. In areas zoned Mixed Use-Residential (MU-R) or Mixed Use-Light Industrial (MULI), no more than two (2) permits may be purchased for each residential address. Applicants may request a waiver if additional permits are needed.

3. The City Traffic Engineer is authorized to issue such rules and regulations necessary to grant waivers to the annual permit limits.

B. A residential parking permit may be issued for a motor vehicle only upon application of the following person:

1. The applicant must demonstrate that they are currently a resident of the area for which the permit is to be issued; and

2. The applicant must demonstrate that they have ownership or continuing custody of the motor vehicle for which the permit is to be issued; and

3. Any motor vehicle to be issued a permit must have a vehicle registration indicating registration within the area for which the permit is to be issued.

C. A residential parking permit may in addition be issued for any vehicle in the area regularly utilized by a person who owns or leases commercial property and actively engages in business activity within the particular residential permit parking area. However, no more than one parking permit, or any greater number which the City Council may determine appropriate for the particular residential permit parking involved area, may be issued for each business establishment for a motor vehicle registered to or under the control of such a person.

D. A residential parking permit may be issued for any vehicle utilized in the area by a nonresidential nonbusiness enterprise, such as a church, school, or hospital, located wholly or partially within the particular residential permit parking area. However, no more than one parking permit, or any greater number which the City Council may determine appropriate for the particular permit parking area involved, may be issued for each such enterprise within each permit area for a motor vehicle registered to or under the control of such an enterprise.

E. Any person to whom a residential parking permit has been issued pursuant to this section shall be deemed a permit holder. (Ord. 7654-NS § 3, 2019; Ord. 7589-NS § 4, 2018; Ord. 6762-NS § 3 (part), 2003; Ord. 5974-NS § 1, 1990; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

Section 14.72.100 Local business parking permits.

A. The Department of Finance shall issue business parking permits with a term not to exceed one year subject to the requirements set forth in this section and in administrative rules and regulations issued pursuant to this chapter.

B. A local business parking permit may be issued only to a person who owns or leases a commercial establishment located in a General Commercial Zoning District, in Zone C-1, and in a Neighborhood Commercial Zoning District, in Zones C-1A, C-1B, C-1C, C-1B(E) (not to exceed one such permit per commercial establishment). The permit is to be issued for a motor vehicle regularly used in the business activity of such commercial establishment for parking such motor vehicle in such designated local business parking subarea, provided that sale of local business parking permits has been authorized by the City Council pursuant to the provisions of this section the City Council finds that residents have reached a general consensus to allow for the sale of local business permits in the area. (Ord. 5974-NS § 1, 1990; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

Section 14.72.105 Neighborhood-serving community facility permits.

A. The Department of Finance may issue neighborhood-serving community facility enterprise permits with a term not to exceed one year subject to the requirements set forth in this section and in administrative rules and regulations issued pursuant to this chapter.

B. A neighborhood-serving community facility parking permit may be issued to representatives of the following neighborhood-serving community facilities: churches, schools, and senior centers. The issuance of permit can occur no sooner than 30 days after implementation of a residential permit parking area and the following criteria shall be used in establishing eligibility of an enterprise and the number of permits to be issued any enterprise:

1. An enterprise for which there is inadequate off-street parking and no financially feasible way of creating adequate off-street parking on the site of the enterprise;
2. An enterprise for which there is no off-street parking available nearby for lease or rental;
3. The total number of permits issued does not exceed the number representing 60% of the enterprise's employees;
4. The total number of permits issued to a Berkeley Unified School District (BUSD) school that is not within 1/2 mile of a Bay Area Rapid Transit (BART) Station, and not within 1/4 mile from a rapid transit bus stop, and not within 1/4 mile from two bus routes that run at a frequency of 20 minutes or less does not exceed 70% of the enterprise's employees;
5. Distribution of permits shall be through a designated representative of the enterprise who will be responsible for allocation of the permits to employees, or in the case of the senior centers, to users of the enterprise; and
6. Degree of impact on parking conditions for residents and merchants in the area. (Ord. 7580-NS § 1, 2017; Ord. 6762-NS § 4 (part), 2003; Ord. 5972-NS § 1, 1990; Ord. 5803-NS § 2 (part), 1987)

Section 14.72.110 Senior event permits.

A. The Department of Finance may issue senior event parking permits in accordance with this section and with administrative rules and regulations issued pursuant to this section.

B. In addition to any permits which may be issued to senior center representatives pursuant to Section 14.72.105, senior event parking permits may be issued to representatives of senior citizen groups not affiliated with City of Berkeley-operated senior centers, but which meet on a regularly-scheduled basis at community meeting facilities, such as churches, recreation centers, and community meeting halls, which are located within boundaries of residential permit parking areas. No such permit shall be issued except under the following circumstances:

1. 30 days have elapsed from the date of application; therefore
2. The group applying for the permit is a senior event group for which there is inadequate off-street parking and no financially feasible way to either create adequate off-street parking at the site of the senior event group's regularly-scheduled meeting, or to rent same;
3. The total number of permits issued does not under any circumstances exceed the number representing 60% of the group's membership; and
4. Distribution of permits shall be through a designated representative of the group who will be responsible for allocation of the permits to the group's membership. (Ord. 5974-NS § 2, 1990)

Section 14.72.115 Visitor permits.

A. The Department of Finance shall issue visitor permits in accordance with this section. A visitor permit shall be of limited duration, but shall otherwise grant to the holder all the rights and privileges of a regular residential parking permit. Visitor permits shall be of two types:

1. One-day visitor permits; and
2. Two-week visitor permits.

B. A visitor permit shall clearly display the date(s) upon which it becomes effective, the license number of the vehicle for which it applies, and shall designate the particular residential permit parking area.

C. A one-day visitor permit shall, during the date indicated upon the face of said permit, exempt the applicable vehicle from parking time restrictions established pursuant to this chapter.

D. A two-week visitor permit shall, for the period of 14 consecutive days commencing upon the date indicated upon the face of said permit, exempt the applicable vehicle from parking time restrictions established pursuant to this chapter.

E. The Department of Finance is authorized to establish rules and regulations, consistent with this chapter, concerning the issuance and display of visitor permits to permit holders.

F. An eligible applicant for a visitor permit shall be any person eligible to obtain a residential parking permit pursuant to criteria set forth in Section 14.72.090 of this chapter, except those persons or enterprises specified in subsections C and D of Section 14.72.090. (Ord. 6762-NS § 5 (part), 2003: Ord. 5974-NS § 3, 1990: Ord. 5908-NS § 1, 1989: Ord. 5803-NS § 2 (part), 1987)

Section 14.72.120 Posting of residential permit parking area.

Upon the adoption by the City Council of a resolution designating a residential permit parking area, the Director of Public Works shall cause appropriate signs to be erected in the area, indicating prominently thereon the time limitation, period of the day for its application, and conditions under which permit parking shall be exempt therefrom. (Ord. 5908-NS § 1, 1989: Ord. 5803-NS § 2 (part), 1987)

Section 14.72.130 Parking permit fees.

The annual fee and renewal fee for residential parking permits, for visitor permits, for local business parking permits for neighborhood-serving community facility parking permit or any other permit designated by Council shall be established by Council resolution. (Ord. 5908-NS § 1, 1989: Ord. 5803-NS § 2 (part), 1987)

Section 14.72.140 Penalties, liability and enforcement.

A. Anyone violating or failing to comply with any of the requirements of this chapter shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code.

B. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.

In addition, the following acts shall be punishable by a fine not exceeding \$500:

1. For any person to falsely represent themselves as eligible for a parking permit or to furnish false information in an application therefore.
2. For any person holding a valid parking permit issued pursuant hereto to permit the use or display of such permit on a motor vehicle other than that for which the permit was issued.
3. For any person to copy, reproduce or otherwise bring into existence or counterfeit parking permit or permits without written authorization from the Department of Finance.
4. For any person to knowingly use or display a facsimile or counterfeit parking permit in order to evade time limitations on parking applicable in a residential permit parking area.
5. For any person to change dates on a visitor parking permit.
6. For any person to knowingly commit any act which is prohibited by the terms of this chapter or any ordinance enacted by authority granted by this chapter.

C. The remedies and penalties provided in this section are cumulative and not exclusive. (Ord. 5908-NS § 1, 1989: Ord. 5803-NS § 2 (part), 1987)

Section 14.72.150 Administrative regulations.

The Finance Department and the Public Works Department are empowered to issue rules and regulations consistent with this chapter. (Ord. 5908-NS § 1, 1989: Ord. 5803-NS § 2 (part), 1987)

Chapter 14.76

AREA A--BATEMAN NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT*

Sections:

- 14.76.010 Parking district boundaries.
- 14.76.020 Legislative findings.
- 14.76.030 Establishment of preferential parking district.

*Editor's Note: This chapter was editorially renumbered from 14.12 to 14.76 during 1999 recodification.

Section 14.76.010 Parking district boundaries.

This chapter establishes preferential parking district A in the area bounded by the Berkeley-Oakland border and College, Ashby and Telegraph Avenues (hereinafter referred to as the "Bateman area") as described more particularly in section 25-A of Traffic Resolution No. 36,574*. (Ord. 5393-NS § 1, 1981)

*Section 25 of Resolution No. 36,574-NS was rescinded and readopted by Resolution No. 56,508-NS on June 16, 1992.

Section 14.76.020 Legislative findings.

The City Council hereby makes the following findings based on the petition for establishment of the Bateman area residential parking district submitted by Bateman area residents, and the testimony and record of the public hearing held as to said petition on May 12, 1981 in accordance with the standards set forth in Section 5 of Ordinance No. 5247-N.S.:

A. The petition requesting designation of the Bateman area as a preferential parking district is signed by individuals representing at least sixty percent of the four hundred forty one housing units in the area and at least thirty percent of the housing units along each block in front in the area.

B. Over eighty percent of the fifty-eight block fronts in the Bateman area are zoned residential.

C. On-street parking in the Bateman area is presently allowed on an unlimited basis. A survey conducted on March 31, 1981 indicates for the period between nine a.m. and four p.m. occupation of eighty-three percent to ninety-one percent of all unlimited parking spaces in the area.

D. The most intensive demand for on-street parking occurs between the hours ten a.m. and seven p.m. on weekdays and Saturdays.

E. The Bateman area, while largely residential, also includes Alta Bates Hospital, medical offices and commercial uses located at the College/Ashby intersection. These uses generate demand for parking by nonresidents of the area. Data submitted by Alta Bates Hospital indicates that approximately eighty-three percent of Alta Bates employees utilize automobiles to get to work. Of this number, approximately forty percent park on city streets within the Bateman area. Additional demand for on-street parking is generated by visitors to Alta Bates Hospital.

F. The establishment of the Bateman area preferential parking district is categorically exempt as a Class I activity pursuant to the requirements of the California Environmental Quality Act and the guidelines set forth at 14 California Administrative Code 15101. (Ord. 5393-NS § 2, 1981)

Section 14.76.030 Establishment of preferential parking district.

The Council hereby provides for the establishment of a residential permit parking district in the Bateman area as follows:

Street parking in the area shall be limited to a maximum of two hours during the period between ten a.m. and seven p.m. except on Sundays and holidays or such shorter time period as may be specifically posted; provided, however, that unlimited parking shall be allowed by vehicles for which a residential, visitor's, or local business parking permit has been obtained and displayed in accordance with requirements of Berkeley Municipal Code Section 14.72. (Ord. 5804-NS § 1, 1987)

Chapter 14.80

AREA B--WILLARD NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT*

Sections:

- 14.80.010 Parking district boundaries.
- 14.80.020 Legislative findings.
- 14.80.030 Establishment of preferential parking district.

*Editor's Note: This chapter was editorially renumbered from 14.16 to 14.80 during 1999 recodification.

Section 14.80.010 Parking district boundaries.

This chapter establishes preferential parking district B in the area generally bounded by Dwight Way and College, Ashby, and Telegraph Avenues (hereinafter referred to as the "Willard area") as described more particularly in section 25-B of Resolution No. 36,574-N.S.*, Traffic Resolution. (Ord. 5612-NS § 1, 1984)

*Section 25 of Resolution No. 36,574-NS was rescinded and readopted by Resolution No. 56,508-NS on June 16, 1992.

Section 14.80.020 Legislative findings.

The City Council hereby makes the following findings based on the petition for establishment of the Willard area residential parking district submitted by Willard area residents, and the testimony and record of the public hearing held as to said petition on February 14 and April 5, 1984, in accordance with the standards set forth in section 5 of Ordinance No. 5247-N.S.:

A. The petition requesting designation of the Willard area as a preferential parking district is signed by individuals representing at least sixty percent of the one thousand seven hundred forty-two housing units in the area and at least thirty percent of the housing units along each block front in the area.

B. Over eighty percent of the seventy-two block fronts in the Willard area are zoned residential.

C. On-street parking in most of the Willard area is presently allowed in an unlimited basis. Surveys conducted on December 13 and 14, 1983, indicate that for any two one-hour periods between 10:00 a.m. and 4:00 p.m., seventy-eight percent to one hundred percent of all unlimited parking spaces in the area were occupied.

D. The most intensive demand for on-street parking occurs between the hours of 8:00 a.m. and 7:00 p.m. on weekdays.

E. The Willard area, while largely residential, also includes Willard School, medical offices and commercial uses located at the College/Ashby intersection and on Telegraph Avenue, Alta Bates Hospital on its south border and the university nearby. These uses generate demand for parking by nonresidents of the area.

F. In establishing the Willard area preferential parking district, an initial study was prepared and a negative declaration adopted pursuant to the requirements of the California Environmental Quality Act and the guidelines set forth in Title 14, California Administrative Code, Article 6. (Ord. 5612-NS § 2, 1984)

Section 14.80.030 Establishment of preferential parking district.

Wherefore, the Council hereby provides for the establishment of a residential permit parking district in the area as follows:

Street parking in the area shall be limited to a maximum of two hours during the period between 8:00 a.m. and 7:00 p.m. except on Sundays and holidays or such shorter time period as may be specifically posted; provided, however, that unlimited parking shall be allowed by vehicles for which a residential, visitor's, or local business parking permit has been obtained and displayed in accordance with requirements of Berkeley Municipal Code Chapter 14.72. (Ord. 5805-NS § 1, 1987; Ord. 5612-NS § 3, 1984)

Chapter 14.84

AREA C--MAGNA NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT*

Sections:

- 14.84.010** **Parking district boundaries.**
- 14.84.020** **Legislative findings.**
- 14.84.030** **Establishment of preferential parking district.**

*Editor's Note: This chapter was editorially renumbered from 14.18 to 14.84 during 1999 recodification.

Section 14.84.010 Parking district boundaries.

This chapter establishes preferential parking district C in the area generally bounded by Martin Luther King Jr. Way, Roosevelt, University and Channing (hereinafter referred to as the "MAGNA Area") as described more particularly in Section 25-C of Traffic Resolution No. 36,574-NS*. (Ord. 5728-NS § 1, 1986)

*Section 25 of Resolution No. 36,574-NS was rescinded and readopted by Resolution No. 56,508-NS on June 16, 1992.

Section 14.84.020 Legislative findings.

The City Council hereby makes the following findings based on the petition for establishment of the MAGNA area residential parking district submitted by MAGNA area residents, and the testimony and record of the public hearing held as to said petition on February 11, 1986 in accordance with the standards set forth in Section 5 of Ordinance No. 5247-NS:

A. The petition requesting designation of the MAGNA Area as a preferential parking district is signed by individuals representing sixty-four percent of the five hundred seventy-four housing units in the area and at least thirty percent of the housing units along each block front in the area.

B. Over eighty percent of the thirty-six block fronts in the MAGNA Area are zoned residential.

C. On-street parking in most of the MAGNA Area is presently allowed on an unlimited basis. Surveys conducted on July 31 and August 6, 1985, indicate that for any two one hour periods, between 10:00 a.m. and 4:00 p.m., ten percent to ninety-nine percent of all unlimited parking spaces in the area were occupied.

D. The most intensive demand for on-street parking occurs between the hours of 8:00 a.m. and 7:00 p.m., on weekdays.

E. The MAGNA area is a residential neighborhood located to the west of downtown Berkeley. Downtown businesses and institutions, including those around Martin Luther King Jr. Way, (e.g., Berkeley High School, Police Department, municipal court offices, Berkeley Unified School District Offices) commercial uses along University Avenue, and to some extent, the University, generate demand for parking by non-residents of the area.

F. In establishing the MAGNA area preferential parking district an initial study was prepared and a negative declaration adopted pursuant to the requirements of the California Environmental Quality Act and the guidelines set forth in Title 14, California Administrative Code Article 6. (Ord. 5728-NS § 2, 1986)

Section 14.84.030 Establishment of preferential parking district.

The Council hereby provides for the establishment of a residential permit parking district in the area as follows:

Street parking in the area shall be limited to a maximum of two hours during the period between 8:00 a.m., to 7:00 p.m., except on Saturdays, Sundays, and holidays or such shorter time period as may be specifically posted; provided, however, that unlimited parking shall be allowed by vehicles for which a residential or visitor's parking permit has been obtained and displayed in accordance with requirements of Ordinance No. 5247-NS. (Ord. 5728-NS § 3, 1986)

Chapter 14.88

PEDESTRIAN MALLS IN THE BATEMAN NEIGHBORHOOD*

Sections:

- 14.88.010 Authority to establish malls.**
- 14.88.020 Establishment of malls.**
- 14.88.030 Traffic rules and regulations.**
- 14.88.040 Construction and maintenance of the malls.**

*Editor's Note: This chapter was editorially renumbered from 14.20 to 14.88 during 1999 recodification. "Attachment 1" pertaining to the Bateman Neighborhood pedestrian malls which accompanies Ord. 5623-NS can be found on file in the office of the City Clerk.

Section 14.88.010 Authority to establish malls.

The authority to establish pedestrian malls is vested in the City Council by Berkeley City Charter Section 38 and by the Pedestrian Mall Law of 1960, being Division 13, part 1 of the Streets and Highways Code. (Ord. 5623-NS § 1, 1984)

Section 14.88.020 Establishment of malls.

The City Council, having adopted Resolution of Intent No. 52,262-N.S. on June 19, 1984, which proposes the establishment of three pedestrian malls in the Bateman neighborhood as hereinafter more particularly described and having held a duly noticed public hearing on October 9, 1984 and having considered evidence, testimony, objections and other comments and documents submitted regarding the proposed pedestrian malls and having further adopted Resolution No. 52,428-N.S. determining that such pedestrian malls should be established, hereby finds and declares as follows: That three pedestrian malls should be established in the Bateman neighborhood, located in the City of Berkeley at the following intersections which mall areas are more particularly described in Exhibits A-1, A-2, B, and C-1, C-2 and C-3 to the proposed construction maintenance agreement attached hereto as Attachment 1 which area hereby incorporated as though fully set forth anew:

- A. South Hospital Drive at Colby Street, (Exhibits A-1 and A-2);
- B. Regent Street immediately south of its intersection with South Hospital Drive (Exhibit B); and,
- C. On Webster Street at two locations immediately east and west of its intersection with Bateman (Exhibits C-1, C-2 and C-3). (Ord. 5623-NS § 2, 1984)

Section 14.88.030 Traffic rules and regulations.

That vehicular traffic and parking near and on the streets on which the three pedestrian malls are to be located will be subject to the following restrictions:

- A. No through traffic by any vehicle except for emergency vehicles shall be permitted on any of the malls.
- B. Vehicular access and use of that portion of Colby Street immediately south of Ashby Avenue and north of the South Hospital Drive-Colby Street mall shall also be subject to the conditions, requirements and restrictions contained in Resolution No. 52, 429-N.S., granting a major revocable permit to Alta Bates Hospital.
- C. The creation of the two Webster Street malls will result in the creation of a cul-de-sac at the north end of Bateman Street where it intersects with Webster Street.
- D. Staff is hereby directed to prepare the following additional amendments necessary to implement other traffic control measures, devices and programs;
 - 1. Amendments to sections 13S-33.1 and 13W-9.2 of the Traffic Ordinance--Ordinance No. 3262-N.S. to delete certain parking meter zones located on South Hospital Drive and Webster Street and certain additional amendments to add parking meter zones onto Colby Street.
 - 2. Amendments to section 23 of the Traffic Resolution, Resolution No. 36,574-N.S. to add no stopping areas on portions of Bateman, Colby, Regent and Webster Streets and South Hospital Drive in accordance with the final design plans approved by this Council for the malls.
 - 3. Amendments to Resolution No. 52,352-N.S. to delete full diverters no. 16, located at Regent south leg, at South Hospital Drive, and no. 24, located at Webster Street, west leg at Bateman Street.

4. In addition to the City's Public Works Department shall promulgate and carry out such further administrative regulations which it deems necessary to implement or supplement the provisions of this chapter. (Ord. 5623-NS § 3, 1984)

Section 14.88.040 Construction and maintenance of the malls.

The Council hereby also declares that the cost of constructing and maintaining the malls authorized by this resolution shall be paid for by Alta Bates Hospital and the City Manager is hereby authorized to execute an agreement with Alta Bates Hospital to carry out the provisions of this section, such contract to be in substantially the same form as Attachment 1 hereto. (Ord. 5623-NS § 4, 1984)

Chapter 14.92

TRIP REDUCTION INFORMATION PROGRAM*

Sections:

- 14.92.010 Purpose.
- 14.92.020 Findings.
- 14.92.030 Definitions.
- 14.92.040 Responsibilities of all employers.
- 14.92.050 Additional responsibilities of employers who employ fifty or more employees at a single worksite within the City and who are not regulated by BAAQMD Regulation 13, Rule 1.
- 14.92.060 Relationship to other City requirements.
- 14.92.070 City Manager's powers.
- 14.92.080 Liability and enforcement.
- 14.92.090 Governmental entities not subject to chapter.
- 14.92.100 Severability.

*Editor's Note: The chapter was editorially renumbered from 14.24 to 14.92 during 1999 recodification.

Section 14.92.010 Purpose.

The purpose of this chapter is to educate people who commute into Berkeley about the transportation alternatives to driving alone and to decrease traffic and parking congestion and improve air quality by reducing the number of commute trips by automobile into Berkeley. (Ord. 6255-NS § 1 (part), 1994; Ord. 6152-NS § 1, 1992)

Section 14.92.020 Findings.

The Council finds that:

A. The use of alternatives to the single-occupant automobile is beneficial in reducing traffic congestion, excessive parking demand, and associated air pollution, noise, fuel use, vehicle wear and tear, and time losses and inconvenience, and thereby contributes to making the City of Berkeley a more attractive and healthful place to live, work, visit, and do business.

B. Informing commuters about their travel options and the impacts of their travel choices is a vital and necessary part of changing travel behavior. Such information provided through employers and their contractors is an effective and equitable way to encourage commuters to use alternatives to the single-occupant automobile.

C. Surveys of employees' commute modes are needed by the City from time to time in order to develop effective trip reduction programs and transit systems.

D. Government Code 65089 (Prop. 111) requires the cities in each urbanized county to adopt and implement a trip reduction and travel demand management ordinance which meets the county's Congestion Management Program requirements.

E. On December 16, 1992, the Bay Area Air Quality Management District (BAAQMD) adopted Regulation 13, Rule 1, Trip Reduction Requirements for Large Employers. The rule took effect in Alameda County on July 1, 1994. This rule applies to most Bay Area public and private employers of one hundred or more employees. In the City of Berkeley, the rule is being administered and enforced by the BAAQMD. It is in the interest of the City to exclude employers regulated by the BAAQMD from the trip-reduction-related responsibilities of this chapter so as to avoid duplicative regulation. (Ord. 6255-NS § 1 (part), 1994; Ord. 6152-NS § 2, 1992)

Section 14.92.030 Definitions.

A. "City" means the City of Berkeley.

B. "Employee" means any person hired by an employer, including any part-time employee, temporary employee hired through an agency; or any independent contractor, partner, or joint venture participant; and who normally works at least twelve consecutive weeks per year.

C. "Employer" means any public, private, or nonprofit employer, which has a permanent worksite in the City of Berkeley. Several subsidiaries or units that occupy the same work site and report to one common governing board or governing entity or that function as one corporate unit are considered to be one employer. "Employer"

shall not include contractors with no permanent place of business in the City and other businesses with no permanent worksite location in the City.

D. "Transportation alternatives" means walking, bicycling, taking transit, carpooling, vanpooling, and telecommuting.

E. "Worksite" means the place of employment, base of operation, or any work location in the City of Berkeley of an employee. It includes all of the employer's buildings or facilities, including outdoor facilities. (Ord. 6255-NS § 1 (part), 1994; Ord. 6152-NS § 3, 1992)

Section 14.92.040 Responsibilities of all employers.

All employers shall, upon the City's request, provide the City with information about the number of employees who work at worksites located within the City. (Ord. 6255-NS § 1 (part), 1994; Ord. 6152-NS § 4, 1992)

Section 14.92.050 Additional responsibilities of employers who employ fifty or more employees at a single worksite within the City and who are not regulated by BAAQMD Regulation 13, Rule 1.

A. Applicability--Fifty employees. The additional responsibilities imposed by this section shall apply to all employers who employ fifty or more employees at a single worksite within the City on July 1, 1994 or thereafter and who are not regulated by BAAQMD Regulation 13, Rule 1; provided however that such responsibilities shall cease upon the employer's reduction of the workforce to below fifty employees, or upon the employer's becoming subject to BAAQMD regulations regarding trip reduction.

B. Deadlines. Deadlines for complying with the requirements of this chapter shall be as specified in regulations promulgated by the City Manager.

C. Appointment of person with specified responsibilities. All employers subject to this section shall appoint an employee transportation coordinator (ETC), who shall be charged by the employer with the day-to-day responsibility of carrying out the employer's duties under this chapter. The employee transportation coordinator shall be trained through a coordinator training course provided by or approved by the City, unless the appointed coordinator has served in such capacity for at least one year. The deadline by which the ETC shall be trained shall be specified in regulations promulgated by the City Manager. The City shall send a written notice of this deadline to the employer. The employer may contract out the ETC position to an individual or firm specifically for the purpose of fulfilling the employer's responsibilities under this ordinance.

D. Dissemination of informational materials and annual report.

1. The City shall provide the employer with marketing and informational materials about transportation alternatives and the impact of single-occupant vehicles on air quality and congestion. Materials shall be provided by the City at least once per year. All materials provided to the employer are to be posted or distributed to all employees by the employer at those worksites of fifty or more employees. The City shall notify the employer of the deadline for distribution and posting in a written notice. The deadline will be calculated from the date that the employer receives such materials.

2. The City shall provide the employer with packets of basic transportation alternatives information that the employer shall distribute once to all employees at worksites of fifty or more employees. Thereafter, the employer shall distribute this packet to all new hires at worksites of fifty or more employees. The City shall notify the employer of the deadline for packet distribution in a written notice.

3. On an annual basis the employer shall report on the status of the previous year's materials distribution on a form provided by the City. The City shall notify the employer of the deadline for submitting the form in a written notice.

E. Employee survey. Employers subject to this section shall administer surveys in the manner required by the City not more often than once per year. The survey form, instructions for administering the survey and survey processing and report generation shall be provided by the City. The City shall provide the employer written notice of the deadline for returning completed surveys.

F. Meetings. An employer's employee transportation coordinator shall attend all trip reduction meetings held by the City. Such meetings shall be held not more often than three times per year for the purpose of updating employers on transportation alternatives and to distribute informational materials. (Ord. 6255 § 1 (part), 1994; Ord. 6174-NS §§ 1, 2, 1993; Ord. 6152-NS § 5, 1992)

Section 14.92.060 Relationship to other City requirements.

Employers who are required to have a trip reduction program as a use permit condition or under a provision of a development agreement or other agreement with the City of Berkeley must continue to meet that requirement in addition to the provisions imposed on employers by this chapter. (Ord. 6152-NS § 6, 1992)

Section 14.92.070 City Manager's powers.

The City Manager is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter. (Ord. 6152-NS § 7, 1992)

Section 14.92.080 Liability and enforcement.

A. Any employer violating or failing to comply with any of the requirements of this chapter shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code.

B. Any employer who fails to comply with any of the requirements of Sections 14.92.040 or 14.92.050 of this chapter within ninety days of written notice of failure to comply shall be liable to the City for a civil penalty of one thousand dollars plus up to two hundred fifty dollars for each day or portion thereof that the employer is not in compliance, for a total amount up to ten thousand dollars, unless compelling circumstances including, but not limited to, the employer's good faith efforts to comply, require a lesser amount. Penalties shall accrue commencing with the ninety-first day following notice.

C. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.

D. The remedies and penalties provided in this section are cumulative and not exclusive. (Ord. 6152-NS § 8, 1992)

Section 14.92.090 Governmental entities not subject to chapter.

The City shall encourage any governmental entities that are exempt from the provisions of this chapter to provide their employees with information on commute alternatives. (Ord. 6152-NS § 9, 1992)

Section 14.92.100 Severability.

If any part or provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter, including the application of such part of provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this chapter are severable. (Ord. 6152-NS § 10, 1992)

Traffic Ordinance Cross-Reference Table

TRAFFIC ORDINANCE CROSS-REFERENCE TABLE

This table provides users with the current disposition of the City of Berkeley Traffic Ordinance and all amending ordinances.

Thus, prior traffic ordinance Section 1.3 appears in this code as Section 14.04.040.

The prior traffic ordinance section information was derived from Ordinance 3262-NS, and all amending ordinances. Specific ordinance information can be found in the legislative history note following each section.

Prior Traffic Ordinance §	Herein
1	14.04.010
1.1	14.04.020
1.2	14.04.030
1.3	14.04.040
1.4	14.04.050
1.5	14.04.060
1.6	14.04.070
1.7	14.04.080
1.8	Repealed by 3701-NS
1.9	14.04.090
1.10	14.04.100
1.11	14.04.110
1.12	14.04.120
1.13	14.04.130
1.14	14.04.140
1.15	14.04.150
1.16	14.04.160
1.17	14.04.170
1.18	14.04.180
1.19	14.04.190
1.20	14.04.200
2	14.08.010
2.1	14.08.020
2.2	14.08.030
2.2-a	14.08.040
2.3	14.08.050
2.4	14.08.060
2.5	14.08.070
2.6	14.08.080
2.7	14.08.090
2.8	14.08.100
3	14.12.010
3.1	14.12.020
3.2	14.12.030
3.3	14.12.040
3.4	14.12.050
3.5	14.12.060

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Traffic Ordinance Cross-Reference Table

Prior Traffic Ordinance §	Herein
3.6	14.12.070
3.7	14.12.080
3.8	14.12.090
3.9	14.12.100
4	14.16.010
4.1	14.16.020
4.2	14.16.030
4.3	14.16.040
5	14.20.010
5.1	14.20.020
6	14.24.010
6.1	14.24.020
6.2	14.24.030
6.3	14.24.040
6.4	14.24.050
6.5	14.24.060
6.6	14.24.070
6.6-a	14.24.080
6.6-b	14.24.090
6.6-c	14.24.100
6.6-d	14.24.110
6.6-e	14.24.120
6.7	14.24.130
6.8	14.24.140
6.9	14.24.150
6.10	14.24.160
6.11	14.24.170
6.12	14.24.180
6.13	14.24.190
6.14	14.24.200
6.15	14.24.210
7	14.28.010
7.1	14.28.020
7.2	14.28.030
7.3	14.28.040
7.4	14.28.050
7.5	14.28.060
7.6	14.28.070
8	14.32.010
8.1	14.32.020
8.2	14.32.030
8.3	14.32.040
8.4	14.32.050
8.5	14.32.060

Traffic Ordinance Cross-Reference Table

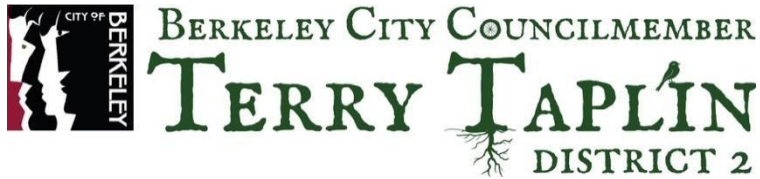
Prior Traffic Ordinance §	Herein
9	14.36.010
9.1	14.36.020
9.2	14.36.030
9.3	14.36.040
9.3-1	14.36.050
9.4	Repealed by 5103-NS
9.5	14.36.060
9.6	14.36.070
9.7	14.36.080
9.8	14.36.090
9.9	14.36.100
9.10	14.36.110
9.11	14.36.120
9.12	14.36.130
10	14.40.010
10-a	14.40.020
10.1	14.40.030
10.2	14.40.040
10.3	14.40.050
10.4	14.40.060
10.5	14.40.070
10.5-1	14.40.080
10.6	14.40.090
10.7	14.40.100/110
10.8	14.40.120
10.9	14.40.130
10.10	Repealed by 3270-NS
10.11	14.40.140
10.12	14.40.150
11	14.44.010
11.1	14.44.020
11.2	14.44.030
11.3	14.44.040
11.4	14.44.050
11.5	14.44.060
11.6	14.44.070
11.7	14.44.080
12	14.48.010
12.1	14.48.020
12.1-a	14.48.030
12.1-b	14.48.040
12.1-c	14.48.050
12.1-d	14.48.060
12.1-e	14.48.070

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Traffic Ordinance Cross-Reference Table

Prior Traffic Ordinance §	Herein
12.1-f	Repealed by 7632-NS
12.1-g	14.48.080
12.1-h	14.48.090
12.1-i	Repealed by 7632-NS
12.1-j	14.48.100
12.1-k	Repealed by 6471-NS
12.1-l	Repealed by 7632-NS
12.1-m	Repealed by 7632-NS
12.1-n	Repealed by 6471-NS
12.1-o	14.48.120
12.1-p	14.48.130
12.1-q	14.48.140
12.1-r	Repealed by 5438-NS
12.2	14.48.160
12.3	14.48.170
12.4	Repealed by 7632-NS
12.5	Repealed by 7632-NS
12.6	14.48.180
13	14.52.010
13.1	14.52.020
13.2	14.52.030
13.3	14.52.040
13.4	14.52.050
13.5	14.52.060
13.6	14.52.070
13.7	14.52.080
13.8	14.52.090
13.9	14.52.100
13.10	14.52.110
13.11	14.52.120
14	14.56.010
14.1	14.56.020
14.2	14.56.030
14.3	14.56.040
14.4	14.56.050
14.5	Repealed by 6351-NS
15	14.60.010
15.1	14.60.020
15.2	14.60.030
16	Repealed by 3369-NS
16.1	Repealed by 3369-NS
16.2	Repealed by 3369-NS
16.3	Repealed by 3369-NS
17	14.64.010

Traffic Ordinance Cross-Reference Table

Prior Traffic Ordinance §	Herein
17.1	Repealed by 4395-NS
17.2	(Not codified)
17.3	(Not codified)
17.4	(Not codified)
17.5	(Not codified)
17.6	(Not codified)

CONSENT CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author), Councilmember Ben Bartlett (Co-Sponsor), Councilmember Kate Harrison (Co-Sponsor), and Councilmember Sophie Hahn (Co-Sponsor)

Subject: Discussion on East Bay Paratransit and the Transportation Needs of Berkeleyans with Disabilities

RECOMMENDATION

Refer the Disability Commission and the Transportation Commission to hold a joint public discussion on the use, effectiveness, and accessibility of East Bay Paratransit as well as the transportation needs of the members of our community with disabilities and seniors, and return recommendations to Council.

BACKGROUND

East Bay Paratransit is a public transit service for people who are unable to independently use or access public transit because of a disability or disabling health condition. Since 1990, the Americans with Disabilities (ADA) has required all public transit agencies to provide paratransit services to eligible disabled people. East Bay Paratransit transports riders from their origin to their destination in vans equipped with a wheelchair lift. East Bay Paratransit was established by AC Transit. Service is provided during the hours of AC Transit's bus and BART's rail operations. Service is limited to areas within ¾ mile of an operating bus route or BART station.¹

East Bay Paratransit provides a critical service to the members of our community with disabilities. Unfortunately, the service has been reported to be characterized by long wait times, poor treatment of its riders, and overall deficient service and reliability.²³ The importance of the program makes the repeated reports of its issues especially troubling. Two years since these problems with East Bay Paratransit's service were reported, deficiencies in wait times and consistency still persist. The COVID-19 pandemic has only exacerbated the difficulties that people with disabilities have faced and access to

¹ <https://www.eastbayparatransit.org/frequently-asked-questions.htm>

² <https://sanfrancisco.cbslocal.com/2018/12/27/east-bay-paratransit-shaken-up-following-kpix-investigation/>

³ <https://sanfrancisco.cbslocal.com/2018/08/31/paratransit-disabled-detours-east-bay/>

safe and reliable transportation has been remarkably difficult during the pandemic.⁴ The City of Berkeley must develop a better understanding of the quality of service East Bay Paratransit currently offers to its riders and the ongoing transportation needs of Berkeleyans with disabilities.

CONTACT

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

ATTACHMENTS

1. All About East Bay Paratransit
2. The Center for Independent Living Focus Group Report - Paratransit

⁴<https://cal.streetsblog.org/2020/04/21/pandemic-underscores-difficulties-accessing-transportation-for-people-with-disabilities/>



All About East Bay Paratransit

What East Bay Paratransit can do for you and how to contact us.



March 2020

What is East Bay Paratransit?

East Bay Paratransit is a public transit service for people who are unable to use regular AC Transit buses or BART trains because of a disability or a disabling health condition. East Bay Paratransit was established by AC Transit and BART to meet requirements of the Americans with Disabilities Act (ADA).

Where does East Bay Paratransit go?

East Bay Paratransit serves the following cities:

<ul style="list-style-type: none"> ▪ Alameda ▪ Albany ▪ Berkeley ▪ Castro Valley ▪ El Cerrito ▪ El Sobrante ▪ Emeryville ▪ Fremont ▪ Hayward ▪ Kensington 	<ul style="list-style-type: none"> ▪ Milpitas (part) ▪ Newark ▪ Oakland ▪ Piedmont ▪ Pinole (part) ▪ Richmond ▪ San Leandro ▪ San Pablo ▪ Union City
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You can also go to and from any of these cities to anywhere in San Francisco.

You can go elsewhere in the Bay Area, beyond these cities by transferring to other ADA paratransit services.

When does East Bay Paratransit run?

ADA paratransit is complimentary services to fixed route, such as bus or BART. Therefore, East Bay Paratransit service is only available near operating bus and BART lines. Specifically, paratransit service is available within 3/4 of a mile of an AC Transit bus route or within 3/4 of a mile of a BART station during the same hours that buses and BART trains are running on those routes. Both the origin and destination of the paratransit trip must meet this standard. The East Bay Paratransit Customer Service Center will tell you if paratransit will be available for any particular trip you might want to make.

How does someone become able to use the service?

To use East Bay Paratransit, you must apply through the Eligibility Certification Department and be found eligible for the service. The process includes both a paper application and an in-person interview. Only people who have a disability or a disabling health condition that prevents them from using buses or BART trains are eligible to use the service. Please note that not all disabilities will make a person eligible for paratransit.

Once eligible, how are rides arranged?

Travel on East Bay Paratransit is by advance reservation only. No same day reservations are accepted. Reservations are made on the phone to the East Bay Paratransit Customer Service Center. Reservation calls are accepted from 8:00 a.m. to 5:00 p.m. every day, including weekends. You can make a reservation as early as seven days in advance.

Either you or your caregiver can call to make a reservation for you. Your reservation request will be entered into our reservation system where your trip will be assigned to a vehicle. Assignment to a particular vehicle is at East Bay Paratransit's discretion.

Do I travel alone in the vehicle?

East Bay Paratransit is a "shared-ride" service. This means that other riders with different destinations will be picked up and dropped off along the way and the routing is not necessarily linear. Your trip may take longer than if you took a taxi or drove yourself.

Your ride may take a similar amount of time as the same trip would take on an AC Transit bus, including transfers and wait times.

How much does East Bay Paratransit cost?

One Way Fares:

For Service in the East Bay	
<i>Fare</i>	<i>Distance</i>
\$4.00	0 to 12 miles
\$6.00	>12 miles, up to 20 miles
\$7.00	>20 miles

Travel to and from San Francisco is distance based and costs between \$6.00 and \$10.00, depending where you start and end. However, San Francisco Trips which go beyond the BART service territory that are carried by East bay Paratransit also pay an additional MUNI paratransit fare of \$2.50.

When you make a reservation for a trip on East Bay Paratransit, you will be told the fare for your trip. You must pay your fare as soon as you board the vehicle. You may pay in cash, with tickets, or with a combination of the two. If you are paying with cash, bring exact change because the drivers cannot make change. Tickets are available in \$4.00 or \$1.00 denominations and come in books of ten.

Does the driver give any assistance?

Yes, the driver will help in several ways. For example, the driver can assist with up to two small grocery bags, or lend an arm to lean on while riders get on or off the van. The driver will help riders using wheelchair(s) on and off the lift and secure their chair in the van. But drivers must be able to see the Vehicle at all times, so they cannot go into a home, or go past the ground floor lobby of any building. They cannot look for riders in an office, apartment or waiting room. And they cannot move someone in a wheelchair up or down steps.

When will my ride come?

When you make your reservation, the Customer Service Representative will confirm your trip by giving you a 30-minute "pick-up window." Your vehicle may arrive at any time during the window, but you must be ready at the start of your pick-up window. It is your responsibility to wait where you will be able to tell that the vehicle has arrived.

Be ready! The driver is allowed to wait only 5 minutes for you. It is your responsibility to be ready to take your trip. If you do not meet the vehicle when it arrives, your driver will attempt to find you and East Bay Paratransit will attempt to telephone you. If you cannot be located or choose not to start boarding within five minutes, the driver may leave and continue to their next pick-up.

If you miss your pick-up, there may be a substantial wait for another pick-up from East Bay Paratransit. In addition, you may be penalized for failing to take the trip.

What do I do if I think my ride has not arrived for me?

If your vehicle has not arrived by the end of the pick-up window, you can telephone East Bay Paratransit to find out the estimated arrival time. If your ride arrives after the end of the pick up window, you may decline to take the trip and you will not be penalized.

What if there is a problem with a trip?

Customer services staff is available on the telephone during all hours that East Bay Paratransit operates. They can help with things like an estimated arrival time for a ride that is running late. To register a commendation or a complaint, you can speak to an agent or leave a telephone message with the details.

Can I get more information on how to use East Bay Paratransit?

All certified riders are given a "Rider's Guide" that has many details about using East Bay Paratransit. Riders may request materials in accessible formats, including large print, Braille, audiotape, or computer disc. If you have misplaced your Riders' Guide, call the certification department at 510-287-5000 to ask for another copy.

How to contact East Bay Paratransit:

East Bay Paratransit Office
1750 Broadway
Oakland, CA 94612

(510) 287-5000

Toll Free 1-800-555-8085
Fax (510) 287-5069
TTD/TTY (510) 287-5065
www.eastbayparatransit.org



The Center for Independent Living Transit Focus Group Report: East Bay Paratransit

By: Helena Chang, Community Connections Program Coordinator
coco@thecil.org | (510) 841-4776 | thecil.org/coco

Organization and Transit Focus Group Background

The Center for Independent Living (TheCIL) is an independent living center based in the East Bay that provides advocacy and services to increase awareness, collaboration and opportunity among people with disabilities and the community at large. The Community Connections (CoCo) program under TheCIL strives to help community members gain the skills to confidently and independently navigate the Bay Area. During the pandemic, The CoCo Program conducted five transit focus group sessions between September to December, grouping focus groups by their age or disability. Focus group participants were invited through a transit survey we posted on our social media platforms and shared with contacts. Both the survey and focus groups aimed to capture more consumer data on their current public transit traveling experience, from comfort level to concerns they have. Both the survey and focus group questions focused mainly on public transit, but in all focus groups we did bring the discussion to paratransit through the question: “Do you use paratransit?” Below is a summary of the responses related to paratransit.

Transit Focus Group Data

One Alameda County consumer with a physical disability commented: “I hate [paratransit]! How do people get home [if the rider's temperature is checked and they don't pass, but that is after they get to their destination]?”. We've gotten a few asks regarding not being able to get a ride back home if they fail to pass the temperature check as well.

One Alameda County senior, also with a physical disability, mentioned she never used Paratransit, and is unsure if it is even available where she lives, which is in Richmond. She says “I wouldn't even know how to access Paratransit where I live; I don't know [if] there is a disability network in Richmond...”.

An Alameda County consumer who identifies as having a neurological disability mentions Paratransit “hasn't really helped out people like me throughout all the time I've had a disability in our community because I can't qualify for it.” They also bring up the lack of support for the disability community to support those who want to pursue jobs, and Paratransit is one of those that can't help in this realm.



General CoCo Paratransit Data

Between August to December of 2020, the CoCo program received four inquiry calls related to Paratransit services. One Berkeley resident had inquiries regarding a change in their paratransit eligibility and assistance to appeal the change. The three other calls were to learn more about other transportation options if they could not rely on or travel using public transportation, in which case I brought up Paratransit and the application process.

Results and Conclusion

From the focus group responses, there can be more outreach and information dissemination regarding how Paratransit and other transit agencies are responding to COVID-19. When asked if they knew about certain COVID-19 regulations for different transit vehicles, most participants responded that they were not aware. Those who were age 34 or below brought up getting information through Twitter or the news, but would still check the transit websites for accuracy.

More outreach can be done through social media or word-of-mouth from workers to transit-oriented nonprofits and programs. We especially believe building relationships and creating structured information sharing with independent living centers, senior centers, travel training or information referral programs like TheCIL's CoCo program or Information and Referral Team can be beneficial for Paratransit and transit agencies to disperse relevant updates and materials to their target audiences (people with disabilities and seniors). Both these communities face digital divide or digital inaccessibility issues, making phone calls and word-of-mouth sources extremely important to them.



Cheryl Davila
Councilmember
District 2

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Providing our Unhoused Community with Fire Extinguishers

RECOMMENDATION

Direct the City Manager to use existing homeless services funding to develop a program to provide fire extinguishers, fire prevention tools and deploy them through the community based homeless services providers to distribute to our unhoused community.

Short term referral to additionally, require some elements of this program be deployed immediately, with a full program deployment within six months.

POLICY COMMITTEE RECOMMENDATION

On March 1, 2021, the Public Safety Policy Committee moved to send the item with a qualified positive recommendation to refer the item to the City Manager and the Disaster and Fire Safety Commission to consider fire extinguishers and other fire prevention tools such as wool blankets. Vote: Ayes – Kesarwani, Bartlett; Noes – None; Abstain – None; Absent – Wengraf.

BACKGROUND

On any given night, more than 1,000 Berkeley residents do not have shelter (i.e. living outdoors in tents, on sidewalks or in vehicles) according to the [Alameda County 2019 Point-In-Time Count](#). A growing number of residents are housing insecure and at risk of becoming homeless. A majority of unhoused Berkeley residents are people of color, seniors and disabled.

The City of Berkeley spent close to \$20 million on providing homeless services. About \$6.5 million came from its general fund, about \$9.5 million came from regional, state, and federal funds and \$3.9 million were one-time funds from the state's Homeless Emergency Aid Program.

Cooking fires and accidents are common among unhoused populations as they often use portable stoves, wood, and charcoal briquettes which lack safety precautions. Combined with strong winds near brushes these small fires have dangerous implications. For example, in 2018, a fire from a stove at a homeless encampment in Bel Air caused a large brush fire that incinerated several homes. It became dangerous very quickly because the homeless population lacked extinguishing equipment and the winds allowed to fire to travel. This same thing occurred multiple times in Malibu. In just May of this year, a homeless encampment in San Jose was on fire and began to spread to Guadalupe River.

Consider the Homeless has acquired and deployed fire extinguishers to those temporarily living in tents and other alternative housing. They have personally delivered those extinguishers and track use, as well as helping to formulate safety plans. Each time an extinguisher is used it must be replaced or refilled.

With the growing climate concerns and fires plaguing California, it is essential that the City does everything it can to protect the safety of our people and preemptively stop the spread of preventable fires. Recently, there have been a few encampment fires. One fire resulted in injuries to one of the encampment residents leading to extensive burns to their body requiring surgeries and extended hospitalization.

FINANCIAL IMPLICATIONS

An estimate of \$25,000 for the first year, with the purchase of about 500 fire extinguishers to place across encampments and RV and vehicle communities in the City of Berkeley that are easily accessible to our unhoused residents. The average cost of a Fire Extinguishers is \$50. A bulk purchase, as well as reconditioned equipment could result in additional saving. New fire extinguisher equipment comes with approximately a six year warranty. Best Equipment Co. LLC, provided discounted fire extinguishers at the Shake Out last year, for about \$38, \$41.52 with tax. Fire extinguisher boxes to house the extinguishers would require additional costs of approximately \$50 per unit. However, the housing box may not be appropriate for this purpose.

ENVIRONMENTAL SUSTAINABILITY

Allowing communities to have tools to prevent and stop fires furthers protects other communities and the environment.

CONTACT PERSONS

Cheryl Davila
Councilmember District 2
510.981.7120
cdavila@cityofberkeley.info

Sanjita Pamidimukkala
Eshal Sandhu
District 2 Interns

ATTACHMENTS:

1. Resolution

REFERENCES:

1. Best Equipment Co. LLC 510.655.8882
2. Fire Extinguisher at Home Depot
<https://www.homedepot.com/p/Kidde-PRO-210-2A-10B-C-Fire-Extinguisher-21029292/100552654>

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA,
PROVIDING OUR HOUSELESSNESS COMMUNITY WITH FIRE EXTINGUISHERS

WHEREAS, On any given night, more than 1,000 Berkeley residents do not have shelter (i.e. living outdoors in tents, on sidewalks or in vehicles) according to the [Alameda County 2019 Point-In-Time Count](#). A growing number of residents are housing insecure and at risk of becoming homeless. A majority of unhoused Berkeley residents are people of color, seniors and disabled; and

WHEREAS, The City of Berkeley spent close to \$20 million on providing homeless services. About \$6.5 million came from its general fund, about \$9.5 million came from regional, state, and federal funds and \$3.9 million were one-time funds from the state's Homeless Emergency Aid Program.

WHEREAS, Cooking fires and accidents are common among unhoused populations as they often use portable stoves, wood, and charcoal briquettes which lack safety precautions. Combined with strong winds near brushes these small fires have dangerous implications. For example, in 2018, a fire from a stove at a homeless encampment in Bel Air caused a large brush fire that incinerated several homes. It became dangerous very quickly because the homeless population lacked extinguishing equipment and the winds allowed to fire to travel. This same thing occurred multiple times in Malibu. In just May of this year, a homeless encampment in San Jose was on fire and began to spread to Guadalupe River.; and

WHEREAS, Consider the Homeless has acquired and deployed fire extinguishers to those temporarily living in tents and other alternative housing. They have personally delivered those extinguishers and track use, as well as helping to formulate safety plans. Each time an extinguisher is used it must be replaced or refilled; and

WHEREAS, With the growing climate concerns and fires plaguing California, it is essential that the City does everything it can to protect the safety of our people and preemptively stop the spread of preventable fires. Recently, there have been a few encampment fires. One fire resulted in injuries to one of the encampment residents leading to extensive burns to their body requiring surgeries and extended hospitalization.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Berkeley, California supports not only the increased accessibility of fire extinguishers and fire prevention products for the homeless; and

BE IT FURTHER RESOLVED, the Council of the City of Berkeley hereby direct the City Manager to use existing homeless services funding to develop a program to provide fire extinguishers, fire prevention tools and deploy them through the community based homeless services providers to distribute to our unhoused community.

BE IT FURTHER RESOLVED, the Council of the City of Berkeley hereby does a short term referral to additionally, require some elements of this program be deployed immediately, with a full program deployment within six months.



Kate Harrison
Councilmember District 4

CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council
From: Councilmember Harrison
Subject: Budget Referral: Allocate Funding for a New Project Coordinator Position Within the Public Works Department to Help Implement the Electric Mobility Roadmap and Other Climate Initiatives

RECOMMENDATION

Refer to the June 2021 budget process:

1. Approximately \$198,386 from the General Fund for a new Community Development Project Coordinator position (1.0 FTE) within Public Works.

BACKGROUND

According to the best available science, wealthy nations must achieve near net-zero emissions by 2030 or earlier in order to delay extremely catastrophic warming. Implicit in the U.N.'s global 2050 net-zero targets to keep emissions as close as possible to 1.5 degrees Celsius is the assumption that advanced industrialized nations will near reach zero by 2030.¹

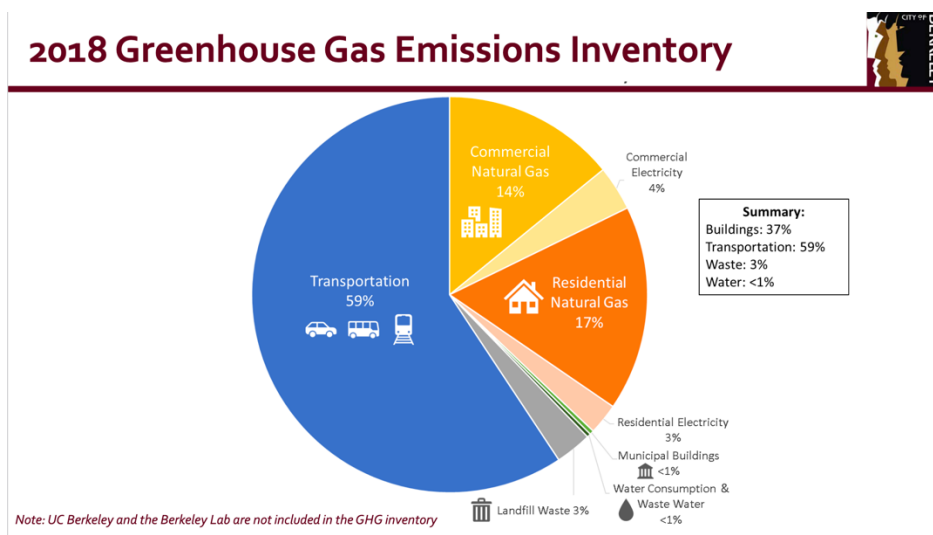
On July 21, 2020 the Berkeley City Council [adopted](#) its first [Electric Mobility Roadmap](#). The Roadmap identifies goals, strategies, and actions to create a fossil fuel-free transportation system that integrates with and supports the City's ongoing efforts to increase walking,

¹ IPCC, 2018: Summary for Policymakers. In: *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* [Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Waterfield (eds.)]. *World Meteorological Organization, Geneva, Switzerland, 32 pp.*
<https://www.ipcc.ch/sr15/chapter/spm/>.

biking, and public transportation, and ensures equitable access to the benefits of clean transportation. The goals include:

- Ensure Equity in Access to Electric Mobility
- Improve Alternatives to Driving
- Achieve Zero Carbon Emissions
- Demonstrate City Leadership

According to the latest Climate Action Plan update, some 60% of Berkeley’s greenhouse gas emissions inventory is related to the transportation sector.



On July 21, 2020, the Office of Energy and Sustainable Development noted that the Community Development Project Coordinator positioned is needed in order to bring:

“needed capacity to convene the Electric Mobility Implementation Working Group, manage City-owned charging infrastructure, track and utilize emerging mobility options, obtain grant funding, and catalyze actions such as electric mobility equity pilot projects, new best practices for curbside charging, and shared electric mobility hubs.”

At the March 3, 2021 Facilities, Infrastructure, Transportation, Environment, & Sustainability Policy Committee Meeting, Councilmembers heard directly from staff regarding the importance of this position with respect to implementing the City’s 2030 targets for electrifying the municipal fleet and meeting various Electric Mobility Roadmap targets.

The Climate emergency poses an existential threat to all Berkeleyans. Although the City is currently subject to a hiring freeze, it is the public interest to adequately fund the City’s

climate initiatives related to the climate emergency declaration, Climate Action Plan and other relevant City policies. As part of the June 2021 budget process, the Council will have an opportunity to revisit whether to lift the hiring freeze in light of the latest developments in the effort to fight the global COVID-19 pandemic.

FINANCIAL IMPLICATIONS

The item would have a net \$198,386 impact on the General Fund.

ENVIRONMENTAL SUSTAINABILITY

Reducing carbon emissions at an emergency and equitable pace is a necessary step to meet the goals of the Climate Action Plan and Climate Emergency Declaration.

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, 510-981-7140



CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council
From: Councilmembers Rigel Robinson and Sophie Hahn
Subject: Support for AB 20: Corporate-Free Elections Act

RECOMMENDATION

Send a letter to Assemblymember Alex Lee, Assemblymember Buffy Wicks, and Senator Nancy Skinner in support of Assembly Bill 20, which would prohibit business entities from making campaign contributions to candidates running for elective office.

BACKGROUND

On December 7, 2020, Assemblymember Alex Lee introduced AB 20, which would prohibit business entities from making campaign contributions to those running for elective office, and would likewise prohibit those running from accepting such contributions.

The Political Reform Act of 1974 was initially introduced as Proposition 9 on the ballot in June of 1974. Under current campaign finance laws, both state and national, elected representatives are far too frequently beholden to wealthy corporate campaign donors rather than their own constituents. Given the profit-maximizing nature of corporations, corporate interventions in the political system are inevitably undertaken with the goal of subverting public policy to minimize costs and maximize revenues.

This motive is evident from excessive corporate spending on campaign contributions. The Center for Responsive Politics reported that 2020 saw unprecedented levels of campaign contributions, passing \$14 billion — double the amount spent on the previous presidential election cycle.¹ In California, the trend was replicated: \$785 million was spent on ballot measures alone, and millions more on individual candidates. Notably, the app-based driving services Lyft, Uber, DoorDash, and Postmates broke records with a \$205 million contribution to the “Yes on 22” campaign with the effect of the industry effectively purchasing its own regulatory scheme.²

The average Californian cannot afford to contribute to state legislative races in amounts comparable to large corporate campaign donors, if at all. This places their concerns below those of the companies that are able to fund successful campaigns. Californian voters have consistently opposed this kind of conflict of interest in campaign finance. In 2000,

¹ <https://www.opensecrets.org/news/2020/10/cost-of-2020-election-14billion-update/>

² <https://www.mercurynews.com/2020/11/07/how-much-was-your-vote-worth-in-californias-ballot-measure-battles/>

Californians voted in favor of Proposition 34, which set a limit on donations to California State Legislature candidates, statewide elective offices, and political parties.³ Despite broad and continual support among Californians for efforts to curb big money in politics, its influence persists today.

The Legislature can hold itself accountable by prohibiting direct contributions from corporations to political campaigns in California, as 22 other states have done in their own campaign finance laws.⁴ Here in Berkeley, the Berkeley Election Reform Act has already established a ban on campaign contributions by corporations and other organizations and business entities (BMC 2.12.440).⁵ The City of Berkeley should support AB 20's goal of expanding this good government measure to the State of California.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170
Elly Hudson, Intern

Attachments:

- 1: Letter of support
- 2: Bill text

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB20

³ [https://ballotpedia.org/California_Proposition_34,_Limits_on_Campaign_Contributions_\(2000\)](https://ballotpedia.org/California_Proposition_34,_Limits_on_Campaign_Contributions_(2000))

⁴ <https://www.ncsl.org/research/elections-and-campaigns/campaign-contribution-limits-overview.aspx>

⁵ https://www.cityofberkeley.info/Clerk/Elections/Election_Campaign_Information.aspx

March 30, 2021

The Honorable Alex Lee
California State Assembly
State Capitol, Room 2170
Sacramento, CA 95814

RE: City of Berkeley's Support for Assembly Bill 20

Dear Assemblymember Alex Lee,

The Berkeley City Council would like to express its full support for Assembly Bill 20, which would take significant steps towards making elections more fair and transparent, thus giving constituents more confidence in their representatives and our democratic institutions.

It is clear in California and across the country that corporations can easily influence policy decisions through large campaign contributions. This influence poses a serious threat to a well-functioning democracy, putting a price tag on political engagement and making it inaccessible to the majority of Californians.

Through the Berkeley Election Reform Act, the City of Berkeley has already instituted a ban on political campaign contributions from corporations. The Council hopes that this good government measure can be extended to apply to candidates for elective office across the state of California.

The Berkeley City Council supports AB 20 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner
Assemblymember Buffy Wicks



CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council
From: Councilmembers Rigel Robinson and Sophie Hahn
Subject: Support of AB 37: Vote-by-Mail Ballots

RECOMMENDATION

Send a letter to Assemblymember Marc Berman, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 37, which would require counties to send vote-by-mail ballots to all voters for every election.

BACKGROUND

AB 37, introduced by Assemblymember Berman, would expand the requirement put in place for all California counties to send each eligible voter a mail-in ballot for the November 3, 2020 election to all elections. It maintains the parameters for the distribution and tracking of vote-by-mail ballots implemented for the 2020 General Election, with the addendum that if a better system for tracking mail-in ballots is discovered, it may be implemented.

The 2020 General Election saw historic voter turnout nationwide, with roughly two-thirds of eligible voters submitting ballots.¹ This was largely due to the record numbers of vote-by-mail ballots distributed by states. In California, 86.72% of ballots cast were vote-by-mail ballots.² This unprecedented level of mail-in ballot usage was primarily due to the pandemic, but it reveals the potential for a fairer system of voting in California. For many, accessing polling places on Election Day is inconvenient, costly, or simply impossible. This inconvenience disproportionately affects minority communities. According to a study by the American Bar, 15% of Black voters reported difficulties accessing a polling place, compared to only 5% of white voters.³ By mailing all registered voters a ballot, the State of California can increase voter turnout and ensure that more voices are heard by our government. The states of Oregon and Washington already mail each eligible voter a ballot, and studies have shown that these states have seen increased voter turnout without increased fraud or partisan advantage.⁴

¹ <https://www.pewresearch.org/fact-tank/2021/01/28/turnout-soared-in-2020-as-nearly-two-thirds-of-eligible-u-s-voters-cast-ballots-for-president/>

² <https://www.sos.ca.gov/elections/historical-absentee>

³ https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/voting-in-2020/why-minority-voters-have-a-lower-voter-turnout/

⁴ <https://www.seattletimes.com/seattle-news/politics/washington-was-a-vote-by-mail-pioneer-now-other-states-are-following-suit-amid-coronavirus/>

As a city dedicated to citizen participation and democracy, the City of Berkeley should support this bill by sending a letter of support to Assemblymember Marc Berman, Senator Nancy Skinner, and Assemblymember Buffy Wicks.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170
Arev Walker, Intern

Attachments:

- 1: Letter of support
- 2: Bill text

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB37

March 30, 2021

The Honorable Marc Berman
California State Assembly
State Capitol, Room 3123
Sacramento, CA 95814

RE: City of Berkeley's Support of AB 37

Dear Assemblymember Berman,

The Berkeley City Council would like to convey its full support for Assembly Bill 37.

The 2020 General Election saw historic voter turnout nationwide, with roughly two-thirds of eligible voters submitting ballots. This was largely due to the record numbers of vote-by-mail ballots distributed by states. In California, 86.72% of ballots cast were vote-by-mail ballots. This unprecedented level of mail-in ballot usage was primarily due to the pandemic, but it reveals the potential for a fairer system of voting in California.

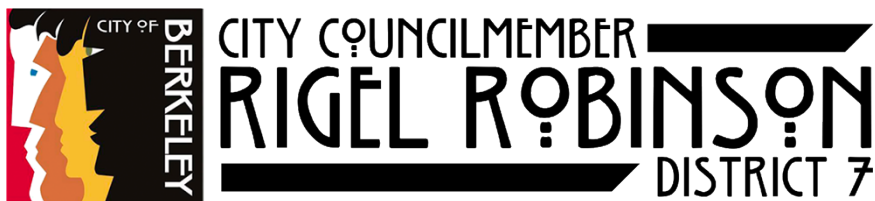
For many, accessing polling places on Election Day is inconvenient, costly, or simply impossible. By mailing all registered voters a ballot, California can increase voter turnout and ensure that more voices are heard by our government. The states of Oregon and Washington mail each eligible voter a ballot, and studies have shown that these states have seen increased voter turnout without increased fraud or partisan advantage.

AB 37 is an essential step along the way to making voting more accessible for all Californians, and we thank you for introducing this important piece of legislation.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner
Assemblymember Buffy Wicks



CONSENT CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council
From: Councilmember Rigel Robinson
Subject: Support for AB 854: Ellis Act Reform

RECOMMENDATION

Send a letter to Assemblymember Alex Lee, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 854, which would make nonsubstantive changes to the Ellis Act.

BACKGROUND

Assembly Bill 854, introduced by Assemblymember Alex Lee, would make nonsubstantive changes to the Ellis Act. The Ellis Act, passed in 1985, establishes a landlord's unconditional right to remove their property from the rental market, evicting the tenants without just cause.

The Ellis Act's original purpose was to protect small landlords who wanted to leave the rental market without selling their property. However, the legislation's reach has been gradually expanded by a series of court decisions, ruling that owners could invoke the Act not only to keep the units vacant, but also to convert the units to ownership or demolish them altogether.¹ This has paved the way for increased housing speculation and displacement across California. One report found that 51 percent of Ellis Act evictions in San Francisco were filed within a year of ownership being established, suggesting that these property owners had no intent of being in the rental business in the first place.²

Since 2001, 450 units have been taken off the rental market in Berkeley using the Ellis Act. Across California, the Ellis Act has resulted in the loss of tens of thousands of rent-controlled units — 26,500 units in the City of Los Angeles alone.³

Currently, the statewide COVID-19 eviction protections leave many tenants unprotected, including tenants whose landlords are attempting Ellis evictions. Tenants targeted for these evictions tend to be long-term residents, often elderly, low income, and/or disabled. Recognizing the impacts of the Ellis Act on these vulnerable tenants, especially given the need to shelter in place during the COVID-19 pandemic, Council

¹ <https://law.justia.com/cases/california/court-of-appeal/4th/59/1241.html>

² <https://www.sfexaminer.com/news/report-claims-speculators-are-behind-most-ellis-act-evictions-in-sf/>

³ <http://www.cesinaction.org/MapofEllisActEvictions.aspx>

voted to ban Ellis evictions in December of 2020.⁴ The Cities of Oakland⁵ and San Francisco have also joined a growing call for Ellis Act reform.⁶

Given Council's prior action prohibiting Ellis evictions and the negative impact that the Ellis Act has had on Berkeley's stock of rent-controlled units, the City of Berkeley should support AB 854 and send the attached letter of support to Assemblymember Alex Lee, Senator Nancy Skinner, and Assemblymember Buffy Wicks.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Attachments:

1: Resolution

2: Bill text

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB854

⁴ https://www.cityofberkeley.info/Clerk/City_Council/2020/12_Dec/Documents/12-08_Annotated_Agenda_4pm_pdf.aspx

⁵ https://oaklandside.org/wp-content/uploads/2020/12/View-Report-51.pdf?utm_source=Oaklandside+master+list&utm_campaign=8155acea00-EMAIL_CAMPAIGN_2020_12_18_11_56&utm_medium=email&utm_term=0_8612bcc0f3-8155acea00-333422454

⁶ <https://beyondchron.org/our-fight-to-reform-the-ellis-act/>

March 30, 2021

The Honorable Alex Lee
Assemblymember, 25th District
State Capitol, Room 2170
Sacramento, CA 95814

RE: City of Berkeley's Support for Assembly Bill 854

Dear Assemblymember Alex Lee,

The Berkeley City Council would like to convey our full support for Assembly Bill 854, which would take a critical step towards stopping speculator evictions and preserving California's dwindling stock of rent-controlled units.

The Ellis Act has been exploited as a major loophole that allows property owners to evict tenants without just cause, even during the COVID-19 pandemic. It has paved the way for increasing levels of housing speculation, resulting in the loss of rent-controlled units and the displacement of our most vulnerable tenants.

Ellis Act reform is long overdue, and a crucial measure to protect our state's tenants from speculators. The Berkeley City Council supports AB 854 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner
Assemblymember Buffy Wicks



Office of the City Manager

PUBLIC HEARING

March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, & Community Services

Subject: California Municipal Finance Authority Bond Financing for 2870 Adeline Street, Berkeley, CA (Harriet Tubman Terrace Apartments)

RECOMMENDATION

Conduct a public hearing under the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986, and upon conclusion, adopt a Resolution approving the issuance of the bonds by the California Statewide Communities Development Authority (CSCDA) for the benefit of the 2870 Adeline Street rental housing development.

FISCAL IMPACTS OF RECOMMENDATION

The bonds to be issued by the CSCDA will be the sole responsibility of the owner, HT Terrace Renewal, LP (Owner), and the City will have no financial, legal, moral obligation, liability or responsibility for the development or the repayment of the bonds for the financing of the development. All financing documents with respect to the issuance of the bonds will contain clear disclaimers that the bonds are not obligations of the City or the State of California but are to be paid for solely from funds provided by the Owner.

CURRENT SITUATION AND ITS EFFECTS

The Owner applied for 4% tax credits and tax-exempt bond financing and was approved for both in December 2020. The funds will be used for acquisition financing and for rehabilitation of Harriet Tubman Terrace Apartments, a 91-unit affordable senior housing community located at 2870 Adeline Street. The Owner's goal for the renovation is to prioritize the physical health and safety needs of the community, repair or replace aging building systems, and complete some much-needed upgrades to the existing housing units. Harriet Tubman Terrace apartments will continue to operate as an affordable rental housing development. Under the requirements of the tax credit and bond financing, the Owner is required to maintain affordability until June 2076.

In order to be able to use the bonds for financing for the rehabilitation of the property, the Owner is required to hold a public hearing in the jurisdiction where the multifamily rental housing development is located. The resolution attached to this report will enable the Owner to access up to \$40,000,000 in tax exempt bond financing from CSCDA for

financing the acquisition and rehabilitation of an affordable housing apartment complex located at 2870 Adeline Street.

In order for the bonds to qualify as tax-exempt bonds, the City of Berkeley must conduct a public hearing (the “TEFRA Hearing”) to provide community members an opportunity to speak in favor of or against the use of tax-exempt bonds for the development’s financing. Following the close of the TEFRA Hearing, an “applicable elected representative” of the government hosting 2870 Adeline Street must provide its approval of the issuance of the bonds for its financing. This adoption is solely for the purposes of satisfying the requirements of TEFRA, the Internal Revenue Code, and the California Government Code Section 6500.

The rehabilitation of 2870 Adeline Street is a Strategic Plan Priority Project, advancing the City’s goal to preserve existing affordable housing in the community.

BACKGROUND

The Owner of the affordable rental housing project at 2870 Adeline Street, or the Harriet Tubman Terrace Apartments, is requesting the City hold a public hearing and adopt a resolution in support of their multifamily housing revenue bond financing request from California Statewide Communities Development Authority (CSCDA). The owner is HT Terrace Renewal, LP (Owner), or a partnership of which NFAHS Development, LLC, is the developer and general partner.

Approving this action will allow the Owner to access tax-exempt bonds for acquisition financing and rehabilitation of the existing affordable housing apartments at 2870 Adeline Street. The Owner plans to use the bond funds together with funding from the federal low income housing tax credit program to make necessary health and safety improvements and upgrades to individual units. The goal is to improve the property and maintain long-term affordability. As a result of the tax credit financing, the property will remain affordable for at least another 55 years, or through June 2076.

2870 Adeline Street, Harriet Tubman Terrace Apartments

Harriet Tubman Terrace Apartments, located at 2870 Adeline Street, is a 91-unit affordable housing community dedicated to serving low-income elderly residents of the City of Berkeley. The Property also benefits from a Section 8 Housing Assistance Payment (“HAP”) contract covering 100% of the units. Originally built in 1976, the Owner is proposing a preservation project whereby the community will undergo a substantial physical rehabilitation project. Additionally, the Owner is already working with HUD to renew and extend the HAP contract for an additional 20 years.

California Statewide Communities Development Authority

The CSCDA is a joint powers authority founded and sponsored by the League of California Cities ("League") and the California State Association of Counties ("CSAC"). CSCDA was created by the League and CSAC in 1988 to enable local government and eligible private entities access to low-cost, tax-exempt financing for projects that provide a tangible public benefit, contribute to social and economic growth and improve the overall quality of life in local communities throughout California.

CSCDA is comprised of more than 530 members, including the City of Berkeley. CSCDA has issued more than \$65 billion through 1,700 plus financings since 1988 and consistently ranks in the top 10 of more than 3,000 nationwide public issuers of tax-exempt debt, as measured by annual issuance amount.

ENVIRONMENTAL SUSTAINABILITY

There are no environmental sustainability effects directly associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The proposed project is eligible for tax-exempt bonds which the Owner intends to use for acquisition financing and rehabilitation of an existing affordable rental housing development.

The Council's approval of CSCDA's bond issuance will help the project access tax-exempt financing. This financing will support rehabilitation and preservation of an existing multifamily residential development and will maintain the affordability of 91 units affordable senior housing in Berkeley for at least another 55 years, or through June 2076.

ALTERNATIVE ACTIONS CONSIDERED

The City could decline to approve CSCDA's bond issuance. This would result in the owner not being able to obtain the proposed bond financing. The owner's alternative options might include asking another bond authority to fill this role or forgoing tax-exempt financing. The resulting delays and/or additional expenses might affect the development's feasibility.

CONTACT PERSON

Lourdes Chang, Interim Senior Community Development Project Coordinator, HHCS,
(510) 981-5263

Attachments:

- 1: Resolution
- 2: Public Hearing Notice

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

CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY
MULTIFAMILY HOUSING REVENUE BONDS FOR HARRIET TUBMAN TERRACE
APARTMENTS

WHEREAS, the California Statewide Communities Development Authority (the "Authority") is authorized pursuant to the provisions of California Government Code Section 6500 et seq. and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies throughout the State of California, including the City of Berkeley (the "City"), to issue revenue bonds in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code for the purpose of financing multifamily rental housing projects; and

WHEREAS, HT Terrace Renewal LP or a partnership of which NFAHS Development, LLC (the "Developer") or a related person to the Developer is the general partner, has requested that the Authority adopt a plan of financing providing for the issuance of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Internal Revenue Code of 1986 (the "Code") in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, and at no time to exceed \$40,000,000 in outstanding aggregate principal amount (the "Bonds"), to finance or refinance the acquisition and rehabilitation of a multifamily rental housing project located at 2870 Adeline Street, Berkeley, California (the "Project"); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the "applicable elected representative" of the governmental units on whose behalf such bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the City Council of the City (the "City Council") is the elected legislative body of the City and is one of the "applicable elected representatives" required to approve the issuance of the Bonds under Section 147(f) of the Code; and

WHEREAS, the Authority is also requesting that the City Council approve the issuance of any refunding bonds hereafter issued by the Authority for the purpose of refinancing the Bonds which financed the Project (the "Refunding Bonds"), but only in such cases where federal tax laws would not require additional consideration or approval by the City Council; and

WHEREAS, there has been published, at least 7 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on a date specified in such notice; and

WHEREAS, such public hearing was conducted on such date, at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds required by Section 147(f) of the Code and Section 9 of the Agreement.

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

Section 1. The above recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds and the Refunding Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitute approval of the Bonds for the purposes of (a) Section 147(f) of the Code and (b) Section 9 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 4. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or construct the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, construction, rehabilitation, installation or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 5. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

Section 6. This resolution shall take effect immediately upon its passage.

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL**

**CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY
MULTIFAMILY HOUSING REVENUE BONDS
FOR HARRIET TUBMAN TERRACE APARTMENTS**

The Department of Health, Housing and Community Services is proposing a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 (the "Code") which will be held with respect to a proposed plan of financing providing for the issuance by the California Statewide Communities Development Authority of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Code in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, and at no time to exceed \$40,000,000 in outstanding aggregate principal amount, to finance or refinance the acquisition and rehabilitation of a multifamily rental housing project located at 2870 Adeline Street, Berkeley, California. The facilities are to be owned by HT Terrace Renewal LP (the "Borrower") or a partnership of which NFAHS Development, LLC (the "Developer") or a related person to the Developer is the general partner (the "Project").

The hearing will be held on, March 30, 2021 at 6:00 p.m. The hearing will be held via videoconference pursuant to Governor's Executive Order N-29-20.

Any member of the public may participate by using the following Zoom link and ID:

URL: <https://us02web.zoom.us/j/81872119058>

Webinar ID: 818 7211 9058

Or by calling one of the following numbers:

US Telephone: +1 (669) 900-9128 or (877) 853-5257 (Toll Free) or (888) 475-4499 (Toll Free) or (833) 548-0276 (Toll Free) or (833) 548-0282 (Toll Free) and entering meeting ID 818 7211 9058.

A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of March 18, 2021.

For further information please contact Lourdes P. Chang at (510) 981-5263.

Written comments should be mailed directly to the City Clerk at 2180 Milvia Street, Berkeley, California 94704, or emailed to council@cityofberkeley.info in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required,**

but if included in any communication to the City Council, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Published: March 19, 2021 – The Berkeley Voice



Cheryl Davila
Councilmember
District 2

ACTION CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Introduce an Ordinance permanently banning the use of less lethal weaponry, chemical irritants, smoke projectiles, acoustic weapons, directed energy weapons, water cannons, disorientation devices and ultrasonic cannons used by the police on civilians.

RECOMMENDATION

Direct the City Manager and City Attorney to prepare the attached ordinance: "Prohibition On The Use Of Certain Munitions Ordinance" for first reading for the October 27, 2020 Regular City Council Meeting.

POLICY COMMITTEE RECOMMENDATION

On March 1, 2021, the Public Safety Policy Committee moved to send the item back to Council with a negative recommendation and recommend that Council take no action. Vote: All Ayes.

BACKGROUND

At the June 9, 2020 City Council Special Meeting, the Council considered an [Urgency Item: Prohibiting the use of Chemical Agents for Crowd Control during the COVID-19 pandemic](#). The item was to establish an official City of Berkeley policy prohibiting the use of tear gas (CS gas), pepper spray, or smoke for crowd control by the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, during the COVID-19 pandemic, until such time that the City Council removes this prohibition. The Council voted to prohibit the use of tear gas (CS) permanently.

Police officers in Berkeley and other jurisdictions use other chemicals and munitions against civilians such as: less-lethal weaponry (e.g. hard foam, rubber bullets, and pepper spray), chemical irritants, smoke projectiles, acoustic weapons, directed energy weapons, water cannons, disorientation devices, ultrasonic cannons, or any other device that is designed to be used on multiple individuals for crowd control and is designed to cause pain or discomfort.

The 1993 Chemical Weapons Convention banned international militaries from using riot control agents, and chemical weapons, on each other during war. It is unethical for police to use an outlawed chemical weapon on its own civilians. The police should not have the ability to use chemicals that can create life-threatening health consequences on fellow Americans, especially innocent civilians.

The proposed ordinance “Prohibition On The Use Of Certain Munitions” contains the following provisions:

Definitions:

1. “City” means the City of Berkeley, California.
2. “Prohibited Munitions” means less-lethal weaponry, chemical irritants, smoke projectiles, acoustic weapons, directed energy weapons, water cannons, disorientation devices, and ultrasonic cannons.

Prohibition On The Use Of Certain Munitions:

It shall be a violation of this Ordinance for any City staff to use Prohibited Munitions on any individual.

Enforcement:

- A. Any violation of this ordinance constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in the Superior Court of the State of California to enforce this ordinance.
- B. Civil Penalties. If the City is found liable in a cause of action brought by an individual under section (b) above, for a violation that is the result of arbitrary or capricious action by the City or an employee or agent thereof in their official capacity, the City shall be liable for a civil penalty no greater than \$5,000 per violation, as determined by the court. In determining the amount of the civil penalty, the court shall consider prior violations of this ordinance by the City department that committed the violation.
- C. Attorney’s Fees and Costs. A court shall award a plaintiff who prevails on a cause of action under subsection (a) reasonable attorney’s fees and costs.

FINANCIAL IMPLICATIONS

By banning the use of chemicals and less-lethal weaponry, this resolution would avoid future legal costs to the city.

ENVIRONMENTAL SUSTAINABILITY

Protecting our communities during this climate and health crisis is an act of environmental sustainability.

CONTACT PERSONS

Cheryl Davila
Councilmember District 2
510.981.7120
cdavila@cityofberkeley.info

Eshal Sandhu
Jovi Tseng
Sanjita Pamidimukkala
District 2 Interns

ATTACHMENTS:

1. Ordinance
2. City Inventory of less than lethal weapons and munitions

REFERENCES:

1. [Urgency Item: Prohibiting the use of Chemical Agents for Crowd Control during the COVID-19 pandemic](#)
2. City Inventory of less than lethal weapons and munitions
https://www.cityofberkeley.info/uploadedFiles/Police_Review_Commission/Commissions/2016/PRC%20Pkt.%2004-27-16.pdf

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA, TO PERMANENTLY BAN THE USE OF LESS LETHAL WEAPONRY, CHEMICAL IRRITANTS, SMOKE PROJECTILES, ACOUSTIC WEAPONS, DIRECTED ENERGY WEAPONS, WATER CANNONS, DISORIENTATION DEVICES AND ULTRASONIC CANNONS USED BY THE POLICE ON CIVILIANS.

WHEREAS, At the June 9, 2020 City Council Special Meeting, the Council considered an [Urgency Item: Prohibiting the use of Chemical Agents for Crowd Control during the COVID-19 pandemic](#) . The item was to establish an official City of Berkeley policy prohibiting the use of tear gas (CS gas), pepper spray, or smoke for crowd control by the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, during the COVID-19 pandemic, until such time that the City Council removes this prohibition. The Council voted to prohibit the use of tear gas (CS) permanently.

WHEREAS, Police officers in Berkeley and other jurisdictions use other chemicals and munitions against civilians such as: less-lethal weaponry (e.g. hard foam, rubber bullets, and pepper spray), chemical irritants, smoke projectiles, acoustic weapons, directed energy weapons, water cannons, disorientation devices, ultrasonic cannons, or any other device that is designed to be used on multiple individuals for crowd control and is designed to cause pain or discomfort.

WHEREAS, The 1993 Chemical Weapons Convention banned international militaries from using riot control agents, and chemical weapons, on each other during war. It is unethical for police to use an outlawed chemical weapon on its own civilians. The police should not have the ability to use chemicals that can create life-threatening health consequences on fellow Americans, especially innocent civilians.

NOW, THEREFORE, the Council of the City of Berkeley does ordain as follows:

Section 1. Title

This ordinance shall be known as the Prohibition On The Use Of Certain Munitions Ordinance.

Section 2. Definitions

1. "City" means the City of Berkeley, California.
2. "Prohibited Munitions" means less-lethal weaponry, chemical irritants, smoke projectiles, acoustic weapons, directed energy weapons, water cannons, disorientation devices, and ultrasonic cannons.

Section 3. Prohibition On The Use Of Certain Munitions

It shall be a violation of this Ordinance for any City staff to use Prohibited Munitions on any individual.

Section 4. Enforcement

- A. Any violation of this ordinance constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in the Superior Court of the State of California to enforce this ordinance.
- B. Civil Penalties. If the City is found liable in a cause of action brought by an individual under section (b) above, for a violation that is the result of arbitrary or capricious action by the City or an employee or agent thereof in their official capacity, the City shall be

liable for a civil penalty no greater than \$5,000 per violation, as determined by the court. In determining the amount of the civil penalty, the court shall consider prior violations of this ordinance by the City department that committed the violation.

- C. Attorney's Fees and Costs. A court shall award a plaintiff who prevails on a cause of action under subsection (a) reasonable attorney's fees and costs.

Section 5. Severability

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

Section 6. Construction

The provisions of this Ordinance are to be construed broadly to effectuate the purposes of this Ordinance.

Section 7. Effective Date

This Ordinance shall take effect on [DATE].

ATTACHMENT 2:

City Inventory of less than lethal weapons and munitions



Police Department

March 15, 2016

To: Katherine J. Lee, PRC Officer

From: Michael Meehan, Chief of Police

Re: Inventory of Less-than-lethal Weapons and Munitions

The Berkeley Police Department conducted an inventory of less-than-lethal weapons and munitions on February 19, 2016. The 37 mm launchers have smooth bores and are currently used for training purposes only. One 40 mm launcher is out of service while being repaired. An estimate of when it may be back in service is not available.

MAKE	MODEL	Caliber	Type	Year	Comments	#
CTS	4300	40 mm	Liquid Barricade/Training Rounds	2008		3
CTS	4300	40 mm	Liquid Barricade/Training Rounds	2010		17
CTS	4330	40 mm	Liquid CS Barricade Rounds	2008		31
CTS	4330	40 mm	Liquid CS Barricade Rounds	2010		8
CTS	3230	37 mm	Riot CS Smoke Projectile	2003	Training only	11
CTS	4230	40 mm	Riot CS Smoke Projectile	2010		6
CTS	3233	37 mm	Riot CS Smoke Multi-Projectile	2003	Training only	11
CTS	4210	40 mm	White Smoke Projectile	2008		24
CTS	4210	40 mm	White Smoke Projectile	2010		5
CTS	4630	40 mm	Riot CS Powder, Muzzle Blast	2010		16
CTS	4630	40 mm	Riot CS Powder, Muzzle Blast	2014		15
CTS	4557	40 mm	Foam Baton	2014/2015		191
CTS	T4557	40 mm	Training, reloadable Foam Baton	n/a		75
Fed Labs		37 mm	single round launcher		Training only	7
Penn Arms	GL1	40 mm	single round launcher			5
Penn Arms	PGL65	40 mm	multi-round launcher		*1 launcher out of service for repairs	2*
FN Herstal	FN-303	18 mm	multi-round launcher			2

cc: Firearm and Tactics Unit, Specialty Weapons Coordinator



Cheryl Davila
Councilmember
District 2

ACTION CALENDAR
March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Recognize the Rights of Nature

RECOMMENDATION

Adopt a resolution to recognize that the natural living world has a right to exist, thrive, regenerate and evolve its life cycles; to protect the ecosystems upon which our own vitality depends; and to transform our human relationship with nature from a property-based to a legal rights-bearing entity.

POLICY COMMITTEE RECOMMENDATION

On March 3, 2021, the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee moved to send the item back to Council with the qualified positive recommendation revising the final resolved clause of the draft resolution to place obligation on the City and not the residents. Vote: All Ayes

BACKGROUND

Currently, the legal systems are doing very little to protect our ecosystems from the destruction by economically driven industrialization. In fact, not only is there no regard to the impacts this will have on future generations, but the degradation of our natural world is often encouraged. Currently, our laws view nature as human-owned property, confirming human authority over all of nature. The natural world has no legal standing in a court of law. There needs to be a legal shift in the way we view our human relationship with the natural world. It is our responsibility to live respectfully within the natural order of life. We must redraw the boundaries of the economy taking into consideration the ecological and planetary limits. All rights, including human rights depend on the health and vitality of Earth's living systems. Therefore, the needs of nature must be elevated and protected by legal rights and maintained through life-sustaining systems of exchange and reciprocity.

Five countries and dozens of US communities have recognized the rights of nature and are resolving to provide adequate protection for the health of local ecosystems. It is our responsibility to recognize and respect the rights of the natural world so that we may sustain and protect our environment, and help secure the well-being of future generations.

ENVIRONMENTAL SUSTAINABILITY

From the impacts of climate change, to the tar sands of Alberta to mountaintop removal for coal

extraction, to fracking and the destruction of vast tropical rainforests, we have witnessed the horrifying damage these negligent practices are imposing on our environment. This resolution will help provide environmental protection and sustainability.

FINANCIAL IMPLICATIONS

There is no limit on the value of the Rights of Nature.

References:

Global Alliance for the Rights of Nature

[https://therightsofnature.org/what-is-rights-of-](https://therightsofnature.org/what-is-rights-of-nature/#:~:text=Rights%20of%20Nature%20is%20the%20recognition%20and%20honoring%20that%20Nature%20has%20rights.&text=Rather%20than%20treating%20nature%20as,and%20regenerate%20its%20vital%20cycles.)

[nature/#:~:text=Rights%20of%20Nature%20is%20the%20recognition%20and%20honoring%20that%20Nature%20has%20rights.&text=Rather%20than%20treating%20nature%20as,and%20regenerate%20its%20vital%20cycles.](https://therightsofnature.org/what-is-rights-of-nature/#:~:text=Rights%20of%20Nature%20is%20the%20recognition%20and%20honoring%20that%20Nature%20has%20rights.&text=Rather%20than%20treating%20nature%20as,and%20regenerate%20its%20vital%20cycles.)

CONTACT PERSONS

Cheryl Davila

Councilmember District 2

510.981.7120

cdavila@cityofberkeley.info

ATTACHMENTS:

1. Resolution

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA, RECOGNIZING THAT THE NATURAL LIVING WORLD HAS A RIGHT TO EXIST, THRIVE, REGENERATE AND EVOLVE ITS LIFE CYCLES; TO PROTECT THE ECOSYSTEMS UPON WHICH OUR OWN VITALITY DEPENDS

WHEREAS, the natural living world has a right to exist, thrive, regenerate and evolve its life cycles; and

WHEREAS, all rights, including human rights, depend on the health and vitality of Earth's living systems; and

WHEREAS, our current laws view nature as human-owned property, confirming human authority over all of nature; and

WHEREAS, the natural world has no legal standing in a court of law; and

WHEREAS, the current legal systems are doing very little to protect our ecosystems from the destruction by economically driven industrialization; and

WHEREAS, from the impacts of climate change, to the tar sands of Alberta to mountaintop removal for coal extraction, to fracking and the destruction of vast tropical rainforests, we have witnessed the horrifying damage these negligent practices are imposing on our environment; and

WHEREAS, not only is there no regard to the impacts this will have on future generations, but the degradation of our natural world is often encouraged; and

WHEREAS, we must redraw the boundaries of the economy taking into consideration the ecological and planetary limits; and

WHEREAS, there needs to be a legal shift in the way we view our human relationship with the natural world; and

WHEREAS, we must transform our human relationship with nature from a property-based to a legal rights-bearing entity; and

WHEREAS, the needs of nature must be elevated and protected by legal rights, and maintained through life-sustaining systems of exchange and reciprocity; and

WHEREAS, five countries and dozens of US communities have recognized the rights of nature and are dedicated to providing adequate protection for the health of the local ecosystem; and

WHEREAS, it is our responsibility to recognize and respect the rights of the natural world so that we may sustain and protect our environment, and help secure the well-being of future generations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley recognizes the Rights of our local ecosystem to exist, flourish, and regenerate its natural capacities.

Recognizing these rights places obligations on the City to live within, not above, the natural world, of which we are only one part, and to protect and replenish the ecosystems upon which our mutual well being depends. In essence, it is necessary to transform our human relationship with nature from property-based to a legal rights-bearing entity.



Office of the City Manager

INFORMATION CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Henry Oyekanmi, Director, Finance Department
 Subject: FY 2020 Fourth Quarter Investment Report: Ended June 30, 2020

SUMMARY

The City's investment policy requires that a quarterly investment report be submitted to the City Council on the status of the investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the types, values (par, book, and market), term, and yield of each security.

- The return on pooled investments for the quarter ended June 30, 2020 was 1.23%, 18 basis points less than the 1.41% earned by the State Local Agency Investment Fund (State LAIF), which is the benchmark for investment performance used by the City. The return on pooled investments of 1.23% for the quarter ended June 30, 2020 was 66 basis points less than the rate of 1.89% earned in the quarter ended March 31, 2020.
- The average return on all Retiree Medical Trust Fund investments was 3.73% for the quarter ended June 30, 2020.

CURRENT SITUATION AND ITS EFFECTS

Attached is a summary of quarterly reports for the fiscal year 2020 Fourth quarter ending June 30, 2020 representing the status of the City's investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the values (par, book, and market), term, and yield of each security.

Summary information by type of security and detailed information on each security is provided on Exhibit 2-A. An evaluation of portfolio performance for this accounting period compared to the previous three accounting periods is also included in Attachment 1.

A. Portfolio Results

As a result of the differences in the investment policies of different cities, including responsible investing policies, maturity restrictions, investment restrictions, etc., it was difficult for the City of Berkeley to come up with a reasonable performance measure for pooled cash investments. In order to provide some measure of the relative performance of the City's investment returns, many years ago the City established the State Local Agency Investment Fund (LAIF) as the performance measure to be reported in the quarterly investment reports, since many local governments invested significant portions of their investment portfolios in LAIF.

LAIF was intended to be a reference point to compare the City's investment performance against, rather than a true performance measure, since most cities typically earn a yield higher than LAIF in normal interest rate environments, and because LAIF's average maturity of its investments is generally shorter than most cities. As a result, past City Councilmembers requested that information about the rates earned by other California cities be included in the quarterly investment reports for comparison purposes, despite the differences in the investment policies of the various cities.

1. Liquidity of Portfolio:

The average investment in the pooled portfolio matures in 963 days as of June 30, 2020. This is 399 days less than the 1,362 maturity days of as of March 31, 2020. This decrease resulted from a lack of attractive long-term rates to invest in with the Federal funds rate at zero.

2. Comparison of Results to Performance Measures – Pooled investments: Quarter Ended June 30, 2020

The City's yield on investments for the quarter ended June 30, 2020 was 1.23%, a decrease of 66 basis points (.66%) from the 1.89% earned during the quarter ended March 31, 2020. The average yield on a 90-day Treasury bill at the end of the quarter ended June 30, 2020 was .129%, an increase of 6.8 basis points (.068%) from the .061% at the end of the previous quarter.

As summarized in Table 1, staff's overall results were below the performance measure for the quarter. Staff's performance was below the performance measure in April by approximately 30 basis points (-.30%); below the performance measure in May by approximately 20 basis points (-.20%); and, was under the performance measure in June by approximately 3 basis points (-.03%). The performance measure for the return on investments is compared to the rate of return of the State LAIF.

Table 1

For Quarter Ending June 30, 2020			
Period	City	State LAIF	Difference
April-20	1.35%	1.65%	-0.30%
May-20	1.16%	1.36%	-0.20%
June-20	1.19%	1.22%	-0.03%
April-June 20	1.23%	1.41%	0.18%

3. Investment Results-Retiree Health Insurance Funds:

Average interest rates earned on the retiree health insurance trust funds for the quarter ended June 30, 2020 compared to the quarter ended March 31 2020, were as follows:

Table 2

EARNED INTEREST RATES		
For Quarter Ended 6/30/2020 Compared To 3/31/2020		
Trust Fund	4th Qtr 6/30/20	3rd Qtr 3/31/20
Retiree Medical Trust Fund (Misc Employees)	4.111%	4.286%
Fire Retiree Medical Trust Fund	3.582%	3.703%
Police Retiree Medical Trust Fund	3.497%	3.725%

The rates earned on these plans are expected to be level over the next few quarters.

Details related to retiree health trust fund investments are in Attachment 3, Exhibits 3-A, 3-B, and 3-C of this report.

B. Discussion of Interest Rate Environment and Outlook

In its June 10, 2020 statement, the Federal Open Market Committee indicated that “the Federal Reserve is committed to use its full range of tools to support the U.S. economy in this challenging time, thereby promoting its maximum employment and price stability goals.

The COVID-19 pandemic is causing tremendous human and economic hardship across the United States and around the world. The virus and the measures taken to protect public health have induced sharp declines in economic activity and a surge in job losses. Weaker demand and significantly lower oil prices are holding down consumer price inflation. Financial conditions have improved, in part reflecting policy measures to support the economy and the flow of credit to U.S. households and businesses.

The ongoing public health crisis will weigh heavily on economic activity, employment, and inflation in the near term, and poses considerable risks to the economic outlook over the medium term. “

Yield Trend

“In light of these developments, the Committee decided to maintain the target range for the federal funds rate at 0 to .25%. The Committee expects to maintain this target range until it is confident that the economy has weathered recent events and is on track to achieve its maximum employment and price stability goals.

As a result of these moves by the Fed, staff expects returns in FY 2021 and beyond to decline sharply from those returns earned in FY 2019 and FY 2020. Also, the City’s rate earned is expected to be about the same as the City’s benchmark (State LAIF) and the City’s return is expected to be comparable to rates earned by most other cities in California. A sample of rates earned by Northern and Southern California cities is reflected in table 3 below (previously only Northern California cities were included):

Table 3

Other California Cities Earned Interest Rates	
For the Quarter Ending June 30, 2020	
City	Rates Earned
San Jose	1.97%
Palo Alto	1.96%
Sacramento	1.85%
Los Angeles	1.80%
Santa Monica	1.71%
San Diego	1.58%
San Francisco	1.33%
Berkeley	1.23%
Oakland	.96%

The City’s investment strategy will continue to focus on (1) Investing in short-term securities when short-term rates are comparable to medium-term rates and long-term rates; (2) locking in reasonable rates on long-term investments, when opportunities

for attractive rates present themselves; and (1) matching investment maturities to cash flow.

BACKGROUND

- Pooled Investments

Short-term cash is invested primarily in government sponsored enterprises (referred to as Federal Agency) notes and medium-term corporate notes for periods of one to five years. Additional cash is invested in a money market fund or overnight securities to meet the liquidity needs of the City.

In some cases, the City may have investments with a current market value that is greater or less than the recorded cost. These changes in market value are due to fluctuations in the market and have no effect on yield, as the City does not intend to sell securities prior to maturity.

- Retiree Health Trust Fund Investments

The City agreed to provide retiree Health insurance coverage for fire, police and miscellaneous employees under certain terms and conditions. An actuarial study commissioned by the City many years ago determined that, in addition to City Contributions, an average rate of return of 7% on miscellaneous employees trust fund assets invested must be achieved to fund the retiree health benefit at the desired 70% level. Primarily as a result of the Federal Reserve Board's decision to keep short-term rates near zero for the last 12 years, the average rate currently earned is significantly below that 7% level. City Finance Department staff manages these investment portfolios.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7300

ATTACHMENTS

1. Portfolio Evaluation FY 2020 Fourth Quarter
2. Investment Report Analysis FY 2020 Fourth Quarter
 - a. Exhibit 2-A: Pooled Cash and Investments
 - b. Exhibit 2-B.1 through 2-B.3: Interest Earnings April 2020 – June 2020
 - c. Exhibit 2-C: Book Value By Investment Type
 - d. Exhibit 2-D: Current Holdings vs. Policy Limits
 - e. Exhibit 2-E: Investment Portfolio Trend

3. Summary of Pooled and Cash Investments FY 2020 Fourth Quarter –Trust Funds
 - a. Exhibit 3-A: Retiree Medical Trust Funds –Misc.
 - b. Exhibit 3-B: Retiree Medical Trust Funds –Fire
 - c. Exhibit 3-C: Retiree Medical Trust Funds –Police



Portfolio Evaluation
Quarter Ended June 30, 2020

	Quarter Ending											
	June 2020		March 2020		December 2019		September 2019					
Total Portfolio												
Pooled Cash and Investments (COB)	\$	545,012,295	\$	476,481,447	\$	474,389,529	\$	422,069,258				
Pooled Cash and Investments (Trust)		<u>49,627,762</u>		<u>47,989,435</u>		<u>48,692,782</u>		<u>48,394,215</u>				
Total Cash and Investments	\$	<u>594,640,057</u>	\$	<u>524,470,882</u>	\$	<u>523,082,311</u>	\$	<u>470,463,473</u>				
Average Life of Investment Portfolio												
Pooled Investments (CoB)		963		1,362		949 days		750 days				
Trust Investments		2.870 years		4.017 years		5.967 years		5.962 years				
Weighted Yield												
Pooled Investments (CoB)		1.233%		1.889%		2.122%		2.295%				
Trust Investments		3.730%		3.905%		3.633%		3.588%				
Prime Rate		3.250%		3.250%		4.750%		5.000%				
91-day Treasury Bill Rate		0.129%		0.061%		1.544%		1.807%				
2-year Treasury Note Rate		0.149%		0.246%		1.569%		1.622%				
Cash and Investments Maturity												
Within one year	\$	413,587,404	69.56%	\$	346,981,181	66.16%	\$	285,480,301	54.58%	\$	265,228,059	56.38%
Between 1 to 3 years		48,355,395	8.13%		38,367,415	7.32%		98,622,384	18.85%		78,428,464	16.67%
Between 3 to 5 years		70,937,367	11.93%		63,681,645	12.14%		63,322,290	12.11%		57,261,873	12.17%
Between 5 to 10 years		61,759,892	10.38%		75,440,641	14.38%		75,657,337	14.46%		69,545,077	14.78%
Over 10 years		-	0.00%		-	0.00%		-	0.00%		-	0.00%
Total	\$	<u>594,640,057</u>	<u>100.00%</u>	\$	<u>524,470,882</u>	<u>100.00%</u>	\$	<u>523,082,311</u>	<u>100.00%</u>	\$	<u>470,463,473</u>	<u>100.00%</u>



City of Berkeley
Pooled Cash and Investments
As of June 30, 2020

CUSIP	Investment #	Issuer	Book Value	Par Value	Market Value	Current Rate	YTM/C 365	Maturity Date	Days To Maturity	Credit Rating
Certificates of Deposits										
254673RD0	14539	Discover Bank	250,000.00	250,000.00	272,267.50	3.300	3.300	07/05/2023	1,099	N/A
795450T47	14540	Sallie Mae Bank	250,000.00	250,000.00	272,230.00	3.300	3.300	07/03/2023	1,097	N/A
Subtotal and Average			500,000.00	500,000.00	544,497.50		3.300		1,098	
Medium Term Notes										
008252AM0	14582	Affiliated Managers Group	1,066,830.69	1,000,000.00	1,085,870.00	4.250	2.300	02/15/2024	1,324	A3
037833AK6	14536	Apple Inc	4,892,383.67	5,000,000.00	5,285,350.00	2.400	3.225	05/03/2023	1,036	AA1
04685A2L4	14590	Athene Global Funding	5,995,613.23	5,950,000.00	5,940,599.00	2.500	3.320	01/14/2025	1,658	N/A
04685A2L4	14602	Athene Global Funding	4,843,427.58	5,000,000.00	4,992,100.00	2.500	3.250	01/14/2025	1,658	N/A
084670BJ6	14542	Berkshire Hathaway	4,981,848.67	5,000,000.00	5,333,650.00	3.000	3.150	02/11/2023	955	AA2
20030NBN0	14563	COMCAST CORP	5,063,459.16	5,000,000.00	5,567,250.00	3.375	3.100	08/15/2025	1,871	A3
233851CU6	14571	Daimler Finance	5,074,631.17	5,000,000.00	5,277,650.00	3.450	3.190	01/06/2027	2,380	A3
233851CU6	14574	Daimler Finance	3,822,062.68	3,725,000.00	3,931,849.25	3.450	3.000	01/06/2027	2,380	A3
233851DN1	14586	Daimler Finance	5,114,722.05	5,000,000.00	5,168,900.00	3.750	2.000	11/05/2021	492	A3
24422EUM9	14554	John Deere Cap	5,052,602.26	5,000,000.00	5,497,500.00	3.650	3.300	10/12/2023	1,198	A2
375558BF9	14570	Gilead Sciences	5,134,914.51	5,000,000.00	5,723,350.00	3.650	3.118	03/01/2026	2,069	A3
49327M2X1	14560	Key Bank NA	5,015,008.68	5,000,000.00	5,209,750.00	3.300	3.100	02/01/2022	580	A3
53944VAS8	14580	Lloyds Bank Plc	5,005,072.65	5,000,000.00	5,140,900.00	2.250	2.200	08/14/2022	774	AA3
540424AQ1	14555	Loews Corporation	4,903,742.41	5,000,000.00	5,286,050.00	2.625	3.350	05/15/2023	1,048	A3
589331AT4	14545	Merck & Co Inc	4,935,081.28	5,000,000.00	5,204,650.00	2.400	3.030	09/15/2022	806	A1
68389XAS4	14548	Oracle Corp	5,031,346.96	5,000,000.00	5,447,350.00	3.625	3.388	07/15/2023	1,109	A3
747525AT0	14564	Qualcomm Inc	4,973,129.59	5,000,000.00	5,380,500.00	2.900	3.050	05/20/2024	1,419	A2
747525AU7	14587	Qualcomm Inc	6,267,394.94	5,963,000.00	6,764,427.20	3.250	2.435	05/20/2027	2,514	A2
80685XAA9	14609	Schlumberger Fin CA	3,002,292.97	3,000,000.00	3,018,960.00	2.200	2.000	11/20/2020	142	A2
828807CS4	14606	Simon Property Group	4,995,010.73	5,000,000.00	5,378,850.00	3.375	3.353	10/01/2024	1,553	A2
07330MAA5	14588	TRUIST BANK	5,417,158.92	5,000,000.00	5,659,100.00	3.800	2.365	10/30/2026	2,312	A3
Subtotal and Average			100,587,734.80	99,638,000.00	106,294,605.45		2.891		1,432	
Federal Agency Coupon Securities										
3133EJAD1	14528	Federal Farm Credit Bank	10,000,000.00	10,000,000.00	10,095,000.00	2.150	2.150	12/23/2020	175	AAA
3133EG7F6	14517	Federal Farm Credit Bank	5,000,000.00	5,000,000.00	5,051,100.00	1.750	1.750	02/16/2021	230	AAA
3133EHQB2	14527	Federal Farm Credit Bank	9,001,000.00	9,001,000.00	9,004,330.37	1.550	1.550	07/06/2020	5	AAA
Subtotal and Average			24,001,000.00	24,001,000.00	24,150,430.37		1.842		122	

City of Berkeley
Pooled Cash and Investments
As of June 30, 2020



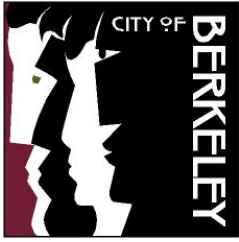
CUSIP	Investment #	Issuer	Book Value	Par Value	Market Value	Current Rate	YTM/C 365	Maturity Date	Days To Maturity	Credit Rating
Commercial Papers										
0020A2LW0	14603	AT&T Inc.	4,958,833.33	5,000,000.00	4,993,650.00	1.950	1.950	11/30/2020	152	N/A
05526LG68	14607	BASF SE	4,998,961.02	5,000,000.00	4,999,900.00	1.496	1.521	07/06/2020	5	N/A
05526LHA8	14608	BASF SE	4,990,871.41	5,000,000.00	4,999,050.00	1.643	1.673	08/10/2020	40	N/A
36955DGV6	14595	GEN DYNAMICS	9,984,833.33	10,000,000.00	9,998,800.00	1.950	1.961	07/29/2020	28	N/A
37737PHD1	14598	GLAXOSMITH	4,991,041.67	5,000,000.00	4,999,000.00	1.500	3.036	08/13/2020	43	N/A
37737PHJ8	14599	GLAXOSMITH	4,993,333.34	5,000,000.00	4,998,800.00	1.000	1.003	08/18/2020	48	N/A
8923A0HS5	14605	Toyota Credit Puerto Rico	4,988,776.02	5,000,000.00	4,998,600.00	1.443	1.470	08/26/2020	56	N/A
89233GHE9	14604	Toyota Motor Corp	4,991,444.45	5,000,000.00	4,998,950.00	1.400	1.406	08/14/2020	44	N/A
2546R2HA7	14600	WALT DISNEY	4,989,722.22	5,000,000.00	4,999,050.00	1.850	3.748	08/10/2020	40	N/A
2546R2HE9	14601	WALT DISNEY	5,736,787.78	5,750,000.00	5,748,792.50	1.880	1.880	08/14/2020	44	N/A
		Subtotal and Average	55,624,604.57	55,750,000.00	55,734,592.50		1.963		47	
Medium-Term Notes - Callable										
05531FBF9	14561	BB&T Corporation	5,117,114.61	5,000,000.00	5,476,050.00	3.750	3.012	12/06/2023	1,253	A3
05531FBG7	14585	BB&T Corporation	5,097,122.82	5,000,000.00	5,226,300.00	3.050	2.000	06/20/2022	719	A3
06406HBY4	14538	Bank of New York Mellon Corp	3,561,627.01	3,542,000.00	3,670,149.56	3.550	3.150	09/23/2021	449	A1
06406FAB9	14541	Bank of New York Mellon Corp	1,446,243.74	1,458,000.00	1,476,662.40	2.050	3.060	05/03/2021	306	A1
693475AV7	14557	PNC Financial Services	5,020,866.25	5,000,000.00	5,466,000.00	3.500	3.425	01/23/2024	1,301	A3
751212AC5	14566	Ralph Lauren	5,148,824.87	5,000,000.00	5,555,950.00	3.750	3.106	09/15/2025	1,902	A3
91159HHU7	14562	US BANCORP	5,227,447.61	5,000,000.00	5,768,750.00	3.950	2.848	11/17/2025	1,965	A1
		Subtotal and Average	30,619,246.91	30,000,000.00	32,639,861.96		2.917		1,264	
Federal Agency - Callable										
3130AFKR7	14550	Federal Home Loan Banks	5,000,000.00	5,000,000.00	5,062,150.00	3.100	3.100	12/28/2023	1,275	AAA
		Subtotal and Average	5,000,000.00	5,000,000.00	5,062,150.00		3.100		1,275	
Federal Agency - Continuously Callable										
3130AHE33	14584	Federal Home Loan Banks	15,000,000.00	15,000,000.00	15,067,200.00	2.000	2.000	10/21/2024	1,573	AAA
		Subtotal and Average	15,000,000.00	15,000,000.00	15,067,200.00		2.000		1,573	
Municipal Bonds										
13063DGB8	14559	General Obligation Unlimited	5,069,730.77	5,000,000.00	5,598,700.00	3.375	3.087	04/01/2025	1,735	AA2
		Subtotal and Average	5,069,730.77	5,000,000.00	5,598,700.00		3.087		1,735	



City of Berkeley
Pooled Cash and Investments
As of June 30, 2020

CUSIP	Investment #	Issuer	Book Value	Par Value	Market Value	Current Rate	YTM/C 365	Maturity Date	Days To Maturity	Credit Rating
Money Market										
SYS14190	14190	Fidelity Money Market	35,204,430.60	35,204,430.60	35,204,430.60	0.002	0.002		1	
SYS14265	14265	Fidelity Money Market	<u>246,733,537.86</u>	<u>246,733,537.86</u>	<u>246,733,537.86</u>	0.003	<u>0.003</u>		<u>1</u>	
		Subtotal and Average	281,937,968.46	281,937,968.46	281,937,968.46		0.003		1	
Total Investments and Average			518,340,285.51	516,826,968.46	527,030,006.24		1.187		963	

Total Investments (Book Value)	518,340,285.51
Cash	<u>17,982,288.00</u>
Total Investments (Book Value) and Cash	536,322,573.51
Increase / (Decrease) in Market Value of Securities	<u>8,689,720.73</u>
Total Investments (Market Value) and Cash	<u><u>545,012,294.24</u></u>



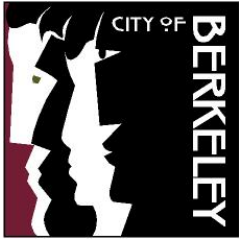
Pooled Investments Selected Funds
Interest Earnings
Sorted by Fund - Fund
April 1, 2020 - April 30, 2020
Yield on Average Book Value

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Annualized Rate	Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3130AFKR7	14550	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	12/28/2023	3.100	3.143	12,916.67	0.00	12,916.67
3130AHE33	14584	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	10/21/2024	2.000	2.028	25,000.00	0.00	25,000.00
3133EG7F6	14517	010	FAC	5,000,000.00	5,000,000.00	5,000,000.00	02/16/2021	1.750	1.774	7,291.67	0.00	7,291.67
3133EJAD1	14528	010	FAC	10,000,000.00	10,000,000.00	10,000,000.00	12/23/2020	2.150	2.180	17,916.67	0.00	17,916.67
3133EHQB2	14527	010	FAC	9,001,000.00	9,001,000.00	9,001,000.00	07/06/2020	1.550	1.572	11,626.29	0.00	11,626.29
3133ELJY1	14589	010	MC5	0.00	5,000,000.00	4,500,000.00	07/28/2026	2.180	2.210	8,175.00	0.00	8,175.00
53944VAS8	14580	010	MTN	5,000,000.00	5,005,671.00	5,005,567.95	08/14/2022	2.250	2.230	9,375.00	-199.45	9,175.55
0020A2LW0	14603	010	ACP	5,000,000.00	0.00	2,799,415.97	11/30/2020	1.950	2.001	0.00	4,604.17	4,604.17
037833AK6	14536	010	MTN	5,000,000.00	4,882,906.70	4,884,538.84	05/03/2023	2.400	3.278	10,000.00	3,158.99	13,158.99
254673RD0	14539	010	SCD	250,000.00	250,000.00	250,000.00	07/05/2023	3.300	3.300	678.08	0.00	678.08
06406HBY4	14538	010	MC3	3,542,000.00	3,565,623.46	3,564,935.18	09/23/2021	3.550	3.122	10,478.42	-1,332.15	9,146.27
06406FAB9	14541	010	MC3	1,458,000.00	1,442,740.22	1,443,343.61	05/03/2021	2.050	3.084	2,490.75	1,167.84	3,658.59
795450T47	14540	010	SCD	250,000.00	250,000.00	250,000.00	07/03/2023	3.300	3.300	678.08	0.00	678.08
084670BJ6	14542	010	MTN	5,000,000.00	4,980,110.77	4,980,410.08	02/11/2023	3.000	3.195	12,500.00	579.30	13,079.30
589331AT4	14545	010	MTN	5,000,000.00	4,927,722.73	4,928,990.04	09/15/2022	2.400	3.074	10,000.00	2,452.85	12,452.85
68389XAS4	14548	010	MTN	5,000,000.00	5,033,925.77	5,033,481.64	07/15/2023	3.625	3.443	15,104.17	-859.60	14,244.57
24422EUM9	14554	010	MTN	5,000,000.00	5,056,610.90	5,055,920.53	10/12/2023	3.650	3.338	15,208.33	-1,336.21	13,872.12
540424AQ1	14555	010	MTN	5,000,000.00	4,895,364.09	4,896,807.02	05/15/2023	2.625	3.411	10,937.50	2,792.77	13,730.27
693475AV7	14557	010	MC3	5,000,000.00	5,022,331.12	5,022,078.83	01/23/2024	3.500	3.415	14,583.33	-488.29	14,095.04
13063DGB8	14559	010	MUN	5,000,000.00	5,073,400.81	5,072,768.75	04/01/2025	3.375	3.079	14,062.50	-1,223.35	12,839.15
49327M2X1	14560	010	MTN	5,000,000.00	5,017,378.47	5,016,970.34	02/01/2022	3.300	3.143	13,750.00	-789.93	12,960.07
05531FBF9	14561	010	MC3	5,000,000.00	5,125,649.28	5,124,179.42	12/06/2023	3.750	3.034	15,625.00	-2,844.89	12,780.11
05531FBG7	14585	010	MC3	5,000,000.00	5,109,451.52	5,107,328.25	06/20/2022	3.050	2.048	12,708.33	-4,109.56	8,598.77
91159HHU7	14562	010	MC3	5,000,000.00	5,238,021.10	5,236,200.11	11/17/2025	3.950	3.005	16,458.33	-3,524.50	12,933.83
20030BNB0	14563	010	MTN	5,000,000.00	5,066,556.41	5,066,023.00	08/15/2025	3.375	3.129	14,062.50	-1,032.41	13,030.09
747525AT0	14564	010	MTN	5,000,000.00	4,971,400.97	4,971,698.67	05/20/2024	2.900	3.098	12,083.33	576.20	12,659.53
747525AU7	14587	010	MTN	5,963,000.00	6,278,445.99	6,276,542.75	05/20/2027	3.250	2.416	16,149.79	-3,683.68	12,466.11
751212AC5	14566	010	MC3	5,000,000.00	5,155,972.27	5,154,741.33	09/15/2025	3.750	3.126	15,625.00	-2,382.46	13,242.54
375558BF9	14570	010	MTN	5,000,000.00	5,140,866.62	5,139,841.54	03/01/2026	3.650	3.130	15,208.33	-1,984.03	13,224.30
233851DN1	14586	010	MTN	5,000,000.00	5,136,054.66	5,132,380.71	11/05/2021	3.750	2.018	15,625.00	-7,110.87	8,514.13

Pooled Investments Selected Funds
Interest Earnings
April 1, 2020 - April 30, 2020

Exhibit 2-B.1

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Annualized Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
233851CU6	14574	010	MTN	3,725,000.00	3,825,787.90	3,825,146.34	01/06/2027	3.450	3.011	10,709.38	-1,241.74	9,467.64
233851CU6	14571	010	MTN	5,000,000.00	5,077,495.48	5,077,002.19	01/06/2027	3.450	3.216	14,375.00	-954.77	13,420.23
008252AM0	14582	010	MTN	1,000,000.00	1,071,443.24	1,070,648.86	02/15/2024	4.250	2.277	3,541.67	-1,537.52	2,004.15
07330MAA5	14588	010	MTN	5,000,000.00	5,433,632.94	5,430,795.75	10/30/2026	3.800	2.317	15,833.33	-5,491.34	10,341.99
04685A2L4	14602	010	MTN	5,000,000.00	0.00	2,740,914.37	01/14/2025	2.500	3.344	5,902.78	1,629.96	7,532.74
04685A2L4	14590	010	MTN	5,950,000.00	5,998,127.12	5,997,694.17	01/14/2025	2.500	2.345	12,395.83	-837.96	11,557.87
2546R2HA7	14600	010	ACP	5,000,000.00	0.00	2,983,118.75	08/10/2020	1.850	1.886	0.00	4,625.00	4,625.00
2546R2HE9	14601	010	ACP	5,750,000.00	0.00	3,429,551.08	08/14/2020	1.880	1.917	0.00	5,405.00	5,405.00
37737PHJ8	14599	010	ACP	5,000,000.00	0.00	664,620.37	08/18/2020	1.000	1.017	0.00	555.56	555.56
37737PHD1	14598	010	ACP	5,000,000.00	0.00	2,488,437.50	08/13/2020	1.500	1.528	0.00	3,125.00	3,125.00
36955DGV6	14595	010	ACP	10,000,000.00	0.00	4,974,000.00	07/29/2020	1.950	1.987	0.00	8,125.00	8,125.00
89233GHE9	14604	010	ACP	5,000,000.00	0.00	663,905.56	08/14/2020	1.400	1.425	0.00	777.78	777.78
8923A0HS5	14605	010	ACP	5,000,000.00	0.00	331,763.31	08/26/2020	1.443	1.470	0.00	400.86	400.86
			Subtotal	216,889,000.00	173,033,691.54	193,592,762.80			2.615	419,076.06	-2,988.43	416,087.63
Fund: Fidelity MM - Trans												
SYS14190	14190	030	RRP	35,196,623.70	35,189,668.68	35,189,900.51		0.002	0.240	6,955.02	0.00	6,955.02
			Subtotal	35,196,623.70	35,189,668.68	35,189,900.51			0.240	6,955.02	0.00	6,955.02
Fund: Fidelity MM - Regular												
SYS14265	14265	040	RRP	216,977,640.45	141,941,680.82	184,442,879.47		0.003	0.237	35,959.63	0.00	35,959.63
			Subtotal	216,977,640.45	141,941,680.82	184,442,879.47			0.237	35,959.63	0.00	35,959.63
			Total	469,063,264.15	350,165,041.04	413,225,542.79			1.351	461,990.71	-2,988.43	459,002.28



Pooled Investments Selected Funds
Interest Earnings
Sorted by Fund - Fund
May 1, 2020 - May 31, 2020
Yield on Average Book Value

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Annualized Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3130AFKR7	14550	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	12/28/2023	3.100	3.042	12,916.67	0.00	12,916.67
3130AHE33	14584	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	10/21/2024	2.000	1.962	25,000.00	0.00	25,000.00
3133EG7F6	14517	010	FAC	5,000,000.00	5,000,000.00	5,000,000.00	02/16/2021	1.750	1.717	7,291.67	0.00	7,291.67
3133EJAD1	14528	010	FAC	10,000,000.00	10,000,000.00	10,000,000.00	12/23/2020	2.150	2.110	17,916.67	0.00	17,916.67
3133EHQB2	14527	010	FAC	9,001,000.00	9,001,000.00	9,001,000.00	07/06/2020	1.550	1.521	11,626.29	0.00	11,626.29
53944VAS8	14580	010	MTN	5,000,000.00	5,005,471.55	5,005,365.39	08/14/2022	2.250	2.158	9,375.00	-199.45	9,175.55
0020A2LW0	14603	010	ACP	5,000,000.00	4,942,312.50	4,946,645.83	11/30/2020	1.950	1.998	0.00	8,395.83	8,395.83
037833AK6	14536	010	MTN	5,000,000.00	4,886,065.69	4,887,747.09	05/03/2023	2.400	3.170	10,000.00	3,158.99	13,158.99
254673RD0	14539	010	SCD	250,000.00	250,000.00	250,000.00	07/05/2023	3.300	3.300	700.68	0.00	700.68
06406HBY4	14538	010	MC3	3,542,000.00	3,564,291.31	3,563,582.26	09/23/2021	3.550	3.022	10,478.42	-1,332.15	9,146.27
06406FAB9	14541	010	MC3	1,458,000.00	1,443,908.06	1,444,529.65	05/03/2021	2.050	2.982	2,490.75	1,167.84	3,658.59
795450T47	14540	010	SCD	250,000.00	250,000.00	250,000.00	07/03/2023	3.300	3.300	700.68	0.00	700.68
084670BJ6	14542	010	MTN	5,000,000.00	4,980,690.07	4,980,998.41	02/11/2023	3.000	3.092	12,500.00	579.30	13,079.30
589331AT4	14545	010	MTN	5,000,000.00	4,930,175.58	4,931,481.13	09/15/2022	2.400	2.973	10,000.00	2,452.85	12,452.85
68389XAS4	14548	010	MTN	5,000,000.00	5,033,066.17	5,032,608.64	07/15/2023	3.625	3.333	15,104.17	-859.61	14,244.56
24422EUM9	14554	010	MTN	5,000,000.00	5,055,274.69	5,054,563.48	10/12/2023	3.650	3.231	15,208.33	-1,336.21	13,872.12
540424AQ1	14555	010	MTN	5,000,000.00	4,898,156.86	4,899,643.34	05/15/2023	2.625	3.299	10,937.50	2,792.78	13,730.28
693475AV7	14557	010	MC3	5,000,000.00	5,021,842.83	5,021,582.93	01/23/2024	3.500	3.305	14,583.33	-488.29	14,095.04
13063DGB8	14559	010	MUN	5,000,000.00	5,072,177.46	5,071,526.33	04/01/2025	3.375	2.981	14,062.50	-1,223.34	12,839.16
49327M2X1	14560	010	MTN	5,000,000.00	5,016,588.54	5,016,168.09	02/01/2022	3.300	3.042	13,750.00	-789.93	12,960.07
05531FBF9	14561	010	MC3	5,000,000.00	5,122,804.39	5,121,290.18	12/06/2023	3.750	2.938	15,625.00	-2,844.89	12,780.11
05531FBG7	14585	010	MC3	5,000,000.00	5,105,341.96	5,103,154.60	06/20/2022	3.050	1.984	12,708.33	-4,109.57	8,598.76
91159HHU7	14562	010	MC3	5,000,000.00	5,234,496.60	5,232,620.66	11/17/2025	3.950	2.910	16,458.33	-3,524.50	12,933.83
20030NBN0	14563	010	MTN	5,000,000.00	5,065,524.00	5,064,974.48	08/15/2025	3.375	3.029	14,062.50	-1,032.42	13,030.08
747525AT0	14564	010	MTN	5,000,000.00	4,971,977.17	4,972,283.86	05/20/2024	2.900	2.998	12,083.33	576.21	12,659.54
747525AU7	14587	010	MTN	5,963,000.00	6,274,762.31	6,272,801.64	05/20/2027	3.250	2.340	16,149.79	-3,683.68	12,466.11
751212AC5	14566	010	MC3	5,000,000.00	5,153,589.81	5,152,321.72	09/15/2025	3.750	3.026	15,625.00	-2,382.47	13,242.53
375558BF9	14570	010	MTN	5,000,000.00	5,138,882.59	5,137,826.57	03/01/2026	3.650	3.031	15,208.33	-1,984.04	13,224.29
233851DN1	14586	010	MTN	5,000,000.00	5,128,943.79	5,125,158.97	11/05/2021	3.750	1.956	15,625.00	-7,110.87	8,514.13
233851CU6	14574	010	MTN	3,725,000.00	3,824,546.16	3,823,885.24	01/06/2027	3.450	2.915	10,709.38	-1,241.74	9,467.64

Pooled Investments Selected Funds
Interest Earnings
May 1, 2020 - May 31, 2020

Exhibit 2-B.2

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Annualized Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
233851CU6	14571	010	MTN	5,000,000.00	5,076,540.71	5,076,032.53	01/06/2027	3.450	3.113	14,375.00	-954.77	13,420.23
008252AM0	14582	010	MTN	1,000,000.00	1,069,905.72	1,069,087.37	02/15/2024	4.250	2.207	3,541.67	-1,537.51	2,004.16
07330MAA5	14588	010	MTN	5,000,000.00	5,428,141.60	5,425,224.70	10/30/2026	3.800	2.244	15,833.33	-5,491.34	10,341.99
04685A2L4	14602	010	MTN	5,000,000.00	4,837,674.76	4,839,205.76	01/14/2025	2.500	3.234	10,416.67	2,876.41	13,293.08
04685A2L4	14590	010	MTN	5,950,000.00	5,997,289.16	5,996,843.14	01/14/2025	2.500	2.269	12,395.83	-837.97	11,557.86
2546R2HA7	14600	010	ACP	5,000,000.00	4,974,048.61	4,978,159.72	08/10/2020	1.850	1.884	0.00	7,965.28	7,965.28
2546R2HE9	14601	010	ACP	5,750,000.00	5,718,470.83	5,723,275.28	08/14/2020	1.880	1.915	0.00	9,308.61	9,308.61
37737PHJ8	14599	010	ACP	5,000,000.00	4,984,861.12	4,987,083.34	08/18/2020	1.000	1.017	0.00	4,305.55	4,305.55
37737PHD1	14598	010	ACP	5,000,000.00	4,978,333.33	4,981,666.66	08/13/2020	1.500	1.526	0.00	6,458.33	6,458.33
36955DGV6	14595	010	ACP	10,000,000.00	9,951,791.67	9,960,458.34	07/29/2020	1.950	1.985	0.00	16,791.67	16,791.67
89233GHE9	14604	010	ACP	5,000,000.00	4,979,583.34	4,982,694.45	08/14/2020	1.400	1.424	0.00	6,027.77	6,027.77
8923A0HS5	14605	010	ACP	5,000,000.00	4,976,549.91	4,979,756.76	08/26/2020	1.443	1.469	0.00	6,213.27	6,213.27
828807CS4	14606	010	MTN	5,000,000.00	0.00	4,994,867.14	10/01/2024	3.375	3.338	14,062.50	97.83	14,160.33
05526LHA8	14608	010	ACP	5,000,000.00	0.00	3,374,729.00	08/10/2020	1.643	1.672	0.00	4,792.51	4,792.51
05526LG68	14607	010	ACP	5,000,000.00	0.00	4,346,151.46	07/06/2020	1.496	1.520	0.00	5,610.51	5,610.51
80685XAA9	14609	010	MTN	3,000,000.00	0.00	1,259,268.74	11/20/2020	2.200	1.872	2,200.00	-197.95	2,002.05
Subtotal				234,889,000.00	218,345,080.85	232,338,264.85			2.423	431,722.65	46,408.84	478,131.49
Fund: Fidelity MM - Trans												
SYS14190	14190	030	RRP	35,201,147.63	35,196,623.70	35,196,769.63		0.002	0.151	4,523.93	0.00	4,523.93
Subtotal				35,201,147.63	35,196,623.70	35,196,769.63			0.151	4,523.93	0.00	4,523.93
Fund: Fidelity MM - Regular												
SYS14265	14265	040	RRP	258,510,249.76	216,977,640.45	255,043,208.49		0.003	0.151	32,609.31	0.00	32,609.31
Subtotal				258,510,249.76	216,977,640.45	255,043,208.49			0.151	32,609.31	0.00	32,609.31
Total				528,600,397.39	470,519,345.00	522,578,242.98			1.161	468,855.89	46,408.84	515,264.73



**Pooled Investments Selected Funds
Interest Earnings
Sorted by Fund - Fund
June 1, 2020 - June 30, 2020
Yield on Average Book Value**

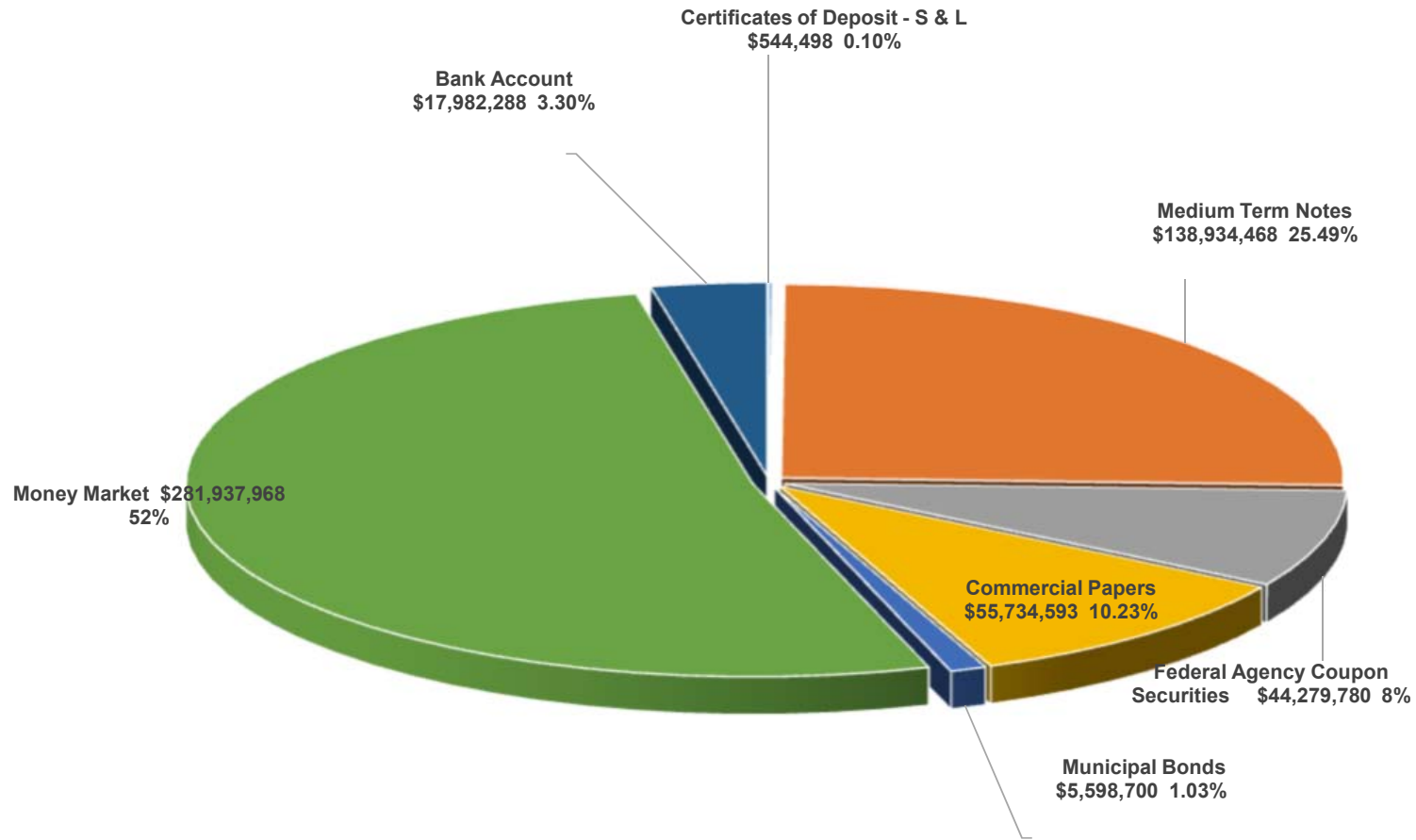
CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Annualized Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3130AFKR7	14550	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	12/28/2023	3.100	3.143	12,916.67	0.00	12,916.67
3130AHE33	14584	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	10/21/2024	2.000	2.028	25,000.00	0.00	25,000.00
3133EG7F6	14517	010	FAC	5,000,000.00	5,000,000.00	5,000,000.00	02/16/2021	1.750	1.774	7,291.67	0.00	7,291.67
3133EJAD1	14528	010	FAC	10,000,000.00	10,000,000.00	10,000,000.00	12/23/2020	2.150	2.180	17,916.67	0.00	17,916.67
3133EHQB2	14527	010	FAC	9,001,000.00	9,001,000.00	9,001,000.00	07/06/2020	1.550	1.572	11,626.29	0.00	11,626.29
53944VAS8	14580	010	MTN	5,000,000.00	5,005,272.10	5,005,169.05	08/14/2022	2.250	2.230	9,375.00	-199.45	9,175.55
0020A2LW0	14603	010	ACP	5,000,000.00	4,950,708.33	4,954,906.25	11/30/2020	1.950	1.995	0.00	8,125.00	8,125.00
037833AK6	14536	010	MTN	5,000,000.00	4,889,224.68	4,890,856.83	05/03/2023	2.400	3.273	10,000.00	3,158.99	13,158.99
254673RD0	14539	010	SCD	250,000.00	250,000.00	250,000.00	07/05/2023	3.300	3.300	678.08	0.00	678.08
06406HBY4	14538	010	MC3	3,542,000.00	3,562,959.16	3,562,270.88	09/23/2021	3.550	3.124	10,478.42	-1,332.15	9,146.27
06406FAB9	14541	010	MC3	1,458,000.00	1,445,075.90	1,445,679.29	05/03/2021	2.050	3.079	2,490.75	1,167.84	3,658.59
795450T47	14540	010	SCD	250,000.00	250,000.00	250,000.00	07/03/2023	3.300	3.300	678.08	0.00	678.08
084670BJ6	14542	010	MTN	5,000,000.00	4,981,269.37	4,981,568.68	02/11/2023	3.000	3.194	12,500.00	579.30	13,079.30
589331AT4	14545	010	MTN	5,000,000.00	4,932,628.43	4,933,895.73	09/15/2022	2.400	3.071	10,000.00	2,452.85	12,452.85
68389XAS4	14548	010	MTN	5,000,000.00	5,032,206.56	5,031,762.43	07/15/2023	3.625	3.444	15,104.17	-859.60	14,244.57
24422EUM9	14554	010	MTN	5,000,000.00	5,053,938.48	5,053,248.10	10/12/2023	3.650	3.340	15,208.33	-1,336.22	13,872.11
540424AQ1	14555	010	MTN	5,000,000.00	4,900,949.64	4,902,392.57	05/15/2023	2.625	3.408	10,937.50	2,792.77	13,730.27
693475AV7	14557	010	MC3	5,000,000.00	5,021,354.54	5,021,102.25	01/23/2024	3.500	3.415	14,583.33	-488.29	14,095.04
13063DGB8	14559	010	MUN	5,000,000.00	5,070,954.12	5,070,322.05	04/01/2025	3.375	3.081	14,062.50	-1,223.35	12,839.15
49327M2X1	14560	010	MTN	5,000,000.00	5,015,798.61	5,015,390.48	02/01/2022	3.300	3.144	13,750.00	-789.93	12,960.07
05531FBF9	14561	010	MC3	5,000,000.00	5,119,959.50	5,118,489.64	12/06/2023	3.750	3.038	15,625.00	-2,844.89	12,780.11
05531FBG7	14585	010	MC3	5,000,000.00	5,101,232.39	5,099,109.11	06/20/2022	3.050	2.052	12,708.33	-4,109.57	8,598.76
91159HHU7	14562	010	MC3	5,000,000.00	5,230,972.10	5,229,151.11	11/17/2025	3.950	3.009	16,458.33	-3,524.49	12,933.84
20030NBN0	14563	010	MTN	5,000,000.00	5,064,491.58	5,063,958.16	08/15/2025	3.375	3.131	14,062.50	-1,032.42	13,030.08
747525AT0	14564	010	MTN	5,000,000.00	4,972,553.38	4,972,851.09	05/20/2024	2.900	3.097	12,083.33	576.21	12,659.54
747525AU7	14587	010	MTN	5,963,000.00	6,271,078.63	6,269,175.39	05/20/2027	3.250	2.419	16,149.79	-3,683.69	12,466.10
751212AC5	14566	010	MC3	5,000,000.00	5,151,207.34	5,149,976.40	09/15/2025	3.750	3.129	15,625.00	-2,382.47	13,242.53
375558BF9	14570	010	MTN	5,000,000.00	5,136,898.55	5,135,873.46	03/01/2026	3.650	3.133	15,208.33	-1,984.04	13,224.29
233851DN1	14586	010	MTN	5,000,000.00	5,121,832.92	5,118,158.97	11/05/2021	3.750	2.024	15,625.00	-7,110.87	8,514.13
233851CU6	14574	010	MTN	3,725,000.00	3,823,304.42	3,822,662.86	01/06/2027	3.450	3.013	10,709.38	-1,241.74	9,467.64

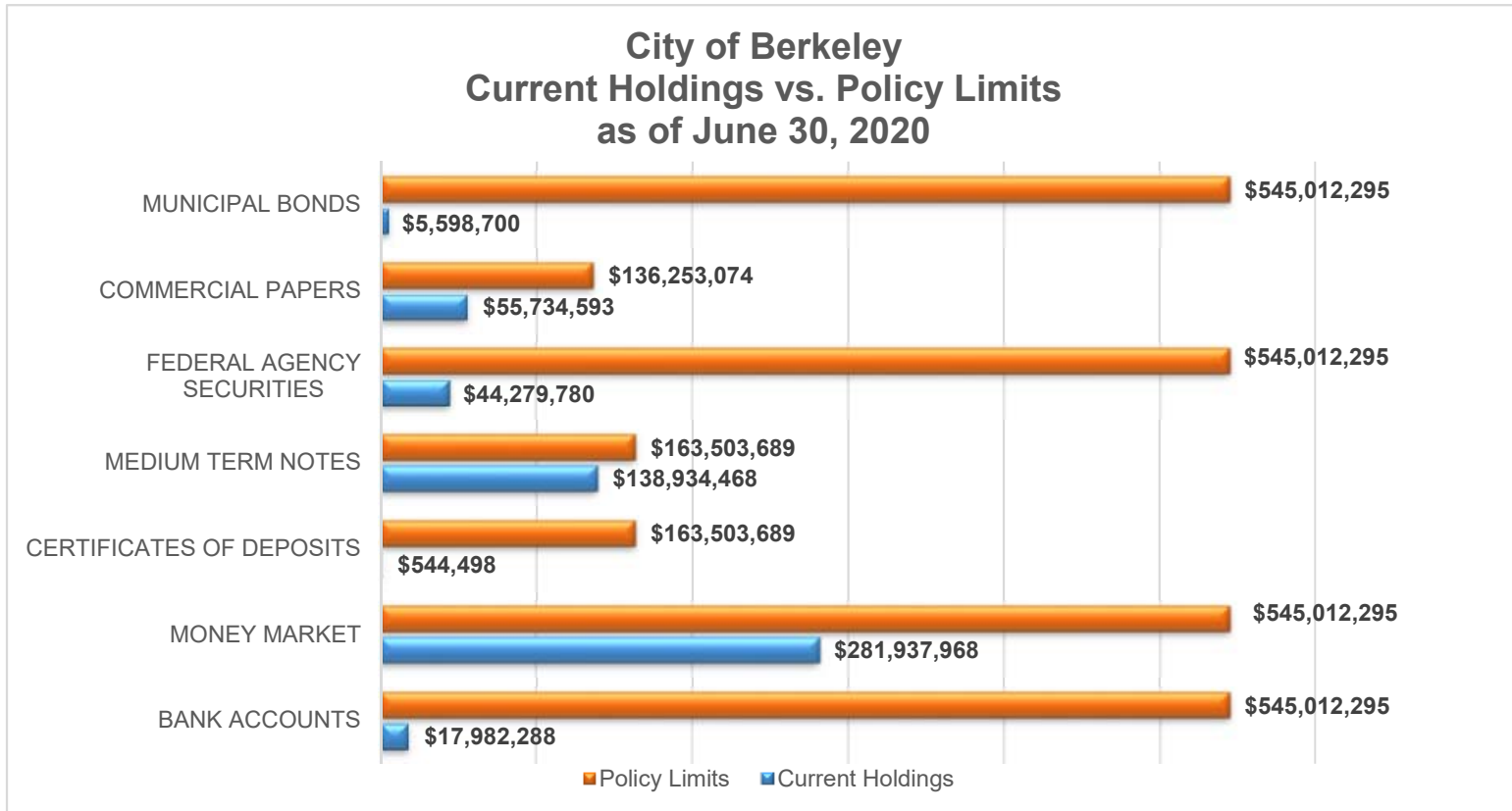
Pooled Investments Selected Funds
Interest Earnings
June 1, 2020 - June 30, 2020

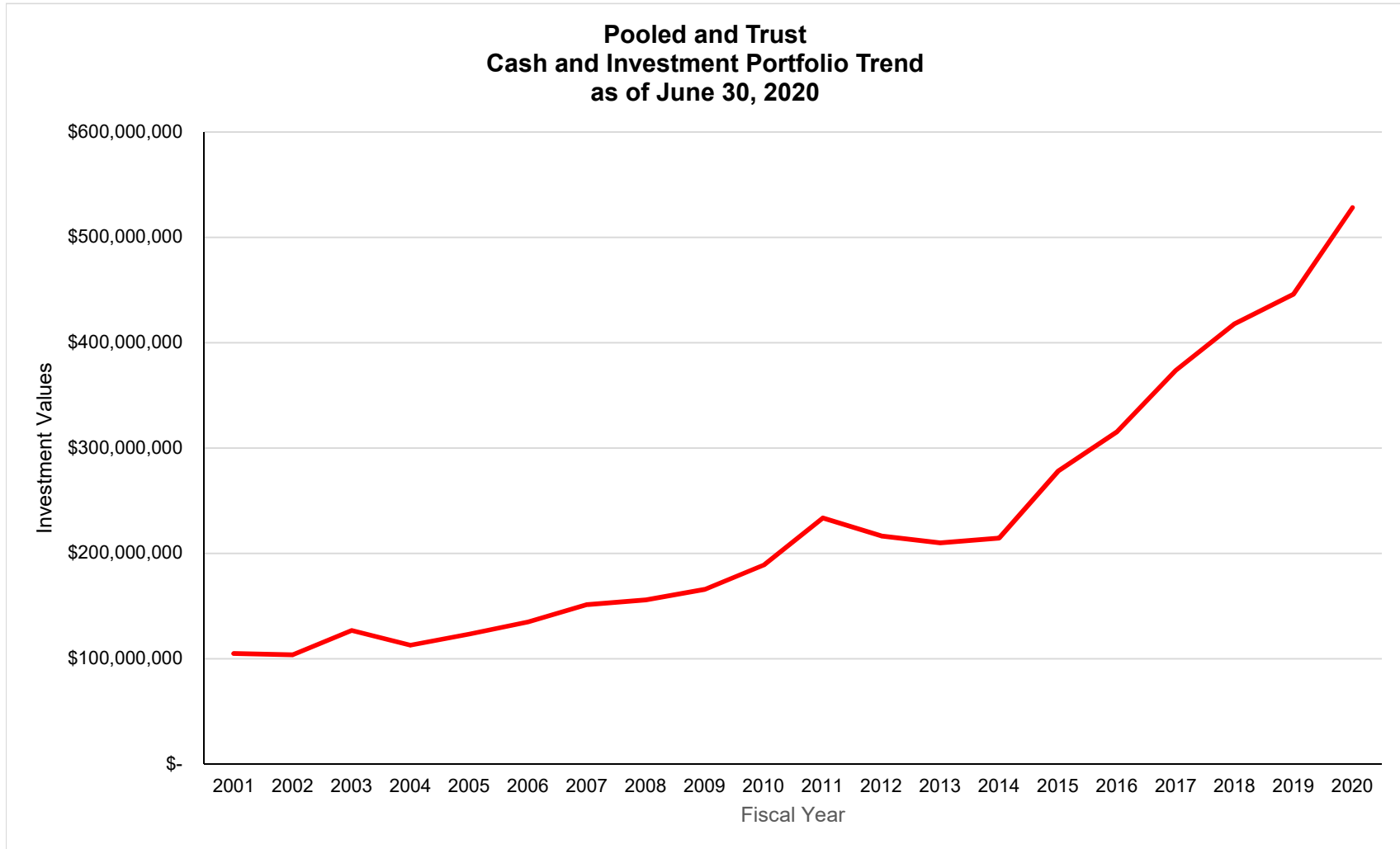
Exhibit 2-B.3

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Annualized Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
233851CU6	14571	010	MTN	5,000,000.00	5,075,585.94	5,075,092.65	01/06/2027	3.450	3.217	14,375.00	-954.77	13,420.23
008252AM0	14582	010	MTN	1,000,000.00	1,068,368.21	1,067,573.82	02/15/2024	4.250	2.284	3,541.67	-1,537.52	2,004.15
07330MAA5	14588	010	MTN	5,000,000.00	5,422,650.26	5,419,813.07	10/30/2026	3.800	2.322	15,833.33	-5,491.34	10,341.99
04685A2L4	14602	010	MTN	5,000,000.00	4,840,551.17	4,842,037.31	01/14/2025	2.500	3.340	10,416.67	2,876.41	13,293.08
04685A2L4	14590	010	MTN	5,950,000.00	5,996,451.19	5,996,018.24	01/14/2025	2.500	2.345	12,395.83	-837.96	11,557.87
2546R2HA7	14600	010	ACP	5,000,000.00	4,982,013.89	4,985,996.53	08/10/2020	1.850	1.881	0.00	7,708.33	7,708.33
2546R2HE9	14601	010	ACP	5,750,000.00	5,727,779.44	5,732,433.75	08/14/2020	1.880	1.912	0.00	9,008.34	9,008.34
37737PHJ8	14599	010	ACP	5,000,000.00	4,989,166.67	4,991,319.45	08/18/2020	1.000	1.016	0.00	4,166.67	4,166.67
37737PHD1	14598	010	ACP	5,000,000.00	4,984,791.66	4,988,020.83	08/13/2020	1.500	1.524	0.00	6,250.01	6,250.01
36955DGV6	14595	010	ACP	10,000,000.00	9,968,583.34	9,976,979.17	07/29/2020	1.950	1.982	0.00	16,249.99	16,249.99
89233GHE9	14604	010	ACP	5,000,000.00	4,985,611.11	4,988,625.00	08/14/2020	1.400	1.423	0.00	5,833.34	5,833.34
8923A0HS5	14605	010	ACP	5,000,000.00	4,982,763.18	4,985,869.82	08/26/2020	1.443	1.467	0.00	6,012.84	6,012.84
828807CS4	14606	010	MTN	5,000,000.00	4,994,912.90	4,994,963.44	10/01/2024	3.375	3.449	14,062.50	97.83	14,160.33
05526LHA8	14608	010	ACP	5,000,000.00	4,984,024.96	4,987,562.29	08/10/2020	1.643	1.670	0.00	6,846.45	6,846.45
05526LG68	14607	010	ACP	5,000,000.00	4,992,727.11	4,995,947.96	07/06/2020	1.496	1.518	0.00	6,233.91	6,233.91
80685XAA9	14609	010	MTN	3,000,000.00	3,002,787.86	3,002,532.16	11/20/2020	2.200	2.028	5,500.00	-494.89	5,005.11
			Subtotal	234,889,000.00	236,355,639.62	236,379,756.28			2.479	434,977.45	46,677.43	481,654.88
Fund: Fidelity MM - Trans												
SYS14190	14190	030	RRP	35,204,430.60	35,201,147.63	35,201,257.06		0.002	0.113	3,282.97	0.00	3,282.97
			Subtotal	35,204,430.60	35,201,147.63	35,201,257.06			0.113	3,282.97	0.00	3,282.97
Fund: Fidelity MM - Regular												
SYS14265	14265	040	RRP	246,733,537.86	258,510,249.76	249,311,026.03		0.003	0.114	23,288.10	0.00	23,288.10
			Subtotal	246,733,537.86	258,510,249.76	249,311,026.03			0.114	23,288.10	0.00	23,288.10
			Total	516,826,968.46	530,067,037.01	520,892,039.37			1.187	461,548.52	46,677.43	508,225.95

Pooled Cash and Investments
(Market Value)
as of June 30, 2020









Summary of Pooled Cash and Investments - Trust Funds
(Market Value)
As of June 30, 2020

	<u>Pooled Cash</u>	<u>Investments (Book Value)</u>	<u>Gain/Loss on Investments</u>	<u>Pooled Cash & Investments (Market Value)</u>
Retiree Medical Trust Fund				
Fund No.				
721 BHA	\$ 191,146	\$ 230,941	\$ 3,829	\$ 425,916
722 M1=IBEW	19,438	121,685	8,202	149,325
723 M2=Local 1	3,112,698	5,701,338	296,753	9,110,789
724 MUI=Z1	566,246	1,306,040	100,302	1,972,588
725 MUI=Z2 to Z6	821,124	1,722,290	114,742	2,658,156
726 M535= Local 535	2,961,148	5,747,370	394,963	9,103,481
727 M3=Local 790	2,392,926	3,619,844	157,491	6,170,261
Total Retiree Medical Trust Fund	10,064,726	18,449,508	1,076,282	29,590,516
Fire Medical Trust Fund				
736 Fire Medical Trust Fund	2,878,177	8,542,585	447,203	11,867,965
Total Fire Medical Trust Fund	2,878,177	8,542,585	447,203	11,867,965
Police Medical Trust Fund				
731 Police EE Retiree HLT Assistance Plan	654,465	1,642,539	68,509	2,365,513
701 Safety Members Pension Fund	35,664	-	-	35,664
706 Police Medical Trust Fund	1,030,693	4,528,805	208,606	5,768,104
Total Police Medical Trust Fund	1,720,822	6,171,344	277,115	8,169,281
Total Trust Funds	\$ 14,663,725	\$ 33,163,436	\$ 1,800,600	\$ 49,627,762



Retiree Medical Trust Fund
Fund 721 - 727
Interest Earnings
April 1 to June 30, 2020

CUSIP	Investment #	Issuer	Investments As of June 30, 2020						Interest Earnings April 1 to June 30, 2020				
			Par Value	Beginning Book Value	Ending Book Value	Market Value	Maturity Date	Moody's Rating	Current Rate	Annualized Yield	Adjusted Interest Earnings		
											Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Medium Term Notes													
61747WAF6	14224	Morgan Stanley	1,666,666.67	1,674,720.79	1,672,255.24	1,716,433.33	01/25/2021	A3	5.750	5.151	23,958.33	(2,465.55)	21,492.78
Federal Agency Coupon Securities													
3133EFQT7	14361	Fed Farm Credit Bank	2,600,000.00	2,610,277.78	2,609,823.01	2,904,278.00	11/25/2025	AAA	2.700	2.627	17,550.00	(454.77)	17,095.23
Federal Agency Continuously Callable													
3130H0CE1	14567	Farmer Mac	-	-	-	-	-	N/A	3.400	3.447	10,075.33	-	10,075.33
Municipal Bonds													
672319CC2	14283	OAKGEN	2,750,000.00	2,741,454.94	2,742,707.47	2,829,695.00	12/15/2021	AA3	3.800	4.005	26,125.00	1,252.53	27,377.53
786091AG3	14316	SACGEN	5,000,000.00	5,288,188.98	5,274,680.12	6,279,150.00	08/01/2025	A3	7.250	5.857	90,625.00	(13,508.86)	77,116.14
Savo Island Loan													
SYS10988	10988	EMPMED	270,000.00	270,000.00	270,000.00	270,000.00	09/01/2025	N/A	8.000	8.000	5,385.21	-	5,385.21
Preferred Securities													
00206R706	14591	AT&T Inc.	1,696,090.08	1,680,033.60	1,680,033.60	1,578,944.24	N/A	N/A	4.596	2.739	11,471.83	-	11,471.83
00206R706	14596	AT&T Inc.	1,696,064.88	1,680,008.40	1,680,008.40	1,578,920.57	N/A	N/A	4.640	2.966	12,421.04	-	12,421.04
00206R706	14597	AT&T Inc.	2,544,079.90	2,520,000.00	2,520,000.00	2,368,369.01	N/A	N/A	4.643	2.986	18,760.85	-	18,760.85
Total			\$ 18,222,901.53	\$ 18,464,684.49	\$ 18,449,507.84	\$ 19,525,790.15				4.111	\$ 216,372.59	\$ (15,176.65)	\$ 201,195.94

Total Investments (Book Value)	\$ 18,449,507.84
Gain/Loss on Investments	1,076,282.31
Total Investments (Market Value)	19,525,790.15
Temporarily Invested with Pooled Cash & Investments	10,064,726.00
Total Pooled Cash and Investments	\$ 29,590,516.15



**Fire Retiree Medical
Fund 736
Interest Earnings
April 1 to June 30, 2020**

Investments As of June 30, 2020									Interest Earnings April 1 to June 30, 2020				
CUSIP	Investment #	Issuer	Par Value	Beginning Book Value	Ending Book Value	Market Value	Maturity Date	Credit Rating	Current Rate	Annualized Yield	Adjusted Interest Earnings		
											Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Medium Term Notes													
6174467X1	14318	Morgan Stanley DW DTC#0015	2,000,000.00	2,043,594.93	2,041,665.00	2,335,840.00	11/24/2025	BAA2	5.000	4.530	25,000.00	(1,929.93)	23,070.07
61747WAF6	14225	Morgan Stanley	1,666,666.67	1,674,720.79	1,672,255.24	1,716,433.33	01/25/2021	A3	5.750	5.151	23,958.33	(2,465.55)	21,492.78
Federal Agency Coupon Securities													
3133EFQT7	14362	Fed Farm Credit Bank	2,300,000.00	2,309,091.89	2,308,689.59	2,569,169.00	11/25/2025	AAA	2.700	2.627	15,525.00	(402.30)	15,122.70
Federal Agency Continuously Callable													
3130H0CE1	14568	Farmer Mac	-	2,190,000.00	-	-	-	N/A	3.400	3.447	6,205.00	-	6,205.00
3130A9WA5	14508	FHLB	-	500,000.00	-	-	-	N/A	1.300	1.318	469.44	-	469.44
Preferred Securities													
00206R706	14592	AT&T Inc.	1,696,039.68	1,679,983.20	1,679,983.20	1,578,896.89	N/A	N/A	4.596	2.739	11,471.49	-	11,471.49
00206R706	14594	AT&T Inc.	848,005.38	839,991.60	839,991.60	789,448.44	N/A	N/A	4.640	2.965	6,210.42	-	6,210.42
Total			\$ 8,510,711.73	\$ 11,237,382.41	\$ 8,542,584.63	\$ 8,989,787.66				3.582	\$ 88,839.68	\$ (4,797.78)	\$ 84,041.90

Total Investments (Book Value)	\$ 8,542,584.63
Gain/Loss on Investments	447,203.03
Total Investments (Market Value)	8,989,787.66
Temporarily Invested with Pooled Cash & Investments	2,878,177.00
Total Pooled Cash and Investments	\$ 11,867,964.66



Police Retiree Medical
Fund 731 and 706
Interest Earnings
April 1 to June 30, 2020

Investments As of June 30, 2020									Interest Earnings April 1 to June 30, 2020					
CUSIP	Investment #	Issuer	Par Value	Beginning Book Value	Ending Book Value	Market Value	Maturity Date	Credit Rating	Current Rate	Annualized Yield	Adjusted Interest Earnings			
											Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings	
Medium Term Notes														
6174467X1	14319	Morgan Stanley DW DTC#0015	500,000.00	510,898.73	510,416.25	583,960.00	11/24/25	BAA2	5.000	4.530	6,250.00	(482.48)	5,767.52	
61747WAF6	14226	Morgan Stanley	1,666,666.67	1,674,720.79	1,672,255.24	1,716,433.33	01/25/21	A3	5.750	5.151	23,958.33	(2,465.55)	21,492.78	
Federal Agency Coupon Securities														
3133EFQT7	14363	Fed. Farm Credit Banks	2,300,000.00	2,309,091.89	2,308,689.59	2,569,169.00	11/25/25	AAA	2.700	2.627	15,525.00	(402.30)	15,122.70	
Federal Agency Continuously Callable														
3130H0CE1	14569	Farmer Mac	-	829,000.00	-	-	-	N/A	3.400	3.447	2,348.83	-	2,348.83	
Preferred Securities														
00206R706	14593	AT&T Inc.	1,696,039.68	1,679,983.20	1,679,983.20	1,578,896.89	N/A	N/A	4.596	2.739	11,471.49	-	11,471.49	
Total			\$ 6,162,706.35	\$ 7,003,694.61	\$ 6,171,344.28	\$ 6,448,459.22					3.497	\$ 59,553.65	\$ (3,350.33)	\$ 56,203.32

Total Investments (Book Value)	\$ 6,171,344.28
Gain/Loss on Investments	<u>277,114.94</u>
Total Investments (Market Value)	6,448,459.22
Temporarily Invested with Pooled Cash & Investments	<u>1,720,822.00</u>
Total Pooled Cash and Investments	<u>\$ 8,169,281.22</u>



Office of the City Manager

INFORMATION CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Henry Oyekanmi, Director, Finance Department
 Subject: FY 2021 First Quarter Investment Report: Ended September 30, 2020

SUMMARY

The City's investment policy requires that a quarterly investment report be submitted to the City Council on the status of the investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the types, values (par, book, and market), term, and yield of each security.

- The return on pooled investments for the quarter ended September 30, 2020 was 1.15%, 35 basis points more than the .80% earned by the State Local Agency Investment Fund (State LAIF), which is the benchmark for investment performance used by the City. The return on pooled investments of 1.15% for the quarter ended September 30, 2020 was 8 basis points less than the rate of 1.23% earned in the quarter ended June 30, 2020.
- The average return on all Retiree Medical Trust Fund investments was 4.09% for the quarter ended September 30, 2020.

CURRENT SITUATION AND ITS EFFECTS

Attached is a summary of quarterly reports for the fiscal year 2021 first quarter ending September 30, 2020 representing the status of the City's investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the values (par, book, and market), term, and yield of each security.

Summary information by type of security and detailed information on each security is provided on Exhibit 2-A. An evaluation of portfolio performance for this accounting period compared to the previous three accounting periods is also included in Attachment 1.

A. Portfolio Results

As a result of the differences in the investment policies of different cities, including responsible investing policies, maturity restrictions, investment restrictions, etc., it was difficult for the City of Berkeley to come up with a reasonable performance measure for pooled cash investments. In order to provide some measure of the relative performance of the City's investment returns, many years ago the City established the State Local Agency Investment Fund (LAIF) as the performance measure to be reported in the quarterly investment reports, since many local governments invested significant portions of their investment portfolios in LAIF.

LAIF was intended to be a reference point to compare the City's investment performance against, rather than a true performance measure, since most cities typically earn a yield higher than LAIF in normal interest rate environments, and because LAIF's average maturity of its investments is generally shorter than most cities. As a result, past City Councilmembers requested that information about the rates earned by other California cities be included in the quarterly investment reports for comparison purposes, despite the differences in the investment policies of the various cities.

1. Liquidity of Portfolio:

The average investment in the pooled portfolio matures in 1,184 days as of September 30, 2020. This is 221 days more than the 963 maturity days of as of June 30, 2020. This increase resulted from the maturity of approximately \$50 million of short-term commercial paper that was purchased in the previous quarters.

2. Comparison of Results to Performance Measures – Pooled investments: Quarter Ended September 30, 2020

The City's yield on investments for the quarter ended September 30, 2020 was 1.15%, a decrease of 8 basis points (.08%) from the 1.23% earned during the quarter ended June 30, 2020. The average yield on a 90-day Treasury bill at the end of the quarter ended September 30, 2020 was .092%, a decrease of 3.7 basis points (.037%) from the .129% at the end of the previous quarter.

As summarized in Table 1, staff's overall results were above the performance measure for the quarter. Staff's performance was above the performance measure in July by approximately 30 basis points (+.30%); over the performance measure in August by approximately 35 basis points (+.35%); and, was over the performance measure in September by approximately 45 basis points (+.45%). The performance measure for the return on investments is compared to the rate of return of the State LAIF.

Table 1

For Quarter Ending September 30, 2020			
Period	City	State LAIF	Difference
July-20	1.16%	.92%	+0.24%
August-20	1.13%	.78%	+0.35%
September-20	1.14%	.69%	+0.45%
July-September 20	1.15%	.80%	0.35%

3. Investment Results-Retiree Health Insurance Funds:

Average interest rates earned on the retiree health insurance trust funds for the quarter ended June 30, 2020 compared to the quarter ended September 30 2020, were as follows:

Table 2

EARNED INTEREST RATES		
For Quarter Ended 6/30/2020 Compared To 9/30/2020		
Trust Fund	4th Qtr 6/30/20	1st Qtr 9/30/20
Retiree Medical Trust Fund (Misc Employees)	4.111%	4.49%
Fire Retiree Medical Trust Fund	3.582%	3.961%
Police Retiree Medical Trust Fund	3.497%	3.815%

The rates earned on these plans are expected to be level over the next few quarters.

Details related to retiree health trust fund investments are in Attachment 3, Exhibits 3-A, 3-B, and 3-C of this report.

B. Discussion of Interest Rate Environment and Outlook

In its September 16, 2020 statement, the Federal Open Market Committee indicated that “the Federal Reserve is committed to use its full range of tools to support the U.S. economy in this challenging time, thereby promoting its maximum employment and price stability goals.

The COVID-19 pandemic is causing tremendous human and economic hardship across the United States and around the world. Economic activity and employment have picked

up in recent months but remain well below the levels at the beginning of the year. Weaker demand and significantly lower oil prices are holding down consumer price inflation. Overall financial conditions have improved in recent months, in part reflecting policy measures to support the economy and the flow of credit to U.S. households and businesses.

The path of the economy will depend significantly on the course of the virus. The ongoing public health crisis will continue to weigh on economic activity, employment, and inflation in the near term, and poses considerable risks to the economic outlook over the medium term. “

Yield Trend

“The Committee expects to maintain an accommodative stance of monetary policy until these outcomes are achieved. The Committee decided to keep the target range for the federal funds rate at 0 to .25% and expects it will be appropriate to maintain this target range until labor market conditions have reached levels consistent with the Committee’s assessments of maximum employment and inflation has risen to 2 percent and is on track to moderately exceed 2 percent for some time”

As a result of these moves by the Fed, staff expects returns in FY 2021 and beyond to decline sharply from those returns earned in FY 2019 and FY 2020. Also, the City’s earned rate is expected to be about the same as the City’s benchmark (State LAIF) and the City’s return is expected to be comparable to rates earned by most other cities in California. A sample of rates earned by Northern and Southern California cities is reflected in table 3 below (previously only Northern California cities were included):

Table 3

Other California Cities Earned Interest Rates	
For the Quarter Ending September 30, 2020	
City	Rates Earned
San Jose	1.95%
Palo Alto	1.85%
Sacramento	1.52%
Los Angeles	1.51%
San Diego	1.43%
Berkeley	1.15%
Santa Monica	1.01%
San Francisco	.95%
Oakland	.52%

The City’s investment strategy will continue to focus on (1) Investing in short-term securities when short-term rates are comparable to medium-term rates and long-term rates; (2) locking in reasonable rates on long-term investments, when opportunities

for attractive rates present themselves; and (1) matching investment maturities to cash flow.

BACKGROUND

- Pooled Investments

Short-term cash is invested primarily in government sponsored enterprises (referred to as Federal Agency) notes and medium-term corporate notes for periods of one to five years. Additional cash is invested in a money market fund or overnight securities to meet the liquidity needs of the City.

In some cases, the City may have investments with a current market value that is greater or less than the recorded cost. These changes in market value are due to fluctuations in the market and have no effect on yield, as the City does not intend to sell securities prior to maturity.

- Retiree Health Trust Fund Investments

The City agreed to provide retiree Health insurance coverage for fire, police and miscellaneous employees under certain terms and conditions. An actuarial study commissioned by the City many years ago determined that, in addition to City Contributions, an average rate of return of 7% on miscellaneous employees trust fund assets invested must be achieved to fund the retiree health benefit at the desired 70% level. Primarily as a result of the Federal Reserve Board's decision to keep short-term rates near zero for the last 12 years, the average rate currently earned is significantly below that 7% level. City Finance Department staff manages these investment portfolios.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7300

ATTACHMENTS

1. Portfolio Evaluation FY 2021 First Quarter
2. Investment Report Analysis FY 2021 First Quarter
 - a. Exhibit 2-A: Pooled Cash and Investments
 - b. Exhibit 2-B.1 through 2-B.3: Interest Earnings July 2020 – September 2020
 - c. Exhibit 2-C: Book Value By Investment Type
 - d. Exhibit 2-D: Current Holdings vs. Policy Limits
 - e. Exhibit 2-E: Investment Portfolio Trend
3. Summary of Pooled and Cash Investments FY 2021 First Quarter –Trust Funds
 - a. Exhibit 3-A: Retiree Medical Trust Funds –Misc.

- b. Exhibit 3-B: Retiree Medical Trust Funds –Fire
- c. Exhibit 3-C: Retiree Medical Trust Funds –Police



Portfolio Evaluation
Quarter Ended September 30, 2020

	Quarter Ending											
	September 2020		June 2020		March 2020		December 2019					
Total Portfolio												
Pooled Cash and Investments (COB)	\$	458,510,489	\$	545,024,336	\$	476,481,447	\$	474,389,529				
Pooled Cash and Investments (Trust)		51,162,127		49,718,286		47,989,435		48,692,782				
Total Cash and Investments	\$	<u>509,672,616</u>	\$	<u>594,742,622</u>	\$	<u>524,470,882</u>	\$	<u>523,082,311</u>				
Average Life of Investment Portfolio												
Pooled Investments (CoB)		1,184		963		1,362		949 days				
Trust Investments		2.6230 years		2.870 years		4.017 years		5.967 years				
Weighted Yield												
Pooled Investments (CoB)		1.145%		1.233%		1.889%		2.122%				
Trust Investments		4.085%		3.730%		3.905%		3.633%				
Prime Rate		3.250%		3.250%		3.250%		4.750%				
91-day Treasury Bill Rate		0.092%		0.129%		0.061%		1.544%				
2-year Treasury Note Rate		0.127%		0.149%		0.246%		1.569%				
Cash and Investments Maturity												
Within one year	\$	331,894,784	65.12%	\$	413,689,969	69.56%	\$	346,981,181	66.16%	\$	285,480,301	54.58%
Between 1 to 3 years		50,549,828	9.92%		48,355,395	8.13%		38,367,415	7.32%		98,622,384	18.85%
Between 3 to 5 years		77,306,662	15.17%		70,937,367	11.93%		63,681,645	12.14%		63,322,290	12.11%
Between 5 to 10 years		49,921,343	9.79%		61,759,892	10.38%		75,440,641	14.38%		75,657,337	14.46%
Over 10 years		-	0.00%		-	0.00%		-	0.00%		-	0.00%
Total	\$	<u>509,672,616</u>	<u>100.00%</u>	\$	<u>594,742,622</u>	<u>100.00%</u>	\$	<u>524,470,882</u>	<u>100.00%</u>	\$	<u>523,082,311</u>	<u>100.00%</u>



City of Berkeley
Pooled Cash and Investments
As of September 30, 2020

CUSIP	Investment #	Issuer	Book Value	Par Value	Market Value	Current Rate	YTM/C 365	Maturity Date	Days To Maturity	Credit Rating
Certificates of Deposits										
254673RD0	14539	Discover Bank	250,000.00	250,000.00	271,527.50	3.300	3.300	07/05/2023	1,007	N/A
795450T47	14540	Sallie Mae Bank	250,000.00	250,000.00	271,485.00	3.300	3.300	07/03/2023	1,005	N/A
Subtotal and Average			500,000.00	500,000.00	543,012.50		3.300		1,006	
Medium Term Notes										
008252AM0	14582	Affiliated Managers Group	1,062,218.14	1,000,000.00	1,101,740.00	4.250	2.300	02/15/2024	1,232	A3
037833AK6	14536	Apple Inc	4,901,860.65	5,000,000.00	5,264,400.00	2.400	3.225	05/03/2023	944	AA1
04685A2L4	14590	Athene Global Funding	5,993,099.33	5,950,000.00	6,133,022.00	2.500	2.320	01/14/2025	1,566	N/A
04685A2L4	14602	Athene Global Funding	4,852,056.80	5,000,000.00	5,153,800.00	2.500	3.250	01/14/2025	1,566	N/A
084670BJ6	14542	Berkshire Hathaway	4,983,586.56	5,000,000.00	5,298,900.00	3.000	3.150	02/11/2023	863	AA2
20030NBN0	14563	Comcast Corp	5,060,361.92	5,000,000.00	5,573,600.00	3.375	3.100	08/15/2025	1,779	A3
233851CU6	14571	Daimler Finance	5,071,766.86	5,000,000.00	5,430,750.00	3.450	3.190	01/06/2027	2,288	A3
233851CU6	14574	Daimler Finance	3,818,337.46	3,725,000.00	4,045,908.75	3.450	3.000	01/06/2027	2,288	A3
233851DN1	14586	Daimler Finance	5,093,389.44	5,000,000.00	5,167,150.00	3.750	2.000	11/05/2021	400	A3
24422EUM9	14554	John Deere Cap	5,048,593.62	5,000,000.00	5,494,150.00	3.650	3.300	10/12/2023	1,106	A2
375558BF9	14570	Gilead Sciences	5,128,962.40	5,000,000.00	5,636,250.00	3.650	3.118	03/01/2026	1,977	A3
49327M2X1	14560	Key Bank NA	5,012,638.88	5,000,000.00	5,195,500.00	3.300	3.100	02/01/2022	488	A3
53944VAS8	14580	Lloyds Bank Plc	5,004,474.31	5,000,000.00	5,150,250.00	2.250	2.200	08/14/2022	682	AA3
540424AQ1	14555	Loews Corporation	4,912,120.73	5,000,000.00	5,245,550.00	2.625	3.350	05/15/2023	956	A3
589331AT4	14545	Merck & Co Inc	4,942,439.82	5,000,000.00	5,186,250.00	2.400	3.030	09/15/2022	714	A1
68389XAS4	14548	Oracle Corp	5,028,768.14	5,000,000.00	5,429,500.00	3.625	3.388	07/15/2023	1,017	A3
747525AT0	14564	Qualcomm Inc	4,974,858.20	5,000,000.00	5,382,450.00	2.900	3.050	05/20/2024	1,327	A2
747525AU7	14587	Qualcomm Inc	6,256,343.90	5,963,000.00	6,691,380.45	3.250	2.435	05/20/2027	2,422	A2
80685XAA9	14609	Schlumberger Fin CA	3,000,808.31	3,000,000.00	3,007,800.00	2.200	2.000	11/20/2020	50	A2
828807CS4	14606	Simon Property Group	4,995,304.21	5,000,000.00	5,411,950.00	3.375	3.353	10/01/2024	1,461	A2
07330MAA5	14588	Truist Bank	5,400,684.89	5,000,000.00	5,782,050.00	3.800	2.365	10/30/2026	2,220	A3
Subtotal and Average			100,542,674.57	99,638,000.00	106,782,351.20		2.892		1,339	
Federal Agency Coupon Securities										
3133EJAD1	14528	Federal Farm Credit Bank	10,000,000.00	10,000,000.00	10,046,300.00	2.150	2.150	12/23/2020	83	AAA
3133EG7F6	14517	Federal Farm Credit Bank	5,000,000.00	5,000,000.00	5,030,150.00	1.750	1.750	02/16/2021	138	AAA
Subtotal and Average			15,000,000.00	15,000,000.00	15,076,450.00		2.017		101	



City of Berkeley
Pooled Cash and Investments
As of September 30, 2020

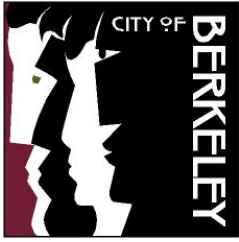
CUSIP	Investment #	Issuer	Book Value	Par Value	Market Value	Current Rate	YTM/C 365	Maturity Date	Days To Maturity	Credit Rating
Commercial Papers										
0020A2LW0	14603	AT&T Inc.	4,983,750.00	5,000,000.00	4,998,850.00	1.950	2.030	11/30/2020	60	N/A
Subtotal and Average			4,983,750.00	5,000,000.00	4,998,850.00		2.030		60	
Medium-Term Notes - Callable										
05531FBF9	14561	BB&T Corporation	5,108,579.94	5,000,000.00	5,462,000.00	3.750	3.012	12/06/2023	1,161	A3
05531FBG7	14585	BB&T Corporation	5,084,794.11	5,000,000.00	5,210,800.00	3.050	2.000	06/20/2022	627	A3
06406HBY4	14538	Bank of New York Mellon Corp	3,557,630.56	3,542,000.00	3,643,938.76	3.550	3.150	09/23/2021	357	A1
06406FAB9	14541	Bank of New York Mellon Corp	1,449,747.26	1,458,000.00	1,471,384.44	2.050	3.060	05/03/2021	214	A1
693475AV7	14557	PNC Financial Services	5,019,401.38	5,000,000.00	5,449,050.00	3.500	3.425	01/23/2024	1,209	A3
751212AC5	14566	Ralph Lauren	5,141,677.46	5,000,000.00	5,609,800.00	3.750	3.106	09/15/2025	1,810	A3
91159HHU7	14562	US Bancorp	5,216,874.11	5,000,000.00	5,768,050.00	3.950	2.848	11/17/2025	1,873	A1
Subtotal and Average			30,578,704.82	30,000,000.00	32,615,023.20		2.918		1,172	
Federal Agency - Callable										
3130AFKR7	14550	Federal Home Loan Banks	5,000,000.00	5,000,000.00	5,036,100.00	3.100	3.100	12/28/2023	1,183	AAA
Subtotal and Average			5,000,000.00	5,000,000.00	5,036,100.00		3.100		1,183	
Federal Agency - Continuously Callable										
3130AHE33	14584	Federal Home Loan Banks	15,000,000.00	15,000,000.00	15,013,650.00	2.000	2.000	10/21/2024	1,481	AAA
Subtotal and Average			15,000,000.00	15,000,000.00	15,013,650.00		2.000		1,481	
Municipal Bonds										
13063DGB8	14559	General Obligation Unlimited	5,066,060.73	5,000,000.00	5,575,050.00	3.375	3.087	04/01/2025	1,643	AA2
Subtotal and Average			5,066,060.73	5,000,000.00	5,575,050.00		3.087		1,643	



City of Berkeley
 Pooled Cash and Investments
 As of September 30, 2020

CUSIP	Investment #	Issuer	Book Value	Par Value	Market Value	Current Rate	YTM/C 365	Maturity Date	Days To Maturity	Credit Rating
Money Market										
SYS14190	14190	Fidelity Money Market	43,009,889.67	43,009,889.67	43,009,889.67	0.002	0.002		1	N/A
SYS14265	14265	Fidelity Money Market	219,472,363.81	219,472,363.81	219,472,363.81	0.003	0.003		1	N/A
		Subtotal and Average	262,482,253.48	262,482,253.48	262,482,253.48		0.002		1	
Total Investments and Average			439,153,443.60	437,620,253.48	448,122,740.38					

Total Investments (Book Value)	439,153,443.60
Cash	10,387,749.00
Total Investments (Book Value) and Cash	449,541,192.60
Increase / (Decrease) in Market Value of Securities	8,969,296.78
Total Investments (Market Value) and Cash	458,510,489.38



Pooled Investments Selected Funds
Interest Earnings
Sorted by Fund - Fund
July 1, 2020 - July 31, 2020
Yield on Average Book Value

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Annualized Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3130AFKR7	14550	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	12/28/2023	3.100	3.042	12,916.67	0.00	12,916.67
3130AHE33	14584	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	10/21/2024	2.000	1.962	25,000.00	0.00	25,000.00
3133EG7F6	14517	010	FAC	5,000,000.00	5,000,000.00	5,000,000.00	02/16/2021	1.750	1.717	7,291.67	0.00	7,291.67
3133EJAD1	14528	010	FAC	10,000,000.00	10,000,000.00	10,000,000.00	12/23/2020	2.150	2.110	17,916.67	0.00	17,916.67
3133EHQB2	14527	010	FAC	0.00	9,001,000.00	1,451,774.19	07/06/2020	1.550	1.572	1,937.72	0.00	1,937.72
53944VAS8	14580	010	MTN	5,000,000.00	5,005,072.65	5,004,966.50	08/14/2022	2.250	2.159	9,375.00	-199.44	9,175.56
0020A2LW0	14603	010	ACP	5,000,000.00	4,958,833.33	4,963,166.66	11/30/2020	1.950	1.992	0.00	8,395.83	8,395.83
037833AK6	14536	010	MTN	5,000,000.00	4,892,383.67	4,894,065.07	05/03/2023	2.400	3.166	10,000.00	3,159.00	13,159.00
254673RD0	14539	010	SCD	250,000.00	250,000.00	250,000.00	07/05/2023	3.300	3.300	700.68	0.00	700.68
06406HBY4	14538	010	MC3	3,542,000.00	3,561,627.01	3,560,917.96	09/23/2021	3.550	3.024	10,478.42	-1,332.15	9,146.27
06406FAB9	14541	010	MC3	1,458,000.00	1,446,243.74	1,446,865.33	05/03/2021	2.050	2.977	2,490.75	1,167.84	3,658.59
795450T47	14540	010	SCD	250,000.00	250,000.00	250,000.00	07/03/2023	3.300	3.300	700.68	0.00	700.68
084670BJ6	14542	010	MTN	5,000,000.00	4,981,848.67	4,982,157.01	02/11/2023	3.000	3.091	12,500.00	579.30	13,079.30
589331AT4	14545	010	MTN	5,000,000.00	4,935,081.28	4,936,386.82	09/15/2022	2.400	2.970	10,000.00	2,452.84	12,452.84
68389XAS4	14548	010	MTN	5,000,000.00	5,031,346.96	5,030,889.42	07/15/2023	3.625	3.334	15,104.17	-859.61	14,244.56
24422EUM9	14554	010	MTN	5,000,000.00	5,052,602.26	5,051,891.05	10/12/2023	3.650	3.233	15,208.33	-1,336.21	13,872.12
540424AQ1	14555	010	MTN	5,000,000.00	4,903,742.41	4,905,228.89	05/15/2023	2.625	3.296	10,937.50	2,792.77	13,730.27
693475AV7	14557	010	MC3	5,000,000.00	5,020,866.25	5,020,606.35	01/23/2024	3.500	3.306	14,583.33	-488.29	14,095.04
13063DGB8	14559	010	MUN	5,000,000.00	5,069,730.77	5,069,079.63	04/01/2025	3.375	2.982	14,062.50	-1,223.35	12,839.15
49327M2X1	14560	010	MTN	5,000,000.00	5,015,008.68	5,014,588.23	02/01/2022	3.300	3.043	13,750.00	-789.94	12,960.06
05531FBF9	14561	010	MC3	5,000,000.00	5,117,114.61	5,115,600.40	12/06/2023	3.750	2.942	15,625.00	-2,844.89	12,780.11
05531FBG7	14585	010	MC3	5,000,000.00	5,097,122.82	5,094,935.47	06/20/2022	3.050	1.987	12,708.33	-4,109.57	8,598.76
91159HHU7	14562	010	MC3	5,000,000.00	5,227,447.61	5,225,571.66	11/17/2025	3.950	2.914	16,458.33	-3,524.50	12,933.83
20030NBNO	14563	010	MTN	5,000,000.00	5,063,459.16	5,062,909.65	08/15/2025	3.375	3.030	14,062.50	-1,032.41	13,030.09
747525AT0	14564	010	MTN	5,000,000.00	4,973,129.59	4,973,436.28	05/20/2024	2.900	2.997	12,083.33	576.20	12,659.53
747525AU7	14587	010	MTN	5,963,000.00	6,267,394.94	6,265,434.27	05/20/2027	3.250	2.343	16,149.79	-3,683.68	12,466.11
751212AC5	14566	010	MC3	5,000,000.00	5,148,824.87	5,147,556.78	09/15/2025	3.750	3.029	15,625.00	-2,382.47	13,242.53
375558BF9	14570	010	MTN	5,000,000.00	5,134,914.51	5,133,858.49	03/01/2026	3.650	3.033	15,208.33	-1,984.03	13,224.30
233851DN1	14586	010	MTN	5,000,000.00	5,114,722.05	5,110,937.23	11/05/2021	3.750	1.961	15,625.00	-7,110.87	8,514.13
233851CU6	14574	010	MTN	3,725,000.00	3,822,062.68	3,821,401.76	01/06/2027	3.450	2.917	10,709.38	-1,241.74	9,467.64

Pooled Investments Selected Funds
Interest Earnings
July 1, 2020 - July 31, 2020

Exhibit 2-B.1

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Annualized Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
233851CU6	14571	010	MTN	5,000,000.00	5,074,631.17	5,074,122.99	01/06/2027	3.450	3.114	14,375.00	-954.77	13,420.23
008252AM0	14582	010	MTN	1,000,000.00	1,066,830.69	1,066,012.34	02/15/2024	4.250	2.214	3,541.67	-1,537.51	2,004.16
07330MAA5	14588	010	MTN	5,000,000.00	5,417,158.92	5,414,242.01	10/30/2026	3.800	2.249	15,833.33	-5,491.34	10,341.99
04685A2L4	14602	010	MTN	5,000,000.00	4,843,427.58	4,844,958.57	01/14/2025	2.500	3.230	10,416.67	2,876.41	13,293.08
04685A2L4	14590	010	MTN	5,950,000.00	5,995,613.23	5,995,167.21	01/14/2025	2.500	2.270	12,395.83	-837.97	11,557.86
2546R2HA7	14600	010	ACP	5,000,000.00	4,989,722.22	4,993,833.33	08/10/2020	1.850	1.878	0.00	7,965.28	7,965.28
2546R2HE9	14601	010	ACP	5,750,000.00	5,736,787.78	5,741,592.22	08/14/2020	1.880	1.909	0.00	9,308.61	9,308.61
37737PHJ8	14599	010	ACP	5,000,000.00	4,993,333.34	4,995,555.56	08/18/2020	1.000	1.015	0.00	4,305.55	4,305.55
37737PHD1	14598	010	ACP	5,000,000.00	4,991,041.67	4,994,375.00	08/13/2020	1.500	1.523	0.00	6,458.33	6,458.33
36955DGV6	14595	010	ACP	0.00	9,984,833.33	9,025,653.23	07/29/2020	1.950	1.979	0.00	15,166.67	15,166.67
89233GHE9	14604	010	ACP	5,000,000.00	4,991,444.45	4,994,555.56	08/14/2020	1.400	1.421	0.00	6,027.77	6,027.77
8923A0HS5	14605	010	ACP	5,000,000.00	4,988,776.02	4,991,982.87	08/26/2020	1.443	1.465	0.00	6,213.28	6,213.28
828807CS4	14606	010	MTN	5,000,000.00	4,995,010.73	4,995,062.80	10/01/2024	3.375	3.338	14,062.50	97.83	14,160.33
05526LHA8	14608	010	ACP	5,000,000.00	4,990,871.41	4,994,522.84	08/10/2020	1.643	1.668	0.00	7,074.66	7,074.66
05526LG68	14607	010	ACP	0.00	4,998,961.02	806,384.58	07/06/2020	1.496	1.517	0.00	1,038.98	1,038.98
80685XAA9	14609	010	MTN	3,000,000.00	3,002,292.97	3,002,029.56	11/20/2020	2.200	1.963	5,500.00	-494.89	5,005.11
			Subtotal	210,888,000.00	236,402,317.05	223,714,275.79			2.461	425,334.08	42,197.52	467,531.60
Fund: Fidelity MM - Trans												
SYS14190	14190	030	RRP	43,006,298.41	35,204,430.60	27,125,889.41		0.002	0.098	2,267.76	0.00	2,267.76
			Subtotal	43,006,298.41	35,204,430.60	27,125,889.41			0.098	2,267.76	0.00	2,267.76
Fund: Fidelity MM - Regular												
SYS14265	14265	040	RRP	219,454,038.24	246,733,537.86	247,386,851.23		0.003	0.096	20,100.43	0.00	20,100.43
			Subtotal	219,454,038.24	246,733,537.86	247,386,851.23			0.096	20,100.43	0.00	20,100.43
			Total	473,348,336.65	518,340,285.51	498,227,016.43			1.158	447,702.27	42,197.52	489,899.79



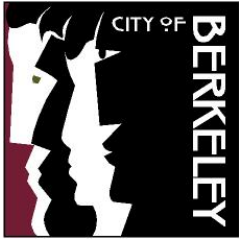
Pooled Investments Selected Funds
Interest Earnings
Sorted by Fund - Fund
August 1, 2020 - August 31, 2020
Yield on Average Book Value

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Annualized Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3130AFKR7	14550	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	12/28/2023	3.100	3.042	12,916.67	0.00	12,916.67
3130AHE33	14584	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	10/21/2024	2.000	1.962	25,000.00	0.00	25,000.00
3133EG7F6	14517	010	FAC	5,000,000.00	5,000,000.00	5,000,000.00	02/16/2021	1.750	1.717	7,291.67	0.00	7,291.67
3133EJAD1	14528	010	FAC	10,000,000.00	10,000,000.00	10,000,000.00	12/23/2020	2.150	2.110	17,916.67	0.00	17,916.67
53944VAS8	14580	010	MTN	5,000,000.00	5,004,873.21	5,004,767.05	08/14/2022	2.250	2.159	9,375.00	-199.45	9,175.55
0020A2LW0	14603	010	ACP	5,000,000.00	4,967,229.16	4,971,562.50	11/30/2020	1.950	1.988	0.00	8,395.84	8,395.84
037833AK6	14536	010	MTN	5,000,000.00	4,895,542.67	4,897,224.06	05/03/2023	2.400	3.164	10,000.00	3,158.99	13,158.99
254673RD0	14539	010	SCD	250,000.00	250,000.00	250,000.00	07/05/2023	3.300	3.300	700.68	0.00	700.68
06406HBY4	14538	010	MC3	3,542,000.00	3,560,294.86	3,559,585.81	09/23/2021	3.550	3.025	10,478.42	-1,332.15	9,146.27
06406FAB9	14541	010	MC3	1,458,000.00	1,447,411.58	1,448,033.18	05/03/2021	2.050	2.975	2,490.75	1,167.84	3,658.59
795450T47	14540	010	SCD	250,000.00	250,000.00	250,000.00	07/03/2023	3.300	3.300	700.68	0.00	700.68
084670BJ6	14542	010	MTN	5,000,000.00	4,982,427.97	4,982,736.30	02/11/2023	3.000	3.091	12,500.00	579.29	13,079.29
589331AT4	14545	010	MTN	5,000,000.00	4,937,534.12	4,938,839.67	09/15/2022	2.400	2.969	10,000.00	2,452.85	12,452.85
68389XAS4	14548	010	MTN	5,000,000.00	5,030,487.35	5,030,029.82	07/15/2023	3.625	3.334	15,104.17	-859.60	14,244.57
24422EUM9	14554	010	MTN	5,000,000.00	5,051,266.05	5,050,554.84	10/12/2023	3.650	3.234	15,208.33	-1,336.21	13,872.12
540424AQ1	14555	010	MTN	5,000,000.00	4,906,535.18	4,908,021.66	05/15/2023	2.625	3.294	10,937.50	2,792.78	13,730.28
693475AV7	14557	010	MC3	5,000,000.00	5,020,377.96	5,020,118.06	01/23/2024	3.500	3.306	14,583.33	-488.29	14,095.04
13063DGB8	14559	010	MUN	5,000,000.00	5,068,507.42	5,067,856.29	04/01/2025	3.375	2.983	14,062.50	-1,223.34	12,839.16
49327M2X1	14560	010	MTN	5,000,000.00	5,014,218.74	5,013,798.30	02/01/2022	3.300	3.043	13,750.00	-789.93	12,960.07
05531FBF9	14561	010	MC3	5,000,000.00	5,114,269.72	5,112,755.51	12/06/2023	3.750	2.943	15,625.00	-2,844.89	12,780.11
05531FBG7	14585	010	MC3	5,000,000.00	5,093,013.25	5,090,825.90	06/20/2022	3.050	1.989	12,708.33	-4,109.57	8,598.76
91159HHU7	14562	010	MC3	5,000,000.00	5,223,923.11	5,222,047.17	11/17/2025	3.950	2.916	16,458.33	-3,524.50	12,933.83
20030NBN0	14563	010	MTN	5,000,000.00	5,062,426.75	5,061,877.24	08/15/2025	3.375	3.031	14,062.50	-1,032.42	13,030.08
747525AT0	14564	010	MTN	5,000,000.00	4,973,705.79	4,974,012.48	05/20/2024	2.900	2.997	12,083.33	576.21	12,659.54
747525AU7	14587	010	MTN	5,963,000.00	6,263,711.26	6,261,750.59	05/20/2027	3.250	2.344	16,149.79	-3,683.68	12,466.11
751212AC5	14566	010	MC3	5,000,000.00	5,146,442.40	5,145,174.31	09/15/2025	3.750	3.030	15,625.00	-2,382.47	13,242.53
375558BF9	14570	010	MTN	5,000,000.00	5,132,930.48	5,131,874.46	03/01/2026	3.650	3.034	15,208.33	-1,984.04	13,224.29
233851DN1	14586	010	MTN	5,000,000.00	5,107,611.18	5,103,826.36	11/05/2021	3.750	1.964	15,625.00	-7,110.87	8,514.13
233851CU6	14574	010	MTN	3,725,000.00	3,820,820.94	3,820,160.02	01/06/2027	3.450	2.918	10,709.38	-1,241.74	9,467.64
233851CU6	14571	010	MTN	5,000,000.00	5,073,676.40	5,073,168.22	01/06/2027	3.450	3.115	14,375.00	-954.77	13,420.23

Pooled Investments Selected Funds
Interest Earnings
August 1, 2020 - August 31, 2020

Exhibit 2-B.2

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Annualized Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
008252AM0	14582	010	MTN	1,000,000.00	1,065,293.18	1,064,474.82	02/15/2024	4.250	2.217	3,541.67	-1,537.52	2,004.15
07330MAA5	14588	010	MTN	5,000,000.00	5,411,667.58	5,408,750.67	10/30/2026	3.800	2.251	15,833.33	-5,491.34	10,341.99
04685A2L4	14602	010	MTN	5,000,000.00	4,846,303.99	4,847,834.98	01/14/2025	2.500	3.229	10,416.67	2,876.40	13,293.07
04685A2L4	14590	010	MTN	5,950,000.00	5,994,775.26	5,994,329.25	01/14/2025	2.500	2.270	12,395.83	-837.96	11,557.87
2546R2HA7	14600	010	ACP	0.00	4,997,687.50	1,451,314.52	08/10/2020	1.850	1.876	0.00	2,312.50	2,312.50
2546R2HE9	14601	010	ACP	0.00	5,746,096.39	2,410,534.78	08/14/2020	1.880	1.907	0.00	3,903.61	3,903.61
37737PHJ8	14599	010	ACP	0.00	4,997,638.89	2,741,326.16	08/18/2020	1.000	1.014	0.00	2,361.11	2,361.11
37737PHD1	14598	010	ACP	0.00	4,997,500.00	1,935,040.32	08/13/2020	1.500	1.521	0.00	2,500.00	2,500.00
89233GHE9	14604	010	ACP	0.00	4,997,472.22	2,096,284.95	08/14/2020	1.400	1.420	0.00	2,527.78	2,527.78
8923A0HS5	14605	010	ACP	0.00	4,994,989.30	4,030,318.44	08/26/2020	1.443	1.464	0.00	5,010.70	5,010.70
828807CS4	14606	010	MTN	5,000,000.00	4,995,108.56	4,995,160.63	10/01/2024	3.375	3.338	14,062.50	97.83	14,160.33
05526LHA8	14608	010	ACP	0.00	4,997,946.07	1,451,347.88	08/10/2020	1.643	1.666	0.00	2,053.93	2,053.93
80685XAA9	14609	010	MTN	3,000,000.00	3,001,798.08	3,001,534.68	11/20/2020	2.200	1.963	5,500.00	-494.88	5,005.12
			Subtotal	175,138,000.00	212,443,514.57	192,818,851.85			2.581	423,396.36	-691.96	422,704.40
Fund: Fidelity MM - Trans												
SYS14190	14190	030	RRP	43,008,517.91	43,006,298.41	43,006,370.01		0.002	0.061	2,219.50	0.00	2,219.50
			Subtotal	43,008,517.91	43,006,298.41	43,006,370.01			0.061	2,219.50	0.00	2,219.50
Fund: Fidelity MM - Regular												
SYS14265	14265	040	RRP	219,465,363.97	219,454,038.24	219,454,403.59		0.003	0.061	11,325.73	0.00	11,325.73
			Subtotal	219,465,363.97	219,454,038.24	219,454,403.59			0.061	11,325.73	0.00	11,325.73
			Total	437,611,881.88	474,903,851.22	455,279,625.44			1.128	436,941.59	-691.96	436,249.63



**Pooled Investments Selected Funds
Interest Earnings
Sorted by Fund - Fund
September 1, 2020 - September 30, 2020
Yield on Average Book Value**

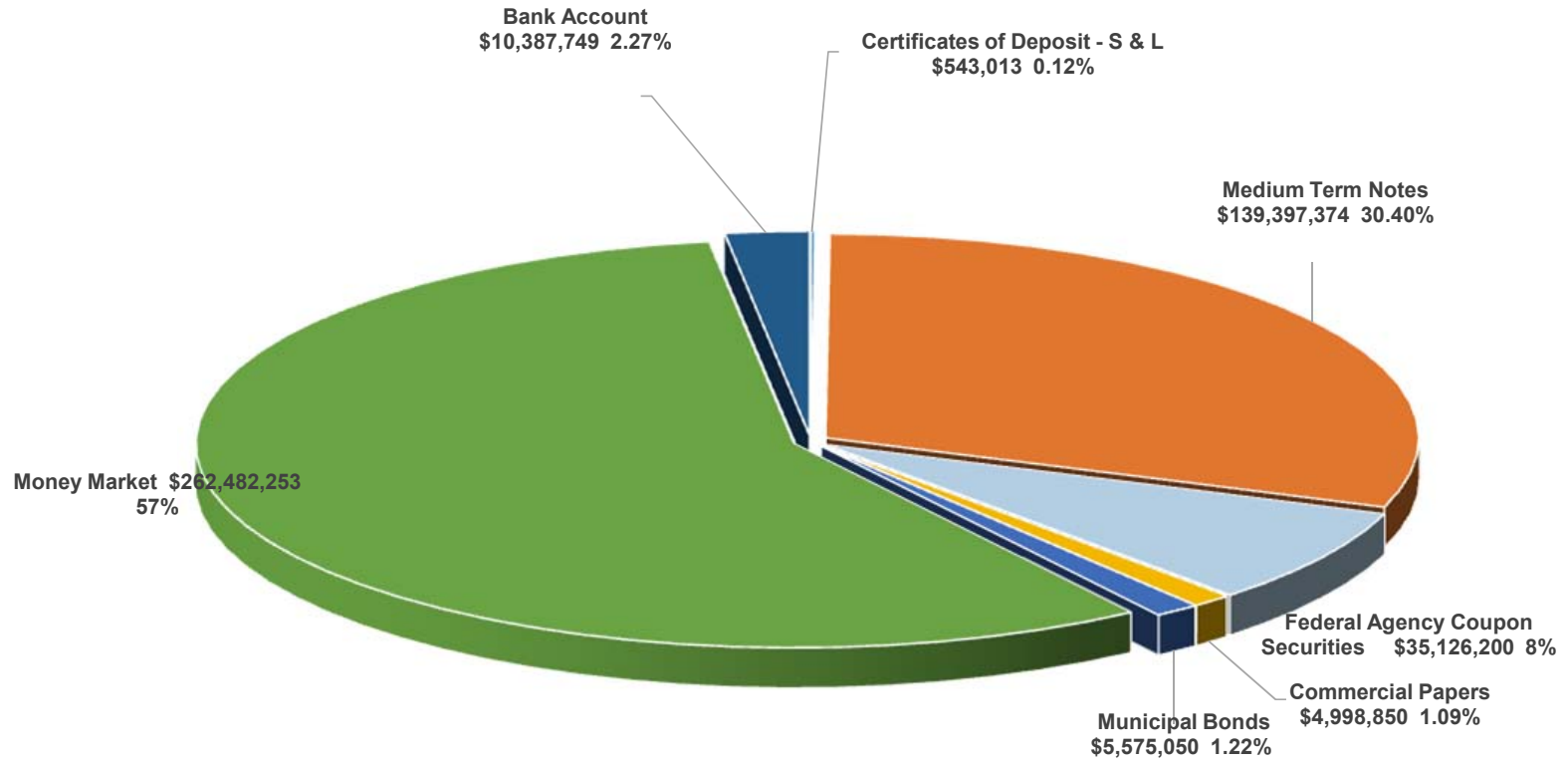
CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Annualized Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3130AFKR7	14550	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	12/28/2023	3.100	3.143	12,916.67	0.00	12,916.67
3130AHE33	14584	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	10/21/2024	2.000	2.028	25,000.00	0.00	25,000.00
3133EG7F6	14517	010	FAC	5,000,000.00	5,000,000.00	5,000,000.00	02/16/2021	1.750	1.774	7,291.67	0.00	7,291.67
3133EJAD1	14528	010	FAC	10,000,000.00	10,000,000.00	10,000,000.00	12/23/2020	2.150	2.180	17,916.67	0.00	17,916.67
53944VAS8	14580	010	MTN	5,000,000.00	5,004,673.76	5,004,570.71	08/14/2022	2.250	2.231	9,375.00	-199.45	9,175.55
0020A2LW0	14603	010	ACP	5,000,000.00	4,975,625.00	4,979,822.92	11/30/2020	1.950	1.985	0.00	8,125.00	8,125.00
037833AK6	14536	010	MTN	5,000,000.00	4,898,701.66	4,900,333.80	05/03/2023	2.400	3.267	10,000.00	3,158.99	13,158.99
254673RD0	14539	010	SCD	250,000.00	250,000.00	250,000.00	07/05/2023	3.300	3.300	678.08	0.00	678.08
06406HBY4	14538	010	MC3	3,542,000.00	3,558,962.71	3,558,274.43	09/23/2021	3.550	3.127	10,478.42	-1,332.15	9,146.27
06406FAB9	14541	010	MC3	1,458,000.00	1,448,579.42	1,449,182.81	05/03/2021	2.050	3.072	2,490.75	1,167.84	3,658.59
795450T47	14540	010	SCD	250,000.00	250,000.00	250,000.00	07/03/2023	3.300	3.300	678.08	0.00	678.08
084670BJ6	14542	010	MTN	5,000,000.00	4,983,007.26	4,983,306.57	02/11/2023	3.000	3.193	12,500.00	579.30	13,079.30
589331AT4	14545	010	MTN	5,000,000.00	4,939,986.97	4,941,254.28	09/15/2022	2.400	3.066	10,000.00	2,452.85	12,452.85
68389XAS4	14548	010	MTN	5,000,000.00	5,029,627.75	5,029,183.62	07/15/2023	3.625	3.446	15,104.17	-859.61	14,244.56
24422EUM9	14554	010	MTN	5,000,000.00	5,049,929.84	5,049,239.46	10/12/2023	3.650	3.343	15,208.33	-1,336.22	13,872.11
540424AQ1	14555	010	MTN	5,000,000.00	4,909,327.96	4,910,770.89	05/15/2023	2.625	3.402	10,937.50	2,792.77	13,730.27
693475AV7	14557	010	MC3	5,000,000.00	5,019,889.67	5,019,637.38	01/23/2024	3.500	3.416	14,583.33	-488.29	14,095.04
13063DGB8	14559	010	MUN	5,000,000.00	5,067,284.08	5,066,652.01	04/01/2025	3.375	3.083	14,062.50	-1,223.35	12,839.15
49327M2X1	14560	010	MTN	5,000,000.00	5,013,428.81	5,013,020.68	02/01/2022	3.300	3.145	13,750.00	-789.93	12,960.07
05531FBF9	14561	010	MC3	5,000,000.00	5,111,424.83	5,109,954.97	12/06/2023	3.750	3.043	15,625.00	-2,844.89	12,780.11
05531FBG7	14585	010	MC3	5,000,000.00	5,088,903.68	5,086,780.40	06/20/2022	3.050	2.057	12,708.33	-4,109.57	8,598.76
91159HHU7	14562	010	MC3	5,000,000.00	5,220,398.61	5,218,577.62	11/17/2025	3.950	3.015	16,458.33	-3,524.50	12,933.83
20030NBN0	14563	010	MTN	5,000,000.00	5,061,394.33	5,060,860.92	08/15/2025	3.375	3.133	14,062.50	-1,032.41	13,030.09
747525AT0	14564	010	MTN	5,000,000.00	4,974,282.00	4,974,579.71	05/20/2024	2.900	3.096	12,083.33	576.20	12,659.53
747525AU7	14587	010	MTN	5,963,000.00	6,260,027.58	6,258,124.34	05/20/2027	3.250	2.424	16,149.79	-3,683.68	12,466.11
751212AC5	14566	010	MC3	5,000,000.00	5,144,059.93	5,142,828.99	09/15/2025	3.750	3.133	15,625.00	-2,382.47	13,242.53
375558BF9	14570	010	MTN	5,000,000.00	5,130,946.44	5,129,921.35	03/01/2026	3.650	3.136	15,208.33	-1,984.04	13,224.29
233851DN1	14586	010	MTN	5,000,000.00	5,100,500.31	5,096,826.36	11/05/2021	3.750	2.032	15,625.00	-7,110.87	8,514.13
233851CU6	14574	010	MTN	3,725,000.00	3,819,579.20	3,818,937.64	01/06/2027	3.450	3.016	10,709.38	-1,241.74	9,467.64
233851CU6	14571	010	MTN	5,000,000.00	5,072,721.63	5,072,228.34	01/06/2027	3.450	3.219	14,375.00	-954.77	13,420.23

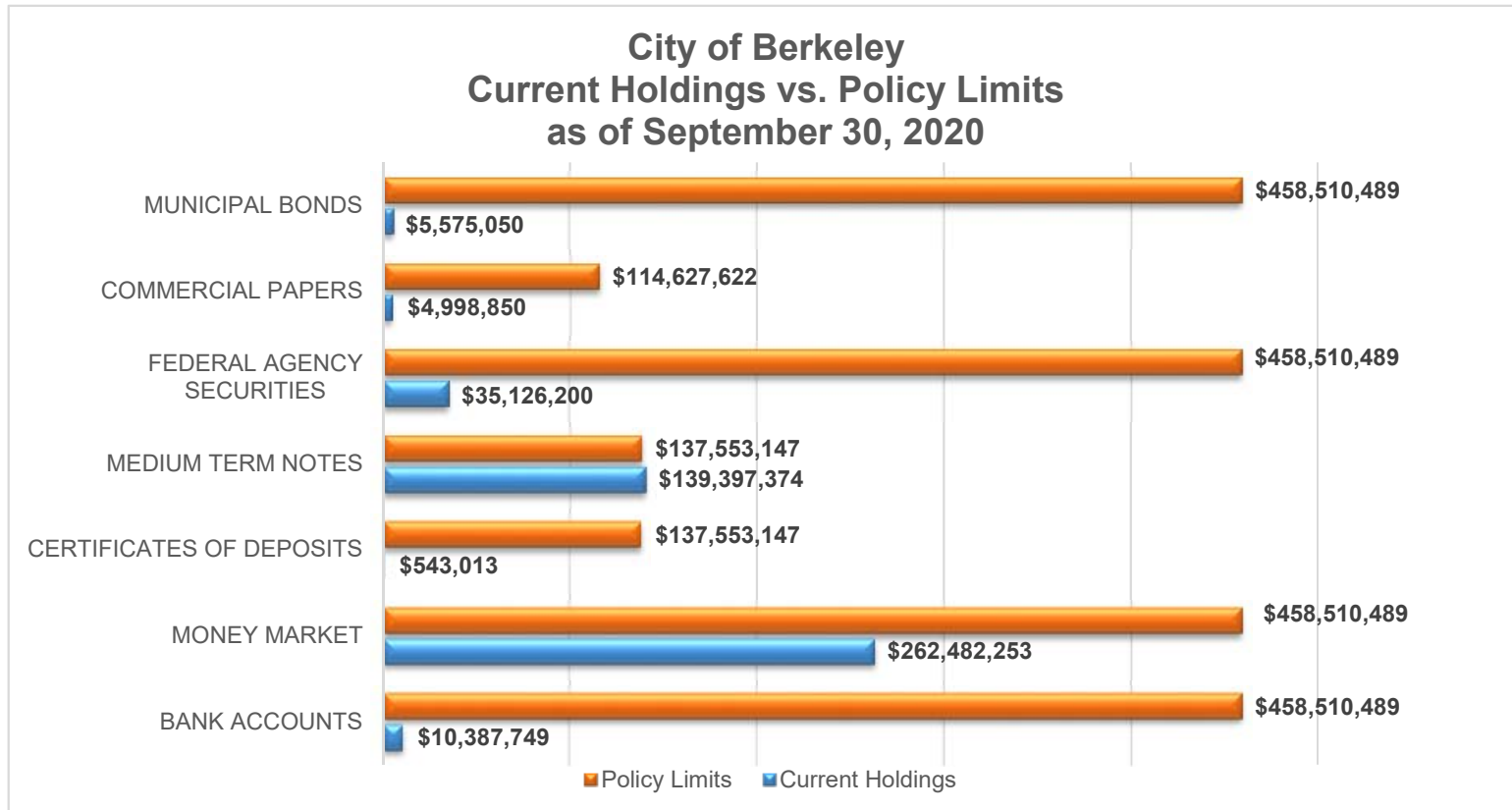
Pooled Investments Selected Funds
Interest Earnings
September 1, 2020 - September 30, 2020

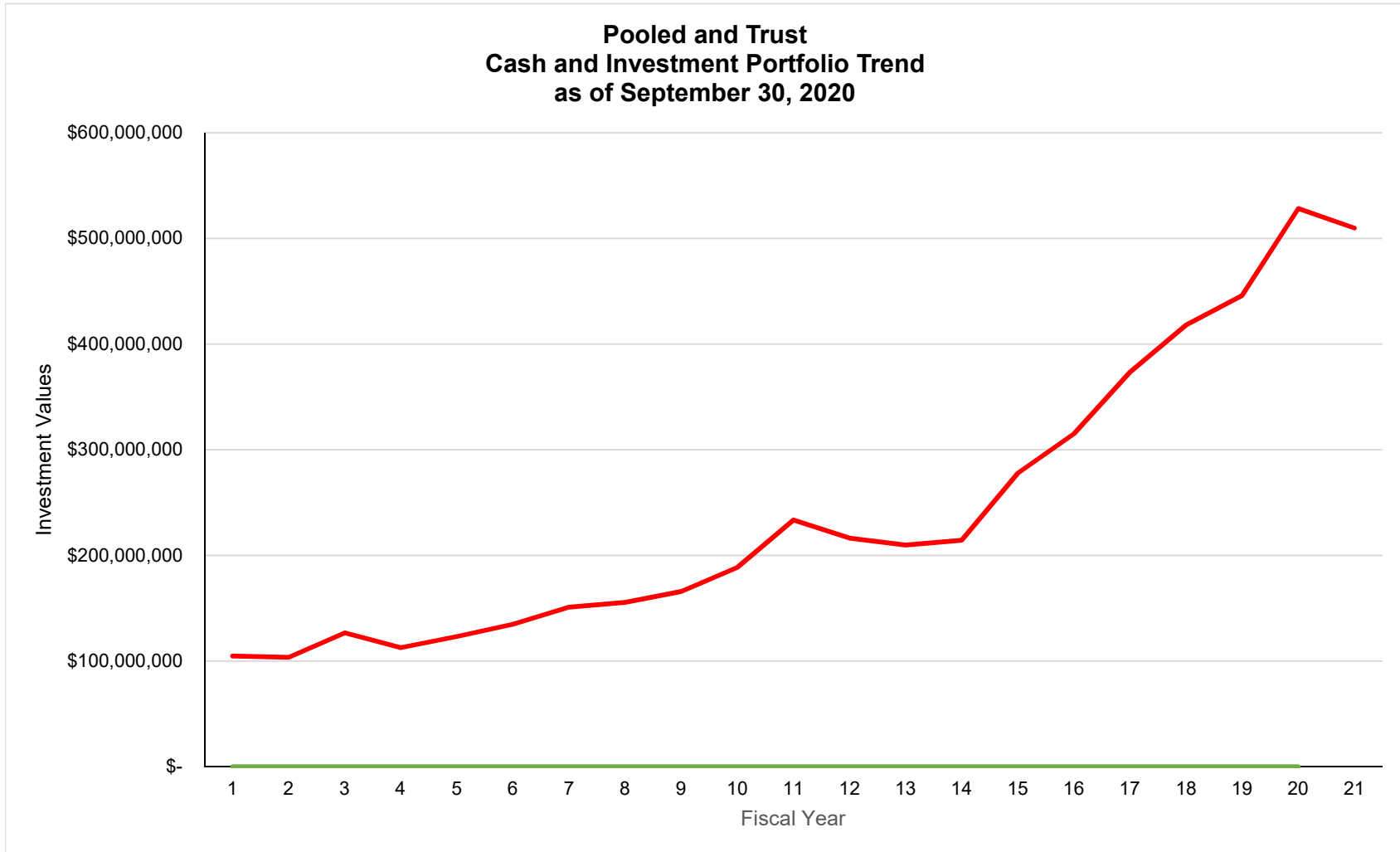
Exhibit 2-B.3

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Annualized Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
008252AM0	14582	010	MTN	1,000,000.00	1,063,755.66	1,062,961.28	02/15/2024	4.250	2.294	3,541.67	-1,537.52	2,004.15
07330MAA5	14588	010	MTN	5,000,000.00	5,406,176.24	5,403,339.04	10/30/2026	3.800	2.329	15,833.33	-5,491.35	10,341.98
04685A2L4	14602	010	MTN	5,000,000.00	4,849,180.39	4,850,666.54	01/14/2025	2.500	3.334	10,416.67	2,876.41	13,293.08
04685A2L4	14590	010	MTN	5,950,000.00	5,993,937.30	5,993,504.35	01/14/2025	2.500	2.346	12,395.83	-837.97	11,557.86
828807CS4	14606	010	MTN	5,000,000.00	4,995,206.39	4,995,256.93	10/01/2024	3.375	3.449	14,062.50	97.82	14,160.32
80685XAA9	14609	010	MTN	3,000,000.00	3,001,303.20	3,001,047.51	11/20/2020	2.200	2.029	5,500.00	-494.89	5,005.11
			Subtotal	175,138,000.00	176,692,822.61	176,681,645.83			2.766	423,351.16	-21,632.49	401,718.67
Fund: Fidelity MM - Trans												
SYS14190	14190	030	RRP	43,009,889.67	43,008,517.91	43,008,563.64		0.002	0.039	1,371.76	0.00	1,371.76
			Subtotal	43,009,889.67	43,008,517.91	43,008,563.64			0.039	1,371.76	0.00	1,371.76
Fund: Fidelity MM - Regular												
SYS14265	14265	040	RRP	219,472,363.81	219,465,363.97	219,465,597.30		0.003	0.039	6,999.84	0.00	6,999.84
			Subtotal	219,472,363.81	219,465,363.97	219,465,597.30			0.039	6,999.84	0.00	6,999.84
			Total	437,620,253.48	439,166,704.49	439,155,806.76			1.136	431,722.76	-21,632.49	410,090.27

Pooled Cash and Investments
(Market Value)
as of September 30, 2020









Summary of Pooled Cash and Investments - Trust Funds
(Market Value)
As of September 30, 2020

	<u>Pooled Cash</u>	<u>Investments (Book Value)</u>	<u>Gain/Loss on Investments</u>	<u>Pooled Cash & Investments (Market Value)</u>
Retiree Medical Trust Fund				
Fund No.				
721 BHA	\$ 242,112	\$ 230,653	\$ 13,532	\$ 486,297
722 M1=IBEW	13,349	121,389	11,031	145,769
723 M2=Local 1	3,372,675	5,688,195	454,085	9,514,955
724 MUI=Z1	588,350	1,301,542	121,652	2,011,544
725 MUI=Z2 to Z6	855,761	1,717,163	150,936	2,723,860
726 M535= Local 535	3,151,756	5,728,809	507,288	9,387,853
727 M3=Local 790	2,497,717	3,609,580	264,092	6,371,389
Total Retiree Medical Trust Fund	10,721,720	18,397,331	1,522,616	30,641,667
Fire Medical Trust Fund				
736 Fire Medical Trust Fund	3,038,255	8,537,787	618,968	12,195,010
Total Fire Medical Trust Fund	3,038,255	8,537,787	618,968	12,195,010
Police Medical Trust Fund				
731 Police EE Retiree HLT Assistance Plan	708,377	1,642,371	114,328	2,465,076
701 Safety Members Pension Fund	13,615	-	-	13,615
706 Police Medical Trust Fund	1,058,940	4,525,623	262,196	5,846,759
Total Police Medical Trust Fund	1,780,932	6,167,994	376,524	8,325,450
Total Trust Funds	\$ 15,540,907	\$ 33,103,112	\$ 2,518,108	\$ 51,162,127



Retiree Medical Trust Fund
Fund 721 - 727
Interest Earnings
July 1 to September 30, 2020

Investments As of September 30, 2020									Interest Earnings July 1 to September 30, 2020					
CUSIP	Investment #	Issuer	Par Value	Beginning Book Value	Ending Book Value	Market Value	Maturity Date	Moody's Rating	Current Rate	Annualized Yield	Adjusted Interest Earnings			
											Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings	
Medium Term Notes														
61747WAF6	14224	Morgan Stanley	1,666,666.67	1,672,255.24	1,669,789.70	1,695,150.00	01/25/2021	A3	5.750	5.103	23,958.33	(2,465.54)	21,492.79	
Federal Agency Coupon Securities														
3133EFQT7	14361	Fed Farm Credit Bank	2,600,000.00	2,609,823.01	2,609,368.25	2,896,140.00	11/25/2025	AAA	2.700	2.599	17,550.00	(454.76)	17,095.24	
Municipal Bonds														
672319CC2	14283	OAKGEN	2,750,000.00	2,742,707.47	2,743,960.01	2,858,515.00	12/15/2021	AA2	3.800	3.959	26,125.00	1,252.54	27,377.54	
786091AG3	14316	SACGEN	5,000,000.00	5,274,680.12	5,261,171.26	6,287,100.00	08/01/2025	A3	7.250	5.808	90,625.00	(13,508.86)	77,116.14	
Savo Island Loan														
SYS10988	10988	EMPMED	233,000.00	233,000.00	233,000.00	233,000.00	09/01/2025	N/A	8.000	8.000	5,444.38	-	5,444.38	
Preferred Securities														
00206R706	14591	AT&T Inc.	1,680,033.60	1,680,033.60	1,680,033.60	1,700,034.00	N/A	N/A	4.596	4.001	16,941.92	-	16,941.92	
00206R706	14596	AT&T Inc.	1,680,008.40	1,680,008.40	1,680,008.40	1,700,008.50	N/A	N/A	4.640	4.080	17,275.52	-	17,275.52	
00206R706	14597	AT&T Inc.	2,520,000.00	2,520,000.00	2,520,000.00	2,550,000.00	N/A	N/A	4.643	4.087	25,958.63	-	25,958.63	
Total			\$ 18,129,708.67	\$ 18,412,507.84	\$ 18,397,331.22	\$ 19,919,947.50					4.490	\$ 223,878.78	\$ (15,176.62)	\$ 208,702.16

Total Investments (Book Value)	\$ 18,397,331.22
Gain/Loss on Investments	1,522,616.28
Total Investments (Market Value)	19,919,947.50
Temporarily Invested with Pooled Cash & Investments	10,721,720.00
Total Pooled Cash and Investments	\$ 30,641,667.50



**Fire Retiree Medical
Fund 736
Interest Earnings
July 1 to September 30, 2020**

Investments As of September 30, 2020								Interest Earnings July 1 to September 30, 2020					
CUSIP	Investment #	Issuer	Par Value	Beginning Book Value	Ending Book Value	Market Value	Maturity Date	Credit Rating	Current Rate	Annualized Yield	Adjusted Interest Earnings		
											Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Medium Term Notes													
6174467X1	14318	Morgan Stanley DW DTC#0015	2,000,000.00	2,041,665.00	2,039,735.07	2,349,660.00	11/24/2025	BAA2	5.000	4.485	25,000.00	(1,929.93)	23,070.07
61747WAF6	14225	Morgan Stanley	1,666,666.67	1,672,255.24	1,669,789.70	1,695,150.00	01/25/2021	A3	5.750	5.103	23,958.33	(2,465.54)	21,492.79
Federal Agency Coupon Securities													
3133EFQT7	14362	Fed Farm Credit Bank	2,300,000.00	2,308,689.59	2,308,287.30	2,561,970.00	11/25/2025	AAA	2.700	2.599	15,525.00	(402.29)	15,122.71
Preferred Securities													
00206R706	14592	AT&T Inc.	1,679,983.20	1,679,983.20	1,679,983.20	1,699,983.00	N/A	N/A	4.596	4.001	16,941.41	-	16,941.41
00206R706	14594	AT&T Inc.	839,991.60	839,991.60	839,991.60	849,991.50	N/A	N/A	4.640	4.080	8,637.63	-	8,637.63
Total			\$ 8,486,641.47	\$ 8,542,584.63	\$ 8,537,786.87	\$ 9,156,754.50				3.961	\$ 90,062.37	\$ (4,797.76)	\$ 85,264.61

Total Investments (Book Value)	\$ 8,537,786.87
Gain/Loss on Investments	618,967.63
Total Investments (Market Value)	9,156,754.50
Temporarily Invested with Pooled Cash & Investments	3,038,255.00
Total Pooled Cash and Investments	\$ 12,195,009.50



Police Retiree Medical
Fund 731 and 706
Interest Earnings
July 1 to September 30, 2020

Investments As of September 30, 2020									Interest Earnings July 1 to September 30, 2020				
CUSIP	Investment #	Issuer	Par Value	Beginning Book Value	Ending Book Value	Market Value	Maturity Date	Credit Rating	Current Rate	Annualized Yield	Adjusted Interest Earnings		
											Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Medium Term Notes													
6174467X1	14319	Morgan Stanley DW DTC#0015	500,000.00	510,416.25	509,933.77	587,415.00	11/24/25	BAA2	5.000	4.485	6,250.00	(482.48)	5,767.52
61747WAF6	14226	Morgan Stanley	1,666,666.67	1,672,255.24	1,669,789.70	1,695,150.00	01/25/21	A3	5.750	5.103	23,958.33	(2,465.54)	21,492.79
Federal Agency Coupon Securities													
3133EFQT7	14363	Fed. Farm Credit Banks	2,300,000.00	2,308,689.59	2,308,287.30	2,561,970.00	11/25/25	AAA	2.700	2.599	15,525.00	(402.29)	15,122.71
Preferred Securities													
00206R706	14593	AT&T Inc.	1,679,983.20	1,679,983.20	1,679,983.20	1,699,983.00	N/A	N/A	4.596	4.001	16,941.41	-	16,941.41
Total			\$ 6,146,649.87	\$ 6,171,344.28	\$ 6,167,993.97	\$ 6,544,518.00				3.815	\$ 62,674.74	\$ (3,350.31)	\$ 59,324.43

Total Investments (Book Value)	\$ 6,167,993.97
Gain/Loss on Investments	376,524.03
Total Investments (Market Value)	6,544,518.00
Temporarily Invested with Pooled Cash & Investments	1,780,932.00
Total Pooled Cash and Investments	\$ 8,325,450.00



Office of the City Manager

INFORMATION CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Referral Response: Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless

SUMMARY

Jurisdictions across California are implementing programs to develop Second Dwelling Units and/or Accessory Dwelling Units (collectively referred to as “ADUs” for the purposes of this report) as strategies to house low-income or homeless households. Programs vary in scope and offer a range of financial and programmatic support to assist local homeowners with developing an ADU and/or becoming landlords.

This report responds to additional questions raised by the Housing Advisory Commission (HAC) and provides an overview of existing programs to inform the City’s strategy for a pilot program. A review of research and best practices from other cities indicates three viable pilot options for the City to consider:

- Providing predevelopment/construction loans that will be forgiven in exchange for renting to housing voucher recipients;
- Providing predevelopment/construction loans to low-income homeowners without any rental restrictions; and
- Funding a technical assistance program to assist homeowners in navigating the design, funding, permitting and construction of an ADU. These services may be offered in exchange for renting to a low-income household and/or offered exclusively to low-income homeowners.

CURRENT SITUATION AND ITS EFFECTS

This report responds to referral # PRJ0012432 that originally appeared on the agenda of the December 5, 2017 Council meeting and was sponsored by Councilmember Bartlett.

The referral was initially sent to the HAC for analysis and recommendations. The HAC recommended expanding the referral to include Below Market Rate (BMR) ADUs as an option for the pilot program. They also provided several questions to further inform the

referral. The HAC's recommendations were adopted by Council on July 24, 2018 and are incorporated into this report.

Council Referral

Council's referral outlined the creation of pilot program to provide the following forms of technical assistance and incentives to homeowners in exchange for housing homeless families/individuals for a specified number of years:

1. Homeowners without additional units – to provide them with technical and financial assistance with the permitting and construction of new second units and ADUs
2. Homeowners with unpermitted second units – to provide them with avenues for legalization as well as financial and technical assistance in order to convert unpermitted units into permitted units.

HAC's Referral Questions

The HAC identified several questions to inform a pilot program. Responses are provided in-line.

- a) What are the types of incentives that would be required to attract homeowners to add ADU's?
 - a. Research indicates additional incentives beyond financial support may be needed to attract homeowners to build an ADU and become landlords. The City of Los Angeles and San Mateo County are partnering with nonprofit housing organizations to create "one-stop shops" that support homeowners through all aspects of development, financing, and tenant support. Additional incentives identified to attract homeowners include:
 - i. Free project management
 - ii. Affordable design and construction services (included pre-approved and/or prefabricated plans)
 - iii. Optional financing tailored to ADUs via Community Development Financial Institution (CDFI) partners
 - iv. Landlord training and tenant support services
 - v. Transparent and easy to access information (i.e., websites, FAQs)
- b) Can staff estimate the number of unpermitted units currently in Berkeley?
 - a. This cannot be accurately determined. A potential amnesty program may provide insight into types of unpermitted ADUs in Berkeley. Funds can be redistributed for the development of new construction ADUs or other affordable housing uses if no homeowners choose to participate in an amnesty program.
- c) How might an amnesty program work?
 - a. Los Angeles County included an option for unpermitted ADUs to receive funding in their 2017 pilot. LA County staff indicated they were able to

attract one unpermitted ADU to the pilot but it was difficult to find willing participants. This may also be in part because unpermitted units were required to be vacant to participate in their program. As of January 1, 2020 State law does not require an applicant to correct nonconforming zoning conditions. At a minimum, the property should be inspected for all applicable code compliance standards and issued the appropriate permits (provided it does not violate State provisions).

- d) How will the City monitor the affordability requirements required by this program over time?
- a. This will likely be determined by the scope and length of program requirements. HHCS dedicates one FTE each to monitor the affordable units created through the Housing Trust Fund (HTF) and Below Market Rate (BMR) programs, respectively. Launching a new program may incur additional staff costs to ensure proper monitoring.
- e) To what extent might this approach increase the inventory of affordable housing in Berkeley?
- a. Counting ADUs towards the City's affordability goals will likely be dependent on the nature and length of any potential deed restriction. According to an HCD FAQ:
 - i. *Accessory Dwelling Units or Second Units are not automatically considered affordable to Low income households. Just like other housing types, the affordability of Accessory Dwelling Units (ADU) can be demonstrated by a deed restriction, proposed rents or sales prices, or a survey of comparable units that show what income level the ADU would be affordable to, for example, Very Low, Low, Moderate, or Above-Moderate income households.*
 - b. The Planning Department will begin to count new ADUs created in 2021 towards the cities general RHNA numbers. Staff would coordinate any deed restrictions created through the pilot to be counted towards the applicable RHNA category.
- f) Would the provision of housing vouchers encourage participation?
- a. The provision of housing vouchers alone may not be enough to encourage participation. Many homeowners are not familiar with the administration required to accept housing vouchers and may find it to be a disincentive without sufficient training and support. The nonprofit LA Mas partnered with Los Angeles County for an ADU pilot with housing vouchers attached. In addition to providing ongoing support, LA Mas conducted detailed interviews and a vetting process with each applicant to ensure they understood and aligned with the goals of renting to voucher recipients.
- g) Are fair housing laws applicable to ADU units? If not, can these units still be counted towards meeting RHNA goals?
- a. All rented ADU's must comply with Fair Housing laws.
 - b. HCD's Annual Housing Element Progress Report instructions clearly state that second units are considered development that can count toward

satisfaction of RHNA. See question (f) for applicability to RHNA affordability goals.

- h) What could be the limit of financial assistance per unit?
 - a. The Council referral establishes \$75,000 for new construction and \$50,000 to amnesty for unpermitted units. Financial assistance for ADU programs provided by jurisdictions ranges from \$25,000-\$75,000. Jurisdictions also reduce costs by providing additional incentives including expedited review and pre-approved plans/designs.
 - b. This amount may not be enough to cover total construction cost and will need to be supplemented with the homeowner's own investment such as cash from a Home Equity Line of Credit (HELOC). Other incentives like providing technical assistance during predevelopment/feasibility phase would be an additional incentive.
- i) What could be the amount of fee waivers across different ADU prototypes?
 - a. State law exempts ADUs up to 750 sq. ft. from impact fees and requires impact fees for larger ADUs that are proportional to the square footage of the primary residence. Utility connection fees or capacity charge must be "proportionate to the burden" of the ADU and may require new or separate utility connections.
 - b. Fees applicable to developing an ADU are tied to the costs of the necessary health and safety inspections. Financial assistance to offset fees and other soft costs should be considered part of the incentive for participation.
 - c. Marin County was the only jurisdiction to offer a fee waiver (capped at \$1,500) for participation in its ADU program.
- j) What could be the duration of rent restrictions on the ADU unit?
 - a. Established affordability standards for ADU programs with rent restrictions vary by jurisdiction. Compliance periods range between five and 20 years. LA Mas, the Los Angeles County nonprofit partner, did extensive outreach and focus groups with over 100 homeowners and identified five years to be the appropriate target to facilitate homeowner participation.
- k) Can the requirement to rent the unit at a BMR rent (in return for financial assistance) be entered into public records as a deed restriction?
 - a. Yes. The City currently records Deeds of Trust to secure loans made through the Senior and Disabled Home Rehabilitation loan program. The City previously issued Deeds of Trust to secure loans provided to the multi-family rental rehabilitation and first-time homebuyers programs in the 1990s and 2000s.
- l) What could trigger a loan repayment? One example could be a decision not to rent out the unit.
 - a. Not renting the unit or not following program guidelines, including renting to eligible households and/or voucher holders would trigger a loan repayment. The program should be structured to include interest on any

defaulted principle loan. Compliant loans could be forgiven or collected at time of sale depending on the intent of the program.

Creating an ADU pilot program is a Strategic Plan Priority Project, advancing our goal to create affordable housing and housing support service for our most vulnerable community members.

BACKGROUND

ADUs are one form of relatively low-cost housing that can help improve the housing landscape. Starting in 2016, State lawmakers passed several pieces of legislation to encourage the production of ADUs. Changes to ADU laws effective January 1, 2021, further reduce barriers, better streamline approval processes, and expand capacity to accommodate the development of ADUs and junior accessory dwelling units (JADUs). The City Council adopted an urgency ordinance on December 10, 2019 to comply with State laws and adopted an urgency ordinance extension on January 21, 2020. These provisions expired in December 2020 and the City now defers to State law to guide ADU development. On January 22, 2021, Council adopted a short term referral to create a local ADU ordinance that addresses fire hazard safety and preparedness.

A study by the UC Berkeley Turner Center for Housing Innovation noted that accessing the necessary financing to build an ADU remains a significant barrier for many homeowners¹. High construction costs in the Bay Area add to this barrier compared to the rest of the state.

ENVIRONMENTAL SUSTAINABILITY

Facilitating ADU development can unlock underutilized land and boost “gentle density”, housing type diversity, and affordability and opportunity for less affluent, renter households². These benefits are consistent with reduction of greenhouse gases and broader environmental benefits associated with infill development. This could be an especially effective strategy in Berkeley due to the high proportion of lots zoned for single-family homes.

POSSIBLE FUTURE ACTION

The initial Council referral called for the pilot to evaluate the criteria identified below. Possible future actions for a pilot are considered within this framework.

- What types of incentives will be enough to attract homeowners:
 - As identified in HAC referral response (a) above and from research, financing is a primary barrier but additional incentives to support

¹ <https://turnercenter.berkeley.edu/research-and-policy/reaching-californias-adu-potential-progress-to-date-and-the-need-for-adu-finance/>

² <https://www.enterprisecommunity.org/resources/overcoming-barriers-bringing-adu-development-scale-11049>

homeowners will likely be required for a successful program. The current identified incentives of \$75,000 (new construction) and \$50,000 (unpermitted code compliance) is on the higher side of staff's assessment of jurisdictional incentives and may be appropriate given Berkeley's higher development costs relative to the State.

- Adjusting the City's overall approach to ADU's with preapproved plans and expedited processes may also assist homeowners with decision making and reduced costs from expedited timelines.
- Per HAC referral response (f) and (j) above, the provisions of housing vouchers as a program requirement will require landlord training and technical assistance to appeal to most homeowners. The duration of affordability restrictions will also be a factor.
- How to conduct long term monitoring:
 - This will be dependent on the requirements and length of the program as noted in HAC referral response (d) above. Deed restrictions may provide additional security in addition to monitoring. Additional staffing capacity or a nonprofit partner may be required for long term monitoring.
- To what extent might this approach increase housing stock:
 - ADU development is generally accepted as "best practice" to increase housing stock in areas with single-family zoning such as Berkeley.
 - New ADU units can count towards RHNA goals.
- Replicability/scalability
 - This will ultimately be determined by the financial and staff commitments to a project. Other jurisdictions including Los Angeles, Santa Clara County, and Monterey County partner with local housing non-profits to expand program capacity and provide homeowners with hands-on assistance through the development and rental process.
 - Partnering with CDFI's to provide financial products tailored to ADUs may be a long-term solution to supplement any City-funding initiatives as seen in Los Angeles.

Alternative: Low-Income Homeowner Pilot

An alternative ADU strategy could mirror programs in Alameda County and Denver, CO focused on providing loans to low- and moderate-income homeowners. This

in turn enables the homeowners to rent an ADU to supplement their monthly income while expanding the neighborhood's affordability, as well as boosting their home equity by increasing the property value. These strategies may also be targeted to assist seniors age in place by allowing new space for family and/or caregivers. It may also help improve aging housing stock (through conversion ADUs rather than detached, new construction).

Rent restrictions could be placed at higher income targets (i.e., 80-120% AMI) to allow for a more stable income flow for the owner. This would aid homeowners without significant liquid assets or who do not meet the criteria of traditional financial products (i.e., credit) to participate in the program.

Assisting seniors to age in place and/or providing additional income for low-income homeowners may also be considered an anti-displacement strategy.

Alternative: Nonprofit Managed Technical Assistance

Several jurisdictions fund nonprofits to offer technical assistance and project management in lieu of direct financial support (noted above in Current Situation and Effects). This is due to the complexity of the development process as well as navigating the housing voucher system. Even City-offered financial assistance will likely benefit higher-income homeowners. Research indicates that most homeowners will likely need to leverage either cash/liquid assets or the ability to pay off loans via Home Equity Lines of Credit (HELOC) to finance an ADU. This will likely be true even with City offered financial assistance given there are currently not financial products tailored towards ADU construction. This could still be a worthy trade off if homeowners agree to support housing voucher households. However, the incentives offered by technical assistance and project management could ultimately be more valuable to homeowners who are already leveraging assets.

LA Mas indicated homeowners needed significant assistance through all aspects of the development process. Providing designs and pre-approved plans, project management (securing permits, etc), and partnering with CDFIs for tailored financing options are examples of key factors to solicit participation in the program in lieu of direct financial assistance.

Alameda County released in RFP in January 2021 to fund a third-party to develop and manage a technical assistance program for ADUs. The RFP is intended to create a pilot program to assist homeowners in unincorporated Alameda County with technical assistance on the design, permitting, and project management involved with building an ADU on their properties.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The Council referral states: "The Pilot Program will require a one-time program budget of \$500,000, and an additional \$50,000 for administrative costs. Funding for the

program would be drawn from U1 funds. The City should provide a maximum subsidy of \$75,000 per unit to build 2-3 new ADUs. The City should provide a maximum subsidy of \$50,000 per unit to preserve 2-3 existing unpermitted.”

This funding strategy mirrors Los Angeles County’s pilot program. Staff identified it is on the higher side of subsidies on a per project basis. A list of existing subsidies may be found in Attachment 1. Identifying a lower subsidy and partnering with a local nonprofit to assist with project management may be more beneficial to homeowners given the complexities of local development. An RFI may inform potential costs for a nonprofit housing/design partner.

Funding to implement a pilot program has yet to be identified. Possible source of local funds may include FY 2023/2024 Measure U1. Council would need to identify an alternative source to implement a pilot program prior to this time period. Council would need to identify an alternative funding source to implement a pilot program prior to this time period.

CONTACT PERSON

Mike Uberti, Community Development Project Coordinator, HHCS, (510) 981-5114

Attachments:

- 1: ADU Affordability Programs and Incentives by Jurisdiction
- 2: ADU Best Practices by Jurisdiction
- 3: Original Referral Report from December 15, 2017
- 4: Housing Advisory Commission Referral Response from July 24, 2018

Affordability in ADUs

The jurisdictions below are working on affordability in ADUs.

If *your* jurisdiction is working on affordability in ADUs but isn't on the list, please email info@aducalifornia.org.

List of Jurisdictions

- | | |
|-------------------|---------------|
| 1. Alameda County | 6. Napa City |
| 2. Denver | 7. Portland |
| 3. LA City | 8. San Jose |
| 4. LA County | 9. Santa Cruz |
| 5. Marin County | |

Highlights of ADU Affordability by Jurisdiction

California Jurisdictions	Notes
Alameda County	<p>Alameda County offers loans up to \$75,000 to homeowners who qualify for the creation of an ADU or JADU.</p> <p>The loan application will be considered if the creation of the ADU will lower the burden of housing costs for a low-income homeowner by providing additional rental income and allowing the homeowner to continue to live safely in their home.</p> <p>Alameda County's website provides a couple of helpful links and handouts on ADU development and regulations.</p>
East Palo Alto	<p>EPA CAN DO ADU has an ADU Pilot Program to offer project management beginning Jan. 2020 that will run for 2 years for homeowners earning or renting to households <80% AMI.</p> <p>It will focus for the first year on East Palo Alto and roll out county-wide by the second year.</p> <p>A coalition of local nonprofits and a resident task force prepared strategic policy recommendations for amnesty recommendations and anti-displacement.</p> <p>Rebuilding Together Peninsula and other local nonprofits are concluding 3-pilot garage conversion to legalize unpermitted units to prevent displacement.</p>

LA City	<p>The City of LA developed the LA ADU Accelerator Program to provide financial incentives to build ADUs.</p> <p>In 2018, Bloomberg philanthropies donated \$1 million dollars which the city of LA financial matched to help build ADUs and give grants to homeowners of between \$10,000-\$30,000 if they agree to let the units be used to keep people off the streets for 3-5 years</p>
LA County	<p>LA County has a pilot program where the county will provide up to \$75,000 to build 2-3 new ADUs and up to \$50,000 to preserve 2-3 unpermitted ADUs in the form of a forgivable loan with the commitment to rent the ADU to low-income families or individuals.</p> <p>Many organizations, such as LA Mas, tackle outreach and provide financial assistance to participate in the Backyard Homes project.</p> <p>Homeowners are required to rent to a Section 8 tenant for a minimum of 5 years.</p>
Marin County	<p>The Rental Rehab Loan program provides technical assistance and loans of \$25,000 or \$30,000 based on whether or not it is to fix up an existing rental unit or build a new unit for the creation of legal rental units for Section 8 voucher holders.</p>
Napa City	<p>Napa City has a junior unit program that offers a forgivable loan as long as homeowners offer affordable rent for eligible tenants for up to 20 years.</p>
San Jose	<p>Yes, in my backyard is a program that provides property owners a forgivable loan of up to \$20,000 under the terms that the homeowner restrict the unit's rent to a low to moderate household income level for 5 years</p>
Santa Cruz	<p>The County offers a forgivable loan program that loans up to \$40,000 for those who are willing to rent the ADU to low income households at affordable rents for up to 20 years.</p>

Jurisdictions Outside California	Notes
Denver, CO	<p>Denver offers a forgivable loan as long as the homeowner ensures that the secondary tenants are low-income and that the rent for the ADU does not exceed 80% of the area median income maximum rent for 25 years.</p> <p>Homeowners may be eligible for a loan up to \$25,000 to build an ADU.</p>
Portland, OR	<p>In Multnomah County, Portland launched a pilot that built ADUs in four private backyards for homeless families to live in, rent-free, for five years</p>

Source: Baird + Driskell Community Planning

ADU Best Practices

Does *your* jurisdiction have any of the following ADU Best Practices? Or other tools that should be highlighted?
Please let us know by emailing info@aducalifornia.org!

Jurisdictions with Good ADU Practices

- | | |
|------------------------------------|----------------------------|
| 1. Alameda County | 13. Napa City |
| 2. Austin | 14. Portland |
| 3. Campbell | 15. San Diego County |
| 4. Denver | 16. San Francisco |
| 5. East Palo Alto | 17. San Jose |
| 6. Encinitas | 18. San Luis Obispo County |
| 7. Housing Trust of Silicon Valley | 19. San Mateo County |
| 8. LA Mas | 20. Santa Barbara |
| 9. Los Angeles | 21. Santa Cruz County |
| 10. Los Angeles County | 22. Seattle |
| 11. Marin County | 23. Napa/Sonoma County |
| 12. Montgomery County, Maryland | |

Source: Baird + Driskell Community Planning

Good ADU Practices by Jurisdiction Checklist ✓

California Jurisdictions	Loan Programs	Outreach	Pre-Approved ADUs/ Prefab	Financial Assistance	Grants/ Forgivable Loans	Websites
Alameda County	<input type="checkbox"/>					<input type="checkbox"/>
Campbell						
Clovis	<input type="checkbox"/>		<input type="checkbox"/>			<input type="checkbox"/>
East Palo Alto		<input type="checkbox"/>				<input type="checkbox"/>
Encinitas		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>
Housing Trust of Silicon Valley						
LA Mas						
Los Angeles County	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
City of LA		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marin County	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
City of Napa					<input type="checkbox"/>	
San Diego County		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>
San Francisco	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
San Jose	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
San Luis Obispo County		<input type="checkbox"/>				
San Mateo County		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Santa Barbara						
Santa Cruz County		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Napa/Sonoma County						

Source: Baird + Driskell Community Planning

Jurisdictions Outside California	Loan Programs	Outreach	Pre-Approved ADUs/ Prefab	Financial Assistance	Grants/ Forgivable Loans	Websites
Austin						☐
Denver	☐			☐	☐	☐
Mongomery County, Maryland						
Portland	☐	☐	☐		☐	☐
Seattle						

Source: Baird + Driskell Community Planning

California Jurisdictions	Manual/Workbook	Info Sheet (fact sheet)	Application Checklist	Multicity Collaboration / efforts	Fee Waivers	Process Improvement	Amnesty
Alameda County		☐					
Campbell							
Clovis		☐	☐	☐			
East Palo Alto	☐	☐		☐			
Encinitas	☐	☐	☐	☐	☐	☐	☐
Housing Trust of Silicon Valley							
LA Mas							
Los Angeles County	☐	☐		☐		☐	
City of LA	☐	☐	☐	☐		☐	
Marin County				☐	☐	☐	☐
City of Napa				☐			
San Diego County	☐	☐	☐	☐	☐		
San Francisco	☐	☐	☐	☐	☐	☐	☐
San Jose	☐	☐	☐	☐		☐	☐
San Luis Obispo County		☐			☐		
San Mateo County	☐	☐	☐	☐	☐	☐	☐
Santa Barbara							
Santa Cruz County	☐	☐		☐			☐
Napa/Sonoma County							

Source: Baird + Driskell Community Planning

Jurisdictions Outside California	Manual/Workbook	Info Sheet (fact sheet)	Application Checklist	Multicity Collaboration / efforts	Fee Waivers	Process Improvement	Amnesty
Austin	☐	☐	☐	☐	☐		
Denver			☐				
Mongomery County, Maryland							
Portland		☐	☐	☐	☐	☐	
Seattle							

Source: Baird + Driskell Community Planning

Good Practices Highlights by Jurisdiction

California Jurisdictions	Notes
Alameda County	<ul style="list-style-type: none"> ● Home Preservation Loan Program (HPLP) assistance that offers a loan up to \$150,000 to assist low-income homeowners to rehabilitate their homes and other necessary improvements <ul style="list-style-type: none"> ○ Aimed at households that are ≤80% of AMI ● Up to \$75,000 of the maximum loan amount may be used for the creation of an ADU or JADU <ul style="list-style-type: none"> ○ Loan applications only considered if building an ADU will lower housing cost burdens
Campbell	<ul style="list-style-type: none"> ● Section 21.23.090 - Development Policy <ul style="list-style-type: none"> ○ A single-family residential subdivision that results in 5 or more parcels must follow the requirements that 20% of the parcels must prepare for future creation of an interior ADU by pre-installing electrical, natural gas, domestic water, and sanitation utilities necessary to later accommodate a bathroom and kitchen ○ Or the 20% of the parcels may already have an ADU constructed <i>concurrently</i> with the primary dwelling unit ● Currently working on a web page full of ADU designs <ul style="list-style-type: none"> ○ Also working to update their webpages
Clovis	<ul style="list-style-type: none"> ● Cottage Home Program offers 3 pre-approved ADU plans <ul style="list-style-type: none"> ○ A preliminary meeting and evaluation are required to see if the property qualifies and which layout is best for the Cottage Home ○ Permits are issued roughly 10 day after application is submitted ○ Self Help Enterprises offers a max \$80,000 loan amount to homeowners who meet income, credit worthiness, and property ownership criteria

<p>East Palo Alto</p>	<ul style="list-style-type: none"> ● EPA CAN DO has an ADU Pilot Program that will focus on EPA in Year 1 and then be implemented county-wide by Year 2 <ul style="list-style-type: none"> ○ Beginning Jan. 2020 for 2 years, homeowners who are earning or renting to household <80% AMI will receive project management ○ Coalition of local non-profits and resident task force prepared strategic policy recommendations for amnesty recommendations and anti-displacement ● Rebuilding Together Peninsula and other local non-profits are concluding 3-pilot garage conversions to legalize unpermitted units to prevent displacement
<p>Encinitas</p>	<ul style="list-style-type: none"> ● Permit Ready ADU program (PRADU) <ul style="list-style-type: none"> ○ 8 Pre-approved ADU plans that include studio, one-bedroom, two-bedroom, and three-bedroom units ● <i>All</i> development service department fees are waived for both ADUs and JADUs <ul style="list-style-type: none"> ○ Offers Housing for Generations (ADU workshops) throughout the year → had 4 meetings on learning about ADUs
<p>Housing Trust of Silicon Valley</p>	<ul style="list-style-type: none"> ● Housing Trust of Silicon Valley was awarded a \$120,000 grant from Wells Fargo to help the Small Homes, Big Impact (SHBI) program <ul style="list-style-type: none"> ○ SHBI is a pilot program that offers educational workshops and financial assistance <ul style="list-style-type: none"> ■ The ADU program holds quarterly ADU workshop with over 60 attendees ● The financial assistance program will consist of a planning report grant and a construction loan
<p>LA City</p>	<ul style="list-style-type: none"> ● CityLab UCLA provides a guidebook to ADUs in the city of LA ● Looser regulations led to increase in ADU permits <ul style="list-style-type: none"> ○ About 13,000 additional permit requests since 2018 ● LA ADU Accelerator Program provides financial incentives to homeowners who own or want to build an ADU ● Bloomberg Philanthropies donated \$1 million and grants \$10k-\$30k if homeowners agree to let the ADU to housing insecure tenants for up to 3-5 years

<p>LA County</p>	<ul style="list-style-type: none"> ● Second Dwelling Unit (ADU) Pilot Program: <ul style="list-style-type: none"> ○ Provides up to \$75k to build 2-3 new ADUs and up to \$50k to preserve 2-3 unpermitted ADUs in the form of a forgivable loan ○ Must commit to renting the ADU to a homeless family/individual or participant in the housing voucher program (must be ≤80% of the AMI) ● Many organizations in LA County tackle community outreach and provide financial assistance <ul style="list-style-type: none"> ○ LA Mas → to participate in the Backyard Homes project, homeowners are <i>required</i> to rent to a Section 8 tenant for a minimum of 5 years <ul style="list-style-type: none"> ■ Backyard Homes is an incentive program offering optional financing, design, permitting, and construction support to homeowners
<p>Marin County</p>	<ul style="list-style-type: none"> ● The Rental Rehab Loan program provides technical assistance and loans to rehab an existing rental unit or to build a new unit to qualified very-low income homeowners <ul style="list-style-type: none"> ○ \$25k to rehab an existing rental unit ○ \$30k to build a new unit ○ For Section 8 voucher holders ○ Marin County offers fee waivers capped at \$1500
<p>Napa City</p>	<ul style="list-style-type: none"> ● Napa City has a junior unit program to create units that are affordable to households whose income is ≤80% of AMI <ul style="list-style-type: none"> ○ Maximum monthly rent shall be set at 1/12th of 30% of 60% of AMI for 10 years ○ Forgivable loan up to \$40k ○ Every year for 10 years, if owner is compliant, 10% or up to \$4k of the loan will be forgiven

<p>San Diego County</p>	<ul style="list-style-type: none"> ● San Diego County passed a fee waiver that increased permit applications ● SD county provides a website that includes information such as an application checklist, new pre-approved ADU plans, and more handouts <ul style="list-style-type: none"> ○ Pre-approved ADU plans include 6 different building plans ● Organizations such as ADU Coalition of San Diego hosts workshops offering technical assistance through the permitting process, a cost calculator, and service hours to answer any questions
<p>San Francisco</p>	<ul style="list-style-type: none"> ● San Francisco provides a website with all necessary information in an organized fashion, utilizing specific tabs for different information <ul style="list-style-type: none"> ○ Cost calculator, a handbook that has a clear run-down of the process of building an ADU ● Offers a “no waiver” and “waiver” ADU program <ul style="list-style-type: none"> ○ Homeowner service hours to plan review prior to or when filing a permit
<p>San Jose</p>	<ul style="list-style-type: none"> ● Yes, In My Backyard is a program that provides property owners a forgivable loan up to \$20k under the terms that the homeowners restrict the unit’s rent to a low to moderate household income level for 5 years ● San Jose offers a city-funded loan program that provides forgivable loans up to \$20k to qualifying homeowners to build ADUs for affordable housing <ul style="list-style-type: none"> ■ San Jose County has an ADU ally which provides additional help to homeowners
<p>San Luis Obispo County</p>	<ul style="list-style-type: none"> ● SLO has waived impact fees and increased ADU application approvals ● SLO invites lots of community input, hosting community meetings that allow community members to voice opinions ● SLO offers a GIS map that allows homeowners to look up property information ● Offers additional resources to research the permit process and property information

<p>San Mateo County</p>	<ul style="list-style-type: none"> ● Offers a second unit workbook with information on the process of building an ADU from basic information to how to plan and design an ADU ● SMC has many organizations that work on community outreach such as Hello Housing and Home for All which offers fee waivers and improves the permit review process by making it simpler and quicker ● SMC also provides an application checklist, additional information on the ADU codes and other related documents on the website
<p>Santa Barbara</p>	<ul style="list-style-type: none"> ● Not sure what they are doing, but Santa Barbara went from one ADU building to 345 after 2017
<p>Santa Cruz County</p>	<ul style="list-style-type: none"> ● Santa Cruz’s website allows people to give feedback on their ADU program and also provides a financing guide, a cost calculator, and GIS tool allowing homeowners to determine if their property can have an ADU ● ADU prototype architecture which aid in designing and planning an ADU ● Santa Cruz County offers a Limited Immunity Amnesty Program (LIAP) that promotes inspections of unpermitted structures and offers technical assistance to get the structure permitted ● The county has a forgivable loan program that offers loans up to \$40k for those who are willing to rent the ADU to low-income households ($\leq 80\%$ of AMI) at affordable rents up to 20 years
<p>Sonoma County</p>	<ul style="list-style-type: none"> ● Sonoma County offers ADU customer service hours and a simpler ADU process with more information on their website ● There is a 50% fee reduction if the size is $>750 \text{ ft}^2$, but a fee waiver below that ● The county offers a workbook that guides homeowners through the ADU process

	<ul style="list-style-type: none"> ● Homes for Sonoma works to build more affordable, permanent housing and creating a program for private homeowners to build ADUs
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California Jurisdictions	Notes
Austin, Texas	<ul style="list-style-type: none"> ● Alley Flat Initiative → offers discounted architectural services and permit fee waivers in exchange for complying with <u>affordability</u> and <u>sustainability</u> <ul style="list-style-type: none"> ○ Rent must be limited to 28% of 80% MFI for 5 years ● Looser regulations resulted in an increase in ADU permit applications from 170 to 227 from 2015-2016 <ul style="list-style-type: none"> ○ May have 2 ADUs on property ● The Austin Strategic Housing plan offers affordable units by creating 35,000 units for those at 80% AMI ● The city offers a strategic housing blueprint that includes goals for affordable housing in every city council district to ensure that there is affordable housing throughout the city
Denver, CO	<ul style="list-style-type: none"> ● Forgivable loan up to \$25,000 to aid in building an ADU... <ul style="list-style-type: none"> ○ ... with the commitment of renting the ADU to households who earn ≤80% of the AMI ● and rent must not exceed 80% of the AMI maximum rent for 25 years
Montgomery County, Maryland	<ul style="list-style-type: none"> ● The county approved <u>ZTA 19-01</u> on ADUs <ul style="list-style-type: none"> ○ ADUs can be built on lots from 6,000 ft² to 20,000 ft² ○ Homeowners can build on small lots in single family homes as long as all zoning rules (setbacks, lot coverages etc.) are followed ○ No minimum distance between accessory apartments ○ New homes can be built with an ADU already in the original building plans ● Allows for the habitable space alone to reach 50% of the main house’s size w/ no fixed maximum

<p>Portland</p>	<ul style="list-style-type: none"> ● Offers fee waivers, resources on their websites, application checklist, and increased application approvals ● Revisions to the ADU regulations led to a fee waiver if the ADU will not be used a short-term rental for 10 years ● In Multnomah County, it launched a pilot that build ADUs in four private backyards for homeless families to live in, rent-free, for five years ● Enhabit is a community non-profit that works to accelerate the development of affordable ADU programs by providing resources, designs, and engagement tools
<p>Seattle</p>	<ul style="list-style-type: none"> ● Block Project builds backyard cottages to house those experiencing homelessness ● Looser regulations that allow for 2 ADUs to be built on the property

Source: Baird + Driskell Community Planning



Councilmember Ben Bartlett
City of Berkeley, District 3

CONSENT CALENDAR
December 5, 2017

To: Honorable Mayor and Members of the City Council
From: Councilmember Ben Bartlett
Subject: Refer to the City Manager's Office and Budget Referral: Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless

RECOMMENDATION:

Refer to the City Manager's office to develop a second dwelling unit/accessory dwelling unit Pilot Project as an additional strategy to provide housing for homeless persons and families.

The pilot program should provide the following forms of technical assistance and incentives to homeowners in exchange for housing homeless families/individuals for a specified number of years:

1. Homeowners without additional units – to provide them with technical and financial assistance with the permitting and construction of new second units and ADUs
2. Homeowners with unpermitted second units – to provide them with legalization as well as financial and technical assistance in order to convert unpermitted units into permitted units

The pilot will also evaluate the following:

- Replicability/scalability
- What types of incentives will be enough to attract homeowners
- How to conduct long term monitoring
- To what extent might this approach increase housing stock

The proposed Pilot Program and budget are outlined below and will pilot the financing and construction of new second dwelling units; and the remodeling and legalization of existing unpermitted second units. The program is should be completed within 24 months of Council approval.

The Pilot Program will require a one-time program budget of \$500,000, and an additional \$50,000 for administrative costs. Funding for the program would be drawn from U1 funds.

The City should provide a maximum subsidy of \$75,000 per unit to build 2-3 new ADUs. The City should provide a maximum subsidy of \$50,000 per unit to preserve 2-3 existing unpermitted ADUs. The subsidy will be provided in the form of a soft loan or forgivable loan tied to a commitment to rent the ADU to a homeless family/individual.

Line Item	Amount
Financing Incentives for 3 new ADUs:	\$225,000
Financing Incentives for 3 Unpermitted Second Units:	\$145,000
Project Management of Unpermitted Units:	\$25,000
Administrative Costs:	\$50,000
Total:	\$445,000
Total Cost per Unit:	\$74,167

BACKGROUND:

Right now, we are in the crosshairs of a severe housing shortage and a disinvestment in affordable housing. Too many Berkeley residents – including seniors, individuals with disabilities, teachers and families with children – struggle to keep a roof over their heads. Waitlists for affordable housing number in thousands and stretch into years.

The limited amount of affordable housing that has been developed in the past few decades has mostly been small units in large apartment buildings. These units are being built at increasingly unsustainable costs. Large projects in Berkeley, Emeryville and San Francisco now cost well over \$500,000 per unit to develop. In fact, a recent affordable housing project in Emeryville cost nearly \$700,000 per unit.

An affordable grass roots alternatives to expensive apartment units are Accessory Dwelling Units (ADUs). ADUs are a source of affordable housing in single and multi-family neighborhoods. There are tens of thousands of potential sites in Berkeley.

The City’s single- and multi-family zoned areas provide a significant opportunity to build new, and preserve existing, affordable housing. Encouraging accessory dwelling units in general is a homeless prevention strategy. In addition, the Pilot Program will focus on housing homeless individuals/families directly in accessory dwelling units.

The purpose of the pilot would be to empower Berkeley homeowners to play a more direct role in rehousing the homeless, streamline the permitting process, provide technical assistance to homeowners, provide incentives for preserving and constructing second dwelling units in exchange for housing homeless families/individuals, and promote the development of second dwelling units as a source of affordable housing.

FINANCIAL IMPLICATIONS:

Staff time.

CONTACT PERSON:

Councilmember Ben Bartlett, (510) 981-7130



Housing Advisory Commission

CONSENT CALENDAR

July 24, 2018

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission

Submitted by: Igor Tregub, Chairperson, Housing Advisory Commission

Subject: Referral Response: Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless

RECOMMENDATION

Recommend that the City Council expand the referral to include the creation and/or legalization of below-market rate ADUs. Refer to the City Manager the following questions that may guide the City Council on the possibility of establishing this pilot program:

- What are the types of incentives that would be required to attract homeowners to add ADU's?
- Can staff estimate the number of unpermitted units currently in Berkeley?
- How might an amnesty program work?
- How will the City monitor the affordability requirements required by this program over time?
- To what extent might this approach increase the inventory of affordable housing in Berkeley?
- Would the provision of housing vouchers encourage participation?
- Are fair housing laws applicable to ADU units? If not, can these units still be counted towards meeting RHNA goals?
- What could be the limit of financial assistance per unit?
- What could be the amount of fee waivers across different ADU prototypes?
- What could be the duration of rent restrictions on the ADU unit?
- Can the requirement to rent the unit at a BMR rent (in return for financial assistance) be entered into public records as a deed restriction?
- What could trigger a loan repayment? One example could be a decision not to rent out the unit.

SUMMARY

On December 5, 2017, the City Council referred to the HAC the consideration of developing an ADU Pilot Program as an additional strategy to house the homeless. The HAC concludes that a Pilot Program is a good idea once more information is obtained regarding costs to construct and/or legalize ADUs, amount of financial assistance that

could be provided to homeowners, and other policy issues such as legalization of unpermitted units, deed restrictions on homeowners electing to receive subsidies in return for renting units out at affordable rents.

FISCAL IMPACTS OF RECOMMENDATION

At this time, the Housing Advisory Commission (HAC) does not know exactly what a program would cost in Berkeley. While a memo dated December 5, 2017 included on the Consent Calendar provided a budget example, the HAC has concluded that the budget needs to be fine-tuned. For example, the City could waive some or all fees. These waivers could be considered as part of the financing provided to the owner. This possibility is not included in this initial example. Also the costs to bring units to compliance so that they can be permitted are variable, depending on the ADU's condition. Since the costs of ADU's depend on the type of ADU (stand-alone structure, garage conversion, other home remodel, or building on top of a garage), it is difficult to forecast what these costs will be without additional research.

Furthermore any pilot program also needs to address payback of financial assistance to homeowners. The loan could be forgivable to the owner after the owner rents the unit at a below market rent for a specified number of years. Before establishing a pilot program, the City needs to determine a payback schedule. For example, an owner could decide to opt out of the program or decide to sell the house and the ADU unit without the rent restriction, then, the City needs to be reimbursed for some portion of the financial assistance.

Finally, after a pilot program has been tested, at what scale would the City decide to operate this program and what type of staffing would be needed? What could be the funding sources for the program?

CURRENT SITUATION AND ITS EFFECTS

On December 5, 2017, the City Council referred to the City Manager and HAC a Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless. The HAC formed a subcommittee to respond to this referral. The subcommittee met several times in 2018 and periodically returned to the HAC to receive additional feedback.

At its June 7, 2018 meeting, the HAC took the following action:

Action: M/S/C (Owens/Lewis) to adopt the Accessory Dwelling Unit Subcommittee recommendations with amendments as dictated by the Commission.

Vote: Ayes: Amezcua, Holman, Johnson, Kesarwani, Lewis, Lord, Owens, Tregub, and Wolfe. Noes: None. Abstain: None. Absent: Wright (excused).

The City of Berkeley is experiencing a shortage of affordable housing, and an ADU program that encourages homeowners to add or legalize ADU's to rent to low-income individuals and households can add to this inventory. However, it is important that the City establishes realistic goals for such a program. The consensus of the HAC was that it is unclear that establishing a pilot ADU program solely to house the homeless – a population that includes a high percentage of individuals or households earning well below 30% of the Area Median Income – is feasible, as it would provide limited financial incentive to prospective ADU homeowners. Therefore, the HAC recommends that the City Council explore the establishment of a broader pilot program that includes a range of income-restricted ADUs whose rents will be capped at various percentages of the area median income and which would be available to a range of lower-income individuals and households.

- For homeowners with unpermitted ADU's, this pilot program would provide them with a path to legalization, including financial and technical assistance in order to convert unpermitted units to permitted units. Legalizing units would be a higher priority than the construction of new ADU's due to potential safety issues associated with unpermitted ADU's.
- For homeowners who do not yet have ADU's, this pilot program would provide them with technical and financial assistance to assist them with the permitting and construction of new ADUs.

BACKGROUND

The limited amount of affordable housing that has been developed in the past few decades has mostly been units in larger apartment buildings. Large projects in Berkeley, Emeryville and San Francisco now cost over \$500,000 per unit to develop. Furthermore, in Berkeley, nonprofit housing developers face challenges in locating building sites.

An affordable alternative to larger projects that require state and federal subsidies are ADU's. ADU's are a source of affordable housing in single and multi-family neighborhoods. There are many potential sites in Berkeley for these ADU's. Furthermore, both state and local codes have now made the development of ADU's easier.

The City's single- and multi-family zoned areas provide a significant opportunity to build new, and preserve existing, affordable housing. Encouraging accessory dwelling units can also be seen as a displacement prevention strategy. The purpose of the pilot program would be to empower Berkeley homeowners to play a more direct role in providing affordable housing, which, in the long run, could also add to their home values. In developing this program, the Council may wish to consider whether homeowner incomes should also be considered in selecting program participants.

Providing subsidies to owners could also be a way to help lower-income homeowners if there is an income restriction on homeowners who participate.

ADU DEVELOPMENT COSTS

At this time, it is difficult to estimate per unit costs due to the following variables:

Costs for New Construction:

- Construction Costs and Contractor's overhead and profit – These costs are highest for stand-alone ADU's and lowest for a remodel of an existing home. If the homeowners do some of the work themselves, this amount can be lower.
- Soft Costs – These can include the design and possibly an engineering study.

Fees – mostly charged by the City of Berkeley. Would the City want to include fee waivers as part of the financial assistance provided to the owner? Costs to Legalize a Unit:

- If the unit already conforms to current building codes, then the main cost would be to assess fees that should be paid. The City can also decide if any penalty would be charged, or if the offer to provide the ADU at a restricted rent could offset any penalty fees.
- If the building does not conform to current code, it will be necessary to determine what the cost could be to bring the unit up to code. It is possible that some City funds could be allocated to help a homeowner (and the City) make this determination.

ENVIRONMENTAL SUSTAINABILITY

Recommendations regarding the implementation of an ADU Pilot Program do not impact the environment directly. However, the production of lower-income housing, particularly when in areas that are walkable and transit accessible, has the potential of reducing vehicle miles traveled and greenhouse gas emissions and, therefore, aligns with Berkeley's Climate Action Plan goals.

RATIONALE FOR RECOMMENDATION

We need to think of creative ways to help Berkeley residents afford housing.

ALTERNATIVE ACTIONS CONSIDERED

As discussed above, the HAC studied the recommendation provided in the referral to establish a pilot ADU program solely to house the homeless, but questioned the feasibility of this approach. The target population includes a high percentage of individuals or households earning well below 30% of the Area Median Income, and this would provide limited financial incentive to prospective ADU homeowners.

Housing Advisory Commission Referral Response: CONSENT CALENDAR
Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless July 24, 2018

New multifamily projects as well as a small sites program are two other methods to provide affordable housing. An ADU affordable housing program can supplement these approaches.

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

This referral is currently ranked thirteenth on the Council's Reweighted Range Voting referrals adopted on June 12, 2018 and staff will begin working on it after higher ranked priorities. This item was initially referred by Council to the Housing Advisory Commission and City Manager on December 5, 2017. Housing staff are currently working on the Council's top priorities on the Housing Action Plan adopted on November 28, 2017.

CONTACT PERSON

Amy Davidson, Commission Secretary, (510) 981-5406



Office of the City Manager

INFORMATION CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: LaTanya Bellow, Director of Human Resources

Subject: Report on Workers' Compensation Annual Program Review FY 2019-2020

SUMMARY

This report is part of an ongoing series reporting the City's workers' compensation program and costs associated with the program. This report focuses on the workers' compensation claim activity for fiscal year July 1, 2019 – June 30, 2020.

CURRENT SITUATION AND ITS EFFECTS

Human Resources Staff continue to monitor and evaluate practices for effectiveness and efficiency within the workers' compensation program, with ongoing focus on injury prevention, early intervention, ergonomics, claim management, and employee safety and supervisor responsibility, with the goal of controlling claim volume and related costs.

Through the collaborative efforts of Human Resources and Innovative Claim Solutions (ICS), the City is reporting a multitude of successful outcomes for the comparative period of July 1, 2019 to June 30, 2020. A comprehensive analysis of these outcomes is listed under the section Workers' Compensation Trend Update. Listed below are the program success highlights for FY 2019-2020:

Costs

- Successfully recovered **\$759,759.69** from the City's excess carriers.
- Reduced the total amount paid to Defense Attorneys during this period by **17% (or \$47,292.91)**.
- Reduced the total amount paid for Medical Treatment Costs on the entire program during this period by **4% (or \$82,508.99)**.
- Reduced the total amount paid for All Benefits on the entire program during this period by **11% (or \$677,267.26)**.
- Oversaw activities of the bill review company that realized a net savings of **\$3,925,118** in this arena.

Claim Resolution

- Closed **57%** of new claims submitted during this period.
- Increased the Total Number of Closed Claims on the entire program during this comparative period by **11% (or 21 claims.)**
- Successful resolution of **forty** claims.
- Continued execution of our 72-hour strategy for claim control and cost containment.

WORKERS' COMPENSATION TREND UPDATEPrior Year Claims

The cost for claims filed in prior years continue to contribute substantially to the overall cost of the City's Workers' Compensation Program. In FY 19-20, the amount paid on claims decreased in the areas of permanent disability, Compromise and Release (C&R) for medical and indemnity settlement agreements. Claim closure by compromise and release is a positive outcome for the City. As, C&R settlements close all future liability associated with the claim. This information is further detailed later in this report.

Fiscal Year of Reported Injury	Amount Paid on Claims in Fiscal 2017-2018	Amount Paid on Claims in Fiscal 2018-2019	Amount Paid on Claims in Fiscal 2019-2020
# of Claims Paid (open and closed)	581	564	588
Total Amount Paid on Claims	\$5,033,122.18	\$6,290,346.37	\$5,613,079.11

The City experienced an increase in claims submission due by 20%. An analysis of injured employees, who have sustained three or more injuries over the last three years since July 1, 2017 reveals 83 claims from 24 employees compared to 66 claims from 19 employees in last year's report. Also, the increase in claims are evident in the Fire, Police and Public Works Departments. Additionally, the City has an aging workforce in the Fire, Police and Public Works departments which results in cumulative claims. These jobs are historically physical in nature and involve greater risk than clerical / non-sworn positions.

All New Claims				
	FY 2017-2018	FY 2018-2019	FY 2019-2020	Increase/Decrease (2019-2020 from 2018-2019)
Fire Safety Employees	26	31	32	1
Police Safety Employees	56	51	54	3
Non-Sworn Employees	80	61	85	24
Total	162	143	171	+28

Indemnity claims have exposure beyond medical treatment with one or all of the following components present, i.e., lost time, permanent disability, litigation or surgery. These claims tend to be more severe and pose a greater liability to the City than Medical Only claims. It is the goal of the Human Resources Department (HR) to decrease the number of indemnity days. In the upcoming fiscal year, HR is creating a formalized return-to-work program and partnering with a premier return-to-work Company to assist the City in these efforts. This work will help the City to develop a program that will support employees returning to work safely while lessening budgetary constraints due to employee absences.

Indemnity Claims			
	FY 2018- 2019	FY 2019- 2020	Increase/Decrease (FY 2019-2020)
Fire Safety Employees	21	19	-2
Police Safety Employees	21	29	8
Non-Sworn Employees	27	32	5
Total	69	80	+11

For Medical Only claims (injuries that require minimal medical treatment and do not incur any lost time), the City experienced an increase in claims from our non-sworn employees.

Medical Only Claims			
	FY 2018- 2019	FY 2019- 2020	Increase/Decrease (FY 2019-2020)
Fire Safety Employees	10	13	3
Police Safety Employees	30	25	-5
Non-Sworn Employees	34	53	19
Total	74	91	+17

Although difficult to predict whether the increase in new claims, particularly indemnity claims, will continue, the City's continued focus on injury prevention, management and employee safety, as well as continued emphasis on citywide safety initiatives should contribute to controlling injuries in the workplace.

PROGRAM UPDATE

1. **Case Resolution:** Case resolution is an important aspect of any Workers' Compensation Program. A Workers' Compensation claim can be resolved (settled) and agreed to by the parties (injured employee and the City) either through "Stipulation" or "Compromise and Release". However, if the parties are unable to resolve and settle a claim with either a Stipulation or Compromise and Release, the matter could be ultimately be determined by a Workers' Compensation Appeals Board Judge who would issue a "Findings and Award". The definitions of each type of claim resolution are listed below.
 - a. Stipulation: A Stipulated Settlement is an agreement where the parties agree to the findings of a specific medical report(s). A Stipulated Settlement may result in future disability payments and medical treatment. The main components of a Stipulated Settlement are the percentage of disability the

injured employee suffered and whether or not the injured employee needs further medical care. The percentage of disability derives from the doctor’s medical opinion of the employee’s level of disability as a result of the workplace injury. Under Workers’ Compensation statutes, there is a set formula for determining the percentage of disability, which is based on the limitations set forth in the medical report, combined with the injured employee’s age and occupation. The disability benefits under Stipulated Settlement are paid by the City over time. They are not paid in a lump sum unless the disability payment has already ended.

- b. Compromise & Release: In contrast, in a Compromise & Release (C&R), the parties agree to resolve all outstanding issues and close the case, which eliminates the need for any future payments and release all liability for the claim. Although a C&R has the ability to close all future liability associated with the claim, an employee cannot be forced to release their right to future medical treatment or any other benefit associated with their claim, and therefore cannot be forced to settle by C&R. In addition, it is not cost effective for the City to enter into a C&R with an employee who is still working for the City, because another injury would create new potential liability, even if the current claim closed.
- c. Findings & Award: A Findings & Award (F&A) is the award granted by the Workers’ Compensation Appeals Board Judge after a decision is rendered following a trial.

During FY 2019-2020, forty (40) cases were settled, sixteen (16) by a Stipulation, with settlement amounts ranging from \$0 to \$87,942.50 and twenty-three (23) by C&R, with settlement amounts ranging from \$0 to \$212,500.00 and one by a Judge’s Finding and Award. Twelve (12) claims did not require applicant attorney representation and seventeen (17) claims did not require defense attorney representation.

- 2. **Claims Closure**: Innovative Claim Solutions, Inc., (ICS) the City’s Workers’ Compensation Third Party Administrator, continues to focus on closing new, as well as old claims. In FY 2019-2020, ICS closed a total of 98 claims (23 Indemnity Claims and 75 Medical Only Claims). The goal of ICS continues to be to reduce the open claim inventory in order to control estimated future costs.

Claims Closed in each FY			
FY	Indemnity	Medical Only	Total
2017-2018	127	76	203
2018-2019	130	62	192
2019-2020	23	75	98

- 3. **Open Claims**: The chart below reflects the City’s Open Claim Inventory at the end of each fiscal year. As of June 30, 2020, the City’s total open claim inventory reflects a slight increase from 372 in FY 2019, to 375 in FY 2020. Of the total open claims in FY 2020, 359 are Indemnity Claims and 16 are Medical Only Claims.

Open Claim Inventory			
FY	Indemnity	Medical Only	Total
2017-2018	360	18	378
2018-2019	347	25	372
2019-2020	359	16	375

4. **Bill Review Services:** An essential component of any successful workers' compensation cost containment program is the bill review services. Bill review ensures that the fees for services submitted by medical providers comply with State mandated regulations. Diamond Bill Review, Inc. provides these services for the City of Berkeley. The following chart shows the results of the bill review process for this period compared to the same period last year.

Period	Bills	Bill Charges	Gross Savings	Net Savings	Net % Saved
7/1/18-6/30/19	5,308	\$4,758,331	\$3,137,227	\$2,937,274	62%
7/1/19-6/30/20	4,962	\$5,920,838	\$4,113,644	\$3,925,118	66%

5. **Excess Insurance Recoveries:** At present, there are thirty-five (35) open cases being reported to the City of Berkeley's Excess Carriers. During this period \$759,759.69 was received from the City's excess carriers.

ENVIRONMENTAL SUSTAINABILITY

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

POSSIBLE FUTURE ACTION

Human Resources Staff continues to evaluate the workers' compensation program in an effort to reduce the exposure to workplace accidents and injuries.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Reduce future costs through continued aggressive workplace safety programs that involve participation of representatives of employee organizations and management staff.

CONTACT PERSON

LaTanya Bellow, Director of Human Resources, 981-6807
 July Cole, Associate Human Resources Analyst, 981-6816

Attachments:

- 1: Appendix I - Innovative Claim Solutions (ICS) Comparative Data

Comparative Statistical Analysis for the City of Berkeley 7/1 to 6/30

Claims Entered By Fiscal Year	7/1/18 to 6/30/19	7/1/19 to 6/30/20	Absolute Change	Percent Change
Total Claims	143	171	28	20%
Total Indemnity Claims	69	80	11	16%
Total Medical Only Claims	74	91	17	23%
Avg. Incurred Cost per Claim	\$12,580	\$14,460	\$1,880	15%
Indemnity / MO Ratio	48% : 52 %	47% 53%	-1	-2%
Closed Ind. Claims	24 35 %	23 29%	-1	-4%
Closed MO Claims	49 66 %	75 82%	26	53%
Total Closed Claims	73 51 %	98 57%	25	34%
Total Paid	\$754,194	\$1,012,537	\$258,343	34%
Total Est. Future Liability	\$1,044,921	\$1,460,090	\$415,169	40%
Total Number of Lost Days	2372	3789	1417	60%
Number of Lost Time Claims	41	46	5	12%
Avg. # of Disability Days per Lost Time Claim	57.9	82.4	24.5	42%
Overall				
Closed Indemnity Claims	130	115	-15	-12%
Closed MO Claims	62	98	36	58%
Total Closed Claims	192	213	21	11%
Open Claim Inventory	6/30/2019	6/30/2020	Absolute Change	Percent Change
Indemnity	347	359	12	3%
Medical Only	25	16	-9	-36%
Total Open Claims	372	375	3	1%
Est. Future Liability	\$18,227,332	\$20,138,361	\$1,911,029	10%

Multiple Claims

An analysis of injured employees who have sustained three or more injuries over the last three years since July 1, 2017 reveals 83 claims from 24 employees compared to 66 claims from 19 employees in last year's report. These claims represent \$975,497.17 in paid claim costs and \$1,848,825.96 in total incurred. 31 of these claims remain open at this time representing \$873,328.79 in estimated future liability.

During the one-year period ending June 30, 2020, two employees submitted three or more claims.

Utilization and Peer Review Savings

During this period 400 RFA's for 745 Procedures were submitted for Utilization or Peer/Physician Advisor Reviews. Of those Procedure requests submitted, 384 requests were recommended for denial. Of those requests denied, 34 were appealed through UR. 2 of the appeals were granted leaving 382 Procedure requests as denied.

In addition, we paid for 106 IMR evaluations during this period addressing prior UR denials. Of the 106 IMR evaluations paid, 93 upheld the prior UR denial while only 9 reversed the previously denied services and another 2 were partially overturned.

Delays/Denials

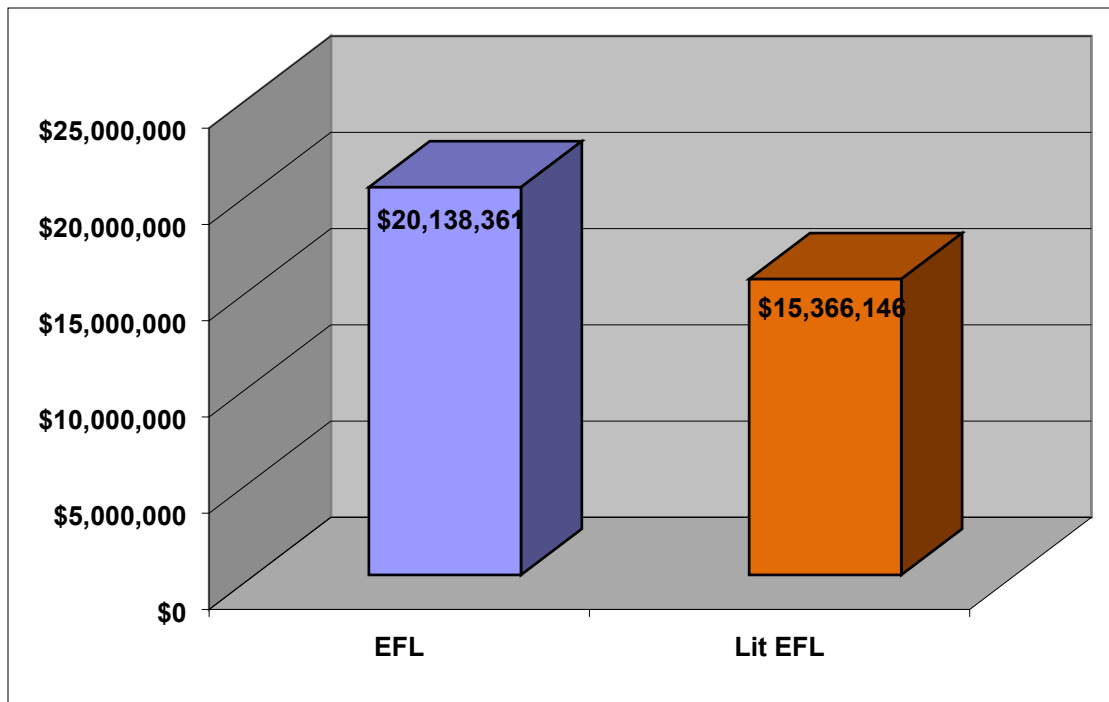
During this period twenty-nine claims were placed on delay. Additionally, there were twenty four denials during this period.

Notices of Representation

During this period 23 notices of representation were received, filed by 18 individuals. This is the same number of notices as the same period last year. This also represents a **13.5% litigation rate**, just below the statewide average of 14%. It should also be mentioned that 9 of these individuals had claims that were either delayed or denied.

Litigation

At present, there are one hundred ninety-seven litigated open indemnity claims representing total incurred costs of \$46,868,351.79. The current estimated future liability on these claims is \$15,366,146.18 or 76%, of the total estimated future liability on this program. It should be noted that 82 of these claims are resolved and remain open only for management of a future medical award, and many others are settled but require long term payouts of awards including 100% cases and cases with life pension, or death benefit awards.



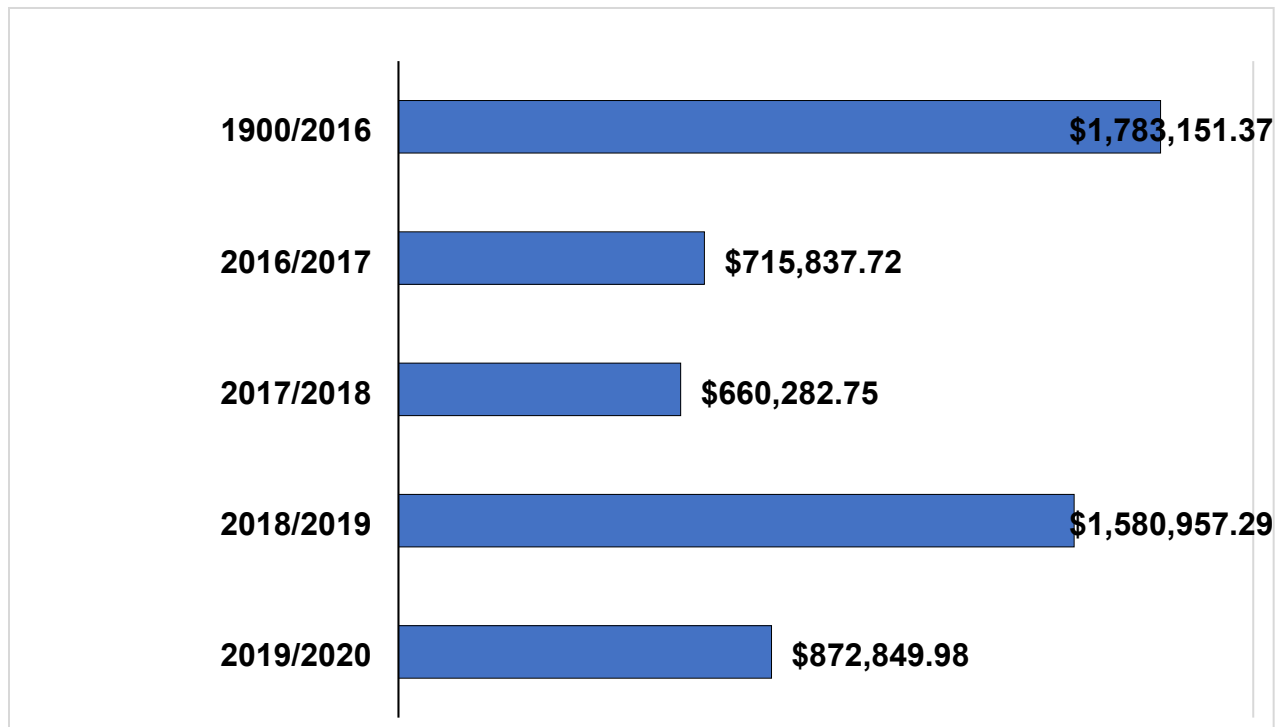
Comparative Payment Analysis

The following chart depicts a comparison of total paid on all claims by pay type during the comparative periods.

All Payments in Fiscal Year	7/1/18 - 06/30/19	7/1/19 - 06/30/20	Absolute Change	Percent Change
TD/4850 Paid	\$1,061,469.69	\$1,530,297.18	\$468,827.49	44%
Permanent Disability	\$1,182,765.49	\$767,232.42	-\$415,533.07	-35%
C&R Indemnity	\$506,781.74	\$347,543.86	-\$159,237.88	-31%
C&R Medical	\$688,487.73	\$307,747.05	-\$380,740.68	-55%
Hospital Paid	\$601,195.29	\$776,666.37	\$175,471.08	29%
Doctor Paid	\$530,552.29	\$596,006.39	\$65,454.10	12%
All other Medical Paid	\$981,985.44	\$658,551.27	-\$323,434.17	-33%
SJDB Paid	\$19,036.99	\$24,023.57	\$4,986.58	26%
Defense Attorney Paid	\$285,630.28	\$238,337.37	-\$47,292.91	-17%
Other Legal Paid	\$432,441.43	\$366,673.63	-\$65,767.80	-15%
Total Paid:	\$6,290,346.37	\$5,613,079.11	-\$677,267.26	-11%

Comparative Payment Analysis by Date of Injury

The total paid out on all claims during this period is \$5,613,079.11. These payments were made on claims sorted by date of injury as depicted below:



Temporary Disability/LC4850 Benefits Paid

The following chart depicts all TD/LC4850 benefits paid during this period listed by department regardless of date of injury as well as a comparison to what was paid during the same period of time last year:

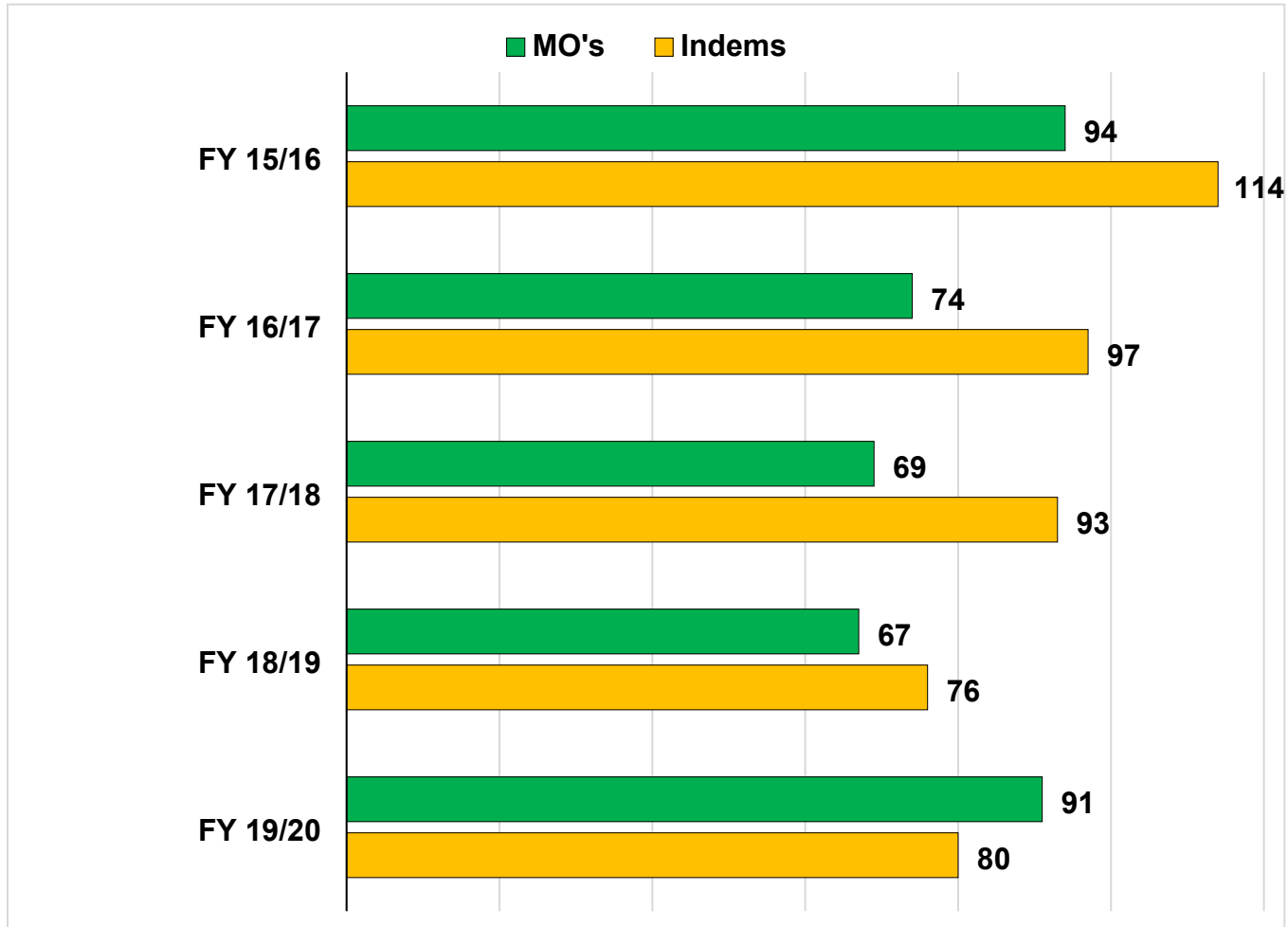
Department	Paid in FY 18/19	Paid in FY 19/20	Difference
CITY MANAGER	\$107,185.34	\$123,794.54	\$16,609.20
ECONOMIC DEVELOPMENT	\$0.00	\$3,757.70	\$3,757.70
FIRE	\$248,791.37	\$454,849.41	\$206,058.04
HHCS	\$1,725.99	\$31,029.00	\$29,303.01
LIBRARY	\$0.00	\$50,177.16	\$50,177.16
PARKS, RECREATION & WATERFRONT	\$95,315.77	\$86,067.68	-\$9,248.09
POLICE	\$408,518.92	\$508,810.10	\$100,291.18
PUBLIC WORKS	\$199,932.30	\$227,106.26	\$27,173.96
RENT BOARD	\$0.00	\$44,705.33	\$44,705.33
Net Total Paid	\$1,061,469.69	\$1,530,297.18	\$468,827.49

Average Indemnity Days by Department

For indemnity claims receiving temporary disability/LC 4850 benefits during this period, the following chart depicts the average number of indemnity days by department. The indemnity days are partial and full calendar days off due to injury.

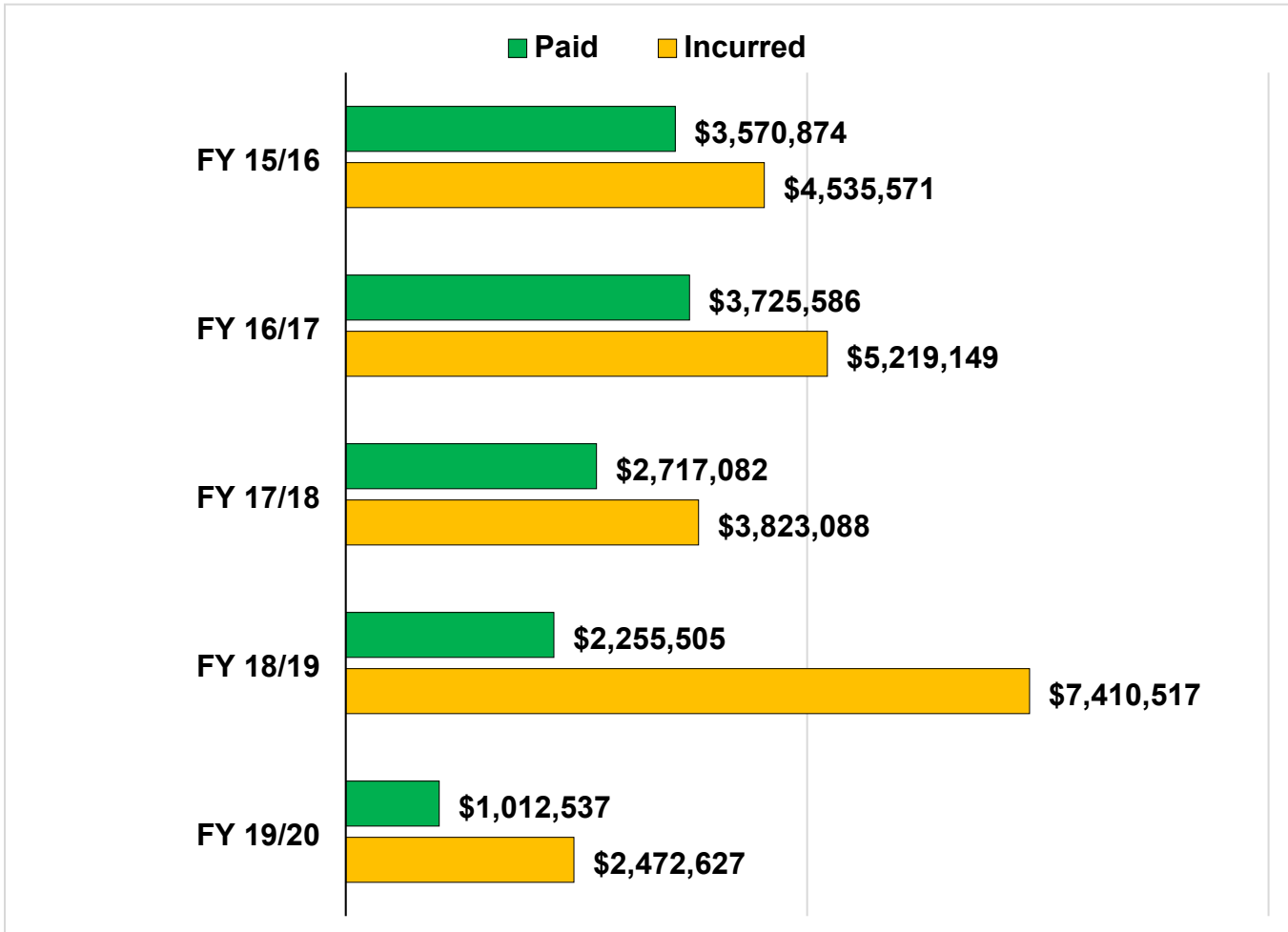
Department	Indem Days	Claims	Average
CITY MANAGER	1,092	4	273
ECONOMIC DEVELOPMENT	30	1	30
FIRE	2,599	24	108
HHCS	168	2	84
LIBRARY	335	2	168
PARKS, RECREATION & WATERFRONT	557	7	80
POLICE	3,172	34	93
PUBLIC WORKS	1,596	12	133
RENT BOARD	366	1	366

Claims by Fiscal Year based on Date Entered



Fiscal year entered	MO's	Indems	Total
FY 15/16	94	114	208
FY 16/17	74	97	171
FY 17/18	69	93	162
FY 18/19	67	76	143
FY 19/20	91	80	171

Total Paid and Incurred by Fiscal Year based on Date Entered

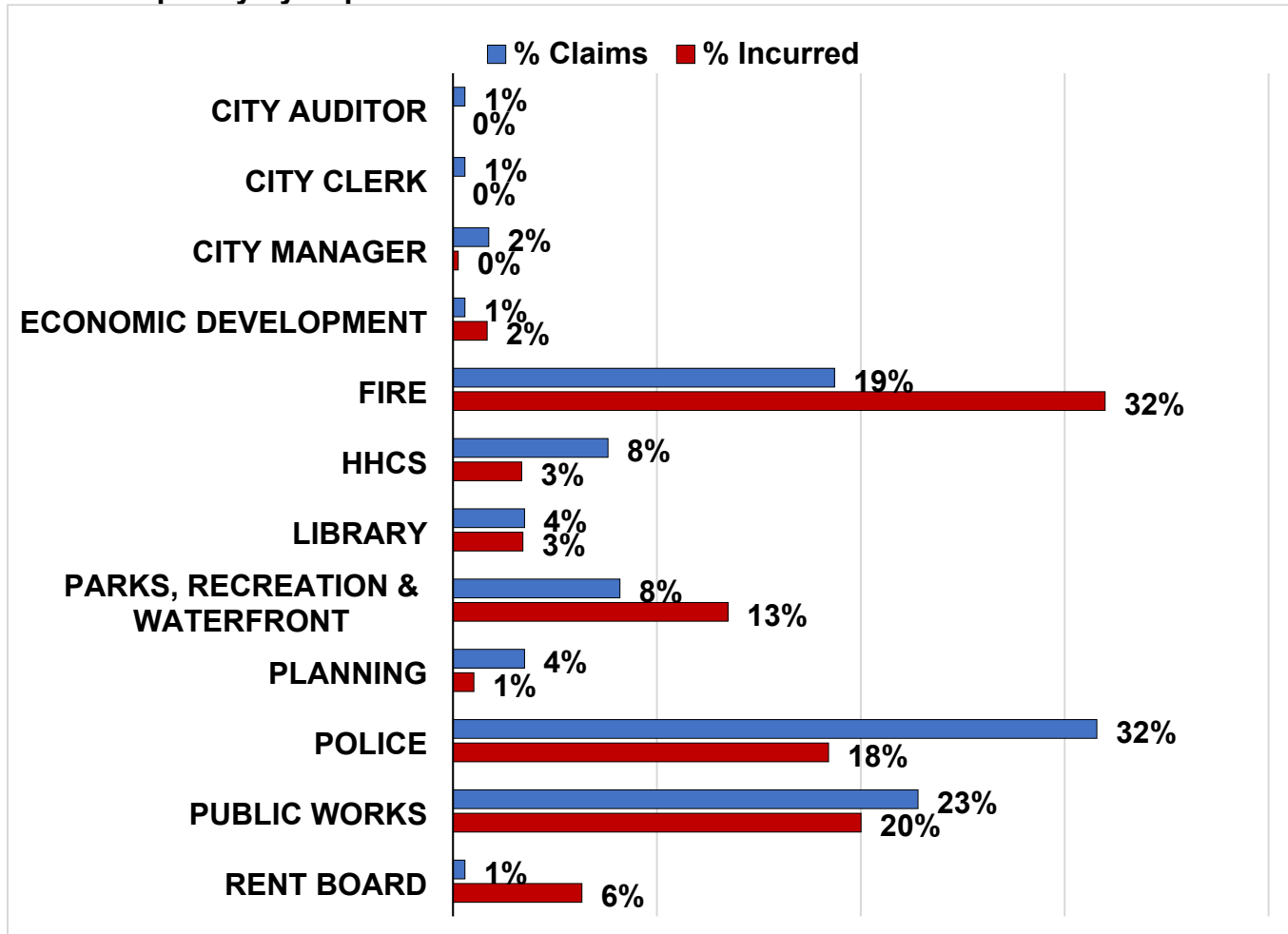


Fiscal year entered	Paid	EFL	Incurred
FY 15/16	\$3,570,874	\$964,697	\$4,535,571
FY 16/17	\$3,725,586	\$1,493,563	\$5,219,149
FY 17/18	\$2,717,082	\$1,106,006	\$3,823,088
FY 18/19	\$2,255,505	\$5,155,012	\$7,410,517
FY 19/20	\$1,012,537	\$1,460,090	\$2,472,627

Frequency Analysis Summaries

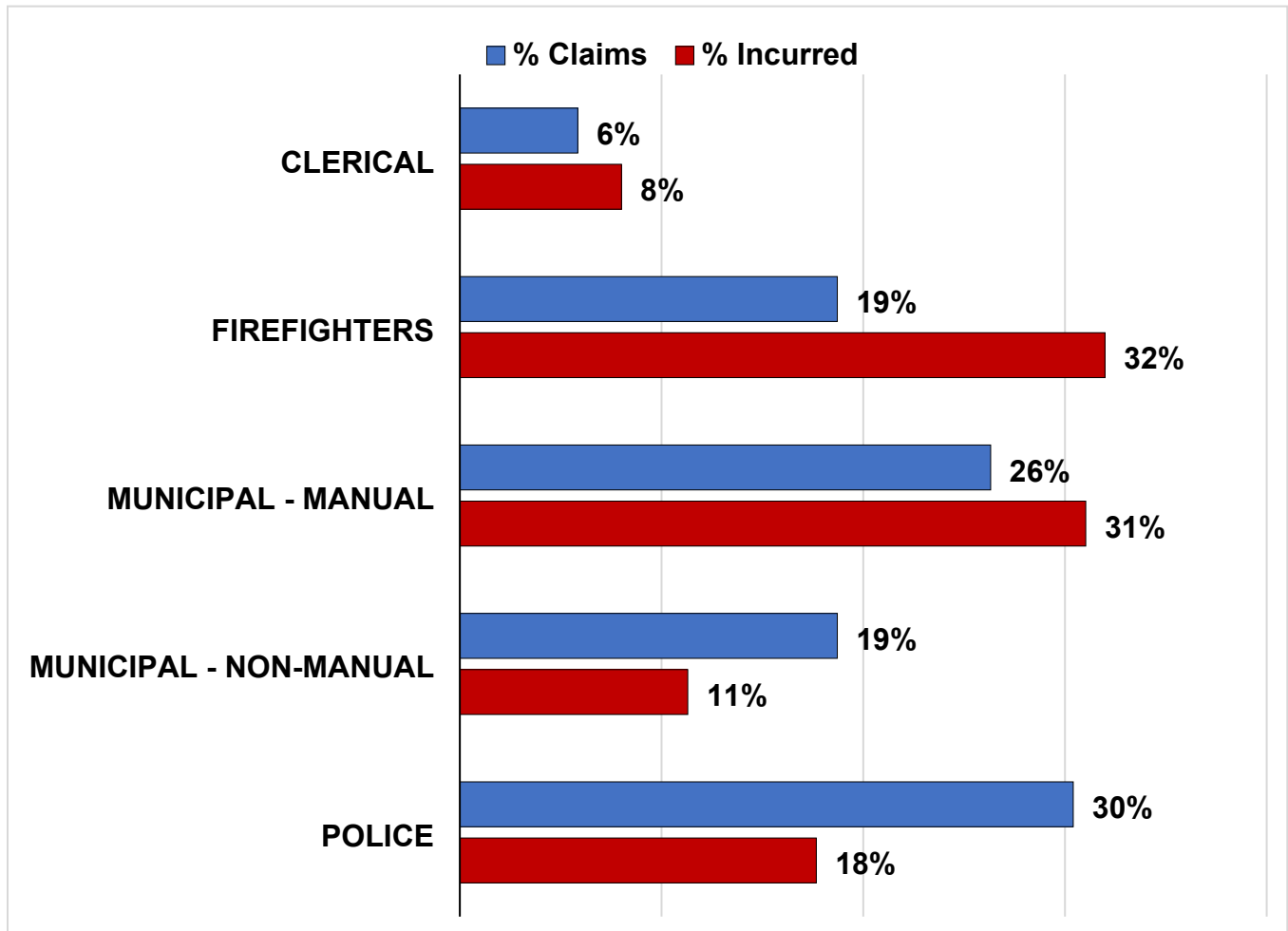
The following graphs are based on claims entered from 7/1/2019 through 6/30/2020.

Claim Frequency by Department



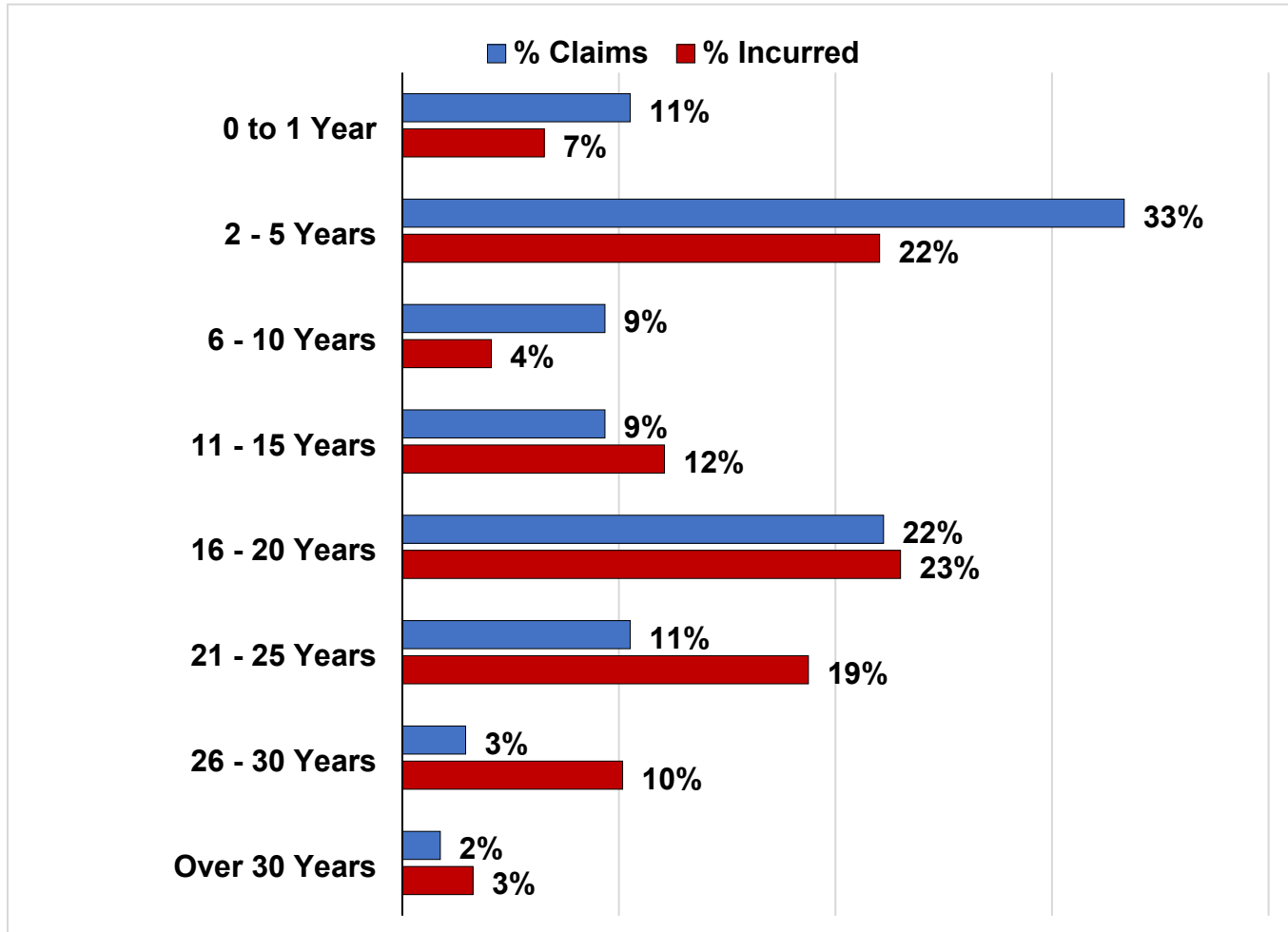
Department	Claims	% Claims	Incurred	% Incurred
CITY AUDITOR	1	1%	\$288.99	0%
CITY CLERK	1	1%	\$263.68	0%
CITY MANAGER	3	2%	\$6,327.29	0%
ECONOMIC DEVELOPMENT	1	1%	\$41,466.19	2%
FIRE	32	19%	\$790,814.52	32%
HHCS	13	8%	\$83,293.98	3%
LIBRARY	6	4%	\$84,738.76	3%
PARKS, RECREATION & WATERFRONT	14	8%	\$333,439.29	13%
PLANNING	6	4%	\$25,349.04	1%
POLICE	54	32%	\$455,439.83	18%
PUBLIC WORKS	39	23%	\$494,883.28	20%
RENT BOARD	1	1%	\$156,322.61	6%
Totals	171	100%	\$2,472,627.46	100%

Occupation



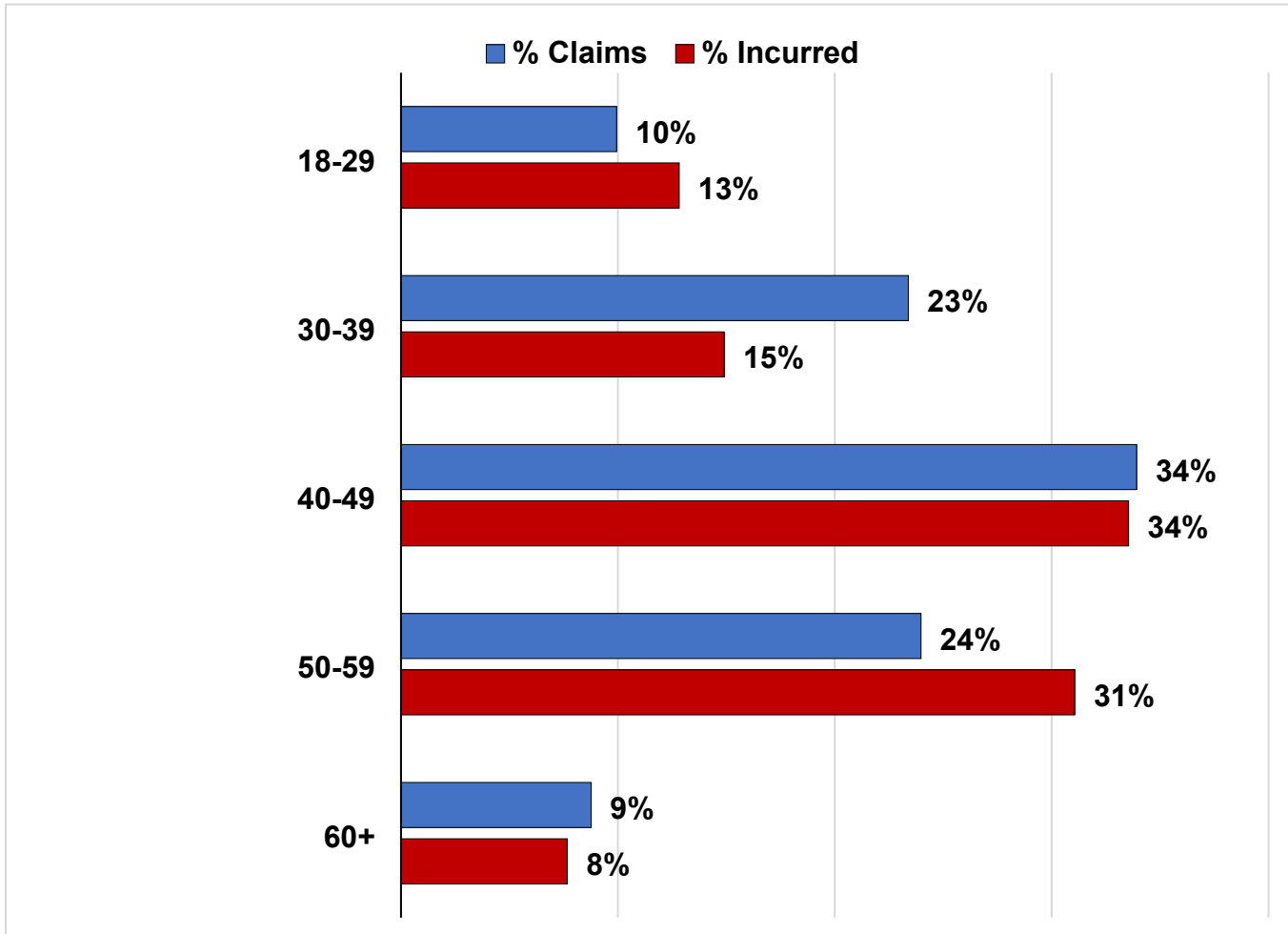
Occupation	Claims	% Claims	Incurred Total	% Incurred
CLERICAL	10	6%	\$198,172.84	8%
FIREFIGHTERS	32	19%	\$790,814.52	32%
MUNICIPAL - MANUAL	45	26%	\$767,278.13	31%
MUNICIPAL - NON-MANUAL	32	19%	\$279,412.22	11%
POLICE	52	30%	\$436,949.75	18%
Total	171	100%	\$2,472,627.46	100%

Length of Service



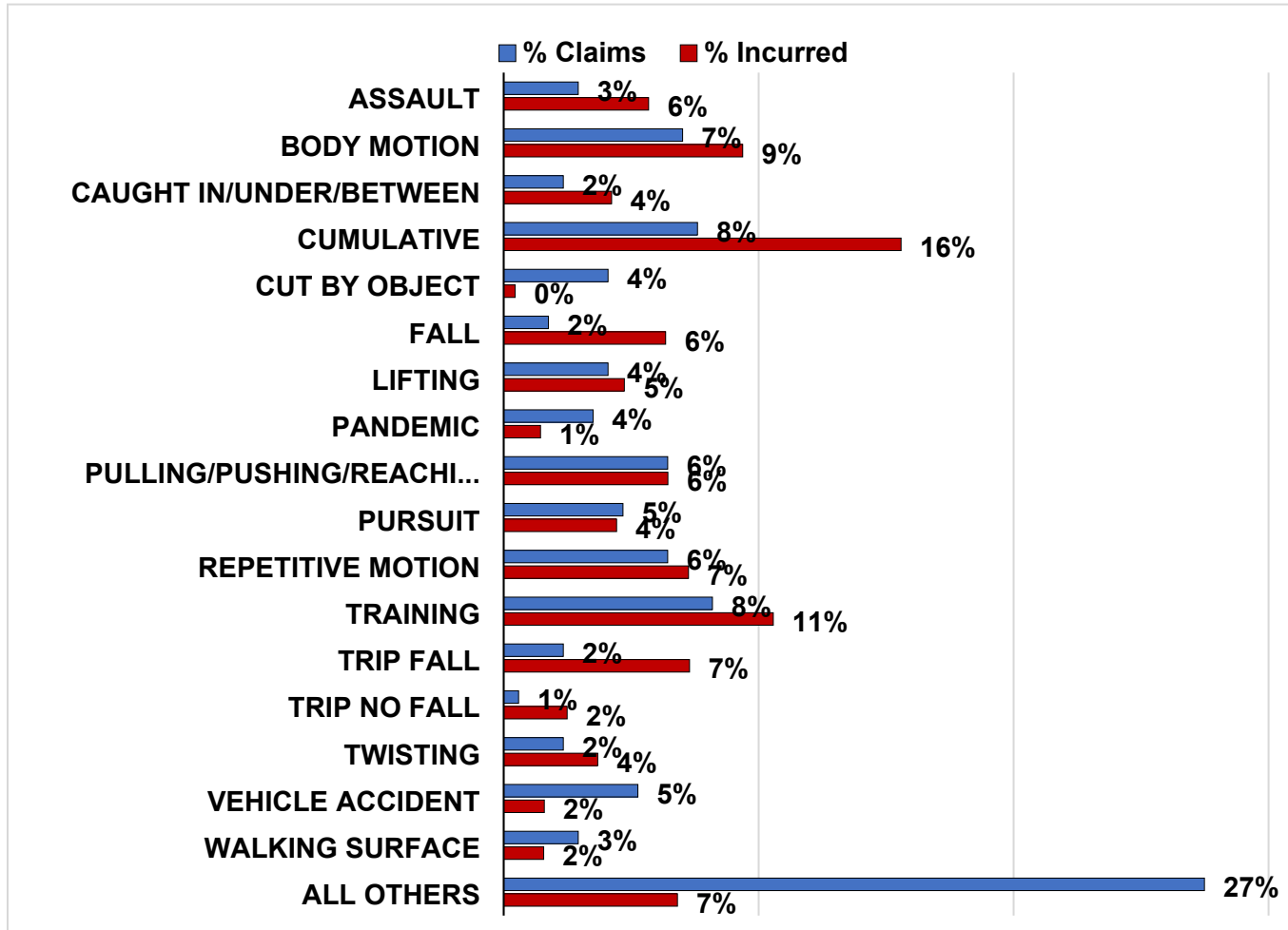
Length of Service	Claims	% Claims	Incurred	% Incurred
0 to 1 Year	18	11%	\$161,989.03	7%
2 - 5 Years	57	33%	\$544,939.42	22%
6 - 10 Years	16	9%	\$101,700.22	4%
11 - 15 Years	16	9%	\$299,348.82	12%
16 - 20 Years	38	22%	\$568,832.24	23%
21 - 25 Years	18	11%	\$463,646.62	19%
26 - 30 Years	5	3%	\$251,548.53	10%
Over 30 Years	3	2%	\$80,622.58	3%
Totals	171	100%	\$2,472,627.46	100%

Age of Injured Worker



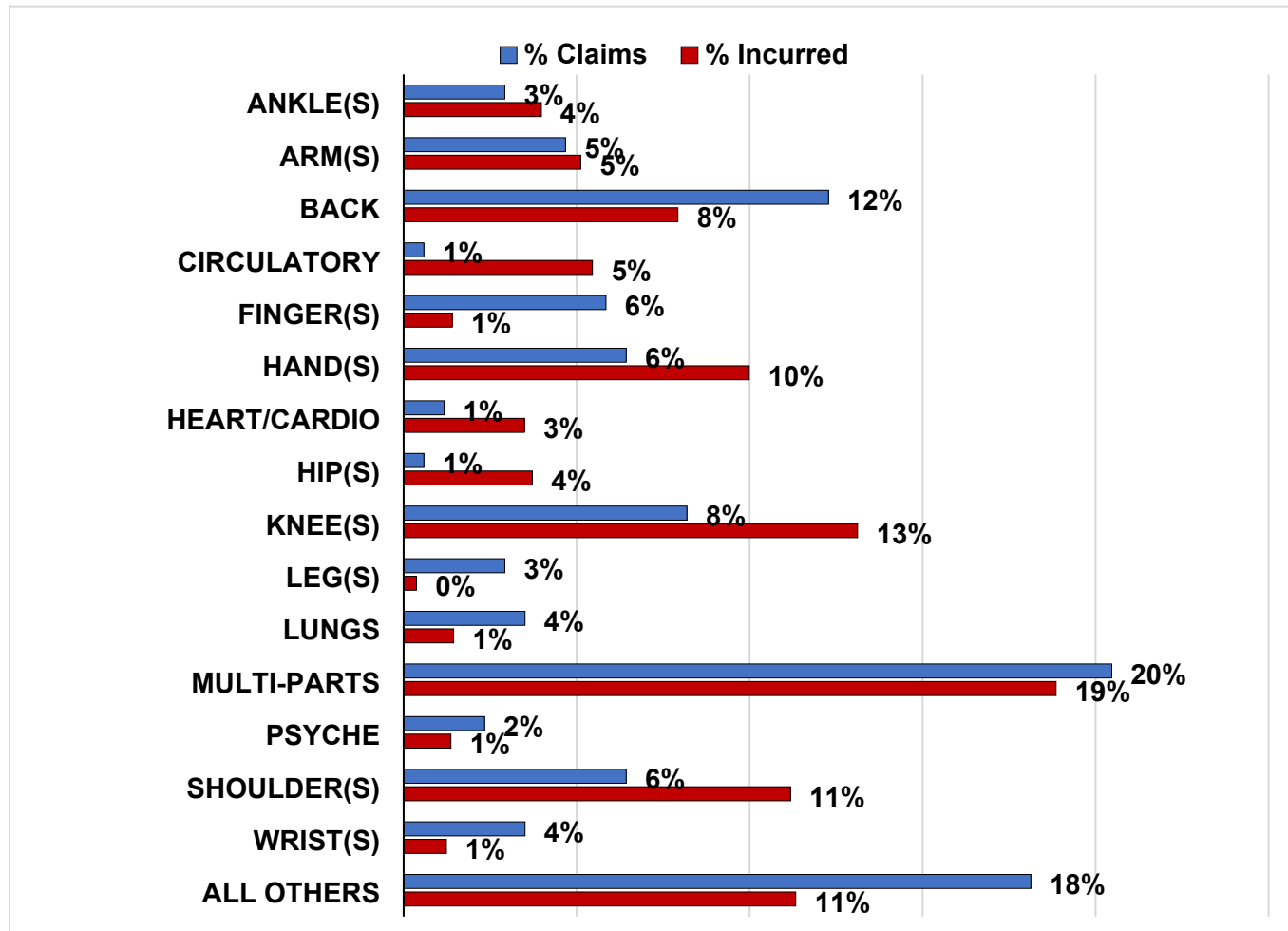
Age	Claims	% Claims	Incurred	% Incurred
18-29	17	10%	\$317,178.83	13%
30-39	40	23%	\$368,370.83	15%
40-49	58	34%	\$829,442.71	34%
50-59	41	24%	\$768,050.83	31%
60+	15	9%	\$189,584.26	8%
Total	171	100%	\$2,472,627.46	100%

Cause of Injury



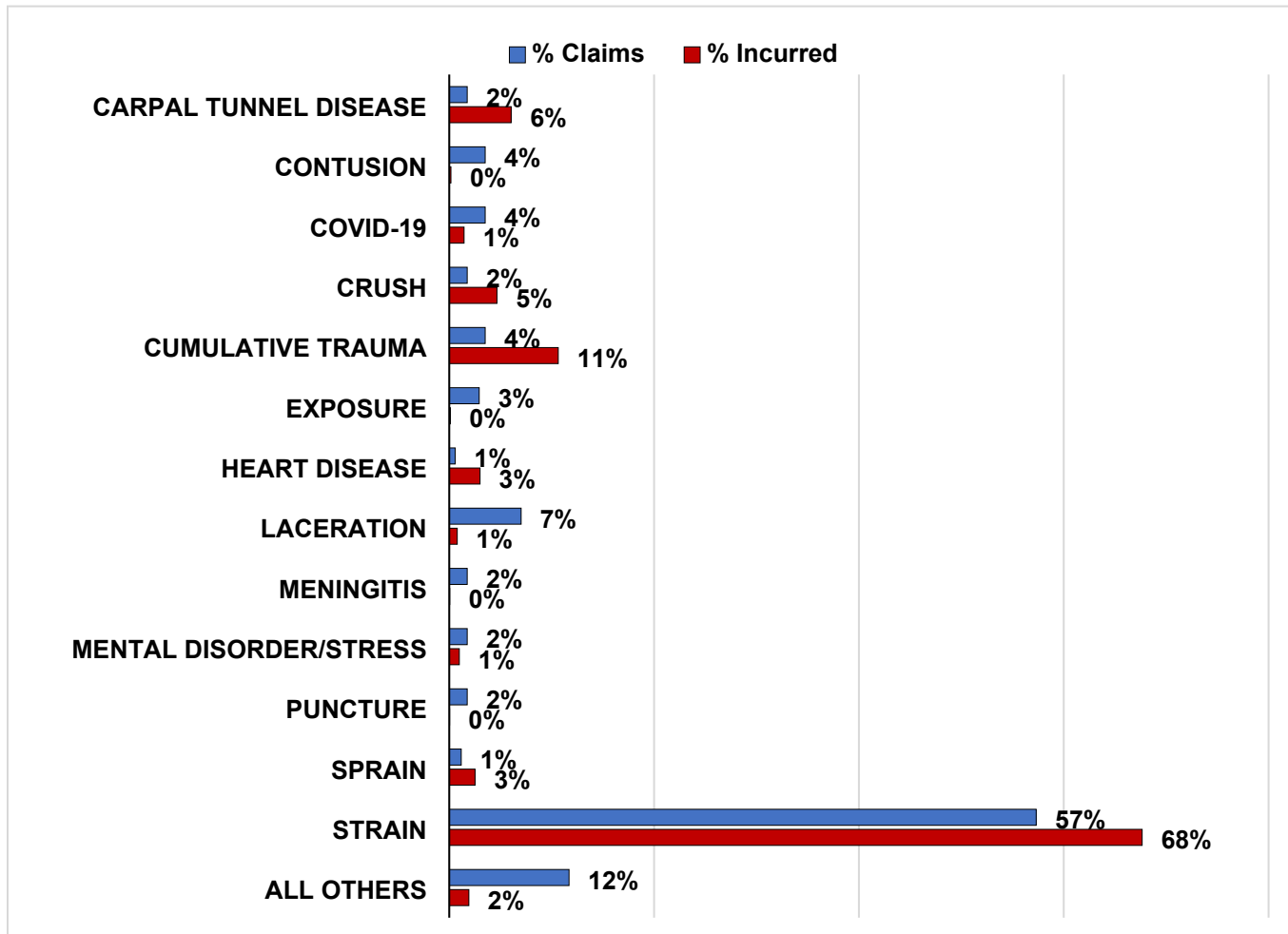
Cause	Claims	% Claims	Incurred	% Incurred
ASSAULT	5	3%	\$140,536.44	6%
BODY MOTION	12	7%	\$231,791.75	9%
CAUGHT IN/UNDER/BETWEEN	4	2%	\$104,680.01	4%
CUMULATIVE	13	8%	\$385,401.47	16%
CUT BY OBJECT	7	4%	\$11,141.32	0%
FALL	3	2%	\$157,051.25	6%
LIFTING	7	4%	\$117,040.16	5%
PANDEMIC	6	4%	\$35,738.54	1%
PULLING/PUSHING/REACHING	11	6%	\$159,263.22	6%
PURSUIT	8	5%	\$109,516.80	4%
REPETITIVE MOTION	11	6%	\$179,244.32	7%
TRAINING	14	8%	\$261,444.93	11%
TRIP FALL	4	2%	\$180,234.13	7%
TRIP NO FALL	1	1%	\$61,574.24	2%
TWISTING	4	2%	\$91,222.77	4%
VEHICLE ACCIDENT	9	5%	\$39,424.40	2%
WALKING SURFACE	5	3%	\$38,785.09	2%
ALL OTHERS	47	27%	\$168,536.62	7%
Totals	171	100%	\$2,472,627.46	100%

Part of Body

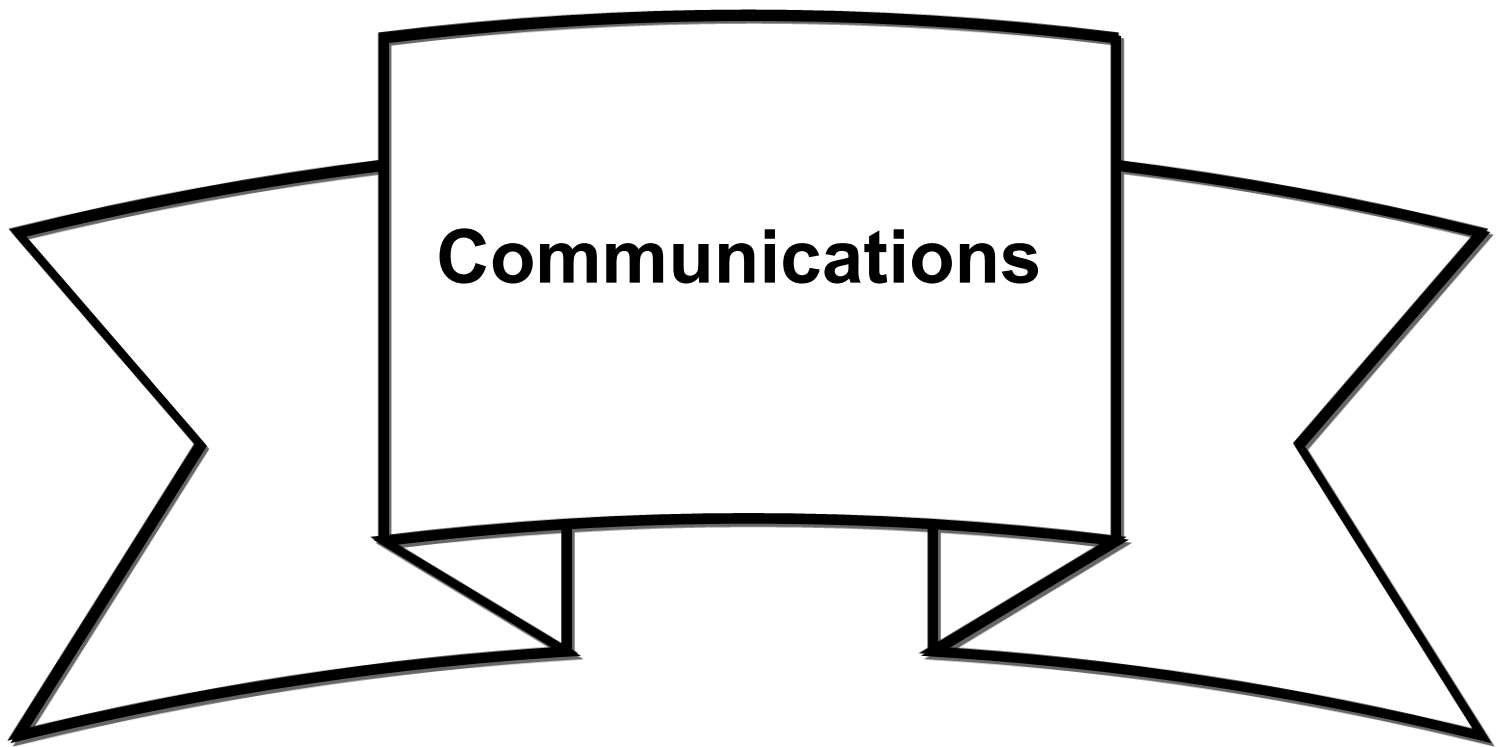


Body part	Claims	% Claims	Incurred	% Incurred
ANKLE(S)	5	3%	\$98,448.06	4%
ARM(S)	8	5%	\$126,564.63	5%
BACK	21	12%	\$196,007.52	8%
CIRCULATORY	1	1%	\$134,902.50	5%
FINGER(S)	10	6%	\$34,722.75	1%
HAND(S)	11	6%	\$246,999.37	10%
HEART/CARDIO	2	1%	\$86,333.59	3%
HIP(S)	1	1%	\$91,954.81	4%
KNEE(S)	14	8%	\$324,408.52	13%
LEG(S)	5	3%	\$9,181.14	0%
LUNGS	6	4%	\$35,738.54	1%
MULTI-PARTS	35	20%	\$466,262.28	19%
PSYCHE	4	2%	\$33,788.99	1%
SHOULDER(S)	11	6%	\$276,527.50	11%
WRIST(S)	6	4%	\$30,571.02	1%
ALL OTHERS	31	18%	\$280,216.24	11%
Totals	171	100%	\$2,472,627.46	100%

Nature of Injury



Nature	Claims	% Claims	Incurred	% Incurred
CARPAL TUNNEL DISEASE	3	2%	\$149,453.34	6%
CONTUSION	6	4%	\$4,039.78	0%
COVID-19	6	4%	\$35,738.54	1%
CRUSH	3	2%	\$115,145.63	5%
CUMULATIVE TRAUMA	6	4%	\$263,119.40	11%
EXPOSURE	5	3%	\$2,822.68	0%
HEART DISEASE	1	1%	\$74,333.59	3%
LACERATION	12	7%	\$19,271.24	1%
MENINGITIS	3	2%	\$1,154.59	0%
MENTAL DISORDER/STRESS	3	2%	\$24,288.99	1%
PUNCTURE	3	2%	\$810.97	0%
SPRAIN	2	1%	\$62,262.52	3%
STRAIN	98	57%	\$1,672,856.65	68%
ALL OTHERS	20	12%	\$47,329.54	2%
Total	171	100%	\$2,472,627.46	100%



All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

City Clerk Department

2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

Records Online

<http://www.cityofberkeley.info/recordsonline>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF