



AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, May 31, 2022

6:00 PM

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

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 IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION

Proof of up-to-date COVID-19 vaccination or verified negative COVID-19 test is required for in-person attendance. In-person attendees are required to wear a mask that covers their nose and mouth for the duration of the meeting. If you are feeling sick, please do not attend in-person.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/88127787306>. 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: **881 2778 7306**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

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. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

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 Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference

From: City Manager

Recommendation: Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, and May 10, 2022.

Financial Implications: To be determined

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

2. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of April 12 (closed and regular), April 19, (closed and special), April 21 (special), April 26 (special and regular).

Financial Implications: None

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

3. Resolution Supporting the Sale of 3404 King Street and transfer of the Turning Point transitional housing program for homeless youth from Fred Finch Youth Center to Larkin Street Youth Services

From: City Manager

Recommendation: Adopt a Resolution supporting the sale of the property at 3404 King Street, currently owned by Fred Finch Youth Center (FFYC), to Larkin Street Youth Services (LSYS) to continue operating the Turning Point transitional housing program for homeless transition-aged youth. The proposed resolution would: Immediately forgive in full an outstanding Housing Trust Fund loan on the property, with an outstanding balance of \$305,000, otherwise set to be forgiven in 2027; Authorize the City Manager to enter into contract and necessary amendments with LSYS and reallocate the balance of the funding currently committed to FFYC through the FY20-23 Community Agency Funding RFP process, in an amount not to exceed \$89,255 in FY23; Reallocate funding from contract with Covenant House California (Contract No. 31900239) when said contract terminates at the end of June 2022, in an amount not to exceed \$318,000 for FY23, to LSYS.

Financial Implications: See report

Contact: Peter Radu, City Manager's Office, (510) 981-7000

Consent Calendar

- 4. Commission Reorganization: Amendments to Berkeley Municipal Code Section 7.52.190 (Homeless Services Panel of Experts)**
From: City Manager
Recommendation:
1. Adopt first reading of an Ordinance amending Section 7.52.190 of the Berkeley Municipal Code, the enabling legislation for the Homeless Services Panel of Experts (HSPOE) to add the functions of the Homeless Commission as found in Resolution No. 60,647-N.S.
2. Adopt a Resolution rescinding Resolution No. 60,647-N.S. which established the Homeless Commission.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 5. Assessments: Berkeley Tourism Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Annual Report of FY 2022 and preliminary budget for FY23 for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 6. Assessments: Downtown Berkeley Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of Fiscal Year (FY) 2022 and proposed budget for FY 2023, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2023.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 7. Assessments: North Shattuck Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of Fiscal Year (FY) 2022 and proposed budget for FY 2023, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2023.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Consent Calendar

- 8. Assessments: Telegraph Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of FY 2022 and proposed budget for FY 2023, and declaring Council's intention to levy an annual assessment for the TBID for FY 2023.
Financial Implications: See Report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 9. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 31, 2022**
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 - \$535,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 10. Notice of Appropriations Limit for Fiscal Year 2023**
From: City Manager
Recommendation: Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2023 at its meeting of June 28, 2022; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 13, 2022.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 11. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services**
From: City Manager
Recommendation: Adopt four Resolutions authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:
1. Foster Care Program in the projected amount of \$93,187 for FY 2023.
2. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$181,208 for FY 2023.
3. School Linked Health Services Program (Measure A Funding) in the projected amount of \$200,011 for FY 2023.
4. Tobacco Prevention Program in the projected amount of \$78,960 for FY 2023.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

12. Revenue Grant: Funding Support from Alameda County to Public Health Infrastructure Program

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Public Health Infrastructure Program in the projected amount of \$32,080 for FY 2023.

Financial Implications: See report

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

13. Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$120,000 for April 1, 2022 to March 30, 2023.

Financial Implications: See report

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

14. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Services

From: City Manager

Recommendation: Adopt five Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:

1. Child Health and Disability Prevention (CHDP) Program, which includes Early Periodic Screening, Diagnosis and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of \$358,309 for FY 2023.

2. Maternal, Child and Adolescent Health (MCAH) Program, in the projected amount of \$381,147 for FY 2023.

3. Tobacco Trust Fund in the projected amount of \$300,000 in FY 2023.

4. Immunization Program: In the projected amount of \$1,185,901 for FY 2023.

5. Public Health Emergency Preparedness (PHEP)/Pandemic Flu/Cities Readiness Initiative (CRI) Program in the projected allocation of \$265,000 for FY 2023.

Financial Implications: See report.

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

Consent Calendar

- 15. Revenue Grant: Funding Support from the State of California for the Tuberculosis Control Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Tuberculosis Control Program in the projected amount of \$14,000 for FY 2023.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 16. Contract: Interior Motions for Health, Housing, and Community Services Public Health Division Furniture**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments or extensions with Interior Motions for new furniture for the Public Health Division offices. The contract will be in an amount not to exceed \$135,000 for the period April 1, 2022 through December 30, 2022.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 17. Expenditure Contract: California Mental Health Student Services Act Grant Funds for Berkeley Unified School District for Coordination and Provision of Mental Health Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract with Berkeley Unified School District (BUSD) to transfer grant funds in the amount of \$2,267,355 requested for BUSD and received from the Mental Health Services Accountability and Oversight Commission (MHSAOC). These funds will be used by BUSD to coordinate and provide mental health staffing and services in BUSD in Fiscal Years 2022 through 2027.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 18. Approving Proposed Projects Anticipated to be paid for by the State's Road Maintenance and Rehabilitation Account (RMRA) Funds for FY2023**
From: City Manager
Recommendation: Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California's Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

19. **Berkeley Strategic Transportation Plan Update and Grant Application Opportunities**

From: City Manager

Recommendation:

1. Adopt two Resolutions authorizing the City Manager to submit grant applications to the California Active Transportation Program, accept the grants awarded, and execute any resultant agreements and amendments.
2. Adopt a Resolution: a. Approving the Berkeley Strategic Transportation Plan Third Addendum. b. Authorizing the City Manager to submit unfunded Five-Year Priority Projects from the Berkeley Strategic Transportation Plan Third Addendum to the Alameda County Transportation Commission for funding through the County's Fiscal Year (FY) 2024 – FY 2028 Comprehensive Investment Plan. c. Authorizing the City Manager to execute agreements as needed for accepting the awarded grant funds.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

20. **Declaration of Intent – Fiscal Year 2023 Street Lighting Assessments**

From: City Manager

Recommendation: Adopt two Resolutions granting the City Manager the authority to approve the Engineer's Reports; set a public hearing to be held before the Council of the City of Berkeley at its June 28, 2022 meeting; and authorize the City Clerk to publish a Notice of the Public Hearing for Fiscal Year 2023 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

21. **Contract: Nema Construction for FY 2022 Street Light Maintenance Project**

From: City Manager

Recommendation: Adopt a Resolution approving plans and specifications for the Street Rehabilitation FY 2022 Project, Specification No. 22-11506-C; accepting the bid of the lowest responsive and responsible bidder, Nema Construction; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$428,950.

Financial Implications: Street Light Assessment Fund - \$428,950

Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 22. Contract: Zanker Recycling for Construction and Demolition Materials Hauling, Sorting and Marketing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Zanker Recycling LLC to provide construction and demolition materials hauling, sorting and marketing services for an initial five-year term commencing on July 1, 2022. The contract includes an option to extend for one five (5) year period for a maximum ten (10) year contract term and a total amount not to exceed \$21,551,718.
Financial Implications: Zero Waste Fund - \$21,551,718
Contact: Liam Garland, Public Works, (510) 981-6300
- 23. Contract No. 102498-1 Amendment: TK Elevator for Elevator Maintenance and Repair Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an Amendment to Contract No. 102498-1 with TK Elevator (formerly Thyssenkrupp Elevator) to increase the contract amount by \$500,000 for a total contract amount not to exceed \$1,640,000 and to extend the contract term through June 30, 2025.
Financial Implications: Various Funds - \$500,000
Contact: Liam Garland, Public Works, (510) 981-6300
- 24. Contract No. 108037-1 Amendment: MSR Mechanical, LLC for on-call heating, ventilation and air conditioning services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an Amendment to Contract No. 108037-1, with MSR Mechanical LLC: to increase the contract amount by \$50,000 for a total contract amount not to exceed \$130,000; and to extend the contract term through June 30, 2024.
Financial Implications: Various Funds - \$50,000
Contact: Liam Garland, Public Works, (510) 981-6300
- 25. Contract No. 31900031 Amendment: Downtown Streets Team for Expanded Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 31900031 with Downtown Streets Team (DST) to: 1. Increase the contract by \$400,000 for a new not to exceed amount of \$1,675,304 and extend the contract term through December 31, 2023; and 2. Expand DST services to include the cleanup of litter and illegally dumped materials at encampment sites and adjacent neighborhoods throughout the City of Berkeley as needed; and 3. Negotiate new pricing, contract terms, and scope of services in support of the Clean Cities Program for the continuation of leaf and litter removal, graffiti abatement, and poster removal services for various commercial districts in Fiscal Year 2024.
Financial Implications: Various Funds - \$400,000
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 26. Contract No. 32000246 Amendment: CF Contracting, Inc. for Sacramento Complete Streets Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000246 with CF Contracting, Inc. for work on the Sacramento Complete Streets Improvement Project (“Project”), Specification No.20-11379-C, increasing the contract amount by \$250,000 for an amended total not to exceed \$2,725,200.
Financial Implications: Measure BB Fund - \$250,000
Contact: Liam Garland, Public Works, (510) 981-6300
- 27. Purchase Order: Papé Machinery, Inc. for the completed rebuild and repair of Zero Waste Division’s John Deere Wheel Loader, Unit No. 6505**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with Papé Machinery, Inc. for the completed rebuild, major component replacement and repair of Zero Waste Division’s John Deere Wheel Loader, Unit No. 6505, in an amount not to exceed \$345,188.
Financial Implications: Equipment Maintenance Fund - \$345,188
Contact: Liam Garland, Public Works, (510) 981-6300
- 28. Authorization for Additional Civic Arts Commission Meeting in 2022**
From: Civic Arts Commission
Recommendation: Adopt a Resolution for one additional meeting of the Civic Arts Commission in 2022.
Financial Implications: None
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
- 29. Arts Commission Budget Referral: Festival Grants Budget Allocation**
From: Civic Arts Commission
Recommendation: Refer to the City’s Budget Process for Fiscal Year 2023 an increased budget allocation of \$41,685 for Festival Grants to bring the allocation for these grants to \$200,000 annually beginning in Fiscal Year 2023.
Financial Implications: See Report
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Council Consent Items

- 30. Budget Referral: Small Business Rental and Legal Support**
From: Mayor Arreguin (Author), Councilmember Robinson (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Refer to the Fiscal Year 2023 Budget Process and the City Manager, \$1,000,000 from American Rescue Plan Act (ARPA) funding to launch a needs-based grant program for Berkeley-based small businesses (under 50 employees) to provide supplemental assistance to cover outstanding commercial rent debt and to fund legal assistance to small businesses. The City Manager shall create the criteria and formula to distribute the funds as described in the report.
Financial Implications: American Rescue Plan Act - \$1,000,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 31. Budget Referral: Ceasefire Program Staffing**
From: Councilmember Taplin (Author)
Recommendation: Refer \$1,000,000 (\$1M) to the budget process to provide full staffing for a Berkeley Ceasefire program.
Financial Implications: General Fund - \$1,000,000
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 32. Budget Referral: Fund Mental Health Wellness Support and Services Coordinator at the Berkeley High School Health Center**
From: Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the FY 23 and FY 24 Annual Budget Process \$350,000 to provide a coordinator position to deliver mental health wellness support and services to the City-run Berkeley High School (BHS) Mental Health Center, and to expand services and training as appropriate, consistent with the May 5, 2022 Council action to reimagine public safety. This includes: 1. Counseling services for students experiencing depression, anxiety, self-harm, suicidal ideations, etc.; 2. Teacher training for mental health awareness; 3. Facilitator/support resources to assist with coordination and scheduling of services.
Financial Implications: General Fund - \$350,000
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 33. Budget Referral: Fund Additional HHCS Community Development Project Coordinator Position to Assist with Workforce Standards and Enforcement**
From: Councilmember Harrison (Author)
Recommendation: Refer to the FY 23 and FY 24 Annual Budget Process approximately \$104,863 in General Funds with additional benefits to hire another Community Development Project Coordinator in the Health, Housing and Community Services (HHCS) Department to assist with enforcement of existing and prospective labor laws and regulations.
Financial Implications: General Fund - \$104,863
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Council Consent Items

- 34. Support for SB-1076 Lead-based paint (Archuleta)**
From: Councilmember Wengraf (Author), Councilmember Taplin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Send a letter of support to Senator Archuleta for his proposed legislation: SB-1076 Lead-based paint, with a copy to Nancy Skinner.
Financial Implications: Staff time
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 35. Budget Referral: Purchase of Electric Bicycles for City Use**
From: Councilmember Robinson (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer \$25,000 to the FY 2023-2024 budget process to purchase electric bicycles, electric cargo bicycles, and any related safety, storage, or security equipment for use by employees on City business.
Financial Implications: General Fund - \$25,000
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action Calendar

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

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

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

Action Calendar – 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 line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

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

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

- 36. Updating Published Charges: Mental Health Clinical Services**
From: City Manager
Recommendation: Conduct a Public Hearing and, upon conclusion, adopt a Resolution establishing Published Charges for Mental Health Clinical Services for Fiscal Year 2022. Published Charges are effective July 1, 2021.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Action Calendar – New Business

- 37. Discussion and Direction Regarding Vision 2050 Program Plan and Potential Ballot Measures for the November 8, 2022 General Municipal Election**
From: City Manager
Recommendation: Discuss the results of the recent community survey; provide direction to the City Manager on whether to continue working towards placing measure(s) on the November ballot, and, if so, the type of and dollar amounts for revenue measures; and provide input on the Vision 2050 Program Plan.
Financial Implications: See report
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
- 38. City Council Comments on the FY 2023 and FY 2024 Proposed Biennial Budget and Capital Improvement Program**
From: City Manager
Recommendation: Provide comments on the FY 2023 and FY 2024 Proposed Biennial Budget and Capital Improvement Program.
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Council Action Items

- 39. Referral to the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee Policy Committee to Consider Strategies and Make Recommendations to Council and Staff to Ensure Potential Infrastructure Bond Expenditure Is Consistent With Climate Action Goals and Other Environmental Policies** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Harrison (Author)
Recommendation: Refer to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Policy Committee Policy Committee to consider strategies and make recommendations to the Council and staff to ensure that potential infrastructure bond is consistent with Climate Action goals and other environmental policies.
Policy Committee Recommendation: Send the enclosed non-binding recommendations to Council with a qualified positive recommendation and support for Staff's ongoing work to establish public-facing metrics to measure projected and actual outcomes around potential bond projects that support Climate Action goals and other environmental policies.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Information Reports

- 40. Referral Response: Further Supporting Worker Cooperatives**
From: City Manager
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 41. On-Call Energy Efficiency Services Contracts through On-Bill Financing**
From: City Manager
Contact: Alene Pearson, Planning and Development, (510) 981-7400

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at:

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

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

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names,**

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

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

Agendas and agenda reports may be accessed via the Internet at:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>
and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@cityofberkeley.info

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

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



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

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***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 May 19, 2022.***

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are*

*public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

**Soft-Story Seismic Retrofit**

1. Todd Andrew

**Revitalizing Downtown Berkeley**

2. Steven Schuyler

**Unfreeze Vacant Positions at the Berkeley Police Department**

3. Kaht Dorward and Edward Cohen
4. Rachel Bradley
5. Tom Miller

**Hopkins Corridor**

6. S. Omowale Fowles
7. Octavia
8. Margot Smith
9. Kaellyn Moss
10. Sally Nelson

**May is Mental Health Awareness Month**

11. Mental Health Commission

**Brown Act Complaint**

12. Thomas Lord (2)

**ADA vs. Council Practice**

13. Thomas Lord

**City Code Regarding Tenants Rights**

14. Jay Shawl

**Decriminalize Entheogenic Plants**

15. Shannon Lavelle

**Tenant Opportunity to Purchase Act (TOPA)**

16. Lynda Winslow

**Rodeway Inn (Adobe Services)**

17. Sylvia

**People's Park**

18. Rin Lopez
19. Chimey Lee



## **Mountain Biking Destroying Wildlife Habitat**

20. Mike Vandeman

## **Homelessness and Encampments**

21. Jahlee Arakaki (2)

22. S. Omowale Fowles

## **COVID-19**

23. Todd Andrew

## **Chavez Park**

24. Michele Bernal

## **California Theatre**

25. Alexa Wilkie

## **Conflict of Interest Reports**

26. Margot Smith

## **Train Horns**

27. Lauren Parsons

## **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  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
Madame City Manager

From: Farimah Faiz Brown, City Attorney

Subject: Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference

RECOMMENDATION

Adopt a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, and May 10, 2022.

FISCAL IMPACT OF RECOMMENDATION

To be determined.

CURRENT SITUATION AND ITS EFFECTS

The City Council made the initial findings required under the Government Code on September 28, 2021. The Council must make the findings every thirty days in order to continue to meet exclusively through video conference or teleconference.

Pursuant to California Government Code section 8630 and Berkeley Municipal Code Chapter 2.88.040, 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. On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to the spread of COVID-19. On March 10, 2020, the City

Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312.

On March 17, 2020, Governor Newsom signed Executive Order N-29-20, which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) related to the holding of teleconferenced meetings by City legislative bodies. Among other things, Executive Order N-29-20 suspended requirements that each location from which an official accesses a teleconferenced meeting be accessible to the public. These changes were necessary to allow teleconferencing to be used as a tool for ensuring social distancing. City legislative bodies have held public meetings via videoconference and teleconference pursuant to these provisions since March 2020. These provisions of Executive Order N-29-20 will expire on September 30, 2021.

COVID-19 continues to pose a serious threat to public health and safety. There are now over 4,700 confirmed cases of COVID-19 and at least 55 deaths in the City of Berkeley. Additionally, the SARS-CoV-2 B.1.617.2 (“Delta”) variant of COVID-19 that is currently circulating nationally and within the City is contributing to a substantial increase in transmissibility and more severe disease.

As a result of the continued threat to public health posed by the spread of COVID-19, state and local officials continue to impose or recommend measures to promote social distancing, mask wearing and vaccination. Holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies, and therefore public meetings cannot safely be held in person at this time

Assembly Bill 361 (Rivas), signed into law by Governor Newsom on September 16, 2021, amended a portion of the Brown Act (Government Code Section 54953) to authorize the City Council, during the state of emergency, to determine that, due to the spread of COVID-19, holding in-person public meetings would present an imminent risk to the health or safety of attendees, and therefore City legislative bodies must continue to meet via videoconference and teleconference. Assembly Bill 361 requires that the City Council must review and ratify such a determination every thirty (30) days. Therefore, if the Council passes this resolution on May 31, 2022, the Council will need to review and ratify the resolution by June 30, 2022.

This item requests that the Council review the circumstances of the continued state of emergency posed by the spread of COVID-19, and find that the state of emergency continues to directly impact the ability of the public and members of City legislative bodies to meet safely in person, that holding public meetings of City legislative bodies in person would present imminent risks to the health and safety of attendees, and that state and local officials continue to promote social distancing, mask wearing and vaccination. This item further requests that the Council determine that City legislative bodies, including but not limited to the City Council and its committees, and all commissions and boards, shall continue to hold public meetings via videoconference

and teleconference, and that City legislative bodies shall continue to comply with all provisions of the Brown Act, as amended by SB 361.

#### 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 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to the spread of COVID-19.

On March 10, 2020, the City Council ratified the Proclamation of Local Emergency. Since that date, there have been over 4,700 confirmed cases of COVID-19 and at least 57 deaths in the City of Berkeley.

On March 17, 2020, Governor Newsom signed Executive Order N-29-20 which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) to allow teleconferencing of public meetings to be used as a tool for ensuring social distancing. As a result, City legislative bodies have held public meetings via teleconference throughout the pandemic. The provisions of Executive Order N-29-20 allowing teleconferencing to be used as a tool for social distancing will expire on September 30, 2021.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Not applicable.

#### RATIONALE FOR RECOMMENDATION

The Resolution would enable the City Council and its committees, and City boards and commissions to continue to hold public meetings via videoconference and teleconference in order to continue to socially distance and limit the spread of COVID-19.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Farimah Brown, City Attorney, City Attorney's Office (510) 981-6998  
Mark Numainville, City Clerk, (510) 981-6908

Attachments:1: Resolution Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference

RESOLUTION NO. –N.S.

RESOLUTION MAKING THE REQUIRED FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(E)(3) AND DIRECTING CITY LEGISLATIVE BODIES TO CONTINUE TO MEET VIA VIDEOCONFERENCE AND TELECONFERENCE

WHEREAS, in accordance with Berkeley Municipal Code section 2.88.040 and sections 8558(c) and 8630 of the Government Code, which 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, the City Manager, serving as 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, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency pursuant to the California Emergency Services Act, in particular, Government Code section 8625; and

WHEREAS, the Proclamation of a State of Emergency issued by Governor Newsom on March 4, 2020 continues to be in effect; and

WHEREAS, on September 16, 2021, Governor Newsom signed into law AB 361, which authorizes the City Council to determine that, due to the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference; and

WHEREAS, the City Council does find that the aforesaid conditions of extreme peril continue to exist, and now include over 4,700 confirmed cases of COVID-19 and at least 55 deaths in the City of Berkeley; and

WHEREAS, the City Council recognizes that the SARS-CoV-2 B.1.617.2 (“Delta”) variant of COVID-19 that is currently circulating nationally and within the City is contributing to a substantial increase in transmissibility and more severe disease; and

WHEREAS, as a result of the continued threat to public health posed by the spread of COVID-19, state and local officials continue to impose or recommend measures to promote social distancing, mask wearing and vaccination; and

WHEREAS, holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies, and therefore public meetings cannot safely be held in person at this time; and

WHEREAS, the City Council made the initial findings required by the Government Code on September 28, 2021; and

WHEREAS, the City Council made subsequent findings required by the Government Code on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, and May 10, 2022; and

WHEREAS, the City Council will need to again review the need for the continuing necessity of holding City legislative body meetings via videoconference and teleconference by June 30, 2022.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that, pursuant to Government Code section 54953, the City Council has reviewed the circumstances of the continued state of emergency posed by the spread of COVID-19, and finds that the state of emergency continues to directly impact the ability of the public and members of City legislative bodies to meet safely in person, that holding public meetings of City legislative bodies in person would present imminent risks to the health and safety of attendees, and that state and local officials continue to promote social distancing, mask wearing and vaccination.

BE IT FURTHER RESOLVED that City legislative bodies, including but not limited to the City Council and its committees, and all commissions and boards, shall continue to hold public meetings via videoconference and teleconference.

BE IT FURTHER RESOLVED that all City legislative bodies shall comply with the requirements of Government Code section 54953(e)(2) and all applicable laws, regulations and rules when conducting public meetings pursuant to this resolution.







Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

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 April 12 (closed and regular), April 19, (closed and special), April 21 (special), April 26 (special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. April 12, 2022-Closed Council Meeting
2. April 12, 2022-Regular Council Meeting
3. April 19, 2022-Closed Council Meeting
4. April 19, 2022-Special Council Meeting
5. April 21, 2022-Special Council Meeting
6. April 26, 2022-Special Council Meeting
7. April 26, 2022-Regular Council Meeting

# BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**TUESDAY, APRIL 12, 2022**

**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 Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this <https://us02web.zoom.us/j/82520304735>. 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: 825 2030 4735. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*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.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

## Preliminary Matters

**Roll Call:** 4:05 p.m.

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

**Absent:** Kesarwani, Hahn

**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:    | 150 Brookside Drive, Richmond, California                                                                                                                              |
| Agency Negotiators:  | Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; LaTanya Bellow, Deputy City Manager; Abe Roman, Fire Chief, David Sprague, Deputy Fire Chief |
| Negotiating parties: | City of Berkeley & Cushman & Wakefield                                                                                                                                 |
| Property owner:      | Premier Development, LLC                                                                                                                                               |
| Under negotiation:   | Price and terms                                                                                                                                                        |

|                      |                                                                                                                                                                        |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Property address:    | Giant Road, Richmond, California                                                                                                                                       |
| Agency Negotiators:  | Dee Williams-Ridley, City Manager; Paul Buddenhagen, Deputy City Manager; LaTanya Bellow, Deputy City Manager; Abe Roman, Fire Chief, David Sprague, Deputy Fire Chief |
| Negotiating parties: | City of Berkeley & Cushman & Wakefield                                                                                                                                 |
| Property owner:      | Four Stones Real Estate, LLC                                                                                                                                           |
| 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, LaTanya Bellow, Deputy City Manager, Don Ellison, Interim Human Resources Director.

Employee Organizations: Berkeley Fire Fighters Association Local 1227, Berkeley Fire Fighters Association, Local 1227 I.A.F.F. / Berkeley Chief Fire Officers Association; International Brotherhood of Electrical Workers (IBEW), Local 1245, SEIU 1021 Community Services and Part-time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, Public Employees Union Local 1, Unrepresented Employees, Berkeley Police Association.

**Action:** Item removed from the agenda by the City Manager.

## OPEN SESSION:

No reportable action taken.

## Adjournment

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

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

Adjourned at 4:37 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting on April 12, 2022.

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Mark Numainville, City Clerk

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, April 12, 2022**  
**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 Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be 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/86759332010>. 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: 867 5933 2010. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*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.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*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, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Bartlett

Councilmember Bartlett present at 6:11 p.m.

### Ceremonial Matters:

1. Recognition of 120<sup>th</sup> Birthday of The Rebbe, Rabbi Menachem M. Schneerson
2. Recognition of Victims' Rights Week and the Alameda County Victim/Witness Assistance Program

### City Manager Comments:

The City Manager provided a presentation on the Homeless Response Team Data & Analysis.

**Public Comment on Non-Agenda Matters:** 10 speakers.

## Consent Calendar

**Action:** M/S/C (Arreguin/Robinson) to accept supplemental material from Councilmember Taplin for Item 27.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to set the speaker time at one minute for the Consent Calendar.

**Vote:** All Ayes.

**Public Comment on Consent Calendar and Information Items Only:** 42 speakers.

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

**Vote:** All Ayes.

## Consent Calendar

- 1. Implementation of Redistricting Plan for City Council District Boundaries**  
**From: Independent Redistricting Commission**  
**Recommendation:** Adopt second reading of Ordinance No. 7,803-N.S. implementing the adjusted City Council District Boundaries as approved by the Independent Redistricting Commission.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.  
**Financial Implications:** None  
Contact: Mark Numainville, Commission Secretary, (510) 981-6900  
**Action:** Adopted second reading of Ordinance No. 7,803–N.S.
- 2. Amending Berkeley Municipal Code (BMC) Chapter 12.70 Sections 12.70.031 and 12.70.050A.1 to align with State and Local Laws**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,804-N.S. amending Berkeley Municipal Code (BMC) Chapter 12.70 Smoking Pollution Control to incorporate two changes:  
1) Amending BMC 12.70.030 to replace the outdated term “Dispensary” with “Cannabis Retailer” in order to align with the State’s Medicinal and Adult-Use of Cannabis Safety and Regulation Act (MAUCSRA); and  
2) Revise BMC Chapter 12.70.050.A.1 to clarify that smoking tobacco is allowed at a tobacco retailer, and smoking cannabis is allowable at a Cannabis Retailer, subject to Council-approved BMC Sections 23.320.020.F.2, 12.21.020.U, V, and Y, and 12.22.040.F.2 allowing “Cannabis Lounges”.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.  
**Financial Implications:** None  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted second reading of Ordinance No. 7,804–N.S.
- 3. Referral Response: Research and Development (R&D) Definition**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,805-N.S. that modifies the land use definition of Research and Development (R&D) [Berkeley Municipal Code (BMC) Division 5: Glossary – Defined Terms 23.502.020].  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Hahn, Droste.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,805–N.S.

## Consent Calendar

**4. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**

**From: City Manager**

**Recommendation:** Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, and March 22, 2022.

**Financial Implications:** To be determined

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

**Action:** Adopted Resolution No. 70,284–N.S.

**5. Collection of Parking Space Rental Tax for City Owned Parking Lots; and Amending BMC Section 6.24.050**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the collection of Parking Space Rental Tax for City of Berkeley owned off street parking lots pursuant to BMC 7.48.070 starting June 1, 2022, and adopt first reading an Ordinance amending BMC 6.24.050 to allow Parking Space Rental Tax to be placed in the general fund instead of a special fund.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,285–N.S. Adopted first reading of Ordinance No. 7,806-N.S. Second reading scheduled for April 26, 2022.

**6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 12, 2022**

**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 - \$710,000

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

**Action:** Approved recommendation.



## Consent Calendar

- 7. Purchase Order: Eight (8) Emergency Vehicle Utility Pickup Trucks for the Berkeley Fire Department**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to waive the competitive procurement process for purchase and upfitting of emergency vehicles for the Berkeley Fire Department (Department) for eight (8) utility pickup vehicles in an amount not to exceed \$621,000.  
**Financial Implications:** Various Funds - \$621,000  
Contact: Abe Roman, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,286–N.S.
- 8. Mental Health Services Act Innovations - Encampment-Based Mobile Wellness Center Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to approve the Mental Health Services Act (MHSA) Innovations (INN) Encampment-based Mobile Wellness Center Project Plan and any extensions, for services, activities, and supports for unhoused individuals in Berkeley, in a total amount not to exceed \$2,802,400 over a five-year period beginning in FY2023.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,287–N.S.
- 9. Revenue Contract: Mental Health Services Oversight and Accountability Commission for \$2,500,000 for Coordination and Provision of Mental Health Services in Berkeley Unified School District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to apply for funding provided by the Mental Health Services Oversight and Accountability Commission (MHSOAC) through the Mental Health Student Services Act Request for Applications, accept the funding, and execute any resultant revenue agreements and amendments to coordinate and provide mental health services in the Berkeley Unified School District (BUSD) for \$2,500,000 in FY 2022 through FY 2027.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,288–N.S.

## Consent Calendar

- 10. Revenue Grant Agreement: Funding Support from the California Department of Public Health, Oral Health Program to conduct Public Health Promotion, Protection, and Prevention Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to California Department of Public Health, Oral Health Program, to accept the grant, execute any resultant revenue agreement and amendments, and implement the project and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the California Department of Public Health-Oral Health Program, in the projected amount of \$173,408 annually for Fiscal Years 2023, 2024, 2025, 2026, and 2027.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,289–N.S.
- 11. Ratify the execution of the pre-approved PARS Plan document, amended and restated effective January 1, 2022, and related Amendments by Interim Deputy City Manager on December 27, 2021**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution to acknowledge and ratify the execution of the pre-approved PARS Plan document, amended and restated effective January 1, 2022, and related Amendments by Interim Deputy City Manager on December 27, 2021.  
**Financial Implications:** None  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,290–N.S.
- 12. Re-establish Senior Engineering Inspector Classification**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 69,996-N.S.  
Memorandum of Understanding: Public Employees Union – Local 1, Re-establishing the Senior Engineering Inspector classification.  
**Financial Implications:** See report  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,291–N.S.

## Consent Calendar

- 13. Contract: Sysco San Francisco for Food Services for Tuolumne and Echo Lake Resident Camps**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Sysco San Francisco for food services at the City of Berkeley Tuolumne and Echo Lake Resident Camps for a five-year period, beginning May 1, 2022 and ending May 1, 2027, in an amount not to exceed \$4,468,610, subject to the City's annual budget appropriation process.  
**Financial Implications:** See report  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,292–N.S.
- 14. Donation: Bench and picnic equipment at Codornices Park in memory of Lucinda Sikes**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a donation in the amount of \$16,000 donation from the local friends of Lucinda Sikes for a memorial bench and picnic equipment to be placed at Codornices Park in memory of Lucinda.  
**Financial Implications:** Revenue - \$16,000 (donation)  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,293–N.S.
- 15. Revenue Grant: FEMA Hazard Mitigation Grant Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a letter of commitment of matching funds in the amount of \$1.25 million, comprising at least \$910,000 from property owner funds, with the remainder through in-kind City staff time, for a Hazard Mitigation Grant application in the amount of \$3.75 million for the Retrofit Grants Program to the Federal Emergency Management Agency (FEMA), and subject to its award, to accept the grant and execute any resultant revenue agreements and amendments including any additional funding allocations from the Hazard Mitigation Grant Program and designating the applicant's authorized agent.  
**Financial Implications:** See report  
 Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted Resolution No. 70,294–N.S.
- 16. Revenue Grant: Fiscal Year 2022-2025 Department of Justice Tobacco Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager, and/or Chief of Police to execute a grant contract and any subsequent amendments with the State of California Department of Justice (DOJ) in the amount of \$191,053 for three fiscal years, 2021-22 through 2024-25.  
**Financial Implications:** See report  
 Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 70,295–N.S.

## Consent Calendar

17. **Contract: Bay Cities Paving & Grading, Inc. for Street Rehabilitation FY 2022 Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1) approving plans and specifications for the Street Rehabilitation FY 2022 Project, Specification No. 22-11470-C; 2) approving the plans for the Intersection Reconfiguration at Dwight Way and California Street Project, Specification No. 22-11485-C; 3) rejecting the lowest bid from Azul Works, Inc. as non-responsive; 4) accepting the bid of the lowest responsive and responsible bidder, Bay Cities Paving & Grading, Inc.; and 5) authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$6,084,809.  
**Financial Implications:** See Report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,296–N.S.
18. **Master License Agreement Template for the Non-Exclusive Installation of Small Cell Telecommunications Facilities on City Owned and Maintained Streetlight Poles in the Public Right-of-Way**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution directing staff to 1) prepare a draft Master License Agreement template for the non-exclusive installation of small cell telecommunication facilities on City-owned and maintained streetlight poles in the public right-of-way, and 2) return to City Council for review and consideration of template approval.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,297–N.S.

## Council Consent Items

19. **Budget Referral: \$60,000 to the FY 2023-2024 Budget Process for Supply Bank School Supply Distribution**  
**From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Refer to the FY 2023-2024 budget process \$60,000 for Supply Bank (\$30k for each fiscal year) to support their services in providing essential school supplies to Berkeley families.  
**Financial Implications:** \$60,000  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Approved recommendation.

## Council Consent Items

- 20. Assembly Bill 1944: Support and Seek Amendments**  
**From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving a support and seek amendments position on Assembly Bill (AB) 1944 (Lee), which amends the Brown Act to permanently enable meetings of legislative bodies to be conducted through videoconference or teleconference with flexibility on noticing requirements. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Alex Lee.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,298–N.S.
- 21. Support of AB 1947 – Addressing Hate Crimes**  
**From: Mayor Arreguin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of Assembly Bill (AB) 1947 (Ting), which will require law enforcement agencies to adopt policies around how to identify, respond to, and report hate crimes. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Phil Ting.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,299–N.S.
- 22. Resolution Reaffirming the City of Berkeley’s Commitment to Transgender Rights**  
**From: Councilmember Kesarwani (Author), Councilmember Droste (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution reaffirming the City of Berkeley’s commitment to Transgender and Gender Expansive Rights  
**Financial Implications:** None  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110  
**Action:** Adopted Resolution No. 70,300–N.S.
- 23. Budget Referral: Municipal Electric Vehicle Charging Infrastructure**  
**From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** That the City Council refer to the FY2023-24 budget process the funding of electric charging infrastructure for the City’s fleet of electric vehicles.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Councilmember Bartlett added as a co-sponsor. Approved recommendation.

## Council Consent Items

- 24. Budget Referral: West Berkeley Park Ambassadors**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** That the City Council refer to the FY2023-24 budget process the funding for Park Ambassadors at San Pablo Park, Strawberry Creek Park, and Aquatic Park.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 25. Support for AB-1608 (Angelo Quinto Act of 2022)**  
**From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Send a letter to the state legislature in Support of Assembly Bill 1608: Independent Coroner's Offices (Gipson).  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 26. Native and Drought Resistant Plants and Landscaping Policy Update** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Adopt a Resolution amending the Native Species/Bay-Friendly Landscaping Policy to require, when appropriate, the prioritization of native, non-invasive, and pollinator friendly plantings on City property.  
*Policy Committee Recommendation: On March 9, 2022, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a Positive Recommendation to forward the item to the City Council.*  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Adopted Resolution No. 70,301–N.S. as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.

## Council Consent Items

27. **Community Policing: Flex Team for Problem-Oriented Policing Under the Scanning, Analysis, Response, and Assessment (SARA) Model and Other Applicable Community Engagement Models** *(Reviewed by the Public Safety Committee)*  
**From: Councilmember Taplin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Droste (Co-Sponsor)**  
**Recommendation:** Refer to the City Manager the establishment of a Flexible Team for Problem-Oriented Policing in the Berkeley Police Department, following the SARA model and other applicable community engagement models, including Berkeley Ceasefire.  
*Policy Committee Recommendation: On March 7, 2022, the Public Safety Committee made a Positive Recommendation to the City Council for the item to be considered as part of the reimagining public safety process.*  
**Financial Implications:** Staff time  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation of the Public Safety Committee. Supplemental material submitted at the meeting by Councilmember Taplin.
28. **Budget Referral to Fund Mayoral Budgetary Analyses Pursuant to Charter Article VI. Section 24**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer to the FY 23 and FY 24 Bi-annual Budget Process \$100,000 to provide the Mayor, on behalf of the Budget Committee and Council, the means to hire a certified public accountant throughout both fiscal years to provide supplemental assistance in fulfilling budgetary obligations pursuant to the Charter.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Moved to Action Calendar. 0 speakers. M/S/C (Arreguin/Hahn) to approve the recommendation as revised in Supplemental Communications Packet #1 from Councilmember Harrison.  
**Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Kesarwani (Recused – working relationship with named entity).

## Council Consent Items

**29. Berkeley Public Library Foundation's 19th Annual Authors Dinner Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**

**Recommendation:** Adopt a resolution approving the expenditure of an amount not to exceed \$600 per Councilmember, including \$500 from Councilmember Wengraf, \$200 from Mayor Arreguín, and \$200 from Councilmember Hahn, to the Berkeley Public Library Foundation's 19th Annual Authors Dinner event with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn, and additional funds from Councilmembers who would like to contribute. The Berkeley Public Library Foundation raises funds to support and enhance facilities, programs, and services of the Berkeley Public Library. Recent gifts to the Foundation helped the library redesign its services during the pandemic, outfit a culinary tool lending library, and complete needed capital improvements to the downtown Central Library.

**Financial Implications:** See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

**Action:** Adopted Resolution No. 70,302–N.S. revised to include contributions from the following Councilmembers up to the amounts listed; Councilmember Robinson - \$250; Councilmember Bartlett - \$200; Councilmember Kesarwani - \$100.

**30. Kala Art Institute 2022 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)**

**Recommendation:** Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Taplin, \$250 from Councilmember Hahn and \$250 from Mayor Arreguín, to the Kala Art Institute, a 501(c)(3) non-profit organization, to support Art Kala 2022, an exhibition, auction, and benefit to support Kala's artistic, cultural, and educational programs, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmembers Hahn and Taplin, Mayor Arreguín, and any other Councilmembers who would like to contribute.

**Financial Implications:** See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

**Action:** Adopted Resolution No. 70,303–N.S. revised to include contributions from the following Councilmembers up to the amounts listed; Councilmember Robinson - \$250; Councilmember Bartlett - \$200; Councilmember Kesarwani - \$100; Councilmember Wengraf - \$250.



## Council Consent Items

- 31. Proclamation in Honor of Holocaust Remembrance Day**  
**From: Councilmember Wengraf (Author), Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt the Holocaust Remembrance Day Proclamation for the 19th Annual Holocaust Remembrance Day program to be held virtually Thursday, April 28th from 2:00 – 3:00 PM.  
**Financial Implications:** None  
 Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Adopted proclamation.
- 32. Budget Referral: City of Berkeley Annual Holocaust Remembrance Day**  
**From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Refer to the Fiscal Year 2023/2024 budget process a request for \$6,000 annually to fund the City of Berkeley’s Annual Holocaust Remembrance Day Program.  
**Financial Implications:** See report  
 Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160  
**Action:** Councilmember Taplin added as a co-sponsor. Approved recommendation.
- 33. Budget Referral: Downtown Berkeley BART Station Modernization Design**  
**From: Councilmember Robinson (Author), Councilmember Harrison (Author), Mayor Arreguin (Co-Sponsor), Councilmember Droste (Co-Sponsor)**  
**Recommendation:** Refer \$250,000 to the June 2022 budget process to contribute to funding Bay Area Rapid Transit’s preliminary design engineering work for the Downtown Berkeley BART Station Modernization project.  
**Financial Implications:** General Fund - \$250,000  
 Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Approved recommendation.
- 34. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for the Suitcase Clinic**  
**From: Councilmember Robinson (Author)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Robinson, to the Suitcase Clinic to fund homeless outreach supplies and in-clinic expenses.  
**Financial Implications:** See report  
 Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Adopted Resolution No. 70,304–N.S. revised to include contributions from the following Councilmembers up to the amounts listed; Councilmember Hahn - \$200; Councilmember Bartlett - \$200; Councilmember Kesarwani - \$100; Councilmember Wengraf - \$250.

## Council Consent Items

- 35. Support for AB 2050: Ellis Act Reform**  
**From: Councilmember Robinson (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Send a letter to Assemblymember Alex Lee, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 2050, which would require five years of ownership before a rental property owner can proceed with an eviction pursuant to the Ellis Act, with exemptions for small landlords.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Mayor Arreguin added as a co-sponsor. Approved recommendation.
- 36. Support for SB 649: Affordable Housing Local Tenant Preference**  
**From: Councilmember Robinson (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Send a letter to Senator Dave Cortese, Assemblymember Buffy Wicks, and Senator Nancy Skinner in support of Senate Bill 649, which would enable the creation of local tenant preferences policies for affordable housing.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Councilmembers Harrison and Bartlett added as co-sponsors. Approved recommendation.
- 37. Support for AB 2147: Jaywalking Decriminalization**  
**From: Councilmember Robinson (Author)**  
**Recommendation:** Send a letter to Assemblymember Phil Ting, Assemblymember Friedman, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of AB 2147, related to jaywalking enforcement.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Councilmember Bartlett added as a co-sponsor. Approved recommendation.  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Wengraf, Droste, Arreguin; Noes – Harrison.
- 38. Support for SCA 2: Article 34 Repeal**  
**From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Droste (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution supporting SCA 2 to repeal Article 34 of the California Constitution, eliminating the required city-wide vote for construction of publicly-funded low-income housing projects. Send copies of the Resolution to Senators Ben Allen, Scott Wiener, Nancy Skinner, and Assemblymember Buffy Wicks.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Adopted Resolution No. 70,305–N.S.

Recess 8:06 p.m. – 8:21 p.m.

## Action Calendar – Old Business

39. **Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities** (*Continued from March 22, 2022. Item contains supplemental material.*)

**From: Auditor**

**Recommendation:** We recommend City Council request that the City Manager report back by September 29, 2022, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Berkeley Police Department (BPD). They have agreed to our findings and recommendations. Please see our report for their complete response.

**Financial Implications:** None

Contact: Jenny Wong, Auditor, (510) 981-6750

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:05 p.m.

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

Councilmember Wengraf absent 10:49 p.m. – 11:02 p.m.

**Action:** 8 speakers. M/S/C (Arreguin/Robinson) to 1) accept the Auditor's report; 2) request that the City Manager report back by September 29, 2022 on status of recommendations, and every six months thereafter until fully implemented; 3) expedite implementation of recommendation #4; and 4) set a goal for September 2022 for the City Attorney, City Manager, and Police Department to have contracts in place for services with outside entities including all overhead/administrative costs, termination clauses, and ability to reassign officers as needed.

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

## Action Calendar – New Business

- 40a. **Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**

**From: Commission on Labor**

**Recommendation:** Adopt first reading of the proposed Fair Workweek Ordinance, adding Berkeley Municipal Code Chapter 13.110.

**Financial Implications:** See report

Contact: Margot Ernst, Commission Secretary, (510) 981-5400

## Action Calendar – New Business

**40b. Companion Report: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**

**From: City Manager**

**Recommendation:** Direct this item to the Health, Life Enrichment, Equity, and Community Policy Committee for the following: Review and evaluate the proposed policy; and Evaluate resources needed to conduct the necessary analysis of impacts and costs associated with implementing the proposed policy.

**Financial Implications:** See report

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

**Action:** Items 40a and 40b moved to the Consent Calendar and referred to the Health, Life Enrichment, Equity, and Community Policy Committee, including the supplemental material in Supplemental Communications Packet #1 from Councilmember Harrison.

**41a. UC Berkeley Agreement**

**From: Disaster and Fire Safety Commission**

**Recommendation:** The University of California recently agreed to pay the City of Berkeley \$4.3 million a year to cover cost expended by the City due to the University's expansion and cost on the City. The funding is intended to 'support fire and city services.' The DSFC recommends that the City administer the funds separately from the general funds and with public review under the DSFC similar to FF and GG for the duration of the agreement.

**Financial Implications:** None

Contact: Keith May, Commission Secretary, (510) 981-3473

**41b. Companion Report: UC Berkeley Agreement**

**From: City Manager**

**Recommendation:** Use the General Fund and existing budget process to administer payments received through the University of California settlement.

**Financial Implications:** See Report

Contact: Abe Roman, Fire, (510) 981-3473

**Action:** Item 41b from the City Manager to the Consent Calendar. Approved recommendation. No action taken on Item 41a.

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

## Adjournment

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

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

Adjourned at 11:02 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting on April 12, 2022.

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Mark Numainville, City Clerk

## Communications

### **Item #27: Community Policing: Flex Team for Problem-Oriented Policing Under the Scanning, Analysis, Response, and Assessment (SARA) Model and Other Applicable Community Engagement Models**

1. Susan Payne
2. Matt Ruby
3. Jeff Vincent
4. Phyllis Kamrin
5. Alicia Carter
6. Paula Hollowell
7. Bradley Morris
8. Charlene Washington
9. aliciacatherinemorre@
10. Michelle Braasch-Carman
11. Frances Haselsteiner
12. Damian Park
13. Sarah Garrett
14. Kenneth Berland
15. Nancy Chamberlain
16. Naomi Marks
17. Stacey Murphy
18. David Lerman
19. Charles Clarke
20. Eric Friedman
21. Nathan Scullion
22. Antoine Grondin
23. Thomas Luce
24. Stephen Wilson
25. Kitt Saginor
26. Diana Bohn

### **Vision 2050**

27. David Lerman

**UC Berkeley Students Cap**

28. Michael Fullerton (2)

**Housing**

29. Grayson Peters

30. Avran Gur Arye (3)

**Paving Ballot Measure**

31. Alex Sharenko

**Hazardous Condition of Crosswalk at Francisco Street and Sacramento**

32. David Lerman

**Landmark Preservation of the California Theatre**

33. Sonia Mistry

**Revitalization of the Downtown Area**

34. Steven Schuyler

**Parking Enforcement Outside the SPARK Program**

35. Diana Bohn

**Corporate Money in Berkeley Elections**

36. Nilang Gor

**Underground Wiring of PG&E**

37. Pamela Doolan

**Project of “The Next One”**

38. Anonymous

**Bench Needed at Caesar Chavez Park**

39. Michael Fullerton

40. Michelle Silver

**Climate Change**

41. Jeff White

42. Thomas Lord

**COVID-19 and Masks**

43. George Torgun

**Eden I&R Newsletter**

44. Eden I&R

**Freedom of Speech**

45. Nilang Gor

**Berkeley Food Procurement**

46. Nilang Gor, on behalf of the Sierra Club

**Shut Down America's Coal Industry**

47. Jeff White

**Station Access at North Berkeley BART**

48. David Brandon

**Sanctuary Contracting Ordinance**

49. Elana Auerbach

**Redistricting**

50. Elisabeth Watson

**North Berkeley BART Development**

51. 35 similarly-worded from letters

52. Charlene Woodcock

53. Aimee Baldwin

54. Vicki Sommer

55. Kenneth Gross

56. Sean Bouvet

57. Holly Scheider

58. Kevin James and Tom Reilly

59. Deborah Gouailhardou

60. Carol Hirth

61. Larry Orman

62. Toni Casal (2)

63. Tony Corman

64. Roberta Silverstein

65. Maud Engel

66. S.P. Neyhart

**Paid Parking System – Smart Space**

67. Kit Vanbuskirk

**Tenant Opportunity to Purchase Act (TOPA)**

68. 10 similarly-worded form letters

69. Rahel Smith

70. Ginny Madsen

71. Jeffrey Melcher

72. Ayanna Davis

**Dog's Off Leash**

73. Heather Lee Khvatsky

**Supplemental Communications and Reports 1**

- 74. Christine Staples
- 75. Amanda Strickler
- 76. Amol Rao
- 77. Phyllis Kamrin
- 78. Luan Nio
- 79. Eric Friedman
- 80. jennywhite@
- 81. Chris Horgan & Elena Prakoura
- 82. Claudia Kawczynka
- 83. Adam Fuchs
- 84. Fran Haselsteiner
- 85. Marcia DuBois
- 86. Deborah and Roy Scott
- 87. Elizabeth Arenas

**Item #28: Budget Referral to Fund Mayoral Budgetary Analyses Pursuant to Charter Article VI. Section 24**

88. Revised material, submitted by Councilmember Harrison

**Item #40a: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**

89. Supplemental material, submitted by Councilmember Harrison

**Supplemental Communications and Reports 2**

**Item #27: Community Policing: Flex Team for Problem-Oriented Policing Under the Scanning, Analysis, Response, and Assessment (SARA) Model and Other Applicable Community Engagement Models**

- 90. Susan Springborg
- 91. Leslie Berkler, on behalf of the Women's Daytime Drop-In Center
- 92. Beth Roessner, on behalf of the Berkeley Chamber of Commerce
- 93. Steve Kromer, et al
- 94. Charles Clarke
- 95. Ann Squires
- 96. Toni Mester
- 97. Jeff Vincent

**Supplemental Communications and Reports 3**

**City Manager Comments**

98. Presentation, submitted by the City Manager's Office



**Item #27: Community Policing: Flex Team for Problem-Oriented Policing Under the Scanning, Analysis, Response, and Assessment (SARA) Model and Other Applicable Community Engagement Models**

99. Supplemental material, submitted by Councilmember Taplin

100. Elizabeth Lee
101. Ken Berland
102. Diana Bohn
103. Margaret Flaherty
104. Julie Chervin
105. Shmuel Weissman
106. Damien Murtagh
107. Tai Yu, on behalf of Great China Restaurant
108. Dave Fogarty
109. Minda Berbeco
110. Alison Huetter
111. Lorenzo Avila
112. Isabelle Gaston
113. Ben Buettner
114. Todd Andrew
115. Paul Gumpel
116. Cynthia Harbaugh
117. John Poppleton
118. Chimey Lee
119. Meryl Siegal

**Item #39: Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**

120. Barbara Gilbert

**Item #40a: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**

121. Barry Braden, on behalf of Fieldwork Brewing Company
122. Kirk & Amanda Jung, on behalf of The Barkmont
123. Bruce Carlton, on behalf of Residence Inn by Marriott Berkely
124. Maureen McGraw, on behalf of Meyer Sound
125. Matt Sutton, on behalf of the California Restaurant Association

**Item #40b: Companion Report: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**

126. Beth Roessner, on behalf of the Berkeley Chamber
127. Drew Johnson, on behalf of Bayer
128. Dell Dellinger, on behalf of the Hotel Shattuck

**MINUTES  
BERKELEY CITY COUNCIL SPECIAL MEETING**

**TUESDAY, APRIL 19, 2022**

**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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## Preliminary Matters

**Roll Call:** 4:02 p.m.

**Present:** Bartlett, Hahn, Robinson, Taplin, Wengraf, Arreguin

**Absent:** Droste, Harrison, Kesarwani

Councilmember Kesarwani present at 4:05 p.m.

Councilmember Droste present at 4:27 p.m.

**Public Comment - Limited to items on this agenda only - None**

## CLOSED SESSION:

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

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

*a. Worthy v. City of Berkeley, et al., Action No. 3:20-cv-05558-EMC*

**Action:** No reportable action taken.

## OPEN SESSION:

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

No reportable action taken.

## Adjournment

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

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

Adjourned at 4:35 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of April 19, 2021 as approved by the Berkeley City Council.

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Rose Thomsen, Deputy City Clerk

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

**Tuesday, April 19, 2022  
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  
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DISTRICT 8 – LORI DROSTE

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## Preliminary Matters

**Roll Call:** 6:02 p.m.

**Present:** Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Kesarwani, Taplin, Bartlett

Councilmember Kesarwani present at 6:05 p.m.

Councilmember Bartlett present at 6:07 p.m.

Councilmember Taplin present at 6:15 p.m.

## Report from Closed Session

The City Council met in closed session and there was no reportable action taken.

## Ceremonial Matters:

1. Adjourned in memory of the Berkeley High School Student who passed away on April 18, 2022.

## Worksession

**Action:** M/S/C (Arreguin/Robinson) to adopt a temporary rule to limit public comment to one minute per speaker.

**Vote:** All Ayes.

### 1. Fire Department Standards of Cover and Community Risk Assessment Study

**From:** City Manager

Contact: Abe Roman, Fire, (510) 981-3473

**Action:** 9 speakers. Presentation made, including the material in the Supplemental Communications Packet #2 from the Fire Department, and discussion held.

Recess 8:09 p.m. – 8:19 p.m.

### 2. Ashby and North Berkeley BART Transit-Oriented Development

**From:** City Manager

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

**Action:** 57 speakers. Presentation made and discussion held.

Councilmember Hahn absent 9:20 p.m. – 11:45 p.m.

**Action:** M/S/C (Arreguin/Harrison) to suspend the rules and extend the meeting to 11:15 p.m.

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

**Action:** M/S/C (Arreguin/Taplin) to suspend the rules and extend the meeting to 11:30 p.m.

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

**Action:** M/S/C (Arreguin/Taplin) to suspend the rules and extend the meeting to 11:45 p.m.

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

## Adjournment

Adjourned at 11:45 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting on April 19, 2022.

---

Rose Thomsen, Deputy City Clerk

## Communications

### Item #2: Ashby and North Berkeley BART Transit-Oriented Development

1. 31 similarly-worded form letters (I am a resident)
2. 25 similarly-worded form letters (I live in)
3. 20 similarly-worded form letters (12 stories)
4. 19 similarly-worded form letters (Generational opportunity)
5. 11 similarly-worded form letters (1-4, a-c)
6. 9 similarly-worded form letters (Please ensure)
7. Anne Boersma
8. Naomi Janowitz
9. Bernard Marszalek
10. Carolyn McNiven
11. Mary Rose
12. Jodi Ravel
13. Elie Hassenfeld
14. Elana Auerbach
15. Mary Dorst
16. Cindy Shamban
17. Lynda Caesara
18. Basak Altan
19. David Brandon
20. Summer Brenner
21. Ben Gerhardstein
22. Kori Kody and Steve Jackson
23. Josh Cohen
24. Paul Bickmore

25. Theo Posselt (2)
26. Andrew Doran
27. Margot Smith
28. Libby Lee-Egan
29. Susan Segal
30. Barbara Fisher
31. Carole Cool
32. Stephen Sperber
33. Anne Torney
34. Oren Cheyette
35. Helena Chang
36. Carla Woodworth
37. Tony Corman
38. Phil Allen
39. Andrew Fox
40. Nat Kane
41. Raymon Sutedjo-The
42. Jonathan Packman
43. Emily Lin
44. Barry Fike
45. Sarah Bell
46. Janet Byron
47. Emily Klion
48. Anirvan Chatterjee
49. Alisa (2)
50. Yoni Mayeri
51. Stephanie Allan
52. Xander Boutelle
53. Ayushi Samaddar
54. David Mendelsohn
55. Councilmember Kesarwani
56. Steven Morris
57. Laura Stevens
58. Becca Schonberg
59. Annie Preston
60. Maureen Sedonaen
61. Stephen Dalton
62. Doris Nassiry
63. Susan Mathews
64. Anandamayi Arnold
65. Ignacio Dayrit
66. Hayley Currier
67. Virginia Browning
68. Emma Lydon
69. Lauren O'Brien
70. Susan Holbrook
71. Avram Gur Arye
72. Mary Behm Steinberg
73. Michael Caplan
74. Reynaldo Santa Cruz

75. Toni Casal

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

### Item #1: Fire Department Standards of Coverage and Community Risk Assessment Study

76. Revised material, submitted by the Fire Department

### Item #2: Ashby and North Berkeley BART Transit-Oriented Development

77. Elana Naftalin-Kelman

78. Andrea Altschuler

79. Vicki Sommer (2)

80. Jack Kurzweil

81. Tony Corman

82. Claudia Valas

83. David Jackson

84. Toni Mester

85. Paul Buddenhagen

86. Deena Aranoff

87. Ellen Greenblatt

88. Larisa Cummings

89. Cindy Shamban

90. Mrs. The-Anh Cao

91. Susan Brand

92. Kori Kody

93. Chris McKee

94. Greysonne Coomes

95. Lynda Caesara

96. Todd Darling

97. E. Horowitz

98. Cynthia Papermaster

99. Candice Schott

100. Laura Klein

101. Judy MacLean

102. Ann Einstein

103. Sheila Jordan

104. Larisa Cummings

105. Kris Eggen

106. Kathy Labriola

107. Janice Schroeder

108. Jane Welford

109. Diana Bohn (2)

110. Jeff and Kim Haltiner

111. Kirsten Rose

112. E. Anne Griffiths

113. Tobey Wiebe

114. Stephanie Manning



115. Eric Arens
116. Larry Orman
117. Priscilla Hine
118. Richard Hiersch
119. Mary Louise Zernicke
120. Cynthia Larson
121. Thea Davison
122. Rebecca Tuden
123. Terence O'Hare
124. Peter Gleick
125. Alexander Benn
126. Rachel Bradley
127. Louise Rosenkrantz
128. Sabina McMurtry
129. Jane Tierney
130. Karen Jacobs
131. Hayler Currier, on behalf of TransFrom
132. Ms. Barryett Enge
133. Marice Ashe
134. Carol Hirth
135. Carol Nyhoff
136. Eva Herzer
137. Barbara Fisher
138. John Rice
139. Ralda Lee
140. Sandy Young
141. Sheila Goldmacher
142. Meryl Siegal
143. Julia Cato
144. Paola Laverde, on behalf of Berkeley Tenants Union
145. Shirley Issel
146. Mimi Mougovan
147. Negeene Mosaed
148. Norma Myers
149. Michael Katz
150. Nathan Tsuizaki
151. Lisa and Tim Goodman
152. Lisa Bruce
153. Alisa Foster, et al
154. Bronya Feldmann
155. Juliet Lamont
156. George Porter
157. Irene Rice
158. Karen Sumner
159. Jason Warriner
160. Sean Bouvet

### **Supplemental Communications and Reports 3**

#### **Item #2: Ashby and North Berkeley BART Transit-Oriented Development**

161. Presentation, submitted by the Planning Department

162. Lisa Camasi
163. Ron Dion
164. Alan Thomsen
165. Candace Hyde-Wang
166. Bill Bogert
167. Phyllis Olin
168. Louise Kimball
169. Vicki Sommer
170. Richard Faszholz
171. Peter Guinosso
172. Charlene Woodcock
173. Jill Holloway
174. Clifford Fred
175. Reynaldo Santa Cruz
176. George Porter
177. Kenneth Gross
178. Elana Auerbach
179. Dorothy Walker
180. Catherine Ryan
181. Carla Woodworth
182. Andrea Horbinski
183. Gene Meyers
184. Toni Casal
185. Leslie Valas
186. Tom Reilly
187. Vivian Pisano
188. Toni Mester
189. Kristina Feller
190. Julieta Pisani McCarthy
191. Nathan Tsuizaki
192. David Rice
193. Santiago Casal
194. Kevin Burke
195. David Brown
196. Michael Frantz
197. Uzma Hussain
198. Paul Widess
199. Todd Andrew
200. Eileen Hughes
201. Kip Waldo
202. Mark Schirmer
203. Teresa Clarke (3)
204. Laura Garcia-Moreno
205. Linda Press Wulf
206. Julieta Pisani McCarthy
207. Andrea Altschuler
208. Toni Mester

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

**Thursday, April 21, 2022  
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

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## Preliminary Matters

**Roll Call:** 6:03 p.m.

**Present:** Harrison, Hahn, Wengraf, Robinson, Droste

**Absent:** Kesarwani, Taplin, Bartlett, Arreguin

Councilmember Kesarwani present at 6:05 p.m.

Councilmember Bartlett present at 6:05 p.m.

Councilmember Taplin present at 6:09 p.m.

Mayor Arreguin present at 6:10 p.m.

## Action Calendar – New Business

### 1. City Manager Presentation and Response to the Reimagining Public Safety Task Force and National Institute for Criminal Justice Reform

#### Recommendations

#### From: City Manager

**Recommendation:** Accept the report from the City Manager with the goal of supporting council discussion and recommendations on a path forward to transforming public safety and policing in Berkeley.

**Financial Implications:** See report

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

Recess 8:08 p.m. – 8:18 p.m.

**Action:** 27 speakers. Presentation made and discussion held.

## Adjournment

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

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

Councilmember Harrison absent 10:21 p.m. – 10:46 p.m.

Councilmember Hahn absent 10:23 p.m. – 10:46 p.m.

Councilmember Bartlett absent 10:45 p.m. – 10:46 p.m.

Adjourned at 10:46 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting on April 21, 2022.

---

Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

**Item #1: City Manager Presentation and Response to the Reimagining Public Safety Task Force and National Institute for Criminal Justice Reform**

**Recommendations**

**From: City Manager**

1. Margot Smith, on behalf of Elder Action, Ashby Village
2. Wendy Alfsen

## Supplemental Communications and Reports 3

**Item #1: City Manager Presentation and Response to the Reimagining Public Safety Task Force and National Institute for Criminal Justice Reform**

**Recommendations**

**From: City Manager**

3. Presentation, submitted by the City Manager's Office
4. Supplemental material, submitted by Health, Housing & Community Services
5. Andrea Prichett
6. Diana Bohn (2)
7. Nicole Shelby
8. Elana Auerbach
9. Phoebe Sorgen
10. Elizabeth Ferguson
11. Greysonne Coomes

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

**Tuesday, April 26, 2022  
4:00 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

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## Preliminary Matters

**Roll Call:** 4:03 p.m.

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

**Absent:** Taplin

Councilmember Taplin present at 4:05 p.m.

## Action Calendar – New Business

### 1. **2022 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)**

**From:** City Manager

**Recommendation:**

1. Review the completed Re-Weighted Range Voting (RRV) rankings for all outstanding City Council referrals;
2. Approve the removal of referrals that have been marked as rescinded by the sponsoring Councilmember or District;
3. Adopt a Resolution approving the list of prioritized referrals to city staff.

**Financial Implications:** No direct fiscal impacts

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

**Action:** 10 speakers. M/S/C (Arreguin/Wengraf) to:

1. Approve the removal of referrals that have been marked as rescinded by the sponsoring Councilmember or District with the addition of #45 Point in Time Count;
2. Adopt Resolution No. 70,306–N.S. approving the list of prioritized referrals to city staff;
3. Reassign Item #7 Emergency Declarations and Item #19 Development Agreements to the City Attorney’s Office as the lead department.

**Vote:** All Ayes.

## Action Calendar – New Business

### 2. **Accept the Risk Analysis for Long-Term Debt (Bonding Capacity) Report provided by Government Finance Officers Association**

**From:** City Manager

**Recommendation:** Accept the report titled 'Risk-Based Analysis and Stress Test of Long-Term Debt Affordability' as provided by the Government Finance Officers Association (GFOA). This report is based on their research and development of a risk-modeling tool to address issuing long-term debt related to City of Berkeley Vision 2050.

**Financial Implications:** None

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

**Action:** 4 speakers. M/S/C (Hahn/Harrison) to refer the following items to the City Manager and the Budget & Finance Committee to return to Council with recommendations or analysis on as many of the following items as possible by October 2022, if feasible.

- 1) Consideration of reserves policies for operational funds other than the General Fund.
- 2) Potential reduction of the maximum indebtedness rate from 15% of assessed property value down to 4-8% range.
- 3) A new policy to not incur indebtedness when interest rates go above 5% or a different specific threshold.
- 4) Tools for increased transparency for taxpayers.
- 5) Updated report and discussion of pension and healthcare costs.
- 6) Refer the full Report to the Budget & Finance Committee for consideration.

**Vote:** All Ayes.

### 3. **Berkeley Strategic Transportation Plan Update and Grant Application Opportunities**

**From:** City Manager

**Recommendation:** Receive a presentation on the Berkeley Strategic Transportation (BeST) Plan and provide comments to staff on prioritization of projects for preparation of grant funding applications. Staff will return to Council May 31, 2022 for adoption of an amended BeST Plan with a list of grant funding applications to be submitted to the Alameda County Transportation Commission by the end of June.

**Financial Implications:** None

Contact: Liam Garland, Public Works, (510) 981-6300

**Action:** 6 speakers. Presentation made and discussion held.

## Adjournment

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

**Vote:** All Ayes.



Adjourned at 7:08 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting on April 26, 2022.

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Mark Numainville, City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

### **Item #2: Accept the Risk Analysis for Long-Term Debt (Bonding Capacity) Report provided by Government Finance Officers Association**

1. Presentation, submitted by Shayne Kavanagh on behalf of the Government Finance Officers Association
2. Barbara Gilbert

### **Item #3: Berkeley Strategic Transportation Plan Update and Grant Application Opportunities**

3. Presentation, submitted by Public Works

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, April 26, 2022**  
**6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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*Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be 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/83685329120>. 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: 836 8532 9120. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*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.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*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:** 7:21 p.m.

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

**Absent:** Bartlett

Councilmember Bartlett present at 7:24 p.m.

### Ceremonial Matters:

1. Declaration of Dan Dean Day in Berkeley in Memory of Dan Dean, Educator and Activist

### City Manager Comments:

1. Presentation on changes to the City's website

**Public Comment on Non-Agenda Matters:** 10 speakers.

## Consent Calendar

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

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

**Vote:** All Ayes.

## Recess Items

1. **Contract No. 32000225 Amendment: Rebecca Burnside for Personnel Investigations**  
**From:** City Manager  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 32000225 with Rebecca Burnside for Personnel Investigations by increasing the contract amount by \$151,000 for a new not to exceed amount of \$200,000.  
**Financial Implications:** See report  
Contact: Abe Roman, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,307–N.S.

## Consent Calendar

- 2. Collection of Parking Space Rental Tax for City Owned Parking Lots; and Amending BMC Section 6.24.050**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,806-N.S. amending BMC 6.24.050 to allow Parking Space Rental Tax to be placed in the general fund instead of a special fund.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Paul Buddenhagen, City manager's Office, (510) 981-7000  
**Action:** Adopted second reading of Ordinance No. 7,806-N.S.
- 3. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of March 8 (closed and regular), March 10 (special), March 15 (special-5 pm and special-6 pm), March 22 (closed, special and regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved the minutes as submitted.
- 4. Acceptance of Funding from University of California, Berkeley for Operations of the Rodeway Inn**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to accept a \$2,200,000 donation from the University of California, Berkeley to support 6 months of operations at the Rodeway Inn for the noncongregate sheltering of people experiencing homelessness at People's Park.  
**Financial Implications:** One-Time Grant: No Capital Expenditures Fund - \$2,200,000 (Donation)  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,308–N.S.
- 5. Contract: Abode Services to Operate Interim Housing at the Rodeway Inn**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Abode Services to operate an interim housing program at the Rodeway Inn (1461 University Ave.) in an amount not to exceed \$3,993,397 for the period of May 1, 2022 to October 31, 2023.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,309–N.S.

## Consent Calendar

- 6. Urgency Ordinance for Leasing the Real Property at 1461 University Avenue**  
**From: City Manager**  
**Recommendation:** Adopt an Urgency Ordinance to enter into a lease for the real property located at 1461 University Avenue, Berkeley for a term of 18 months.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Urgency Ordinance No. 7,807-N.S. adopted.
- 7. Contract: Village of Love for Operation of the Telegraph Neighborhood Sacred Rest Drop-In Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Village of Love to operate a daytime drop-in center for people experiencing homelessness, in an amount not to exceed \$250,000 for the term of June 1, 2022 – May 31, 2023.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,310–N.S.
- 8. Endorsement of the Alameda County Home Together 2026 Implementation Plan**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution endorsing the Home Together 2026 Implementation Plan, a community-wide plan for Alameda County which lays out the goals, strategies and investments needed to dramatically reduce homelessness – and reduce racial disparities in the homeless population – by 2026.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,311–N.S.
- 9. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 26, 2022**  
**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 - \$10,914,400  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.

## Consent Calendar

- 10. Contract: Fire Aside for Defensible Space Inspection Software**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Fire Aside to provide a mobile vegetation inspection software solution for the Fire Department from May 18, 2022 to May 17, 2024 in an amount not to exceed \$60,000 with an option to extend for an additional four years, for a total contract amount not to exceed \$160,000.  
**Financial Implications:** Measure FF Funds - \$160,000  
Contact: Abe Roman, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,312–N.S.
- 11. Commission Reorganization for Post-COVID-19 Budget Recovery: Community Health Commission**  
**From: City Manager**  
**Recommendation:** Adopt the first reading of an Ordinance to revise Municipal Code Sections 3.76.010 to 3.76.040 which establishes the Community Health Commission in order to change Commission membership to include nine (9) people and consolidate the functions of the Commission from ten overlapping and redundant functions to a more concise 4 functions.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted first reading of Ordinance No. 7,808-N.S. Second reading scheduled for May 10, 2022.
- 12. Contract No. 110062 Amendment: Pacific Site Management**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 110062 with Pacific Site Management, increasing the total contract amount by \$76,648 for a total contract amount not to exceed \$432,470, and extending the term to June 30, 2023 for landscaping services at Public Health Division, Aging Services Division, and Mental Health Division facilities.  
**Financial Implications:** Various Funds - \$76,648  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,313–N.S.

## Consent Calendar

13. **Contract No. 31900203 Amendment: Resource Development Associates for Crisis Assessment and Triage Line Evaluation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900203 with Resource Development Associates for evaluation consulting services, extending the term to June 30, 2023 and increasing the contract by \$19,350 for a total amount not to exceed \$82,350.  
**Financial Implications:** One-Time Grant: No Capital Expenditures Fund - \$19,350  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,314–N.S.
14. **Grant Application: the Surrendered and Abandoned Vessel Exchange (SAVE) grant program of the California Division of Boating & Waterways**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to: 1) apply for and accept a grant in the amount of \$60,000 from the California Division of Boating & Waterways (DBW) Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) Execute any amendments; and 3) Authorize a local match contribution of \$6,000.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,315–N.S.
15. **Contracts: Association for Energy Affordability, BlocPower, Ecology Center, Northern California Land Trust, and Waterside Workshops for Climate Equity Fund Pilot Programs**  
**From: City Manager**  
**Recommendation:** Adopt five Resolutions authorizing the City Manager to award contracts and execute any amendments, extensions, or change orders with: 1) Association for Energy Affordability in an amount not to exceed \$83,334; 2) BlocPower in an amount not to exceed \$83,333; 3) Ecology Center in an amount not to exceed \$100,000; 4) Northern California Land Trust in an amount not to exceed \$83,333; and 5) Waterside Workshops in an amount not to exceed \$250,000 to develop Climate Equity Fund Pilot Programs; for a cumulative amount of all contracts not to exceed \$600,000, for the period of May 1, 2022 to May 31, 2024.  
**Financial Implications:** Climate Equity Action Fund - \$600,000  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted Resolution No. 70,316–N.S. (AEA), Resolution No. 70,317–N.S. (BlocPower), Resolution No. 70,318–N.S. (Ecology), Resolution No. 70,319–N.S. (NCLT), and Resolution No. 70,320–N.S. (Waterside).

## Consent Calendar

- 16. Contract: Diablo Engineering Group for Preliminary Engineering and Final Design for the Ohlone Greenway Modernization and Safety Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Diablo Engineering Group for Preliminary Engineering and Final Design for the Ohlone Greenway Modernization and Safety project, for a not-to-exceed amount of \$220,000, plus an additional not-to-exceed amount of \$14,000 for any as-needed additional project-related services as directed by the City's Project Manager, for a total not-to-exceed contract amount of \$234,000, for the period June 1, 2022 through December 31, 2024.  
**Financial Implications:** Various Funds - \$550,000  
 Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,321–N.S.
- 17. Contract: ParkMobile, LLC for Mobile Parking Payment Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a three-year contract and any amendments with ParkMobile, LLC, to provide mobile parking payment at on-street meters and reservations at parking garages in an amount not to exceed \$300,000 for the period July 1, 2022 through June 30, 2025.  
**Financial Implications:** Parking Meter Fund - \$300,000  
 Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,322–N.S.
- 18. Contract No. 9977B Amendment: Portable Computer Systems dba PCS Mobile for Parking Permit and Citation Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9977B with Portable Computer Systems dba PCS Mobile increasing the contract amount by \$225,000, for a total amount not-to-exceed \$2,050,000 and extending the term through June 30, 2024.  
**Financial Implications:** Parking Meter Fund - \$225,000  
 Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,323–N.S.
- 19. Contract No. 117441-1 Amendment: Chrisp Company for Roadway Thermoplastic Markings**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 117441-1 with Chrisp Company to extend the contract term by two years to June 30, 2024, with an option for up to three additional one-year extensions.  
**Financial Implications:** None  
 Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,324–N.S.



## Consent Calendar

- 20. Contract No. 31900047 Amendment: Pavement Engineering Inc. for On-Call Civil Engineering and Construction Management Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900047 with Pavement Engineering Inc. for on-call civil engineering services, increasing the contract amount by \$1,000,000 for a total not-to-exceed amount of \$3,500,000 and extending the term of the contract from June 30, 2022 to December 31, 2023.  
**Financial Implications:** Various Funds - \$1,000,000  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,325–N.S.
- 21. Lease Amendment: Options Recovery Lease of City Property 1835 Allston Way**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute an Amendment to the Lease Agreement with Options Recovery Services for the Old City Hall Annex Building located at 1835 Allston Way. The lease provides for a total of two options to renew for five (5) year terms. This first option period shall commence (retroactively) on January 1, 2020, and end on December 31, 2024.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted first reading of Ordinance No. 7,809-N.S. Second reading scheduled for May 10, 2022.
- 22. Purchase Order: Western Truck Center for Four Front Loaders**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell contract bid procedures, and authorizing the City Manager to execute a purchase of four (4) Front Loaders with Western Truck Center in an amount not to exceed \$1,731,000.  
**Financial Implications:** Equipment Replacement Fund - \$1,731,000  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,326–N.S.

## Council Consent Items

- 23. Bay Area Book Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$1068 from Mayor Arreguin, to the Bay Area Book Festival for the purposes of covering costs associated with personal protective equipment (PPE), with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin.  
**Financial Implications:** Mayor's Discretionary Funds - \$1,068  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,327-N.S.
- 24. Budget Referral: Housing Retention Fund**  
**From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Refer to the Fiscal Year 2023 budget process an allocation of \$1 million from the American Rescue Plan Act (ARPA) funds to the Eviction Defense Center to supplement the Housing Retention Program, including COVID-19 emergency grants.  
**Financial Implications:** American Rescue Plan Act Fund - \$1,000,000  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Approved recommendation.
- 25. Budget Referral: Expand Scope of the Downtown Streets**  
**From: Councilmember Kesarwani (Author)**  
**Recommendation:** Referral to the City Manager and the FY 2022-23 budget process \$50,000 annually to expand the scope of services for the Downtown Streets Team to address the need for enhanced services around commercial and industrial areas in the Gilman District twice weekly.  
The Gilman District is defined as the commercial area west of San Pablo Avenue to Eastshore Highway and, on the south, Gilman Street north to the Albany border.  
**Financial Implications:** See report  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110  
**Action:** Approved recommendation as revised material in Supplemental Communications Packet #1 from Councilmember Kesarwani. Councilmember Bartlett added as a co-sponsor.

## Council Consent Items

26. **Convert 62nd Street Between King St, and Adeline St. Into a Cul de Sac with a Marked Bicycle Lane Connecting Adeline St. to the Bicycle Boulevard on King St.**  
**From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** Refer to the Fiscal Year 2022/2023 Budget Process, an allocation of \$300,000 to convert 62nd Street between King St. and Adeline St. into a cul de sac with a marked bicycle lane connecting Adeline St. to the bicycle boulevard on King St.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Approved recommendation.
27. **Adopt a Resolution in Support of California State Assembly Bill 2557 (Bonta): Specifying That Records of Civilian Law Enforcement Oversight Agencies Are Subject to the Disclosure Requirements of the Public Records Act**  
**From: Councilmember Harrison (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of California State Assembly Bill 2557 (Bonta) that specifies that records and information obtained from records of civilian law enforcement oversight agencies are subject to the disclosure requirements of the public records act and not considered confidential. Send copies of the resolution and letters to Governor Newsom, State Senator Skinner, and Assemblymembers Wicks and Bonta.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
**Action:** Adopted Resolution No. 70,328–N.S.
28. **Budget Referral for Accessibility Renovations for Luna Dance Institute**  
**From: Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Refer a grant of \$150,000 for the benefit of Luna Dance Institute to the FY2023-2024 budget process to support the renovation of 931 Ashby Avenue and create a fully accessible, permanent dance education center for children, families, artists, teachers and the public. Funds will be directed to accessibility upgrades allowing the new Luna center to become Berkeley’s first and only 100% ADA accessible studio, rehearsal, performance, and teaching space.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Approved recommendation as revised in Supplemental Communications Packet #1 from Councilmember Hahn.

## Council Consent Items

- 29. Budget Referral: Hopkins Corridor Bike, Pedestrian, and Placemaking Improvements**  
**From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Robinson (Co-Sponsor)**  
**Recommendation:** Refer \$300,000 to the FY 2023-2024 budget process, with \$150,000 in FY 2023 and \$150,000 in FY 2024, for bike, pedestrian, and streetscape improvements to be implemented in coordination with protected bike lanes, pedestrian safety features, and re-paving of the Hopkins Corridor.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** Approved recommendation.
- 30. Co-Sponsorship and Budget Referral for the Solano Avenue Stroll**  
**From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** 1. Adopt a Resolution for the City of Berkeley to Co-Sponsor the Solano Avenue Association's 2022 and 2023 Solano Avenue Stroll events, currently scheduled for Sunday, September 11, 2022 and Sunday, September 10, 2023, taking place on Solano Avenue in both Berkeley and Albany; and  
2. Resolve to provide in-kind City services previously provided at no cost to the Solano Stroll, including but not limited to police, fire, zero waste, and public works, at no cost to the September 2022 and 2023 Solano Stroll events, and allocate \$20,000 per year for FY 2023 and 2024 (\$40,000 total) for the Solano Avenue Stroll, to support the September 2022 and 2023 Stroll events.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150  
**Action:** 1. Adopted Resolution No. 70,329–N.S.; and 2. Refer the allocation for Fiscal Year 2023 to the City Manager for inclusion in the 2<sup>nd</sup> Amendment to the Annual Appropriations Ordinance on May 10, 2022; and refer the FY 2024 allocation to the biennial budget process. (Supplemental material in Supplemental Communications Packet #1 from Councilmember Hahn renaming the item “Co-Sponsorship and Budget Referral Allocation for the Solano Avenue Stroll” to more accurately reflect the item recommendation and resolution.)  
**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – Droste.

## Council Consent Items

### 31. Support for AB 2234: Postentitlement Permit Streamlining

**From: Councilmember Robinson (Author)**

**Recommendation:** Send a letter to Assemblymember Robert Rivas, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 2234, which would require local governments to adopt modernizations to the postentitlement phase permitting process.

**Financial Implications:** None

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

**Action:** Mayor Arreguin and Councilmember Taplin added as co-sponsors.  
Approved recommendation.

*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. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

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

## Action Calendar – New Business

### 32. Issuance of \$40,000,000 General Obligation Bonds for Measure O – Affordable Housing

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the issuance and sale of general obligation bonds to finance acquisition and improvement of affordable housing and authorizing actions related thereto.

**Financial Implications:** See report

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

**Action:** 0 speakers. M/S/C (Arreguin/Wengraf) to adopt Resolution No. 70,330–N.S. Item includes Supplemental material in Supplemental Communications Packet #2 from the City Manager.

**Vote:** All Ayes.

## 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.*

## Action Calendar – Public Hearings

*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.*

**33. ZAB Appeal: 1643-1647 California Street, Use Permit #ZP2021-0001**

**From: City Manager**

**Recommendation:** Conduct a public hearing, and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2021-0001 to: 1) create a new lower basement level, 2) construct a new second story, and 3) modify the existing duplex layout resulting in a 3,763 square foot duplex on an existing property, and dismiss the appeal.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 7 speakers. M/S/C (Arreguin/Harrison) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Kesarwani/Arreguin) to adopt Resolution No. 70,331–N.S. to remand the project to the Zoning Adjustments Board to consider the Housing Accountability Act implications and the applicability of the Rent Stabilization Ordinance to the property.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

### 34. Zoning Ordinance Amendments that Address Technical Edits and Corrections to Berkeley Municipal Code (BMC) Title 23

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt first reading of an Ordinance containing technical edits, corrections and other non-substantive amendments to the following sections of the new Zoning Ordinance:

BMC Section 23.326.030 (Eliminating Dwelling Units through Demolition)

BMC Section 23.204.020 (Allowed Land Uses)

BMC Section 23.204.100 (C-SA Zoning District)

BMC Section 23.204.110 (C-T Zoning District)

BMC Section 23.204.130 (C-DMU District)

BMC Section 23.204.140 (C-W Zoning District)

BMC Section 23.206 (Manufacturing Districts)

BMC Section 23.302.040 (Home Occupations)

BMC Section 23.304.060 (Accessory Buildings and Enclosed Accessory Structures)

BMC Section 23.322.030 (Required Parking Spaces)

BMC Section 23.502.020 (Glossary)

**Financial Implications:** None

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

**Action:** M/S/C (Arreguin/Hahn) to accept revised material from the City Manager on Item 34.

**Vote:** All Ayes.

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.

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

**Vote:** All Ayes.

**Action:** M/S/C (Hahn/Arreguin) to adopt first reading of Ordinance No. 7,810-N.S. as revised in the revised materials submitted by the City Manager and further revised in Section 3 and Section 10 as read into the record by Planning staff. Second reading scheduled for May 10, 2022.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

### 35. Submission of the Program Year 2022 (FY 2023) Annual Action Plan Containing Allocations of Federal Funds

**From: City Manager**

**Recommendation:** Conduct a public hearing on the federal Program Year (PY) 2022 Annual Action Plan (AAP) for federal Housing and Urban Development Department (HUD) funds, including the allocation of federal funding for community agencies and, upon conclusion, adopt a Resolution: 1. Approving proposed funding allocations under the PY 2022 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); 2. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; 3. Allocating 10% for HOME program administration, up to 5% to support Community Housing Development Organization (CHDO) operations, and the remaining (approximately 85%) of the PY 2022 HOME funds to the Housing Trust Fund; 4. Allocating 20% of the PY 2022 CDBG funds to Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Public Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation, program income, or earlier unused funds, be more or less than estimated; 5. Allocating \$377,404 of the PY 2022 CDBG Public Facility Improvements program funding to the Fred Finch Youth Center Turning Point Facility, and an additional 10% for contingencies, for a total of \$415,144, as long as the HUD allocation and/or program income and earlier unexpended funds result in at least \$100,000 in additional funding for the facility Notice of Funding Availability (NOFA); 6. Allocating the allowable 7.5% of the PY 2022 ESG to Administration, \$6,676 to the HMIS system, up to the allowable 60% to emergency shelter/street outreach, and the remaining amount to Rapid Rehousing as outlined in Exhibit A; 7. Authorizing staff to finalize the PY 2022 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development, including the planned expenditures of HUD funds, required HUD application forms and certifications, and all other HUD-required information; and 8. Authorizing the City Manager to execute and submit all documents necessary to receive the City's entitlement grants under the CDBG, ESG, and HOME Programs.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 1 speaker.

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

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Wengraf) to adopt Resolution No. 70,332–N.S.

**Vote:** All Ayes.



## Action Calendar – Old Business

36. **Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code** *(Continued from March 22, 2022. Item contains supplemental materials.)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code.  
**Financial Implications:** None  
Contact: Jennifer Louis, Police, (510) 981-5900, LaTanya Bellow, City Manager's Office, (510) 981-7000  
**Action:** Item 36 continued to May 10, 2022.

## Action Calendar – New Business

37. **Hopkins Corridor Project Conceptual Design**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the conceptual design for the Hopkins Corridor Project on Hopkins Street between Sutter Street and Gilman Street, and directing the City Manager to direct staff to proceed with the detailed engineering design of the project.  
**Financial Implications:** None  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Item 37 continued to May 10, 2022.
- 38a. **Development of Crisis Stabilization Program in Berkeley**  
**From: Homeless Commission**  
**Recommendation:** The Homeless Commission recommends that City Council refer to the City Manager to develop a crisis stabilization program based on the Bend, Oregon crisis stabilization model, tailored to Berkeley.  
**Financial Implications:** See report  
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400

## Action Calendar – New Business

### 38b. Companion Report: Development of Crisis Stabilization Program in Berkeley From: City Manager

**Recommendation:** There has been interest expressed by the Homeless Commission and Mental Health Commission in establishing Crisis Stabilization Units (CSU) within the geographical boundaries of Berkeley.

Given the large changes coming to the crisis system in Berkeley, the opportunities to increase the use of the Amber House CSU (which persistently has vacant beds) by Berkeley residents, the significant costs in funding and siting a CSU in Berkeley, the complexities of Medi-Cal billing for a CSU funded by Berkeley, staff do not recommend creating a CSU in Berkeley at this time.

Instead, Berkeley could partner with the Alameda County Behavioral HealthCare (ACBH) Plan and Bay Area Community Services (BACS) on increasing the use of Amber House by Berkeley residents and, over the coming 12-18 months, assess the need for additional options for treatment of individuals experiencing a behavioral health crisis. Data from the coming Peer Respite and Specialized Care Unit (SCU) could support informing a plan for building out that crisis system in Berkeley. It is conceivable that better coordination of referrals to Amber House and a non-licensed crisis support program such as the Peer Respite could meet the need in Berkeley at a significantly reduced cost and with far less difficulty than funding and siting a CSU in Berkeley.

**Financial Implications:** See report

Contact: Peter Radu, City Manager's Office, (510) 981-7000

**Action:** Moved Item 38a and 38b to Consent Calendar to adopt the recommendation in Supplemental Communications Packet #2 from Councilmember Taplin as written below.

*Refer to the City Manager:*

1. *To study the feasibility of a Crisis Stabilization Center based on the Deschutes County Health Services model, including contracts with Alameda County Behavioral HealthCare to enable Medicare billing, and to identify and index potential sites in the City of Berkeley available for Crisis Stabilization Center operations; and,*
2. *In the interim, to partner with Alameda County Behavioral HealthCare and Bay Area Community Services (BACS) on increasing the use of Amber House by Berkeley residents and assess the need for additional options for treatment of individuals experiencing mental health crises, including Peer Respite and Specialized Care Unit (SCU).*

## Action Calendar – New Business

**39a. Expansion of Storm Shelter Program to Emergencies not Otherwise Covered  
From: Homeless Commission**

**Recommendation:** The Homeless Commission recommends the Council direct the City Manager to expand the Berkeley Emergency Storm Shelter (BESS) to emergencies not otherwise covered including outside the dates of the current contract with Dorothy Day House.

**Financial Implications:** See report

Contact: Josh Jacobs, Commission Secretary, (510) 981-5400

**39b. Companion Report: Expansion of Storm Shelter Program to Emergencies not Otherwise Covered  
From: City Manager**

**Recommendation:** The Homeless Commission's recommendation to expand the Berkeley Emergency Storm Shelter (BESS) to emergencies not otherwise covered including outside the dates of the current contract with Dorothy Day House addresses a key need for our most vulnerable citizens. Therefore, staff recommends:  
1. Referring this recommendation to the budget process; and 2. Referring this recommendation to staff for analysis of feasibility.

**Financial Implications:** See report

Contact: Peter Radu, City Manager's Office, (510) 981-7000

**Action:** Item 39b moved to Consent Calendar. No action taken on Item 39a.

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

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 10:50 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting on April 26, 2022.

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Mark Numainville, City Clerk

## Communications

**Item #28: Budget Referral for Accessibility Renovations for Luna Dance Institute**

1. Diana Bohn

**Item #29: Budget Referral: Hopkins Corridor Bike, Pedestrian, and Placemaking Improvements**

2. Diane Garcia

3. Farid Javandel, Deputy Director of Public Works

**Item #33: ZAB Appeal: 1643-1647 California Street, Use Permit #ZP2021-0001**

4. Sunny Grewal, studio g+s Architects

**Item #36: Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code**

5. Michael Chang, Chairperson, Police Accountability Board

**Item #38a: Development of Crisis Stabilization Program in Berkeley**

6. Mental Health Commission

**Road Repair**

7. Helga Recke
8. Sheila Jordan
9. Miranda Ewell
10. Margot Smith
11. Sam Saxe-Taller

**Climate Change**

12. Thomas Lord (3)
13. Jeff W.

**Oppose SB 9**

14. Stan Goldberg

**High Fire Hazard**

15. Sally Williams

**Berkeley Marina South Sailing Basin Dredging**

16. Robert Ofsevit

**Establishing a Pilot Existing Building Electrification Installation Incentive**

17. Jack Kurzwell, on behalf of the Wellstone Club

**Housing**

18. Avram Gur Arye

**California Theatre Landmark**

19. Rebecca Kidd
20. Steven Schuyler

**Repatriations**

21. Bob Flasher

**Pandemic Failed Economic Forecasting**

22. Barbara Gilbert

**Tenant Opportunity to Purchase Act (TOPA)**

- 23. Ariana Thompson-Lastad
- 24. Sam Sokolsky
- 25. Keith Ray
- 26. Eva Shu
- 27. Katie DaQuino
- 28. Leah Mealey
- 29. Sylvia Chapman
- 30. Hector Malvido
- 31. Commission on Aging
- 32. 43 similarly-worded form letters

**Supplemental Communications and Reports 1**

**Item #25: Budget Referral: Expand Scope of the Downtown Streets**

33. Supplemental material, submitted by Councilmember Kesarwani

**Item #28: Budget Referral for Accessibility Renovations for Luna Dance Institute**

34. Supplemental material, submitted by Councilmember Hahn

**Item #29: Budget Referral: Hopkins Corridor Bike, Pedestrian, and Placemaking Improvements**

- 35. Jeffrey Kaplan
- 36. Farid Javandel
- 37. Stephen DeGange
- 38. Clifford Brooks
- 39. Diana Bohn
- 40. Bill Van Atta
- 41. Bob Flasher

**Item #30: Co-Sponsorship and Budget Referral for the Solano Avenue Stroll**

42. Supplemental material, submitted by Councilmember Hahn

**Item #36: Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code**

43. Fred Krieger

**Item #38a: Development of Crisis Stabilization Program in Berkeley**

44. Supplemental material, submitted by Councilmember Taplin

## Supplemental Communications and Reports 2

### **Item #29: Budget Referral: Hopkins Corridor Bike, Pedestrian, and Placemaking Improvements**

- 45. Josie Gerst
- 46. Michael Katz
- 47. Donna Dediemar
- 48. David Brandon
- 49. Clifford Fred
- 50. Zelda Bronstein

### **Item #32: Issuance of \$40,000,000 General Obligation Bonds for Measure O – Affordable Housing**

- 51. Supplemental material, submitted by Finance

### **Item #33: ZAB Appeal: 1643-1647 California Street, Use Permit #ZP2021-0001**

- 52. Sunny Grewal, on behalf of studio g+s Architects
- 53. Adam Safir

### **Item #38a: Development of Crisis Stabilization Program in Berkeley**

- 54. Supplemental material, submitted by the Homeless Commission
- 55. Supplemental material, submitted by Councilmember Taplin

## Supplemental Communications and Reports 3

### **Item #4: Acceptance of Funding from University of California, Berkeley for Operation of the Rodeway Inn**

- 56. Max Ventura
- 57. Elana Auerbach

### **Item #29: Budget Referral: Hopkins Corridor Bike, Pedestrian, and Placemaking Improvements**

- 58. Marjorie Kirk
- 59. Holdan Puron
- 60. Shannon Mueller
- 61. Helen Toy
- 62. Meg Holm
- 63. Sujey Rana
- 64. David Hall
- 65. Eduardo Pineda
- 66. Susie Wallenstein
- 67. Mimi Chakarova

### **Item 32: Issuance of \$40,000,000 General Obligation Bonds for Measure O – Affordable Housing**

- 68. Presentation, submitted by Finance

**Action Calendar – Public Hearings**

**Item 33: ZAB Appeal: 1643-1647 California Street, Use Permit #ZP2021-0001**

69. Presentation, submitted by Planning and Development

**Item 34: Zoning Ordinance Amendments that Address Technical Edits and Corrections to Berkeley Municipal Code (BMC) Title 23**

70. Revised material, submitted by Planning and Development

71. Presentation, submitted by Planning and Development

**Item #35: Submission of the Program Year 2022 (FY 2023) Annual Action Plan Containing Allocations of Federal Funds**

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

**Action Calendar – New Business**

**Item #38a: Development of Crisis Stabilization Program in Berkeley**

73. Berkeley Homeless Services Panel of Experts

**Miscellaneous**

**Public Comments by Berkeley High School (BHS) Students**

74. Moni Law, on behalf of BHS Students







Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Peter Radu, Assistant to the City Manager

Subject: Resolution Supporting the Sale of 3404 King Street and transfer of the Turning Point transitional housing program for homeless youth from Fred Finch Youth Center to Larkin Street Youth Services

RECOMMENDATION

Adopt a Resolution supporting the sale of the property at 3404 King Street, currently owned by Fred Finch Youth Center (FFYC), to Larkin Street Youth Services (LSYS) to continue operating the Turning Point transitional housing program for homeless transition-aged youth. The proposed resolution would:

- Immediately forgive in full an outstanding City of Berkeley Housing Trust Fund loan on the property, with an outstanding balance of \$305,000, otherwise set to be forgiven in 2027;
- Authorize the City Manager to enter into contract and necessary amendments with LSYS and reallocate the balance of the funding currently committed to FFYC through the FY20-23 Community Agency Funding RFP process, in an amount not to exceed \$89,255 in FY23;
- Reallocate funding from contract with Covenant House California (Contract No. 31900239) when said contract terminates at the end of June 2022, in an amount not to exceed \$318,000 for FY23, to LSYS.

FISCAL IMPACTS OF RECOMMENDATION

If approved, this resolution will have no net fiscal impacts to the City, but will result in the following budget actions:

- Forgiveness of an outstanding HTF loan with an outstanding balance of \$305,000. Payments are currently not being received and this loan is otherwise set to be forgiven in full in 2027, meaning the net fiscal impacts are zero;
- Transferring of the balance of funding, in an amount not to exceed \$89,255 in FY23, from the existing contract with FFYC (Contract No. 31900257) to a new contract with LSYS;

- Transferring funding in an amount not to exceed \$318,000 for FY23 contract with Covenant House California (contract No. 31900239) when said contract terminates at the end of June 2022 to LSYS;

### CURRENT SITUATION AND ITS EFFECTS

The property at 3404 King Street is an existing two-story residential building consisting of eight rooms and shared common space including a kitchen, living room/lounge, community and recreational room, shared bathrooms and staff offices. The property is currently owned and operated by Fred Finch Youth Center (FFYC) for the purpose of providing affordable housing for up to 12 very low-income youth and young adults, ranging in ages 18 to 25. The site is located in the South Adeline subarea of the Commercial-Adeline Corridor (C-AC) zoning district. GLAs (Group Living Accommodations, including group homes) are allowed in this district at a density of one resident per 350 square feet (sq.ft.) of lot area; the lot, at 5,200 sq.ft., would thus allow 15 people if approved by a Use Permit. However, the property is currently governed by a Variance from 1980, approved when the property was not zoned for group living, which restricts the use to a “home for troubled adolescents” with a maximum capacity for 12 residents.

The property is further subject to affordability restrictions until July 1, 2052, per an existing Regulatory Agreement (RA), which restricts use of the property to providing “housing units permanently affordable to low-income youth.” In addition, a 30-year forgivable Housing Trust Fund loan subject to a Development Loan Agreement (DLA), for \$305,000 and executed July 1, 1997, requires the project to provide permanent affordable housing to low-income youth. The entirety of this loan and its terms will be forgiven in 2027 so long as the programming at the site complies with the terms of the DLA (i.e., housing affordable to youth). Both the RA and the DLA were most recently codified in Council Resolution No. 62,090-N.S., which authorized the assignment and sale of the property and its restrictions in 2003 from Building Opportunities for Self-Sufficiency (BOSS) to FFYC.

Since that 2003 sale, FFYC has met these regulatory restrictions by operating the Turning Point transitional housing program for transition-aged youth experiencing homelessness at the site. This program is supported by a direct HUD Continuum of Care grant in the amount of \$422,579 annually, and also receives City general funds through the City’s FY20-23 Community Agency Funding RFP process (in an amount not to exceed \$189,255 in FY22 and \$89,255 in FY23).

For several years, FFYC has been searching for a mission-driven organization to purchase the property and assume the HUD grant and the program that it supports. However, given the very narrow restrictions on the property, finding a buyer has been extremely challenging, and previous efforts, most recently with Covenant House California in 2019, were unsuccessful. However, since January 2022, FFYC has been in discussion with Larkin Street Youth Services (LSYS) about sale of the property. If this

sale goes through, LSYS, an experienced nonprofit serving homeless transition-aged youth, would also assume the HUD grant to continue operating the 12 bed Turning Point program. Importantly, this sale would prevent Berkeley from losing the last remaining beds dedicated to homeless transition-aged youth in the City, and because the number of beds and scope of the program would not change, it would result in no functional changes to the use or net neighborhood impacts.

FFYC received formal Alameda County HUD CoC Board approval for the transfer of the HUD grant to LSYS on April 25. HUD will be notified in writing by early May and is expected to approve the request by June 30, 2022. In order for this proposal to pencil out for LSYS, however, the existing City of Berkeley Community Agency Funding that serves as local match to the HUD CoC grant would need to be transferred from FFYC to LSYS through FY23 (at which point LSYS will need to re-apply for the funding, along with every community agency receiving funding in the City). The FY22 Community Agency Funding Grant amount was increased one-time by \$100,000 to \$189,255, but is set to return to \$89,255 in FY23. In order to offset the growing costs of the HUD CoC grant, which has been level-funded for years despite significantly growing operating costs, LSYS has requested that, if awarded the grant, the City commit an additional \$100,000 to return the not-to-exceed amount to \$189,255 in FY23. Staff have identified this source from an existing contract with Covenant House California for the YEAH! shelter, currently receiving \$318,000 in Community Agency Funding; as this shelter is set to move to Hayward by June 30, 2022 and will no longer serve dedicated Berkeley referrals, the City Manager will terminate this contract effective June 30, 2022. To keep these existing funds dedicated to homeless youth, staff recommend reallocating \$100,000 to Larkin Street to keep the Turning Point operating budget at FY22 levels. In addition, staff recommend adding the remaining \$218,000 to LSYS to administer transition support and rental assistance with housing retention services for Turning Point participants. This additional funding will increase the number of permanent housing options available to Turning Point participants.

In addition, the property itself needs repair and capital upgrades, including replacement of sewer lateral, foundation repair, and ADA-related upgrades to the bathrooms and kitchen. Council has already approved on April 26, and the City has written into its Annual Action Plan to HUD, a CDBG allocation of \$377,404 with the potential of an additional 10%, for a total allocated amount not to exceed \$415,144. This would need to remain in place after LSYS assumes ownership of the property to complete the rehabilitation and maintenance work. Staff have consulted with HUD and an expert consultant on the matter and have determined that no further action from the City is required to ensure the CDBG funding transfers to LSYS upon sale of the property, assuming that a required Environmental Review of the property is successfully completed prior to sale. At this time, the sale is not expected to occur before the

completion of the Environmental Review. If this changes and if any further Council action is required, staff will return to Council as soon as possible.

Finally, in order to obtain favorable financing terms on the acquisition debt, LSYS has requested that the Council waive the 1997 DLA for \$305,000.

Staff recommend that Council approve these requests. Larkin Street, a \$27M nonprofit provider and the largest Bay Area provider dedicated to ending homelessness for youth, is an experienced operator that serves more than 1,500 young people each year with an array of outreach, drop-in, employment, and wellness services, as well as more than 450 shelter, transitional, and supportive housing beds in San Francisco and rental assistance throughout the greater Bay Area. By continuing to operate the 12-bed youth transitional housing program currently operating at the site, Larkin Street will continue the exact program currently funded by the Community Agency Funding contract with FFYC. Importantly, they would also remain in compliance with the terms of the DLA; since the HTF loan will otherwise be fully forgiven in 2027, forgiving the loan early will have no net fiscal impacts to the City, nor would it change the affordability restriction or restriction to serve youth at the site--requirements which are codified in the RA governing the property and the variance to the property's use permit, respectively, neither of which would be affected by this action. HHCS staff have performed due diligence of LSYS's ability to adhere to the terms of the Regulatory Agreement and have identified no areas of concern. LSYS has been around since 1984, and have focused on specifically serving Transition-Aged Youth (TAY) since 1996. They are well established in the neighborhoods they serve and have the ability to secure funding they need to continue to serve the TAY population. The majority of their funding comes from a steady source of government agency contracts, as well as foundations and corporations, and have received satisfactory reviews from their funders. LSYS has the track record and experience to operate a successful transitional housing program with services targeted to the TAY community.

Finally, if this deal falls through, FFYC has advised staff that it will not commit to renewing the HUD funding for the program, which starts on 11/1/22, for lack of other viable operators. The FFYC Board of Directors has previously made a determination that the program is financially and administratively burdensome and asked that the organization make efforts to transfer the program, with retention of services if possible. Absent such a transfer, the Alameda County CoC would lose these funds altogether. Were this to occur, it would result in the loss of the last remaining beds dedicated to homeless transition-aged youth in Berkeley.

#### BACKGROUND

In 1980, the property at 3404 King Street was granted a Variance allowing the use as a "home for troubled adolescents" with a maximum capacity for 12. In 1997, the Council approved Resolution No. 58,877-N.S. approving a \$305,000 housing trust fund loan for the property (for 30 years, through 2027), and the City finalized a Development Loan

Agreement on the property restricting the use of the property to housing affordable to youth. In 2000, the City placed a Regulatory Agreement and affordability covenant on the property through 2052. In 2003, the Council passed Resolution No. 62,090-N.S., authorizing an Assignment and Assumption Agreement of loan documents from BOSS to FFYC, and amending the agreement to reduce number of youth housed from 15 to 12, in compliance with the variance. In 2006, Council adopted Resolution No. 63,191-N.S., amending the agreement to allow FFYC to serve homeless youth between ages 14 and 25.

On March 2, 2022, HHCS gave Covenant House California a notice that the City intends to terminate its Community Agency Funding contract to operate the YEAH! shelter for transition-aged youth; this contract will end on June 30, 2022.

On April 25, 2022, FFYC and LSYS received formal Alameda County HUD CoC Board approval for the proposed transfer of the HUD grant to LSYS, a move that HUD is expected to approve.

On April 26, 2022, Council approved a Community Development Block Grant (CDBG) allocation of \$377,404 with the potential of an additional 10%, for a total allocated amount not to exceed \$415,144, to perform maintenance and capital rehabilitation on the 3404 King Street property.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### RATIONALE FOR RECOMMENDATION

Adopting this resolution would have a number of benefits with no net fiscal impacts to the City. Specifically:

- It would help prevent Berkeley from losing the last remaining interim beds dedicated to homeless youth in the City and assist with TAY permanent housing exits.
- It would reassign Community Agency Funding from the General Fund, already committed to FFYC for a 12-bed transitional housing program, to an experienced operator (Larkin Street Youth Services) to continue operating the exact same program. It would also ensure that Community Agency Funding currently committed to Covenant House California would remain committed to serving homeless youth in Berkeley when that contract terminates.
- There would be no change in the use of the property nor the number of beds, thus minimizing any functional impacts to the neighborhood. LSYS has been advised that any changes to the number of beds would require a new use permit.
- Forgiving the \$305,000 HTF loan would not change the restriction for using the property for youth, which is otherwise codified in the underlying Regulatory Agreement and the variance to the property's use permit, and since the loan is

set to be forgiven in full in 2027 anyway, there would be no net revenue loss to the City.

ALTERNATIVE ACTIONS CONSIDERED

Council could decide not to approve this recommendation. This would likely result in the closure of the Turning Point program, the loss of \$422,579 in federal homeless funding and the loss of the last remaining beds dedicated to homeless youth in the City, worsening the City's shelter crisis.

CONTACT PERSON

Peter Radu, Assistant to the City Manager, 510-981-7045.

Margot Ernst, Housing and Community Services Manager, 510-981-5427.

Attachments:

1: Resolution

RESOLUTION NO. XX,XXX N.S.

SUPPORTING THE SALE OF REAL PROPERTY AT 3404 KING STREET AND TRANSFER OF THE FUNDING ASSOCIATED WITH THE TURNING POINT TRANSITIONAL HOUSING PROGRAM FOR HOMELESS YOUTH FROM FRED FINCH YOUTH CENTER TO LARKIN STREET YOUTH SERVICES

WHEREAS, the real property at 3404 King Street, Berkeley, CA 94703 is currently owned by Fred Finch Youth Center and utilized for the operation of the 12-bed Turning Point transitional housing program for homeless transition-aged youth, pursuant to the terms of a variance to the property's use permit; and

WHEREAS, 3404 King St is subject to the terms of a 2000 Regulatory Agreement restricting the affordability of the property through 2052; and

WHEREAS, 3404 King St is further subject to a 1997 Development Loan Agreement governing a \$305,000 Housing Trust Fund Loan, forgivable in full in 2027 so long as the property owner continuously uses the site for housing that is permanently-affordable to low-income youth; and

WHEREAS, Fred Finch Youth Center receives \$422,579 annually from the US Housing and Urban Development Department's Continuum of Care (HUD CoC) program to operate the Turning Point program; and

WHEREAS, Fred Finch Youth Center also receives, as local match to this HUD CoC grant, \$189,255 in FY22 and would receive \$89,255 in FY23 through the FY20-23 Community Agency Funding RFP process; and

WHEREAS, due to the condition of the property, the City Council allocated \$415,144 in Community Development Block Grant (CDBG) funds to Fred Finch to perform necessary repairs and capital upgrades to the site; and

WHEREAS, the Fred Finch Youth Center Board of Directors has determined that continuing to operate the Turning Point program is no longer financially viable, and has requested that the organization attempt to transfer the property, the program and its services to a qualified agency; and

WHEREAS, Fred Finch has requested Immediate forgiveness in full of the outstanding Housing Trust Fund loan on the property, with an outstanding balance of \$305,000, otherwise set to be forgiven in 2027; and

WHEREAS, staff intend to terminate an existing contract with Covenant House California in June 2022, thus freeing up city general fund resources currently committed to homeless transition-aged youth; and

May 31, 2022

WHEREAS, Larkin Street Youth Services, based in San Francisco, is an experienced and qualified nonprofit provider serving homeless youth in the Bay Area, and intends to purchase the property at 3404 King Street, assume its regulatory requirements, and continue operation of the Turning Point Program; and

WHEREAS, Larkin Street Youth Services and Fred Finch Youth Center have received verbal commitment from the Alameda County CoC that it intends to support the transfer of the HUD grant for Turning Point from Fred Finch to Larkin Street; and

WHEREAS, City staff have performed due diligence on Larkin Street and have determined that they are capable of meeting the regulatory requirements governing the 3404 King Street Property; and

WHEREAS, if this transfer were to fall through, Fred Finch Youth Center has decided to close the Turning Point program effective October 31, 2022; and

WHEREAS, the City Council passed Resolution No. 70,179–N.S. on January 18, 2022, extending the declaration of a shelter crisis in Berkeley; and

WHEREAS, Turning Point provides the last 12 interim beds in Berkeley dedicated to homeless youth, an especially vulnerable population requiring specialized and dedicated services, and the loss of these beds would be inconsistent with the Council's shelter crisis declaration.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to enter into a contract and necessary amendments with Larkin Street Youth Services and reallocate existing Community Agency Funding grants currently dedicated to Fred Finch Youth Center and Covenant House California to Larkin Street, in an amount not to exceed \$407,255 for FY23.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley forgives in full the Housing Trust Fund loan of \$305,000 tied to 3404 King Street, and authorizes the City Manager to execute all necessary documents for the loan forgiveness.





Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Peter Radu, Assistant to the City Manager  
 Subject: Commission Reorganization: Amendments to Berkeley Municipal Code  
 Section 7.52.190 (Homeless Services Panel of Experts)

RECOMMENDATION

1. Adopt first reading of an Ordinance amending Section 7.52.190 of the Berkeley Municipal Code, the enabling legislation for the Homeless Services Panel of Experts (HSPOE) to add the functions of the Homeless Commission as found in Resolution No. 60,647-N.S.
2. Adopt a Resolution rescinding Resolution No. 60,647-N.S. which established the Homeless Commission.

FISCAL IMPACTS OF RECOMMENDATION

Unifying the Homeless Commission with the Homeless Services Panel of Experts will reduce staffing costs associated with oversight committees dedicated to specific bonds and measures.

CURRENT SITUATION AND ITS EFFECTS

On June 15, 2021, City Council directed the City Manager and City Attorney to amend commissions' enabling legislation to support a phased reorganization of the existing commission structure. The first phase of the recommendation called for the City Manager to, "prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions."

While BMC Section 7.52.190 states that the HSPOE should make recommendations on how and to what extent the City should establish and/or fund programs to end or prevent homelessness in Berkeley and provide humane services and support, their recommendations to date have been restricted to how Measure P funding has been or should be allocated. Further, turnover of commissioners has been high on both commissions with several appointed commissioners vacating their seats within the first four months of their appointment; each commission currently has vacant seats. Additionally, there is overlap of representation on the two commissions as the chairs of each commission also sit as members on the other commission. The proposed revisions

to the enabling legislation of the HSPOE includes a provision that all prior service on the Homeless Commission count toward the eight-year limit of service.

### BACKGROUND

BMC Section 7.52.190 states that the Homeless Services Panel of Experts shall “make recommendations on how and to what extent the City should establish and/or fund programs to end or prevent homelessness in Berkeley and provide humane services and support.” The Berkeley Homeless Commission was established on June 27, 2000 through Resolution No. 60,647-N.S. to replace the Independent Task Force on Homelessness to “monitor and assist in the City’s progress in implementing needed homeless services and facilities, invite service providers and other interested members of the community to attend its meetings, report its recommendations concerning homeless services and facilities to the City Council, perform the federally mandated role of advising Council in the development and implementation of the Continuum of Care Plan, and continue making annual funding recommendations to Council regarding the disbursement of Measure O and other related funds.”

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Consolidating these commissions could reduce vehicle miles travelled and greenhouse gas emissions for staff, commissioners, and members of the public who will travel to meetings via automobile once COVID restrictions are lifted.

### RATIONALE FOR RECOMMENDATION

By consolidating the HSPOE and Homeless Commission into one commission, commissioners will be empowered to make recommendations on how and to what extent the City should establish and/or fund programs to end or prevent homelessness in Berkeley without any ambiguity on their role to advise City Council. Recruitment and retention of skilled commissioners should also increase because there will be fewer seats to maintain and the purpose of the commission will be well defined. It will also reduce the amount of work for city staff, as well as commissioners currently representing seats in both commissions, by reducing monthly meeting time by half. Finally, the recommendations to City Council regarding Homeless Programs will be streamlined and clear.

### ALTERNATIVE ACTIONS CONSIDERED

The Council could take no action and continue to maintain two separate commissions for oversight of the City’s Homeless Programs.

### CONTACT PERSON

Josh Jacobs, Homeless Services Coordinator, Neighborhood Services, 510-225-8035.

### Attachments:

- 1: Ordinance
- 2: Resolution
- 3: June 15, 2021 Council Report
- 4: Resolution Number 60,647-N.S.

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 7.52.190 HOMELESS SERVICES PANEL OF EXPERTS

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

Section 1. That Berkeley Municipal Code Section 7.52.190 is amended to read as follows:

**7.52.190 Homeless services panel of experts.**

A. There shall be established the Homeless Services Panel of Experts to make recommendations on how and to what extent the City should establish and/or fund programs to end or prevent homelessness in Berkeley and provide humane services and support.

B. An officer or employee of the City designated by the City Manager shall serve as secretary of the Panel.

C. In accordance with Chapter 2.04, the Panel shall be composed of nine members appointed by the City Council.

D. Terms shall expire and vacancies shall be filled in accordance with the provisions of Section 2.04.030 through 2.04.145 of this Code.

E. Each member of the Panel must:

1. Have experience in the development, administration, provision and/or evaluation of homeless programs in a government or non-profit capacity; or
2. Have current or past lived experience with homelessness; or
3. Have experience in researching the causes, impacts and solutions to homelessness; or
4. Have experience with state and/or local homeless policy, funding or programs; or
5. Have experience with federal homeless policy and funding administration such as the Continuum of Care Program; or
6. Have experience in the development and financing of affordable housing for formerly homeless persons; or
7. Have experience in the provision of mental health and/or substance use programs for homeless persons.

F. In accordance with Section 3.02.040, members of the Panel may be reappointed but shall not serve more than eight consecutive years.

1. For purposes of determining term limits under Section 3.02.040, a commissioner's service on the Homeless Commission shall be counted toward their service upon their appointment to the Homeless Services Panel of Experts.

G. The Panel shall, by majority vote, do each of the following:

1. Annually appoint one of its members as chair and one of its members as vice-chair;
2. Approve bylaws to facilitate the proper functioning of the Panel;
3. Establish a regular time and place of meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. Minutes for each meeting shall be recorded, kept, and maintained; and
4. Publish an annual report that includes the following:
  - a. Recommendations on how to allocate the City's general funds to fund homeless services programs in Berkeley;
  - b. Information, if available, concerning the impact of funded programs on the residents of the City; and
  - c. Any additional information that the Panel deems appropriate.

H. Within 15 days of receipt of the publication of the Panel's annual report, the City Manager shall cause the report to be published on the City's Internet website and to be transmitted to the City Council.

I. The revenue raised by the tax imposed by Section 7.52.040 is available to pay the usual and current expenses of conducting the municipal government of the City, as determined by the City Council. The City Council shall consider, but need not follow, the Panel's recommendations on how and to what extent to use this revenue to establish and/or fund programs to pay for homeless services and shall annually inform the Panel as to the extent to which it has implemented the Panel's recommendations.

J. The Homeless Services Panel of Experts shall also perform the following functions:

1. Continue the ongoing function previously performed by the Homeless Commission of monitoring and assisting in the City's progress in implementing needed homeless services and facilities;

2. Invite service providers and other interested members of the community to attend its meetings;

3. Report its recommendations concerning homeless services and facilities to the City Council;

4. Perform the federally mandated role of advising Council in the development and implementation of the Continuum of Care Plan;

5. Continue making annual funding recommendations to Council regarding the disbursement of Measure O and other related funds; and

6. Operate for an indefinite period of time.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

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

RESCINDING RESOLUTION NO. 60,647-N.S., ESTABLISHING THE HOMELESS COMMISSION

WHEREAS, Resolution No. 60,647-N.S. established the Berkeley Homeless Commission to assist the City's progress in implementing needed homeless services and facilities;

WHEREAS, Berkeley Municipal Code Chapter 7.52.190 established the Homeless Services Panel of Experts to make recommendations on how and to what extent the City should establish and/or fund programs to end or prevent homelessness in Berkeley and provide humane services and support.

WHEREAS, on June 15, 2021 the City Council directed staff and the City Attorney to bring forward actions to consolidate certain existing City Boards and Commissions; and

WHEREAS, the City Council asked that Berkeley's existing Homeless Commission and Homeless Services Panel of Experts be consolidated; and

WHEREAS, on June 27, 2000 the City Council adopted Resolution 60,647-N.S. which established the Berkeley Homeless Commission; and

WHEREAS, on May 31, 2022 staff brought forward an Ordinance to amend the enabling legislation for the Homeless Services Panel of Experts (Berkeley Municipal Code Section 7.52.190) to add the functions of the Homeless Commission as found in Resolution No. 60,647-N.S.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 60,647-N.S., which established the Homeless Commission, and any amending resolutions, are hereby rescinded.



Lori Droste  
Berkeley Vice Mayor

**ACTION CALENDAR**

June 15, 2021

*(Continued from May 25, 2021)*

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Lori Droste (Author), Councilmembers Rigel Robinson (Co-Sponsor), Rashi Kesarwani (Co-Sponsor) and Mayor Jesse Arreguín (Co-Sponsor)

**Subject:** Commission Reorganization for Post-COVID19 Budget Recovery

**RECOMMENDATION**

1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach.

*Phase 1:* Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions.

*Phase 2:* All other Commissions as proposed below.  
As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one.

| New Commission Name                       | Former Commissions to be Reorganized                                  |
|-------------------------------------------|-----------------------------------------------------------------------|
| Commission on Climate and the Environment | Zero Waste, Energy, Community Environmental Advisory, and Animal Care |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Parks, Recreation, Waterfront (special Marina subcommittee)                                                                                                                                                                                                                                                                                                                                                                                                                          | Children, Youth, and Recreation and Parks and Waterfront                  |
| Peace, Justice, and Human Welfare <sup>1</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                       | Peace and Justice and Human Welfare, Community Action Commissions         |
| Public Health Commission & Sugar Sweetened Beverage Panel of Experts                                                                                                                                                                                                                                                                                                                                                                                                                 | Community Health Commission and Sugar Sweetened Beverage Panel of Experts |
| Housing Advisory Commission                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Measure O and Housing Advisory Commission                                 |
| Homeless Services Panel of Experts                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Homeless Commission and Measure P Homeless Services Panel of Experts      |
| Public Works and Transportation                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Public Works and Transportation                                           |
| Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Planning and Cannabis                                                     |
| <p><b>All other commissions will maintain their current structure:</b> Aging, Library Board of Trustees, Civic Arts, Disability, Commission on the Status of Women, Design Review Committee, Disaster and Fire Safety, BIDs, Fair Campaign Practices and Open Government, Redistricting, Landmarks Preservation, Labor, Loan Adjustments Board, Personnel, Planning, Police Review/Accountability, Reimagining Public Safety, Mental Health, Zoning Adjustments Board, and Youth</p> |                                                                           |

2. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes.
  
3. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions.
  
4. The Peace, Justice and Human Welfare Commission will be composed of only Mayor and Council appointees.
  
5. Refer to City Manager and Commissions the following additional considerations:
  - Federal, state or other external mandates that might be impacted, and determine how to handle.
  - Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted

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<sup>1</sup> Members will be appointed by Council and membership should adhere to Government Code Section 12736(e); 12750(a)(2) and 12751.



- What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission’s charter.
- Whether the merged Commission might include 9, or a greater number of members.
- The possibility of requiring specific qualifications for appointment to the merged Commission.
- The possibility of recommended or required Standing Committees of the Merged Commission
- Volunteer workload and capacity given scope of Commission’s charter

| Policy Committee Oversight <sup>2</sup>                        | Commissions                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda and Rules                                               | <ol style="list-style-type: none"> <li>1. Fair Campaign Practices/Open Government Commission</li> <li>2. Personnel Board</li> </ol>                                                                                                                                                                                                                |
| Budget and Finance                                             | (Any legislation that requires funding)                                                                                                                                                                                                                                                                                                            |
| Public Safety                                                  | <ol style="list-style-type: none"> <li>1. Disaster and Fire Safety Commission</li> <li>2. Police Accountability Board/Police Review Commission</li> <li>3. Reimagining Public Safety Task Force</li> </ol>                                                                                                                                         |
| Facilities, Infrastructure, Transportation and the Environment | <ol style="list-style-type: none"> <li>1. Commission on the Environment</li> <li>2. Parks, Recreation and Waterfront with Marina subcommittee</li> <li>3. Public Works and Transportation</li> </ol>                                                                                                                                               |
| Land Use and Economic Development                              | <ol style="list-style-type: none"> <li>1. Measure O Housing Commission</li> <li>2. Planning Commission</li> <li>3. Labor</li> <li>4. Civic Arts Commission</li> </ol>                                                                                                                                                                              |
| Health, Equity, Life Enrichment, and Community                 | <ol style="list-style-type: none"> <li>1. Peace, Justice, and Civil Rights</li> <li>2. Health and Sugar Sweetened Beverage Panel of Experts</li> <li>3. Homeless Services Panel of Experts</li> <li>4. Mental Health Commission (state/federal mandate)</li> <li>5. Commission on the Status of Women</li> <li>6. Disability Commission</li> </ol> |

<sup>2</sup> Primary policy committee oversight but legislation may be referred to multiple policy committees.

**Other Commissions:** Zoning Adjustments Board (DRC), Landmarks Preservation, Board of Library Trustees, BIDs, Independent Redistricting Commission, Loan Administration Board

**POLICY COMMITTEE RECOMMENDATION**

On April 5, 2021, the Agenda and Rules Committee made a qualified positive recommendation to City Council to:

1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach.

Phase 1: Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions.

Phase 2: All other Commissions as proposed below.  
As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one.

| <b>New Commission Name (suggested)</b>                               | <b>Former Commissions to be Reorganized</b>                                    |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Commission on Climate and the Environment                            | Zero Waste, Energy, Community Environmental Advisory, and Animal Care          |
| Parks, Recreation, Waterfront (special Marina subcommittee)          | Children, Youth, and Recreation and Parks and Waterfront                       |
| Peace, Justice, and Human Welfare                                    | Peace and Justice Commission and Human Welfare and Community Action Commission |
| Public Health Commission & Sugar Sweetened Beverage Panel of Experts | Community Health Commission and Sugar Sweetened Beverage Panel of Experts      |
| Housing Advisory Commission                                          | Measure O and Housing Advisory Commission                                      |
| Homeless Services Panel of Experts                                   | Homeless Commission and Measure P Homeless Services Panel of Experts           |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Public Works and Transportation                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Public Works and Transportation |
| Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Planning and Cannabis           |
| <p><b>All other commissions will maintain their current structure:</b> Aging, Library Board of Trustees, Civic Arts, Disability, Commission on the Status of Women, Design Review Committee, Disaster and Fire Safety, BIDs, Fair Campaign Practices and Open Government, Redistricting, Landmarks Preservation, Labor, Loan Adjustments Board, Personnel, Planning, Police Review/Accountability, Reimagining Public Safety, Mental Health, Zoning Adjustments Board, and Youth</p> |                                 |

2. Refer to the Commissions impacted a process to determine the charge/responsibilities of the newly merged commissions, and bring Commission input to the appropriate Policy Committees (as proposed by Vice-Mayor Droste in 4/5/21 submittal) for further recommendations to the City Manager on revised charge/responsibilities of merged commissions.

3. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes.

4. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions.

5. The Peace, Justice and Human Welfare Commission will be comprised of only Mayor and Council appointees.

6. Refer Councilmember Hahn questions to City Manager and Commissions: “Commissions to Combine/Merge - Suggested Considerations”

- Federal, state or other external mandates that might be impacted, and determine how to handle
- Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted
- What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission’s charter.
- Whether the merged Commission might include 9, or a greater number of members.
- The possibility of requiring specific qualifications for appointment to the merged Commission.
- The possibility of recommended or required Standing Committees of the Merged Commission
- Volunteer workload and capacity given scope of Commission’s charter

### **PROBLEM/SUMMARY STATEMENT**

Commissions provide an important mechanism for residents to shape public policy and provide input on City business. However, the City of Berkeley maintains far more commissions than other cities of similar size, with a significant investment of City resources to staff all 37 commissions. Some commission secretaries report spending upwards of 20+ hours per week on commission business, which takes valuable time away from addressing other pressing City priorities. The local public health emergency created by the global COVID-19 pandemic has required City staff to shift to new roles and maintain an Emergency Operations Center since January 2020; recovery from the pandemic will continue to demand the full attention of our City staff for the foreseeable future. Given the uncertainties that our City faces in recovering from the COVID-19 pandemic and the demands that this recovery places on our City staff, it is an appropriate time to consider how best to consolidate our commissions in a manner that helps the City to achieve its core mission.

### **REITERATION OF PRINCIPLES**

Commissions are a fundamental part of the City's policymaking process. Members of boards and commissions provide an invaluable service to our City. They advise the City Council on a wide variety of subjects by making recommendations on important policy matters. Without the assistance of the various boards and commissions, the City Council could give many complex and significant matters only a perfunctory review. The detailed studies and considered advice of boards and commissions are often catalysts for innovative programs and improved services. Serving on a board or commission can be a rewarding experience for community service-minded residents. It is an excellent way to participate in the functioning of local government and to make a personal contribution to the improvement of our community. Making local government effective and responsive is everybody's responsibility.

- The Public Works Commission, for example, develops the City's five year paving plan which they then present to City Council for approval. Through extensive community outreach and research, the Commission identifies the streets most in need of repaving.
- With the passage of Measure D in 2014, a Panel of Experts on Sugar-Sweetened Beverages has guided the City's spending of over \$5 million in revenue generated from the Measure. Those dollars have bolstered local public campaigns and education initiatives.

These are merely two examples of the powerful role that Commissions play in City policymaking.

## **CURRENT SITUATION AND ITS EFFECTS**

### *Current Commission Structure*

The City of Berkeley has approximately thirty-seven commissions overseen by city administration, most of which have at least nine members and who are appointed by individual councilmembers. These commissions were intended to be a forum for public participation beyond what is feasible at the City Council, so that issues that come before the City Council can be adequately vetted.

Some commissions are required by charter or mandated by voter approval or state/federal mandate. Those commissions are the following:

1. Board of Library Trustees (charter)
2. Business Improvement Districts (state mandate)
3. Civic Arts Commission (charter)
4. Community Environmental Advisory Commission (state/federal mandate--CUPA)
5. Fair Campaign Practices Commission/Open Government (ballot measure)
6. Homeless Services Panel of Experts (ballot measure)
7. Housing Advisory Commission (state/federal mandate)
8. Human Welfare and Community Action (state/federal mandate)
9. Measure O Bond Oversight Committee (ballot measure)
10. Mental Health Commission (state/federal mandate)
11. Personnel (charter)Police Review Commission (ballot measure)
12. Sugar-Sweetened Beverages (ballot measure)

Berkeley must have its own mental health commission because of its independent Mental Health Division. In order to receive services, the City needs to have to have an advisory board. Additionally, Berkeley's Community Environmental Advisory Commission is a required commission in order to oversee Certified Unified Program Agency (CUPA) under California's Environmental Protection Agency. Additionally, some commissions serve other purposes beyond policy advisories. The Children, Youth and Recreation Commission, Housing Advisory Commission, and the Human Welfare and Community Action Commission advise Council on community agency funding. However, some of the aforementioned quasi-judicial and state/federal mandated commissions do not need to stand independently and can be combined to meet mandated goals.

### *The Importance of Commissions*

Commissions serve a vital role in the City of Berkeley’s rich process of resident engagement. An analysis of agendas over the past several years shows that the commissions have created policy that have benefited the community in meaningful and important ways. In 2020, 14 of the 16 commission items submitted to Council passed. From 2016-2020, an average of 34 items were submitted by commissions to Council for consideration.

The City’s Health, Housing and Community Development department serves an important role in addressing COVID-19, racial disparities, inequitable health outcomes, affordable housing, and other important community programs. Additionally, Health, Housing, and Community Development also staffs ten commissions, more than many cities of Berkeley’s size. Council needs to wrestle with these tradeoffs to ensure that we seek the maximum benefit for *all* of the Berkeley community, particularly our most vulnerable.

*Commission Structures in Neighboring Jurisdictions*

In comparison to neighboring jurisdictions of similar size, Berkeley has significantly more commissions. The median number of commissions for these cities is 12 and the average is 15.

| Comparable Bay Area City | Population (est.) | Number of Commissions | Links                                                                                                                                                                                                         |
|--------------------------|-------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Berkeley                 | 121,000           | 37                    | <a href="https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/External%20Roster.pdf">https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/External%20Roster.pdf</a> |
| Antioch                  | 112,000           | 6                     | <a href="https://www.antiochca.gov/government/boards-commissions/">https://www.antiochca.gov/government/boards-commissions/</a>                                                                               |
| Concord                  | 130,000           | 14                    | <a href="https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Commi">https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Commi</a>                                           |
| Daly City                | 107,000           | 7                     | <a href="http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm">http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm</a>         |
| Fairfield                | 117,000           | 7                     | <a href="https://www.fairfield.ca.gov/gov/comms/default.asp">https://www.fairfield.ca.gov/gov/comms/default.asp</a>                                                                                           |
| Fremont                  | 238,000           | 15                    | <a href="https://www.fremont.gov/76/Boards-Commissions-Committees">https://www.fremont.gov/76/Boards-Commissions-Committees</a>                                                                               |
| Hayward                  | 160,000           | 12                    | <a href="https://www.hayward-ca.gov/your-government/boards-commissions">https://www.hayward-ca.gov/your-government/boards-commissions</a>                                                                     |

|           |         |    |                                                                                                                                                           |
|-----------|---------|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Richmond  | 110,000 | 29 | <a href="https://www.ci.richmond.ca.us/256/Boards-and-Commissions">https://www.ci.richmond.ca.us/256/Boards-and-Commissions</a>                           |
| San Mateo | 105,000 | 7  | <a href="https://www.cityofsanmateo.org/60/Commissions-Boards">https://www.cityofsanmateo.org/60/Commissions-Boards</a>                                   |
| Sunnyvale | 153,000 | 10 | <a href="https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804">https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804</a> |
| Vallejo   | 122,000 | 17 | <a href="http://www.ci.vallejo.ca.us/cms/one.aspx?pagelid=22192">http://www.ci.vallejo.ca.us/cms/one.aspx?pagelid=22192</a>                               |

To understand the impact on various departments and staffing capacity, the following table shows which departments are responsible for overseeing various commissions.

*Staffing and Resources Supporting Berkeley’s Current Commission Structure*

| Commission Name                             | Overseeing Department (Total Commissions in Department) |
|---------------------------------------------|---------------------------------------------------------|
| Animal Care Commission                      | City Manager (8)                                        |
| Civic Arts Commission                       | City Manager (8)                                        |
| Commission on the Status of Women           | City Manager (8)                                        |
| Elmwood BID Advisory Board                  | City Manager (8)                                        |
| Loan Administration Board                   | City Manager (8)                                        |
| Peace and Justice Commission                | City Manager (8)                                        |
| Solano Ave BID Advisory Board               | City Manager (8)                                        |
| Cannabis Commission                         | Planning (7)                                            |
| Community Environmental Advisory Commission | Planning (7)                                            |
| Design Review Committee                     | Planning (7)                                            |
| Energy Commission                           | Planning (7)                                            |
| Landmarks Preservation Commission           | Planning (7)                                            |
| Planning Commission                         | Planning (7)                                            |
| Zoning Adjustments Board                    | Planning (7)                                            |

|                                                               |                                                        |
|---------------------------------------------------------------|--------------------------------------------------------|
| Children, Youth, and Recreation Commission                    | Parks (3)                                              |
| Parks and Waterfront Commission                               | Parks (3)                                              |
| Youth Commission                                              | Parks (3)                                              |
| Commission on Aging                                           | Health, Housing, and Community Services (HHCS)<br>(10) |
| Commission on Labor                                           | HHCS (10)                                              |
| Community Health Commission                                   | HHCS (10)                                              |
| Homeless Commission                                           | HHCS (10)                                              |
| Homeless Services Panel of Experts                            | HHCS(10)                                               |
| Housing Advisory Commission                                   | HHCS (10)                                              |
| Human Welfare & Community Action Commission                   | HHCS (10)                                              |
| Measure O Bond Oversight Committee                            | HHCS (10)                                              |
| Mental Health Commission                                      | HHCS (10)                                              |
| Sugar-Sweetened Beverage Product Panel of Experts             | HHCS (10)                                              |
| Disaster and Fire Safety Commission                           | Fire (1)                                               |
| Commission on Disability                                      | Public Works (4)                                       |
| Public Works Commission                                       | Public Works (4)                                       |
| Transportation Commission                                     | Public Works (4)                                       |
| Zero Waste Commission                                         | Public Works (4)                                       |
| Fair Campaign Practices Commission/Open Government Commission | City Attorney (1)                                      |
| Personnel Board                                               | Human Resources (1)                                    |



|                                                      |                                                            |
|------------------------------------------------------|------------------------------------------------------------|
| Police Review Commission/Police Accountability Board | Police Review Commission/Police Accountability Board Staff |
| Reimagining Public Safety Task Force                 | City Manager *(8) and BPD (2)                              |
| Board of Library Trustees                            | Library (1)                                                |

Gray=charter  
 Red=state/federal mandate  
 Yellow=quasi-judicial  
 Blue=ballot initiative  
 Orange=state/federal mandate and quasi-judicial  
 Green=quasi-judicial and ballot initiative

The departments that staff more than five commissions are Health, Housing, and Community Services (10 commissions), Planning (7 commissions), and the City Manager’s department (8 commissions). At the same time, some smaller departments (e.g. the City Attorney’s office) may be impacted just as meaningfully if they have fewer staff and larger individual commission workloads.

*Policy Committee Structure Expands Opportunities for Public Input*

With the recent addition of policy committees, proposed legislation is now vetted by councilmembers in these forums. Each policy committee is focused on a particular content area aligned with the City of Berkeley’s strategic plan and is staffed and an advisory policy body to certain city departments. Members of the public are able to provide input at these committees as well. The policy committees currently have the following department alignment:

**Department and Policy Committee alignment**

1. **Agenda and Rules**—all departments
2. **Budget and Finance**—City Manager, Clerk, Budget, and Finance
3. **Land Use and Economic Development**—Clerk, Planning, HHCS, City Attorney, and City Manager (OED)
4. **Public Safety**—Clerk, City Manager, Police, and Fire
5. **Facilities, Infrastructure, Transportation, Environment and Sustainability** (Clerk, City Manager, Planning, Public Works, and Parks)
6. **Health, Equity, Life Enrichment, and Community** (Clerk, City Manager, HHCS)

*Staffing Costs*

Based upon preliminary calculations of staff titles and salary classifications, the average commission staff secretary makes roughly \$60-\$65/hour. Based upon recent interviews with secretaries and department heads, individual commission secretaries work

anywhere from 8-80 hours a month staffing and preparing for commission meetings. To illustrate this example, a few examples are listed below.

| Commission                        | Step 5 Rate of Pay | Reported Hours a Month | Total <b>Direct</b> Cost of Commission <b>per Month</b> |
|-----------------------------------|--------------------|------------------------|---------------------------------------------------------|
| Animal Care                       | \$70.90            | 8                      | \$567.20                                                |
| Landmarks Preservation Commission | \$57.96            | 80                     | \$4,636.80                                              |
| Design Review Commission          | \$52.76            | 60                     | \$3,165.60                                              |
| Peace and Justice                 | \$60.82            | 32                     | \$1,946.24                                              |

It is extremely challenging to estimate a specific cost of commissions in the aggregate because of the varying workload but a safe estimate of salary costs dedicated to commissions would be in the six-figure range.

Many commissions--particularly quasi-judicial and land use commissions-- require more than one staff member to be present and prepare reports for commissions. For example, Zoning Adjustment Board meetings often last five hours or more and multiple staff members spend hours preparing for hearings. The Planning Department indicates that *in addition* to direct hours, additional commission-related staff time adds an extra 33% staff time. Using the previous examples, this means that the Landmarks Preservation Commission would cost the city over \$6,000 in productivity while the Design Review Commission would cost the City over \$4,000 a month.

*Productivity Losses and Administrative Burden*

Current productivity losses are stark because of the sheer amount of hours of staffing time dedicated to commissions. As an example, in 2019 one of the City of Berkeley’s main homeless outreach workers staffed a commission within the City Manager’s department. She spent approximately 32 hours a month working directly on commission work. While this is not a commentary on a particular commission, this work directly impacted her ability to conduct homeless outreach.

**RATIONALE FOR RECOMMENDATION**

At a time when the City needs to demonstrate efficiency and fiscal restraint, the current commission structure is costly and duplicative. At the same time, civic engagement and commission work absolutely deserve an important role in Berkeley. Consequently, this legislation retains commissions but centers on overall community benefit, staff productivity, and associated costs. This is imperative to address, especially in light of COVID-19 and community demands for reinvestment in important social services.

**FISCAL IMPACTS**

Significant savings associated with reduced staffing.

**CONTACT**

Vice Mayor Lori Droste 510-981-7180



RESOLUTION 60,647-N.S.

ESTABLISHING THE BERKELEY HOMELESS COMMISSION TO REPLACE THE INDEPENDENT TASK FORCE ON HOMELESSNESS AND RESCINDING RESOLUTION NO. 55,684-N.S.

WHEREAS, the Independent Task Force on Homelessness performs the ongoing function of monitoring and assisting in the City's progress in implementing needed homeless services and facilities; and

WHEREAS, the Independent Task Force on Homelessness performs the federally mandated role of overseeing the development and implementation of the Continuum of Care Plan; and

WHEREAS, the Independent Task Force on Homelessness makes annual funding recommendations to Council regarding the disbursement of Measure O and other related funds;

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that the Berkeley Homeless Commission is hereby established, replacing the Independent Task Force on Homelessness, and shall be composed of nine members, with appointments by each Councilmember to be made in accordance with the provisions of the Fair Representation Ordinance, Berkeley Municipal Code Sections 2.04.030 through 2.04.130. In addition, Councilmembers shall give consideration in making appointments to representatives of the homeless.

BE IT FURTHER RESOLVED that the Berkeley Homeless Commission shall perform the following functions:

1. Continue the ongoing function performed by the Independent Task Force on Homelessness of monitoring and assisting in the City's progress in implementing needed homeless services and facilities;
2. Invite service providers and other interested members of the community to attend its meetings;
3. Report its recommendations concerning homeless services and facilities to the City Council;
4. Perform the federally mandated role of advising Council in the development and implementation of the Continuum of Care Plan;
5. Continue making annual funding recommendations to Council regarding the disbursement of Measure O and other related funds; and
6. Operate for an indefinite period of time.


BE IT FURTHER RESOLVED, that Resolution No. 55,684-N.S. and all amendments are hereby rescinded.

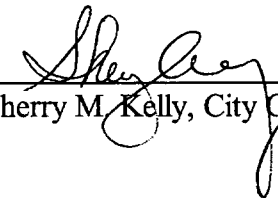
The foregoing Resolution was adopted by the Berkeley City Council on June 27, 2000 by the following vote:

Ayes: Councilmembers Armstrong, Breland, Maio, Olds, Shirek, Spring, Woolley, Worthington, and Mayor Dean.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Shirley Dean, Mayor

Attest:   
\_\_\_\_\_  
Sherry M. Kelly, City Clerk



Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Eleanor Hollander, Economic Development Manager  
 Subject: Assessments: Berkeley Tourism Business Improvement District

RECOMMENDATION

Adopt a Resolution approving the Annual Report of FY 2022 and preliminary budget for FY23 for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association.

FISCAL IMPACTS OF RECOMMENDATION

The BTBID levies an annual assessment of one percent (1%) of gross short-term room rental revenue for lodging establishments. Annual assessment funds will be deposited and expended from the Tourism BID Fund. Based on City of Berkeley proposed budget revenue projections for the Transient Occupancy Tax (TOT) for FY 2023 (made in the second quarter of FY22) and spring 2022 hotel occupancy rates, the BTBID budgeted to receive \$425,000 in funding for FY 2023. As of March 2022, the City of Berkeley's TOT projection for FY 2023 is \$4,515,000. That would mean the TBID revenue would be \$376,250 in FY 2023. This is \$48,750 less than what Visit Berkeley staff have optimistically estimated in their preliminary evaluation for the FY 2023 Tourism BID assessment. Both parties understand that the actual amount may change in the coming months, reflecting the state of the pandemic and corresponding economic recovery. The City retains a fee equal to one percent (1%) of the amount of assessment collected to cover its costs of collection and administration associated with the Tourism BID.

The exact amount of any FY 2022 BTBID fund balance will only be known with certainty in August 2022. This is because the City collects BTBID assessments on a monthly basis along with Transient Occupancy Taxes (TOT). As a result, the finance department will only know the receipts for June 2022 after those assessments are collected at the beginning of July 2022. If revenues come in higher than anticipated, the Office of Economic Development will determine the amount and make a one-time "true up" payment for FY2022 during FY 2023. The appropriation of these additional funds will be included as a one-time "true up" payment with the amount articulated and authorized in the First Amendment to the FY 2023 Annual Appropriations Ordinance (November 2022).

### CURRENT SITUATION AND ITS EFFECTS

The Convention and Visitors Bureau, known as Visit Berkeley, has an active contract with the City to implement the Management District Plan for the Tourism Business Improvement District through FY 2027 to support tourism marketing and promotion.

Under the Property and Business Improvement District Law of 1994 (California Streets and Highways Code section 36600 et.seq.) the City Council may approve an Annual Report prepared by the Tourism Business Improvement District Owners' Association with a proposed budget for the next year. Accordingly, at its meeting on April 13, 2022, the BTBID Owners' Association voted to approve the Tourism BID's Annual Planning Report and budget for BTBID's Fiscal Year 2023. Council can adopt the recommended resolution which will confirm the TBID assessment and thus enable continuous BID operations for another year.

The Management District Plan that was adopted by Council in 2017 as part of the reestablishment of the District provides a framework and budget for the Tourism BID's activities. In FY 2023, the Tourism BID will work with local hotel managers and hospitality industry leaders, the City of Berkeley, and other relevant tourism industry stakeholders to do strategic destination marketing and sales work that drives visitors to Berkeley's lodging establishments and supports Berkeley's hospitality industry recovery. Additionally, the Tourism BID will develop digital marketing and promotions utilizing the power of Visit Berkeley's website and social media strengths to push positive messaging to the visitor and meetings industry and continue to develop and manage positive relationships with local, regional and statewide marketing and hospitality partners to create overnight room demand and to ensure the organization has the resources and support needed to successfully execute the BTBID mission.

### BACKGROUND

The Berkeley Tourism Business Improvement District includes all lodging businesses with five (5) rooms or more, available for public occupancy within the boundaries of the City of Berkeley. The City is responsible for collecting the assessment on a monthly basis from each lodging business with five (5) rooms or more located in the District boundaries. The City forwards the assessments to Visit Berkeley, which has the responsibility of managing District programs as provided in the Management District Plan.

The Berkeley Tourism BID was first established for a period of five years on September 18, 2012 to raise revenues to finance marketing and sales promotions, increase tourism, and promote Berkeley hotels as tourist, meeting, and event destinations. The Berkeley Municipal Code was amended on November 27, 2012 to modify its definition of room rent that so that BTBID assessments passed through to guests are exempt from the Transient Occupancy Tax (TOT) which is also applied to room rent. A portion of TOT revenue also funds the Berkeley Convention and Visitors Bureau, but under a



separate contract. On April 25, 2017, Council approved Resolution No. 67,926-N.S. reestablishing the Tourism BID starting on July 1, 2017 for an additional 10 years, expiring in 2027. The Tourism BID is authorized through June 30, 2027 unless action is taken to disestablish it. In October of 2019, the City Council authorized the City Manager to execute a contract and any amendments (Contract # 32000101) with Visit Berkeley, not to exceed \$7,966,000 of BTBID revenues, to support tourism marketing and promotion for the period through June 30, 2027.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The BTBID works to promote the Bay Area Green Business certification program with Berkeley's hotel owners, thereby encouraging the local lodging industry to take actions to meet environmental sustainability objectives.

RATIONALE FOR RECOMMENDATION

The State Property and Business Improvement District Law of 1994 requires that the City Council accept an annual report from the Owners' Association for each fiscal year in which assessments are to be levied. The report shall include any proposed changes in the boundaries of the district, the activities proposed for the year, and an estimate of the cost for providing them. Council action is required to approve the Tourism BID's Annual Report. This will, in turn, confirm disbursement of Tourism BID assessment revenue to Visit Berkeley. This private/public partnership generates significant resources for the City, indirectly enhancing sales tax, business license tax, and other business-related City revenue sources such as transit occupancy tax.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

CONTACT PERSON

Elizabeth Redman Cleveland, Office of Economic Development, (510) 981-7532

Attachments:

- 1: Resolution: Annual Report and Proposed Budget  
Exhibit A: 2021-2022 Annual Report and proposed FY 2023 budget of the Berkeley Tourism Business Improvement District

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

APPROVING THE 2021-2022 ANNUAL REPORT AND PROPOSED FY 2023 BUDGET  
OF THE BERKELEY TOURISM BUSINESS IMPROVEMENT DISTRICT

WHEREAS, Property and Business Improvement District Law of 1994 (California Streets and Highways Code section 36600 et.seq.) authorizes cities to establish business improvement districts for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on April 25, 2017, the Berkeley City Council re-established such a district known as the Berkeley Tourism Business Improvement District (the "District"); and

WHEREAS, the City Council designated the Berkeley Tourism Business Improvement District Owners' Association (Owners' Association) to oversee the activities of the District; and

WHEREAS, the Owners' Association has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for fiscal year (FY) 2023 and a budget for providing them, as required by the California Streets and Highways Code Section 36650; and

WHEREAS, the Annual Report is clear and complete and found to comply with the interests of the District assesses; and

WHEREAS, the Annual Report proposes no changes to rates, boundaries or services to the Business Improvement District.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council of the City of Berkeley hereby approves the Berkeley Tourism Business Improvement District Annual Report for 2021-22 and budget for FY2023 (Exhibit A) as submitted to the City Clerk by the Berkeley Tourism Business Improvement District Owners' Association.

Exhibit A: 2021-2022 Annual Report and Proposed FY2023 Budget of the Berkeley Tourism Business Improvement District

## 2022-23 Annual Planning Report

### Berkeley Tourism Business Improvement District Marketing Plan

**District Name:** This report is for the Berkeley Tourism Business Improvement District

**Fiscal Year of Report:** This report applies to the fiscal year 2023 (July 1, 2022 – June 30, 2023) and proposes a budget for fiscal year 2023 (July 1, 2022 – June 30, 2023).

**Background:**

The Berkeley TBID is a benefit assessment district created in 2012 by a group of hoteliers to fund marketing and promotional efforts for Berkeley lodging businesses. The first 5-year agreement with the City of Berkeley was from November 1, 2012 to October 31, 2017. However, on November 18, 2014, the Berkeley City Council approved the transition of the BTBID to a fiscal year contract effective 2015-16. On April 25, 2017 City Council adopted the renewal of the Berkeley Tourism Business Improvement District for a ten (10) year term to maintain a revenue source devoted to marketing and promoting specific hotel-serving activities, beginning July 1, 2017 through June 30, 2027.

**Boundaries:**

The Berkeley TBID includes all hotels with five or more rooms, existing and in the future, available for public occupancy within the boundaries of the City of Berkeley.

The boundary is estimated to include approximately 25 hotel businesses.

There are no proposed changes to the boundaries for fiscal year 2023.

**Improvements and Activities for 2022-23:**

This planning report is provided for informational purposes. Actual projects are subject to approval by the BTBID Committee and the Visit Berkeley board. Below are the improvements and activities planned for fiscal year 2023. The ideas presented below are subject to change during the course of the year depending on circumstances and availability of funds. The estimated budget is \$425,000.00.

Beginning FY 2022, the City of Berkeley lodging industry experienced a moderate increase in hotel occupancy with a gradual incline in average room rates. The increase in occupancy was led by the leisure travel, drive-in market. While airline travel restrictions remained in force, business travel, group travel and the meeting & events markets remained dormant. The hospitality and tourism industry are hopeful that with the continued lifting of Covid mandates and lessening of restrictions we will be fully prepared to welcome back all tourism related business.

In addition, with the projected full reopening of the UC Berkeley, we will once again restrengthen our visibility and outreach to all departments encouraging utilization of Berkeley hotels and event space as their preferred choice for conferences and visitors.

Visit Berkeley will continue to work with the hospitality industry providing updated safety guidelines and protocols for both employees and attendees. We anticipate restaurants to ease back into a semi-normal schedule, however we are uncertain at this time what the “new norm” will be. Although the hospitality industry remains unpredictable, Visit Berkeley will partner with our local BIDS, OED, restaurants and retailers by creating marketing and social media campaigns targeting Berkeley residents and attracting local and regional visitors to Berkeley.

As we anticipate TOT revenues to increase, providing there are no additional pandemics or surges, Visit Berkeley will continue efforts on Community Building and Hospitality Industry Recovery. We are thankful to announce as a recent recipient of a ARPA contract provided by City Council, we will have additional revenues to create a new strategic Destination Marketing and Sales Workplan to support and rebuild Berkeley’s hospitality industry recovery amidst the Covid-19 pandemic.

However, as Covid-19 remains a public health issue, we must follow the lead from public health officials regarding the reopening policies for the tourism industry.

Visit Berkeley offices and Visitor Information Center (VIC) remain closed to the public, while existing staff is rotating days in the office and working remotely. We will develop a return-to-work plan that will include a much-needed remodel/upgrade to the VIC.

### **1) SALES AND MARKETING (99%)**

Sales and Marketing shall be 99% of the assessment that is estimated to be \$420,750.00 in FY 2023.

#### **Phase 1: Help Local Industry Get Back To Work**

**Strategy:** Work with Stakeholders, City of Berkeley and Community Leaders to develop strategies and initiatives to support rebuild the hospitality businesses citywide.

- a. **Lodging** (ensure all lodging properties maintain the Clean & Safe Certification through the California Hotel & Lodging Association and public health officer)
- b. **Restaurants/Libations** (provide and assist restaurant and libation businesses with reopening and cleaning protocols provided by California Restaurant Association and Berkeley Health Officer)
- c. **Arts & Culture Venues** (provide marketing support to venues when they are approved for reopening)
- d. **Merchant Districts** (work with and advocate for overall safety and “hygiene” of Berkeley’s streetscape)

## Phase 2: Develop Internal Marketing Strategies

**Strategy:** Develop digital marketing and promotions utilizing the power of Visit Berkeley's website and social media strengths to push positive messaging to the visitor and meetings industry.

- a. **Website** (maintain a robust website that promotes all tourism and meeting related businesses)
- b. **Partner Development** (work with tourism marketing partners to create visitor packages and campaigns)
- c. **Outdoor Adventure** (Promote outdoor activities, such as district shopping, parks and outdoor dining as consumers become comfortable and look to satisfy pent-up demand by taking local/regional outings)
- d. **Digital and In-Person Familiarization Tours and Meetings** (maintain contact with meeting planners and travel writers/media with individual and small group zoom meetings, selectively host in-person fam tours and introduce hotel promotions and packages)

## Phase 3: Local, Regional and Statewide Marketing Outreach

**Strategy:** Create, develop and manage positive relationships with local, regional and statewide marketing and hospitality partners to create overnight room demand and to ensure Visit Berkeley has the resources and support needed to successfully execute the BTBID mission.

- a. **Local** (maintain and build positive relationships with UC Berkeley, Lawrence Berkeley Lab and other local businesses that produce lodging overnight stays and small conferences)
- b. **Regional** (9 Bay Area Counties) (strategize opportunities to attract leisure and family visitations to patronize Berkeley's merchant districts, businesses and outdoor activities)
- c. **Statewide** (leverage our ongoing relationship with Visit California to participate in cooperative programs and marketing opportunities to attract Regional and Statewide visitation to Berkeley).

## 2. CITY COLLECTION COSTS (1%)

The City of Berkeley shall be paid a fee equal to 1% of the amount of assessment collected to cover its costs of collection and administration. The estimated costs for fiscal year 2023 are \$4,250.

## 3. TOTAL ESTIMATE OF COSTS FOR FISCAL 2022-23:

A breakdown of the total estimated \$425,000.00 budget for fiscal year 2023 is attached to this report as Appendix A: Total Estimated Costs and Revenue for the Berkeley Tourism Business Improvement District (BTBID) Fiscal Year 2023 (July 1, 2022 to June 30, 2023).

### Method and Basis of Assessment:

The annual assessment rate is one percent (1%) of gross short term (stays less than 30 days) room rental revenue for hotels. Based on the benefit received, assessments will not be collected: on stays of more than thirty (30) consecutive days; on stays by any officer or employee of government who is exempt by express provisions of federal international treaty; or on stays by any customer of a bed and breakfast establishment as defined in Section 23F.94.010 of the Berkeley Municipal Code,

which is located in a residential zoning district, has been in consistent operation as of January 1, 2003, and the continued operation of which is permitted under Chapter 23C.06 of the Berkeley Municipal Code. (See Appendix B: Map of the Berkeley Tourism Business Improvement District (BTBID)).

**Amount of Surplus/Deficit from previous Fiscal Year:**

The BTBID assessment was estimated to bring in approximately \$181,000. in revenues. As Berkeley TOT has experienced an increase in revenues in FY2022, we do expect a surplus for FY 2021-22.

**Amount of Contributions from other sources:**

There are no plans to apply for funding from other sources.

Thank you for the opportunity to present our Annual Planning Report for fiscal year 2023. If you have any questions regarding this report, please contact Barbara Hillman, President/CEO of Visit Berkeley at (510) 549-7040 / Cell# (925) 876-4825

**Appendix A: Total Estimated Costs and Revenue for the Berkeley Tourism Business Improvement District (BTBID) Fiscal Year 2023 (July 1, 2022 to June 30, 2023)**

**Revenues**

|                                 |                     |
|---------------------------------|---------------------|
| 2022-23 Assessments             | \$425,000.00        |
| 2021-22 Carryover               | TBA                 |
| <b>Total Estimated Revenues</b> | <b>\$425,000.00</b> |

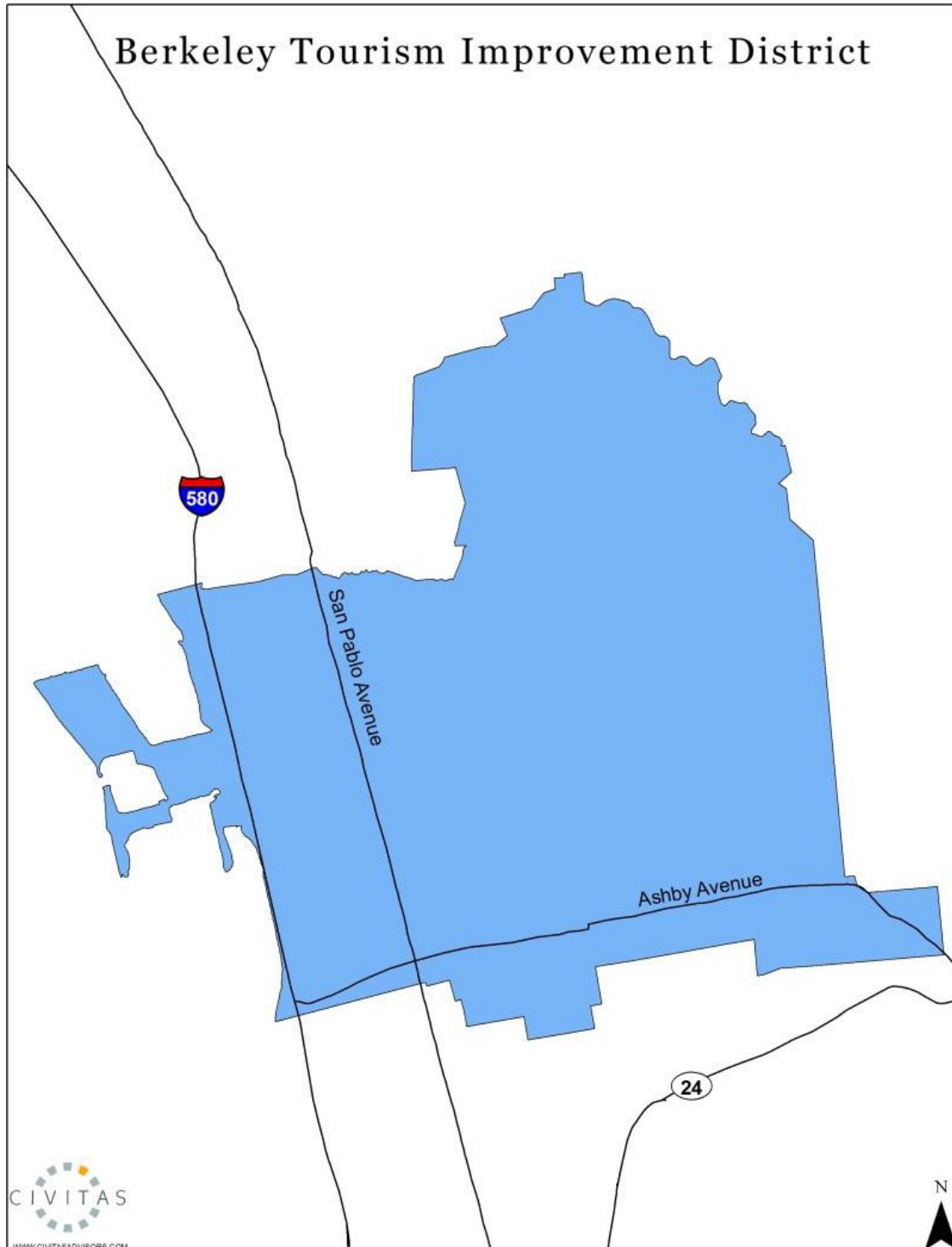
**Expenditures**

|                                     |                     |
|-------------------------------------|---------------------|
| Sales & Marketing                   | \$420,750.00        |
| City of Berkeley Collection Costs   | \$4,250.00          |
| 2021-22 Carryover (estimated)       | TBA                 |
| <b>Total Estimated Expenditures</b> | <b>\$425,000.00</b> |
| <b>Total 2022-23 BTBID Budget</b>   | <b>\$425,000.00</b> |

**Appendix B: Map of the Berkeley Tourism Business Improvement District (BTBID)**

Note: The BTBID will include all hotels with five or more rooms, existing and in the future, available for public occupancy within the boundaries of the City of Berkeley. The boundary currently includes 25 hotels. Please see the map below.

Source: Berkeley Tourism Business Improvement District Management District Plan (2017)





## APPENDIX C – ASSESSED BUSINESSES

| <b>Business Name</b>                                      | <b>Address</b>       | <b>City, State</b> | <b>ZIP</b> |
|-----------------------------------------------------------|----------------------|--------------------|------------|
| Bancroft Hotel                                            | 2680 Bancroft Way    | Berkeley, CA       | 94704      |
| Berkeley City Club                                        | 2315 Durant Ave.     | Berkeley, CA       | 94704      |
| Berkeley Inn (Ganga Holdings, LLC)                        | 1720 San Pablo Ave.  | Berkeley, CA       | 94702      |
| Berkeley Travelodge                                       | 1820 University Ave. | Berkeley, CA       | 94703      |
| Downtown Berkeley YMCA                                    | 2001 Allston Way     | Berkeley, CA       | 94704      |
| Cal Hotel                                                 | 2008 Shattuck Ave.   | Berkeley, CA       | 94704      |
| Church Divinity School of the Pacific                     | 2451 Ridge Road      | Berkeley, CA       | 94709-1211 |
| Doubletree Berkeley Marina                                | 200 Marina Blvd.     | Berkeley, CA       | 94710      |
| Downtown Berkeley Inn                                     | 2001 Bancroft Way    | Berkeley, CA       | 94704      |
| Golden Bear Inn                                           | 1620 San Pablo Ave.  | Berkeley, CA       | 94702      |
| Holiday Inn Express                                       | 1175 University Ave. | Berkeley, CA       | 94702      |
| Graduate Berkeley                                         | 2600 Durant Ave.     | Berkeley, CA       | 94704      |
| Hotel Shattuck Plaza                                      | 2086 Allston Way     | Berkeley, CA       | 94704      |
| Howard Johnson                                            | 1512 University Ave. | Berkeley, CA       | 94702      |
| La Quinta University Inn                                  | 920 University Ave.  | Berkeley, CA       | 94710      |
| Marina Lodge                                              | 975 University Ave.  | Berkeley, CA       | 94710      |
| Nash Hotel                                                | 2045 University Ave. | Berkeley, CA       | 94704      |
| Pacific School of Religion                                | 1798 Scenic Ave.     | Berkeley, CA       | 94703      |
| Prima Donna Hotels Inc., dba Sens Hotel & Bistro Berkeley | 1540 Shattuck Ave.   | Berkeley, CA       | 94709      |
| Rose Garden Inn                                           | 2740 Telegraph Ave.  | Berkeley, CA       | 94705      |
| Super 8                                                   | 1619 University Ave. | Berkeley, CA       | 94703      |
| University Hotel                                          | 2057 University Ave. | Berkeley, CA       | 94704      |
| Vista Inn & Suites, dba Quality Inn                       | 1761 University Ave. | Berkeley, CA       | 94703      |
| Marriott Residence Inn                                    | 2129 Shattuck Ave    | Berkeley, CA       | 94704      |
| Aiden Best Western                                        | 1499 University Ave  | Berkeley, CA       | 94702      |
|                                                           |                      |                    |            |





Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Eleanor Hollander, Economic Development Manager  
 Subject: Assessments: Downtown Berkeley Property Based Business Improvement District

RECOMMENDATION

Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of Fiscal Year (FY) 2022 and proposed budget for FY 2023, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2023.

SUMMARY

The Downtown Berkeley Property Based Business Improvement District (DPBID, "Downtown BID" or "the District") provides cleaning, hospitality and marketing services for Berkeley's central business district. In May of 2016 the DPBID was geographically expanded and renewed for a ten year period, authorizing operations through December 31, 2026, and designating the Downtown Berkeley Association (DBA) as the District's Owners' Association. Annually, Council must approve the DPBID's annual report and proposed budget and declare its intention to levy an annual assessment.

The City of Berkeley owns fourteen parcels within the boundaries of the DPBID and is required by state law to pay the associated assessments. In FY23, the assessment payment will be \$142,392.46, for 14 parcels; and \$11,743.48 for a parcel owned by the City of Berkeley Joint Powers Authority at 2015 Addison Street. The total for fifteen parcels in FY23 is \$154,135.94. In addition, the City will pay the General Benefit portion of the DPBID costs. The engineer's report commissioned for the reestablishment of the Downtown BID in 2016 calculated that the general benefit for the district is \$17,665 annually. In 2011, the City increased parking meter rates (see Ordinance No. 7,183-N.S.) in the Downtown area to fund payment of the general benefit fees.

FISCAL IMPACTS OF RECOMMENDATION

Assessments levied in the Downtown Berkeley Property Based Business Improvement District (DPBID) support a package of improvements and activities approved by the property owners and the City Council when the District was renewed for a ten year period on May 31, 2016 (Resolution No. 67,520-N.S.). Assessment funds are collected

by Alameda County, relayed to the City of Berkeley, and disbursed through a contract with the Downtown Berkeley Association (DBA), a private owners' association that was established to implement the Management District Plan.

In May of 2021, the City Council authorized the City Manager to execute a contract and any amendments with the DBA, not to exceed \$7,285,257 of DPBID revenues, to implement the Downtown Berkeley Management District Plan for the period July 1, 2021 to December 31, 2026 (Contract No. 32200032).

In addition, the University of California has agreed to a contribution to the DPBID of \$99,459.72 for FY 2023. Overall the budget of the DPBID for FY 2023 is approximately \$1,708,275.93 inclusive of taxable and non-taxable parcels and private donations, and net of the County 1.7% collection fee on private parcels. The DPBID Assessment Revenue amount articulated in Exhibit A (\$1,677,139) is slightly different (\$31,136) to account for uncollectable property tax and funds that will be carried forward from the prior year.

The assessment billing for private commercial property, including properties billed on the utility roll, less the county collection fee (approximately \$23,615.47), is expected to be \$1,383,139.07 in FY 2023. Annual and accrued assessment funds are deposited in the Downtown Property Based Business Improvement District (DPBID) Fund (786-21-208-251-0000-000-000-412110) and expended from fund number 786-21-208-251-0000-000-446-636110. These totals reflect a 2.5% assessment increase, as determined at the DBA Board of Directors meeting on April 21, 2022. Per the Management District Plan, an annual increase of 5% is allowable to cover inflation costs if approved by a majority of the Owners' Association Board of Directors.

Under the provisions of Proposition 218 in the California Constitution, government agencies must pay assessments on properties they own in property based business improvement districts, just like private property owners, unless they receive no benefit. Payment is collected from private property owners through property tax bills near the end of the calendar year. Payments are due from non-property tax-paying entities concurrently. The City of Berkeley owns fourteen parcels within the DBPID boundaries; the City's assessment payment in FY 2023 would be \$142,392.46 and \$11,743.48 for a parcel owned by the City of Berkeley Joint Powers Authority at 2015 Addison Street, which is increased slightly from the FY 2022 assessment amount. The total for fifteen parcels in FY23 is \$154,135.94.

The City also pays the "general benefit" portion of the PBID budget, or roughly \$17,664.85 for fiscal year 2023. "General benefits" represent that small portion of the overall benefits generated by a PBID which are found to accrue to the general public who are not assessed and do not participate in the economic or social activities of the district. In total, the City is responsible for a contribution of \$171,800.79 to the DPBID in FY 2023. This amount is billed directly to the City and paid through the Off-Street

Parking Fund (627-54-622-665-3002-000-474-639990). On June 14, 2011, Council adopted Ordinance No. 7,183-N.S. increasing parking meter rates in the Downtown to fund payment of these fees.

By financing improvements, maintenance and welcoming activities for the City's central business district, the DPBID indirectly enhances sales tax, business license tax and other business-related City revenue sources.

#### CURRENT SITUATION AND ITS EFFECTS

State legislation that authorizes formation of property-based BIDs (*California Streets and Highways Code*, Sections 36600 et. seq.) requires that the BID governing body submit an Annual Report on operations and a budget proposal to the City Council each year. The City Council may approve the report with a Resolution to reauthorize the annual assessments.

The Board of Directors of the Downtown Berkeley Association met in a publicly noticed meeting on April 21, 2022 to review the Annual Report for the DPBID for FY 2022 and budget for FY 2023 (Exhibit A). The Board of Directors voted to recommend an increase of 2.5% in the assessment for FY23, and to approve the proposed budget for FY 2023 and the Annual Report for FY 2022. The Board recommended that the FY 2022 Annual Report and Proposed Budget for FY 2023 be approved by the City Council. There were no recommended changes to the DPBID boundaries nor changes to the assessment formula as established during the district renewal in 2016. Council can adopt the recommended Resolution which will confirm the DPBID assessment, and thus enable continuous BID operations for another year. Any funds in the existing DPBID contract (Contract No. 32200032) as of June 30, 2022 are to be carried forward.

#### BACKGROUND

The DPBID is a benefit assessment district that provides cleaning, hospitality and marketing services for Downtown Berkeley. The DPBID was created in 2011 pursuant to California's "Property and Business Improvement District Law of 1994" to provide needed improvements and activities to assessed property owners. The DPBID was re-established and expanded by Resolution of the Berkeley City Council on May 31, 2016 (Resolution No. 67,520-N.S.) for the ten-year term beginning July 1, 2016 and ending June 30, 2026, with operations to occur over the ten year calendar year period beginning January 1, 2017 and ending December 31, 2026.

The DPBID finances services and improvements that maintain and improve the district's streetscape and public areas, improve the pedestrian experience for workers, visitors and residents, and attract new businesses and development. Key services include hospitality and cleaning ambassador teams, beautification projects, business attraction and retention, marketing and events. The improvements and activities that the DPBID finances to enhance Downtown Berkeley's environment for property owners, residents, workers and visitors include:

*Environmental Enhancements:*

- Maintenance teams sweep, scrub, and pressure wash sidewalks, remove litter and graffiti, and increase the frequency of trash removal and maintain landscaping throughout the District.
- Hospitality Ambassadors provide visitor information, safety escorts, merchant outreach, liaison activities with city services, event support, homeless services outreach and referrals, and coordinate work with local police, businesses and property owners to prevent crime and address quality of life issues.
- Beautification and place-making improvements that make Downtown Berkeley more attractive, including enhanced landscaping, holiday décor, way-finding signage, trash receptacles, planters, urban design plans, bike racks, programming of BART Plaza and other public spaces.

*Economic Enhancements:*

- Promote and support local business through providing liaison services with City staff, and attracting new businesses and investment that further the strategic goals of the Downtown.
- Advance Downtown Berkeley's evolution as a regional destination for arts, culture and entertainment.
- Marketing and communications to support DPBID activities and improvements
- Strategies to improve the parking and transit experience to support local businesses, residents, and arts/culture/civic destinations.
- Leadership through research and community education to represent the Downtown community with one voice.

Due to high levels of pedestrian traffic in the core of the Downtown and the attendant need for higher levels of service there, the DPBID has three benefit zones as delineated in the 2016 District Management Plan. There is a two-tiered core service zone and a third zone which covers the three block 2016 expansion area along the southern portion of Shattuck Avenue.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By maintaining and enhancing the DPBID, the DBA creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The District encompasses the area surrounding the Downtown BART Station and several AC Transit lines that provide easy accessibility for visitors coming to and from this popular regional destination. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation choices.

RATIONALE FOR RECOMMENDATION

Property and Business Improvement District Law of 1994 requires that the BID Board prepare an Annual Report for each fiscal year in which assessments are to be

levied. Council action is required to approve the BID's Annual Report and declare its intent to levy assessments. This private/public partnership will continue to provide significant resources for revitalization of the Downtown Core Commercial District, which has had a transformational effect on the physical and economic health of the City of Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

The DBA Board of Directors considered an increase in assessment rates, up to the allowable 5%, but instead decided on a 2.5% increase, determining that the slightly increased rate would sufficiently cover the slate of services outlined in the FY2023 budget and work plan.

CONTACTS

Eleanor Hollander, Office of Economic Development, (510) 981-7536

Attachments:

- 1: Resolution: Confirm Downtown Property Based Business Improvement District (DPBID) Annual Report and Levy Annual Assessment
  - Exhibit A: DPBID Annual Report for FY 2022 and Proposed Budget for FY 2023
  - Exhibit B: DPBID FY 2023 Assessment Roll

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

APPROVING THE ANNUAL REPORT OF THE DOWNTOWN PROPERTY BASED BUSINESS IMPROVEMENT DISTRICT AND LEVYING ASSESSMENTS FOR FY 2023

WHEREAS, the Property and Business Improvement District Law of 1994 as amended (California Streets and Highways Code Section 36600 et.seq.) authorizes cities, with the consent of property owners, to fund property-related improvements, maintenance and activities through the levy of assessments upon the real property that benefits from the improvements, maintenance and activities; and

WHEREAS, the City Council renewed the Downtown Property Based Business Improvement District (hereafter, "the District") by Resolution No. 67,520 -N.S. on May 31, 2016; and

WHEREAS, the City Council has now received the *Annual Report of the Downtown Property Based Business Improvement District for FY 2022* (Annual Report, attached as Exhibit A) from the Downtown Business Association, the governing body for the District, that describes the operations of the District in FY 2022, recommends services for FY 2023 and proposes a budget for FY 2023.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that pursuant to provisions of Section 36600 et. seq. of the California Streets and Highways Code, the City Council approves the Annual Report for FY 2022 and declares its intent to levy special assessments on property within the boundaries of the District for FY2023 (Exhibit B).

BE IT FURTHER RESOLVED that that the boundaries of the District and the method and basis for the assessment remain the same as those set forth and approved in the *Downtown Business Improvement District Management Plan* (Plan) which was made part of Resolution No. 67,520 -N.S., renewing the District.

BE IT FURTHER RESOLVED that the improvements and activities to be provided are those described in the Plan and the Annual Report and that the cost of providing the improvements and activities is as described in the budget attached to the Annual Report.

BE IT FURTHER RESOLVED that to finance these improvements and activities, the Annual Report and Budget includes a 2.5% increase in assessment rates. Following adoption of this resolution, the City Council may confirm the Annual Report and levy assessments for FY 2023 and confirm disbursement of DPBID assessment revenue.

Exhibits

A: DPBID Annual Report for FY 2022 and Proposed Budget for FY 2023

B: DPBID Assessment Roll FY 2023



**EXHIBIT A**  
**2022 ANNUAL REPORT OF THE DOWNTOWN BERKELEY PROPERTY-BASED**  
**BUSINESS IMPROVEMENT DISTRICT (PBID)**

By the Downtown Berkeley Association

The Downtown Berkeley Property-Based Business Improvement District (DBPBID), managed by the Downtown Berkeley Association (DBA) was approved for a ten-year period by an affirmative vote of the property owners of the Downtown Berkeley commercial district by mail-in ballot during the spring 2016. This vote was affirmed without protest by City Council on May 31, 2016. The DBPID commenced operations on January 1, 2017, and the DBA operates on a calendar year basis. In accordance with 36650 (b) of the Streets and Highway Code for the State of California, the DBA affirms the following:

1. The DBA proposes no changes in PBID boundaries for the 2023 fiscal/calendar year.
2. The DBA will continue with the same services as has been outlined in the Management District Plan Final Plan of May 30, 2016. These services include Environmental Enhancements such as Ambassador hospitality services, cleaning services, beautification, and landscaping; as well as Economic Enhancements such as district marketing, promotion, event, and business attraction and retention.
3. The budget approved on February 3, 2022 the DBA Board of Directors calls for expenditures in the FY 2022 to be \$1,917,934.
4. On April 21, 2022, the DBA Board approved a 2.5% assessment rate increase for FY2023.
5. The 2022-23 budget (FY23) approved to the DBA Board of Directors includes a carry forward of \$677,213 in unrestricted net assets.
6. The approved FY2023 budget envisions a loss of (\$178,495) to be incurred to the carry forward funds of \$677,213, resulting in a year-end balance of \$498,718.
7. In addition to assessments levied on real property, the 2022-23 budget (FY23) budget envisions \$16,100 additional revenue will be derived from contract services for ambassador hospitality and cleaning services, \$5,000 in event sponsorship revenue, \$40,000 from City Measure P to co-fund Downtown Social Service Outreach position, well as, \$1,200 interest earned paid by financial institutions.

**Fiscal Year 2023 (FY23)**  
**BUDGET OF THE DOWNTOWN BERKELEY PROPERTY-BASED BUSINESS**  
**IMPROVEMENT DISTRICT (PBID)**  
By the Downtown Berkeley Association

**REVENUE**

|                                   |                    |
|-----------------------------------|--------------------|
| PBID Assessment Revenue           | \$1,677,139        |
| Contract Services                 | \$16,100           |
| Interest Income and Other Revenue | <u>\$46,200</u>    |
| <b>Total Revenue</b>              | <b>\$1,739,439</b> |

**EXPENSES**

|                                               |                    |
|-----------------------------------------------|--------------------|
| Environmental Enhancement Services*           | \$1,414,206        |
| Marketing & Economic Enhancement Services     | \$324,845          |
| General Administrative and Operating Expenses | <u>178,883</u>     |
| <b>Total Expenses</b>                         | <b>\$1,917,934</b> |

\*Environmental enhancements include cleaning, hospitality, landscaping, and homeless outreach.

## Exhibit B: DOWNTOWN BERKELEY PBID ASSESSMENT ROLL FY 2023

Verified April 1, 2022, Prepared for Fiscal Year 2023

| APN              | Owner                                | Site Address            | FY 2023 Assessment |            |              |
|------------------|--------------------------------------|-------------------------|--------------------|------------|--------------|
|                  |                                      |                         | Private Parcels    | Tax Exempt | Utility Roll |
| 057--2016-021-01 | 1812 University Ave LLC              | 1810 UNIVERSITY AVE     | \$ 5,650.88        |            |              |
| 057--2059-009-00 | 1915 UNIVERSITY AVENUE PARTNER       | 1915 UNIVERSITY AVE     | \$ 1,484.98        |            |              |
| 057--2024-007-01 | 1935 ADDISON STREET LLC              | 1935 ADDISON ST         | \$ 4,012.92        |            |              |
| 057--2022-019-01 | 1950 ADDISON APARTMENT JOINT VENTURE | 1950 ADDISON ST         | \$ 14,522.26       |            |              |
| 057--2060-001-00 | 1950 MLK LLC                         | 1988 M L KING JR WAY    | \$ 20,273.62       |            |              |
| 057--2053-002-00 | 1974 SHATTUCK AVENUE LLC             | 1974 SHATTUCK AVE       | \$ 2,229.66        |            |              |
| 057--2026-007-02 | 2000 CENTER STREET LLC               | 2175 MILVIA ST          | \$ 15,394.04       |            |              |
| 057--2023-013-00 | 2001 CENTER STREET LLC               | 2001 CENTER ST          | \$ 10,755.82       |            |              |
| 057--2025-002-00 | 2008 SHATTUCK AVENUE LLC             | 2008 SHATTUCK AVE       | \$ 4,883.08        |            |              |
| 057--2029-009-00 | 2015 BANCROFT FEE OWNER CA LLC       | 2105 BANCROFT WAY       | \$ 11,453.32       |            |              |
| 055--1894-014-01 | 2025 DURANT AVENUE LLC               | 2025 DURANT AVE         | \$ 12,983.32       |            |              |
| 055--1894-015-00 | 2028 BANCROFT WAY LLC                | 2028 BANCROFT WAY       | \$ 756.38          |            |              |
| 057--2025-017-03 | 2054 UNIVERSITY LLC                  | 2054 UNIVERSITY AVE     | \$ 9,140.38        |            |              |
| 057--2026-004-12 | 2068 CENTER FAMILY LIMITED PAR       | 2068 CENTER ST          | \$ 2,139.00        |            |              |
| 057--2023-001-00 | 2100 SHATTUCK AVE LP                 | 2104 SHATTUCK AVE       | \$ 13,211.40       |            |              |
| 057--2030-001-00 | 2108 ALLSTON LLC                     | 2108 ALLSTON WAY        | \$ 10,830.98       |            |              |
| 057--2029-013-00 | 2110 KITTREDGE LLC                   | 2110 KITTREDGE ST       | \$ 9,267.36        |            |              |
| 055--1893-007-01 | 2124 BANCROFT WAY LLC                | 2124 BANCROFT WAY       | \$ 7,010.12        |            |              |
| 055--1893-006-01 | 2125 DURANT AVENUE LLC               | 2125 DURANT AVE         | \$ 369.74          |            |              |
| 057--2031-011-00 | 2130 CENTER LLC                      | 2130 CENTER ST          | \$ 6,330.78        |            |              |
| 057--2031-003-00 | 2161 ALLSTON WAY LLC                 | 2161 ALLSTON WAY        | \$ 10,704.94       |            |              |
| 057--2029-002-04 | 2176 KITTREDGE LLC                   | 2176 KITTREDGE ST       | \$ 4,116.24        |            |              |
| 057--2029-016-00 | 2176 KITTREDGE LLC                   | 2150 KITTREDGE ST       | \$ 8,615.36        |            |              |
| 055--1893-005-03 | 2310 FULTON LLC                      | 2310 FULTON ST          | \$ 9,780.86        |            |              |
| 055--1894-017-04 | 2322 SHATTUCK AVENUE LLC             | 2300 SHATTUCK AVE       | \$ 18,717.72       |            |              |
| 055--1822-005-00 | 2524 SHATTUCK BLAKE LLC              | 2524 SHATTUCK AVE       | \$ 1,654.86        |            |              |
| 057--2024-010-02 | 384 PROMENADE LLC & WPG PROMEN       | 1936 UNIVERSITY AVE     | \$ 10,010.62       |            |              |
| 057--2023-014-00 | 440 JACKSON STREET LLC               | 2115 MILVIA ST          | \$ 4,854.76        |            |              |
| 055--1893-019-00 | A T & T CO 279-1-12-6                | 0 DURANT AVE            |                    |            | \$ 16,606.42 |
| 055--1893-020-00 | A T & T CO 279-1-12-6                | 0 BANCROFT WAY          |                    |            | \$ 1,003.04  |
| 057--2060-022-00 | ACAMPORA ANTHONY & MARGARET R        | 1801 UNIVERSITY AVE 301 | \$ 178.88          |            |              |
| 057--2060-046-00 | ACAMPORA ANTHONY & MARGARET R        | 1801 UNIVERSITY AVE 309 | \$ 178.88          |            |              |
| 057--2033-004-00 | ADDISON BUILDING LLC                 | 2044 KALA BAGAI WAY     | \$ 5,959.74        |            |              |
| 057--2022-014-01 | ADDISON LLC                          | 1912 ADDISON ST         | \$ 955.12          |            |              |
| 057--2060-041-00 | ALBANESE ANDRES & CELINA             | 1801 UNIVERSITY AVE 407 | \$ 178.88          |            |              |
| 057--2050-031-01 | AMISTAD HOUSE LLC                    | 1810 SHATTUCK AVE       | \$ 4,923.16        |            |              |
| 055--1821-026-00 | AMPRI INVESTMENTS INC                | 2030 BLAKE ST C         | \$ 230.62          |            |              |
| 055--1821-027-00 | AMPRI INVESTMENTS INC                | 2030 BLAKE ST B         | \$ 230.14          |            |              |
| 057--2060-048-00 | ANJANEYAR LLC                        | 1801 UNIVERSITY AVE 210 | \$ 178.88          |            |              |
| 057--2028-013-00 | AOCHI FUSAKO J TR                    | 2000 KITTREDGE ST       | \$ 3,506.12        |            |              |
| 057--2060-050-03 | AREFI EHSAN & AREFY KATRIN           | 1809 UNIVERSITY AVE     | \$ 102.34          |            |              |

| APN              | Owner                                 | Site Address            | FY 2023 Assessment |              |              |
|------------------|---------------------------------------|-------------------------|--------------------|--------------|--------------|
|                  |                                       |                         | Private Parcels    | Tax Exempt   | Utility Roll |
| 057--2032-018-00 | ARLINGTON INVESTMENT CO               | 134 BERKELEY SQ         | \$ 1,079.62        |              |              |
| 057--2049-024-00 | ATKINS GEORGE C                       | 1849 SHATTUCK AVE 404   | \$ 90.32           |              |              |
| 057--2059-007-00 | AYYAD FRED & MONA                     | 1929 UNIVERSITY AVE     | \$ 1,400.86        |              |              |
| 055--1893-013-00 | BAKER EDWARD L                        | 2327 SHATTUCK AVE       | \$ 314.98          |              |              |
| 055--1894-016-00 | BANCROFT WAY PROPERTIES LLC           | 2030 BANCROFT WAY       | \$ 1,156.26        |              |              |
| 057--2046-001-00 | BAY PROPERTIES INC                    | 2108 BERKELEY WAY       | \$ 8,580.40        |              |              |
| 055--1821-025-00 | BELGROVE ANGELA M & SWINDERMAN        | 2030 BLAKE ST D         | \$ 617.90          |              |              |
| 055--1892-001-01 | BERKELEY BUDDHIST CHURCH              | 2140 DURANT AVE         | \$ 3,912.74        |              |              |
| 057--2016-025-01 | BERKELEY CHAMBER OF COM               | 1834 UNIVERSITY AVE     | \$ 945.30          |              |              |
| 057--2032-005-03 | BERKELEY DOWNTOWN HOTEL OWNER         | 2121 CENTER ST          | \$ 49,529.32       |              |              |
| 055--1824-015-00 | BERKELEY FREE MARKET LLC              | 2567 SHATTUCK AVE       | \$ 5,215.78        |              |              |
| 057--2028-011-00 | BERKELEY INN LLC                      | 2001 BANCROFT WAY       | \$ 3,644.26        |              |              |
| 057--2025-024-00 | BERKELEY JOINT POWERS FINANCIN        | 2015 ADDISON ST         |                    | \$ 11,743.48 |              |
| 057--2029-004-00 | BERKELEY LODGE NO 270 I O O F         | 2288 FULTON ST          | \$ 4,537.66        |              |              |
| 057--2049-037-00 | BERKELEY LOFTS LLC                    | 1803 UNIVERSITY AVE     | \$ 106.78          |              |              |
| 057--2049-038-00 | BERKELEY LOFTS LLC                    | 1849 SHATTUCK AVE C2    | \$ 302.94          |              |              |
| 057--2025-005-03 | BERKELEY REPERTORY THEATRE            | 2071 ADDISON ST         | \$ 864.58          |              |              |
| 057--2025-008-00 | BERKELEY REPERTORY THEATRE            | 2025 ADDISON ST         | \$ 4,123.98        |              |              |
| 057--2025-023-00 | BERKELEY REPERTORY THEATRE            | 2009 ADDISON ST         | \$ 6,632.30        |              |              |
| 057--2032-017-00 | BERKELEY STATION PARTNERS LLC         | 130 BERKELEY SQ         | \$ 1,298.90        |              |              |
| 057--2023-021-02 | BERKELEY TRADITIONAL MUSIC FOU        | 2026 ADDISON ST         | \$ 2,101.56        |              |              |
| 057--2023-021-03 | BERKELEY TRADITIONAL MUSIC FOU        | 2020 ADDISON ST         | \$ 2,303.58        |              |              |
| 055--1894-007-02 | BERKELEY UNIFIED SCHOOL DISTRI        | 2000 BANCROFT WAY       |                    | \$ 2,564.00  |              |
| 057--2020-004-00 | BERKELEY UNIFIED SCHOOL DISTRI        | 1980 ALLSTON WAY        |                    | \$ 3,309.22  |              |
| 057--2020-005-03 | BERKELEY UNIFIED SCHOOL DISTRI        | 2223 M L KING JR WAY    |                    | \$ 19,606.70 |              |
| 057--2046-002-00 | BERKELEY WAY LLC                      | 2120 BERKELEY WAY       | \$ 8,538.22        |              |              |
| 057--2026-015-00 | BERKELEY YOUNG MENS CHRISTIAN         | 2001 ALLSTON WAY        | \$ 18,966.54       |              |              |
| 057--2032-010-00 | BETTENCOURT CHARLES A & JEANNE        | 2109 KALA BAGAI WAY     | \$ 3,531.72        |              |              |
| 057--2060-023-00 | BIGGS RALPH E                         | 1801 UNIVERSITY AVE 401 | \$ 178.88          |              |              |
| 057--2023-004-00 | BOLLIBOKKA SHATTUCK LLC               | 2144 SHATTUCK AVE       | \$ 23,324.70       |              |              |
| 057--2027-008-00 | BPR PROPERTIES BERKELEY LLC           | 2060 ALLSTON WAY C      | \$ 19,911.34       |              |              |
| 057--2049-030-00 | BROOKS JODY & WIGGIN ANNETTE          | 1849 SHATTUCK AVE 406   | \$ 90.32           |              |              |
| 057--2060-050-01 | BROWNING ROBERT P & MAIO LINDA        | 1801 UNIVERSITY AVE A   | \$ 99.86           |              |              |
| 057--2022-008-00 | BUTLER LARRY TR                       | 1907 CENTER ST          | \$ 1,414.94        |              |              |
| 057--2023-003-00 | C & V SHATTUCK LLC                    | 2120 SHATTUCK AVE       | \$ 1,621.62        |              |              |
| 057--2031-009-00 | C S COMPANY                           | 2161 SHATTUCK AVE       | \$ 10,693.74       |              |              |
| 055--1895-042-00 | CA AG LOGAN PARK PROPERTY OWNER LOGAN | 2356 SHATTUCK AVE       | \$ 12,581.66       |              |              |
| 055--1895-041-00 | CA AG LOGAN PARK PROPERTY OWNER LOGAN | 2352 SHATTUCK AVE       | \$ 24,379.28       |              |              |
| 057--2034-007-00 | CALIF STATE EMPL CR UN                | 2033 KALA BAGAI WAY     | \$ 1,548.94        |              |              |
| 055--1893-011-00 | CALIFORNIA FIRST BANK                 | 2107 DURANT AVE         | \$ 1,003.04        |              |              |
| 055--1893-012-00 | CALIFORNIA FIRST BANK                 | 2333 SHATTUCK AVE       | \$ 4,226.94        |              |              |
| 057--2060-030-00 | CALOCA ROSA N                         | 1801 UNIVERSITY AVE 204 | \$ 178.88          |              |              |
| 057--2031-014-00 | CENTER GALLERY LP                     | 2136 CENTER ST          | \$ 2,842.88        |              |              |
| 057--2023-016-01 | CENTURY PROPERTIES LLC                | 0 MILVIA ST             | \$ 1,788.92        |              |              |
| 057--2030-003-00 | CERFAM LLC                            | 2134 ALLSTON WAY        | \$ 2,397.70        |              |              |
| 055--1891-012-00 | CHAN KUM L & ANDREW TRS & CHAN        | 2429 SHATTUCK AVE       | \$ 4,482.58        |              |              |
| 057--2060-024-00 | CHEN QU                               | 1801 UNIVERSITY AVE 202 | \$ 178.88          |              |              |
| 057--2032-012-00 | CHENG FRANK & DOROTHY                 | 2112 ADDISON ST         | \$ 4,538.16        |              |              |
| 057--2016-003-00 | CHENG TE C TR                         | 2070 M L KING JR WAY    | \$ 762.32          |              |              |
| 057--2060-028-00 | CHUA SHIRLEY C & SUISUILYN            | 1801 UNIVERSITY AVE 303 | \$ 178.88          |              |              |
| 057--2017-016-01 | CITY OF BERKELEY                      | 2100 M L KING JR WAY    |                    | \$ 18,467.54 |              |
| 057--2021-001-00 | CITY OF BERKELEY                      | 2180 MILVIA ST          |                    | \$ 16,011.62 |              |
| 057--2021-002-00 | CITY OF BERKELEY                      | 0 CENTER ST             |                    | \$ 16,784.22 |              |
| 057--2022-006-00 | CITY OF BERKELEY                      | 1947 CENTER ST          |                    | \$ 9,320.88  |              |
| 057--2022-020-00 | CITY OF BERKELEY                      | 0 CENTER ST             |                    | \$ 4,012.78  |              |
| 057--2023-020-03 | CITY OF BERKELEY                      | 2025 CENTER ST          |                    | \$ 44,646.42 |              |

|                  |                                 |                         | FY 2023 Assessment |              |              |
|------------------|---------------------------------|-------------------------|--------------------|--------------|--------------|
| APN              | Owner                           | Site Address            | Private Parcels    | Tax Exempt   | Utility Roll |
| 057--2028-005-00 | CITY OF BERKELEY                | 2031 BANCROFT WAY       |                    | \$ 3,049.56  |              |
| 057--2028-017-01 | CITY OF BERKELEY                | 2090 KITTREDGE ST       |                    | \$ 13,828.18 |              |
| 057--2053-022-01 | CITY OF BERKELEY                | 0 BERKELEY WAY          |                    | \$ 2,829.26  |              |
| 057--2118-001-00 | CITY OF BERKELEY                | 2200 FULTON ST          |                    | \$ -         |              |
| 057--2119-001-00 | CITY OF BERKELEY                | 2200 FULTON ST A        |                    | \$ 7,835.62  |              |
| 057--2122-001-00 | CITY OF BERKELEY                | 2012 BERKELEY WAY       |                    | \$ 1,442.04  |              |
| 057--2122-002-00 | CITY OF BERKELEY                | BERKELEY WAY            |                    | \$ 1,036.34  |              |
| 057--2122-003-00 | CITY OF BERKELEY                | 2020 BERKELEY WAY       |                    | \$ 3,128.00  |              |
| 057--2049-040-00 | CLPF HILLSIDE VILLAGE LP        | 2102 DELAWARE ST        | \$ 5,019.50        |              |              |
| 057--2060-026-00 | CORR JAMES C & MICHAELS MARY F  | 1801 UNIVERSITY AVE 402 | \$ 178.88          |              |              |
| 055--1895-019-01 | CPF BERKELEY VARSITY LLC        | 2024 DURANT AVE         | \$ 2,090.10        |              |              |
| 055--1822-003-02 | CRESTON DEVELOPMENTS LLC        | 2514 SHATTUCK AVE       | \$ 1,750.08        |              |              |
| 057--2026-013-00 | CSQ FEE ONWER CA LLC            | 2168 SHATTUCK AVE       | \$ 13,364.90       |              |              |
| 057--2023-026-00 | CVBAF ACQ LLC                   | 2055 CENTER ST          | \$ 39,783.78       |              |              |
| 055--1821-024-02 | CYH COMPANY INC                 | 2034 BLAKE ST           | \$ 3,734.86        |              |              |
| 057--2049-021-00 | DANG DENNIS H                   | 1849 SHATTUCK AVE 403   | \$ 90.32           |              |              |
| 057--2120-001-00 | DAVID BROWER CENTER             | 2150 ALLSTON WAY        | \$ 6,531.36        |              |              |
| 057--2049-020-00 | DELBONTA MATTHEW A              | 1849 SHATTUCK AVE 303   | \$ 90.32           |              |              |
| 055--1892-015-00 | DURANT BERKELEY PARTNERS LP     | 2367 SHATTUCK AVE       | \$ 1,711.34        |              |              |
| 055--1892-016-00 | DURANT BERKELEY PARTNERS LP     | 2349 SHATTUCK AVE       | \$ 2,888.76        |              |              |
| 055--1890-012-01 | DWIGHT WAY RESIDENTIAL PROPERTY | 2107 DWIGHT WAY         | \$ 6,679.76        |              |              |
| 057--2024-004-00 | EAST BAY MEDIA CENTER           | 1939 ADDISON ST         | \$ 583.96          |              |              |
| 057--2024-008-01 | EAST END INVESTORS GROUP INC    | 1950 UNIVERSITY AVE     | \$ 4,018.32        |              |              |
| 055--1892-013-01 | EASTBOROUGH PROPERTIES LP       | 2399 SHATTUCK AVE       | \$ 5,176.30        |              |              |
| 057--2046-011-01 | EQR ACHESON COMMONS LP          | 1987 SHATTUCK AVE       | \$ 2,182.14        |              |              |
| 057--2030-009-00 | FERROGGIARO MARY J TR & WISE A  | 2115 KITTREDGE ST       | \$ 6,640.22        |              |              |
| 057--2053-003-01 | FIFTH KEIL CO                   | 1998 SHATTUCK AVE       | \$ 5,059.00        |              |              |
| 057--2053-003-02 | FIFTH KEIL CO                   | 1984 SHATTUCK AVE       | \$ 1,094.88        |              |              |
| 055--1894-006-00 | FIGUEROA XAVIER & JOSEFINA J    | 2017 DURANT AVE         | \$ 955.02          |              |              |
| 057--2022-003-01 | FIRST MILVIA LLC                | 2108 MILVIA ST          | \$ 1,072.50        |              |              |
| 057--2022-017-01 | FIRST MILVIA LLC                | 2100 MILVIA ST          | \$ 13,709.64       |              |              |
| 057--2026-002-01 | FIRST SHATTUCK LLC              | 2150 SHATTUCK AVE       | \$ 45,662.92       |              |              |
| 057--2026-005-01 | FIRST SHATTUCK LLC              | 2043 ALLSTON WAY        | \$ 5,484.96        |              |              |
| 057--2026-012-03 | FIRST SHATTUCK LLC              | 2052 CENTER ST          | \$ 35,481.68       |              |              |
| 057--2028-002-00 | FU JIHW A & JI H TRS            | 2270 SHATTUCK AVE       | \$ 2,128.90        |              |              |
| 055--1896-002-00 | FUJIKAWA MARK A & GEORGIA       | 2414 SHATTUCK AVE       | \$ 358.48          |              |              |
| 055--1822-009-01 | GEMDALE 2035 BLAKE STREET LLC   | 2035 BLAKE ST           | \$ 11,003.92       |              |              |
| 055--1895-015-01 | GENIRBERG SIBLINGS LLC          | 2000 DURANT AVE         | \$ 4,623.90        |              |              |
| 057--2049-022-00 | GIEBELER PERSIS A               | 1849 SHATTUCK AVE 204   | \$ 90.32           |              |              |
| 057--2049-026-00 | GILMOUR SUSAN R & THOMAS S      | 1849 SHATTUCK AVE 305   | \$ 90.32           |              |              |
| 055--1896-004-00 | GIOTINIS MICHAEL C & ATHIA M T  | 2428 SHATTUCK AVE       | \$ 1,243.32        |              |              |
| 057--2025-004-00 | GLYNN EDITH W TR                | 2020 SHATTUCK AVE       | \$ 2,943.90        |              |              |
| 057--2053-004-02 | GLYNN EDITH W TR                | 2071 UNIVERSITY AVE     | \$ 2,612.04        |              |              |
| 057--2034-009-00 | GOLDEN CA PROPERTY 1 LLC        | 2017 KALA BAGAI WAY     | \$ 1,753.20        |              |              |
| 055--1892-014-00 | GORDON JOHN K & MITCHELL JANIS  | 2375 SHATTUCK AVE       | \$ 838.40          |              |              |
| 055--1897-006-00 | GORDON JOHN K & MITCHELL JANIS  | 2450 SHATTUCK AVE       | \$ 4,328.50        |              |              |
| 057--2024-021-01 | GORDON JOHN K & MITCHELL JANIS  | 1952 UNIVERSITY AVE     | \$ 4,400.56        |              |              |
| 057--2025-005-02 | GORDON JOHN K & MITCHELL JANIS  | 2024 SHATTUCK AVE       | \$ 5,793.16        |              |              |
| 057--2025-006-00 | GORDON JOHN K & MITCHELL JANIS  | 2036 SHATTUCK AVE       | \$ 5,324.36        |              |              |
| 057--2025-019-00 | GORDON JOHN K & MITCHELL JANIS  | 2058 UNIVERSITY AVE     | \$ 2,330.52        |              |              |
| 057--2025-022-00 | GORDON JOHN K & MITCHELL JANIS  | 2014 SHATTUCK AVE       | \$ 1,621.62        |              |              |
| 057--2029-011-00 | GORDON JOHN K & MITCHELL JANIS  | 2277 SHATTUCK AVE       | \$ 2,279.94        |              |              |
| 057--2030-011-00 | GORDON JOHN K & MITCHELL JANIS  | 2225 SHATTUCK AVE       | \$ 1,055.22        |              |              |
| 057--2049-029-00 | GOTTLIEB SHARONA D              | 1849 SHATTUCK AVE 306   | \$ 90.32           |              |              |
| 057--2028-014-02 | GRANITE LIBRARY GARDENS LP      | 2022 KITTREDGE ST       | \$ 44,509.08       |              |              |
| 057--2024-015-03 | GREENLINING INSTITUTE           | 1916 UNIVERSITY AVE     | \$ 2,386.90        |              |              |

| APN              | Owner                          | Site Address            | FY 2023 Assessment |            |              |
|------------------|--------------------------------|-------------------------|--------------------|------------|--------------|
|                  |                                |                         | Private Parcels    | Tax Exempt | Utility Roll |
| 057--2029-012-00 | H DRAKE CORPORATION            | 2271 SHATTUCK AVE       | \$ 2,517.92        |            |              |
| 055--1821-028-00 | HA YANGWON K                   | 2030 BLAKE ST A         | \$ 249.96          |            |              |
| 057--2016-027-02 | HADJIAN SIMIN & PAYVAND ETAL   | 1840 UNIVERSITY AVE     | \$ 3,295.52        |            |              |
| 057--2060-036-00 | HAMMOND LUCIA                  | 1801 UNIVERSITY AVE 206 | \$ 178.88          |            |              |
| 057--2059-006-00 | HAN CHANG S & YOON J           | 1941 UNIVERSITY AVE     | \$ 1,845.76        |            |              |
| 057--2060-043-00 | HART ELIZABETH                 | 1801 UNIVERSITY AVE 308 | \$ 178.88          |            |              |
| 057--2027-002-02 | HEAD LAMA TIBETAN NYINGMA MEDI | 2210 HAROLD WAY         | \$ 1,724.72        |            |              |
| 057--2027-002-03 | HEAD LAMA TIBETAN NYINGMA MEDI | 2018 ALLSTON WAY        | \$ 5,775.90        |            |              |
| 057--2027-004-00 | HEAD LAMA TIBETAN NYINGMAPA ME | 2222 HAROLD WAY         | \$ 8,620.46        |            |              |
| 057--2060-037-00 | HERNANDEZ KARYN L              | 1801 UNIVERSITY AVE 306 | \$ 178.88          |            |              |
| 057--2034-006-00 | HIGHWAY 61                     | 2037 KALA BAGAI WAY     | \$ 7,342.10        |            |              |
| 057--2031-006-00 | HIRAHARA FAMILY LIMITED PARTNE | 2187 SHATTUCK AVE       | \$ 5,553.24        |            |              |
| 057--2027-006-00 | HSR BERKELEY INVESTMENTS LLC   | 2060 ALLSTON WAY A      | \$ 19,957.22       |            |              |
| 057--2027-007-00 | HSR BERKELEY INVESTMENTS LLC   | 2070 ALLSTON WAY        | \$ 7,052.06        |            |              |
| 057--2049-015-00 | HU VICTORIA L                  | 1849 SHATTUCK AVE 401   | \$ 90.32           |            |              |
| 057--2060-040-00 | HUANG SHIYUN & ZHENQIANG ET AL | 1801 UNIVERSITY AVE 307 | \$ 178.88          |            |              |
| 057--2059-010-00 | HULTGREN ROBERT P & SUSAN S TR | 1909 UNIVERSITY AVE     | \$ 1,491.00        |            |              |
| 057--2049-019-00 | HUYNH MATTHEW & REGINA TRS     | 1849 SHATTUCK AVE 203   | \$ 90.32           |            |              |
| 057--2032-015-00 | JANTA REALTY INC & BATRA MANJU | 2100 KALA BAGAI WAY     | \$ 1,534.18        |            |              |
| 057--2030-010-00 | JEON ROBERT S & JUNE I         | 2231 SHATTUCK AVE       | \$ 6,454.74        |            |              |
| 055--1894-002-00 | JINDO VENTURES LLC             | 2037 DURANT AVE         | \$ 3,963.70        |            |              |
| 057--2053-001-00 | JLLJAR LLC                     | 1950 SHATTUCK AVE       | \$ 3,343.54        |            |              |
| 055--1821-003-00 | JOHNSTON STEWART L             | 2558 SHATTUCK AVE       | \$ 1,850.68        |            |              |
| 055--1821-004-00 | JOHNSTON STEWART L             | 2576 SHATTUCK AVE       | \$ 1,064.16        |            |              |
| 057--2049-023-00 | KALOFONOS ANGELIKI & MARIA S   | 1849 SHATTUCK AVE 304   | \$ 90.32           |            |              |
| 057--2025-016-00 | KAM YIU LAM & SHUN TO LO LAM L | 2042 UNIVERSITY AVE     | \$ 3,576.42        |            |              |
| 057--2032-011-00 | KAMENY HARVEY TR               | 2101 KALA BAGAI WAY     | \$ 4,048.64        |            |              |
| 057--2060-006-00 | KAMI BARRY G & CATHY J TRS     | 1813 UNIVERSITY AVE     | \$ 2,086.16        |            |              |
| 057--2060-004-00 | KANG BU U & JEONG H ETAL       | 1823 UNIVERSITY AVE     | \$ 1,621.38        |            |              |
| 057--2060-005-00 | KANG BU U & JEONG H ETAL       | 1821 UNIVERSITY AVE     | \$ 1,290.84        |            |              |
| 057--2030-008-00 | KAO ROGER Y                    | 2117 KITTREDGE ST       | \$ 2,483.92        |            |              |
| 057--2032-019-00 | KAPLAN EDUCATIONAL CENTERS INC | 2144 KALA BAGAI WAY     | \$ 3,809.40        |            |              |
| 057--2031-002-00 | KASHANI NASSER & PAMELA L TRS  | 2171 ALLSTON WAY        | \$ 9,595.48        |            |              |
| 057--2025-012-00 | KASHEF M MEHDI & KATHERINE TRS | 2001 MILVIA ST          | \$ 893.86          |            |              |
| 057--2025-013-00 | KASHEF M MEHDI & KATHERINE TRS | 2000 UNIVERSITY AVE     | \$ 2,393.52        |            |              |
| 057--2060-031-00 | KEAS MABEL E                   | 1801 UNIVERSITY AVE 304 | \$ 178.88          |            |              |
| 057--2060-044-00 | KEHRET JOSEPH G                | 1801 UNIVERSITY AVE 408 | \$ 178.88          |            |              |
| 057--2060-050-05 | KENNEDY PATRICK C & JULIE M TR | 1809 UNIVERSITY AVE     | \$ 98.02           |            |              |
| 057--2060-050-06 | KENNEDY PATRICK C & JULIE M TR | 1807 UNIVERSITY AVE     | \$ 104.62          |            |              |
| 057--2060-050-07 | KENNEDY PATRICK C & JULIE TRS  | 1807 UNIVERSITY AVE A   | \$ 31.02           |            |              |
| 057--2049-034-00 | KHO ERIC L                     | 1849 SHATTUCK AVE 208   | \$ 90.32           |            |              |
| 057--2053-005-00 | KL2067 UNIVERSITY LLC          | 2067 UNIVERSITY AVE     | \$ 873.10          |            |              |
| 057--2060-003-00 | KLATT PETER & JOAN C TRS       | 1849 UNIVERSITY AVE     | \$ 1,935.10        |            |              |
| 057--2030-012-00 | KOOYMAN STEVEN P & SUSAN J     | 2219 SHATTUCK AVE       | \$ 2,465.72        |            |              |
| 057--2049-016-00 | LAI ROGER Y                    | 1849 SHATTUCK AVE 202   | \$ 90.32           |            |              |
| 055--1893-015-01 | LAKIREDDY PRASAD R & SANTI     | 2323 SHATTUCK AVE       | \$ 3,104.32        |            |              |
| 057--2024-018-01 | LAKIREDDY PRASAD R & SANTI     | 1942 UNIVERSITY AVE     | \$ 5,452.36        |            |              |
| 055--1897-002-00 | LAKIREDDY PRASAD R & SANTI & H | 2484 SHATTUCK AVE       | \$ 8,883.52        |            |              |
| 057--2059-008-00 | LAM PAULINE P ETAL             | 1921 UNIVERSITY AVE     | \$ 1,229.14        |            |              |
| 057--2023-012-00 | LANGUAGE STUDIES INC           | 2015 CENTER ST          | \$ 4,308.30        |            |              |
| 057--2025-001-00 | LAUSON LLC                     | 2000 SHATTUCK AVE       | \$ 6,705.98        |            |              |
| 057--2024-011-00 | LEE SANG H & CHUNG EUNJUNG     | 1915 ADDISON ST         | \$ 2,036.80        |            |              |
| 057--2049-017-00 | LHAKEY PEMA                    | 1849 SHATTUCK AVE 302   | \$ 90.32           |            |              |
| 057--2034-011-00 | LIU JIM K                      | 2138 UNIVERSITY AVE     | \$ 2,709.62        |            |              |
| 057--2034-010-00 | LORI BCA 2120 L P              | 2015 KALA BAGAI WAY     | \$ 15,511.30       |            |              |
| 057--2031-004-00 | MAGNES MUSEUM FOUNDATION       | 2121 ALLSTON WAY        | \$ 6,172.78        |            |              |

| APN              | Owner                                     | Site Address            | FY 2023 Assessment |              |              |
|------------------|-------------------------------------------|-------------------------|--------------------|--------------|--------------|
|                  |                                           |                         | Private Parcels    | Tax Exempt   | Utility Roll |
| 057--2053-012-00 | MAHRAT ABDULCHAFFAR & REEM                | 1949 MILVIA ST          | \$ 2,612.42        |              |              |
| 057--2025-010-01 | MAIA HOLDINGS LLC, COLLIERS INTERNATIONAL | 2001 ADDISON ST         | \$ 10,901.20       |              |              |
| 057--2060-034-00 | MAK KWAN & LISHAN                         | 1801 UNIVERSITY AVE 305 | \$ 178.88          |              |              |
| 057--2050-005-00 | MALIN ROBERT O INC                        | 1848 SHATTUCK AVE       | \$ 1,254.30        |              |              |
| 057--2049-014-00 | MAMIN HARRY J & MARJORIE ETAL             | 1849 SHATTUCK AVE 301   | \$ 90.32           |              |              |
| 057--2060-025-00 | MAO YULI                                  | 1801 UNIVERSITY AVE 302 | \$ 178.88          |              |              |
| 057--2031-005-00 | MARTIN DAVID J & MARILYN R TRS            | 2115 ALLSTON WAY        | \$ 2,215.88        |              |              |
| 057--2031-007-00 | MARTIN DAVID J & MARILYN R TRS            | 2181 SHATTUCK AVE       | \$ 2,517.68        |              |              |
| 057--2031-008-00 | MARTIN DAVID J & MARILYN R TRS            | 2171 SHATTUCK AVE       | \$ 4,358.06        |              |              |
| 057--2051-004-00 | MARTIN DAVID J & MARILYN R TRS            | 1920 SHATTUCK AVE       | \$ 972.34          |              |              |
| 057--2051-053-00 | MARTIN REID & JOHN                        | 1912 SHATTUCK AVE       | \$ 756.86          |              |              |
| 057--2046-008-04 | MCREF ACHENSON LLC                        | 2125 UNIVERSITY AVE     | \$ 12,698.28       |              |              |
| 057--2046-009-00 | MCREF BACHENHEIMER LLC                    | 2119 UNIVERSITY AVE     | \$ 11,427.72       |              |              |
| 057--2049-036-00 | MEJIA CESAR A                             | 1849 SHATTUCK AVE 408   | \$ 90.32           |              |              |
| 057--2034-008-00 | MEVLANARUMI LLC                           | 2025 KALA BAGAI WAY     | \$ 1,792.36        |              |              |
| 055--1822-002-01 | MMP CHESTNUT LLC                          | 2506 SHATTUCK AVE       | \$ 1,248.26        |              |              |
| 057--2033-001-01 | MO SHATTUCK LLC                           | 2000 KALA BAGAI WAY     | \$ 8,497.60        |              |              |
| 057--2016-002-00 | MOAVEN SAGHI                              | 2054 M L KING JR WAY    | \$ 347.06          |              |              |
| 057--2051-006-01 | MORAN EVERETT S JR & CATHARINE            | 1936 SHATTUCK AVE       | \$ 2,303.92        |              |              |
| 055--1821-001-01 | NATURAL GREEN CORPORATION                 | 2550 SHATTUCK AVE       | \$ 4,329.74        |              |              |
| 057--2051-005-00 | NINETEEN HUNDRED TWENTY SIX SH            | 1926 SHATTUCK AVE       | \$ 938.70          |              |              |
| 057--2049-031-00 | NIRAMOL CHITRCHARATN 2016 LIVING TRUST    | 1849 SHATTUCK AVE 207   | \$ 90.32           |              |              |
| 057--2049-032-00 | NISEN FREDERICK P                         | 1849 SHATTUCK AVE 307   | \$ 90.32           |              |              |
| 057--2024-014-00 | NORCAL PROPERTIES LLC                     | 1900 UNIVERSITY AVE     | \$ 3,831.36        |              |              |
| 057--2016-024-01 | OHAY PHILIP L & BARBARA L TRS             | 1824 UNIVERSITY AVE     | \$ 3,206.64        |              |              |
| 057--2060-047-00 | OLSON JAMES R                             | 1801 UNIVERSITY AVE 409 | \$ 178.88          |              |              |
| 057--2120-002-00 | OXFORD COMMERCIAL LLC                     | 2200 OXFORD ST          | \$ 3,808.84        |              |              |
| 057--2031-001-01 | OXFORD DEVELOPMENT GROUP LP               | 2128 OXFORD ST          | \$ 4,906.00        |              |              |
| 057--2031-013-00 | OXFORD DEVELOPMENT GROUP LP               | 2142 CENTER ST          | \$ 8,470.50        |              |              |
| 057--2121-001-00 | OXFORD PLAZA LP                           | 2175 KITTREDGE ST       | \$ 16,817.72       |              |              |
| 057--2016-018-01 | P P M&B BERKELEY LLC                      | 1800 UNIVERSITY AVE     | \$ 2,621.94        |              |              |
| 055--1820-001-01 | PARKERSHATTUCK OWNER LLC                  | 2600 SHATTUCK AVE       | \$ 13,582.34       |              |              |
| 055--1821-005-00 | PARKERSHATTUCK OWNER LLC                  | 2598 SHATTUCK AVE       | \$ 1,195.96        |              |              |
| 057--2028-004-00 | PASAND COURTYARD LLC                      | 2276 SHATTUCK AVE       | \$ 11,467.84       |              |              |
| 057--2029-014-00 | PELEG YORAM & BARBARA L                   | 2124 KITTREDGE ST       | \$ 3,039.98        |              |              |
| 057--2022-005-01 | PERALTA COMMUNITY COLLEGE DIST            | 2118 MILVIA ST          |                    | \$ 5,747.26  |              |
| 057--2026-010-00 | PERALTA COMMUNITY COLLEGE DIST            | 2016 CENTER ST          |                    | \$ 1,346.38  |              |
| 057--2026-014-00 | PERALTA COMMUNITY COLLEGE DIST            | 2048 CENTER ST          |                    | \$ 25,537.82 |              |
| 055--1894-003-01 | PERSIAN CENTER                            | 2029 DURANT AVE         | \$ 975.14          |              |              |
| 057--2026-004-05 | PR III SHATTUCK LLC                       | 2190 SHATTUCK AVE       | \$ 18,317.94       |              |              |
| 057--2053-006-00 | REDDY HANUMANDLA J & HANUMANDL            | 2057 UNIVERSITY AVE     | \$ 5,924.76        |              |              |
| 057--2025-021-00 | REDDY HANUMANDLA R & HANUMANDL            | 2066 UNIVERSITY AVE     | \$ 6,260.66        |              |              |
| 055--1891-014-01 | REGENTS OF THE UNIVERSITY OF C            | 2401 SHATTUCK AVE       |                    | \$ 6,454.80  |              |
| 057--2029-007-02 | REGENTS OF THE UNIVERSITY OF C            | 2113 BANCROFT WAY       |                    | \$ 4,498.62  |              |
| 057--2032-014-01 | REGENTS OF THE UNIVERSITY OF C            | 2120 OXFORD ST          |                    | \$ 14,063.88 |              |
| 057--2034-003-00 | REGENTS OF THE UNIVERSITY OF C            | 0 ADDISON ST            |                    | \$ 762.26    |              |
| 057--2034-004-00 | REGENTS OF THE UNIVERSITY OF C            | 2123 ADDISON ST         |                    | \$ 252.42    |              |
| 057--2034-012-00 | REGENTS OF THE UNIVERSITY OF C            | 2154 UNIVERSITY AVE     |                    | \$ 4,190.00  |              |
| 057--2034-014-02 | REGENTS OF THE UNIVERSITY OF C            | 2199 ADDISON ST         |                    | \$ 69.20     |              |
| 057--2034-014-03 | REGENTS OF THE UNIVERSITY OF C            | 2199 ADDISON ST         |                    | \$ 27,780.08 |              |
| 057--2045-002-00 | REGENTS OF THE UNIVERSITY OF C            | 1952 OXFORD ST          |                    | \$ 2,044.46  |              |
| 057--2045-003-00 | REGENTS OF THE UNIVERSITY OF C            | 1990 OXFORD ST          |                    | \$ 881.14    |              |
| 057--2045-006-00 | REGENTS OF THE UNIVERSITY OF C            | 1925 WALNUT ST          |                    | \$ 398.16    |              |
| 057--2047-004-00 | REGENTS OF THE UNIVERSITY OF C            | 1900 OXFORD ST          |                    | \$ 17,531.02 |              |

| APN               | Owner                                   | Site Address            | FY 2023 Assessment |              |              |
|-------------------|-----------------------------------------|-------------------------|--------------------|--------------|--------------|
|                   |                                         |                         | Private Parcels    | Tax Exempt   | Utility Roll |
| 057- -2045-005-00 | REGENTS OF THE UNIVERSITY OF CA         | 1933 WALNUT ST          |                    | \$ 347.22    |              |
| 057- -2045-001-00 | REGENTS OF THE UNIVERSITY OF CALIFORNIA | 1921 WALNUT ST          |                    | \$ 833.86    |              |
| 057- -2054-012-01 | REGENTS OF UNIVERSITY CALIFORN          | 1995 UNIVERSITY AVE     |                    | \$ 16,772.56 |              |
| 057- -2045-004-00 | REGENTS UNIVERSITY OF CALIFORN          | 2161 UNIVERSITY AVE     |                    | \$ 2,580.04  |              |
| 057- -2023-002-00 | RHODES MICHAEL L & DOBBENGARHO          | 2116 SHATTUCK AVE       | \$ 1,345.20        |              |              |
| 057- -2023-023-00 | RILCO ADDISON LLC                       | 2030 ADDISON ST         | \$ 11,189.68       |              |              |
| 057- -2023-024-00 | RILCO ADDISON LLC                       | 2040 ADDISON ST         | \$ 4,799.32        |              |              |
| 057- -2023-025-00 | RUEGG & ELLSWORTH                       | 2072 ADDISON ST         | \$ 1,618.10        |              |              |
| 057- -2049-033-00 | RYU DAVID J & WU CHRISTINA L            | 1849 SHATTUCK AVE 407   | \$ 90.32           |              |              |
| 055- -1895-018-01 | SATELLITE FIRST COMMUNITIES L           | 2020 DURANT AVE         | \$ 2,785.54        |              |              |
| 055- -1896-003-00 | SCHIPANI ANNA A                         | 2420 SHATTUCK AVE       | \$ 1,439.14        |              |              |
| 057- -2049-028-00 | SCHIRLE ANN M                           | 1849 SHATTUCK AVE 206   | \$ 90.32           |              |              |
| 057- -2029-015-00 | SCHNEIDER STEPHEN E TR                  | 2138 KITTREDGE ST       | \$ 2,258.20        |              |              |
| 055- -1893-016-00 | SEGERBERG KENNETH TRUST                 | 2301 SHATTUCK AVE       | \$ 2,344.96        |              |              |
| 057- -2024-016-02 | SEVERY MICHELLE A TR & AARONIA          | 1926 UNIVERSITY AVE     | \$ 584.20          |              |              |
| 057- -2022-009-02 | SHAMSZAD SASHA G & MERIDETH B           | 2105 M L KING JR WAY    | \$ 2,608.66        |              |              |
| 057- -2022-013-04 | SHAMSZAD SASHA G & MERIDETH B           | 1900 ADDISON ST         | \$ 3,952.12        |              |              |
| 057- -2024-002-02 | SHAMSZAD SASHA G & MERIDETH B           | 2020 MILVIA ST          | \$ 8,810.04        |              |              |
| 057- -2033-003-00 | SHAMSZAD SASHA G & MERIDETH B           | 2021 SHATTUCK AVE       | \$ 6,727.42        |              |              |
| 055- -1891-013-01 | SHATTUCK SENIOR HOMES ASSOCIAT          | 2421 SHATTUCK AVE       | \$ 1,483.52        |              |              |
| 055- -1897-001-03 | SHATTUCK WICKS PARTNERSHIP LTD          | 2480 SHATTUCK AVE       | \$ 2,748.48        |              |              |
| 055- -1822-006-00 | SHEN TSUI Y & WU YEU B                  | 2530 SHATTUCK AVE       | \$ 1,604.70        |              |              |
| 057- -2060-038-00 | SHOJI JOSEPH                            | 1801 UNIVERSITY AVE 406 | \$ 178.88          |              |              |
| 057- -2016-022-00 | SHREE LAXMI LLC                         | 1822 UNIVERSITY AVE     | \$ 3,533.46        |              |              |
| 057- -2053-014-02 | SHRIMATIS LIMITED INC                   | 2011 UNIVERSITY AVE     | \$ 2,215.62        |              |              |
| 057- -2060-045-00 | SIKAFFY AMAL                            | 1801 UNIVERSITY AVE 209 | \$ 178.88          |              |              |
| 055- -1824-016-00 | SOUTHWICK TIMOTHY K & SUSAN E           | 2555 SHATTUCK AVE       | \$ 1,321.88        |              |              |
| 055- -1892-018-01 | SOUTHWICK TIMOTHY K & SUSAN E           | 2110 DURANT AVE         | \$ 3,009.12        |              |              |
| 055- -1896-001-00 | SOUTHWICK TIMOTHY K & SUSAN E           | 2410 SHATTUCK AVE       | \$ 3,429.62        |              |              |
| 057- -2060-002-00 | SOUTHWICK TIMOTHY SR & SUSAN T          | 1865 UNIVERSITY AVE     | \$ 2,899.54        |              |              |
| 057- -2032-016-00 | SPITZER NORMAN S & MARY J TRS           | 2115 SHATTUCK AVE       | \$ 1,493.28        |              |              |
| 057- -2023-017-01 | STERLING BERKELEY ADDISON L P           | 2101 MILVIA ST          | \$ 3,714.82        |              |              |
| 057- -2030-002-00 | STERLING BERKELEY ALLSTON LP            | 2116 ALLSTON WAY        | \$ 10,398.70       |              |              |
| 055- -1890-013-02 | STERLING BERKELEY HASTE LP              | 2451 SHATTUCK AVE       | \$ 12,934.64       |              |              |
| 057- -2047-002-01 | STERLING BERKELEY OXFORD LP             | 1910 OXFORD ST          | \$ 4,509.46        |              |              |
| 057- -2025-014-00 | STERLING BERKELEY UNIVERSITY AVE LP     | 2004 UNIVERSITY AVE     | \$ 7,087.70        |              |              |
| 057- -2024-001-02 | STONEFIRE PARTNERS LLC                  | 1974 UNIVERSITY AVE     | \$ 15,596.54       |              |              |
| 057- -2049-035-00 | SU FU & CHUANG C ETAL                   | 1849 SHATTUCK AVE 308   | \$ 90.32           |              |              |
| 055- -1823-011-01 | SUTTER BAY HOSPITALS                    | 2104 DWIGHT WAY         | \$ 6,501.84        |              |              |
| 057- -2060-035-00 | SWANSON LINDA L                         | 1801 UNIVERSITY AVE 405 | \$ 178.88          |              |              |
| 057- -2049-025-00 | SWEENEY ZEPHYR & DENNIS A               | 1849 SHATTUCK AVE 205   | \$ 90.32           |              |              |
| 057- -2060-042-00 | SZABO MARSHIKA L                        | 1801 UNIVERSITY AVE 208 | \$ 178.88          |              |              |
| 055- -1896-005-00 | T J WHITTEN FAMILY LLC                  | 2440 SHATTUCK AVE       | \$ 2,622.10        |              |              |
| 057- -2053-008-01 | TALAI MOHAMMAD E & KOKAB S TRS          | 2035 UNIVERSITY AVE     | \$ 5,431.02        |              |              |
| 057- -2060-033-00 | TAVAKOLIZADEH MEHDI                     | 1801 UNIVERSITY AVE 205 | \$ 178.88          |              |              |
| 055- -1824-014-00 | THALLAUG KIRSTEN L & THALLAUG TR        | 2105 PARKER ST          | \$ 3,995.78        |              |              |
| 057- -2060-027-00 | THEVANAYAGAM SABANAYAGAM & VAS          | 1801 UNIVERSITY AVE 203 | \$ 178.88          |              |              |
| 057- -2060-049-00 | THOMAS HERB TR                          | 1801 UNIVERSITY AVE 310 | \$ 178.88          |              |              |
| 057- -2024-013-00 | THOMPSON DON J & AUDREY A & KI          | 2099 M L KING JR WAY    | \$ 2,558.52        |              |              |
| 057- -2049-013-00 | TILLER ANDREA M & EMERSON H             | 1849 SHATTUCK AVE 201   | \$ 90.32           |              |              |
| 057- -2049-018-00 | TIPHANE GUY TR                          | 1849 SHATTUCK AVE 402   | \$ 90.32           |              |              |
| 057- -2051-051-00 | TIPPING STEVEN B & ZENIADA L T          | 1900 SHATTUCK AVE       | \$ 1,925.42        |              |              |
| 057- -2051-052-00 | TIPPING STEVEN B & ZENIADA L T          | 1908 SHATTUCK AVE       | \$ 976.24          |              |              |
| 057- -2053-007-00 | TRILINK REAL ESTATE INVESTMENT          | 2041 UNIVERSITY AVE     | \$ 7,496.60        |              |              |
| 057- -2025-015-00 | U C STUDIOS LLC                         | 2018 UNIVERSITY AVE     | \$ 12,599.32       |              |              |
| 057- -20270-05-00 | UNITED STATES POSTAL SERVICE            | 0 MILVIA ST             |                    | \$ 13,429.82 |              |
| 055- -1825-015-02 | VALIYEE REZA                            | 2621 SHATTUCK AVE       | \$ 7,456.74        |              |              |
| 055- -1825-019-00 | VALIYEE REZA                            | 2609 SHATTUCK AVE       | \$ 3,316.80        |              |              |
| 057- -2024-012-00 | VEDENSKY PROPERTIES LLC                 | 1911 ADDISON ST         | \$ 2,611.60        |              |              |
| 055- -1893-018-00 | VERO PROPERTIES LLC                     | 2126 BANCROFT WAY       | \$ 983.66          |              |              |
| 057- -2051-007-00 | VINLAND PROPERTY INVETMENT LL           | 2053 BERKELEY WAY       | \$ 1,227.76        |              |              |
| 057- -2028-003-00 | WADE WILLIAM J TR                       | 2274 SHATTUCK AVE       | \$ 14,175.22       |              |              |



|                                           |                                  |                         | FY 2023 Assessment  |               |                        |
|-------------------------------------------|----------------------------------|-------------------------|---------------------|---------------|------------------------|
| APN                                       | Owner                            | Site Address            | Private Parcels     | Tax Exempt    | Utility Roll           |
| 057- -2060-039-00                         | WAGELE NICHOLAS                  | 1801 UNIVERSITY AVE 207 | \$ 178.88           |               |                        |
| 057- -2028-012-00                         | WANDER ROBERT H & INGRID         | 2235 MILVIA ST          | \$ 649.52           |               |                        |
| 057- -2022-015-00                         | WESTWOOD BAYROCK ADDISON LP      | 1916 ADDISON ST         | \$ 1,041.64         |               |                        |
| 055- -1822-001-00                         | WONG FRANKLIN & PUI T ET AL      | 2500 SHATTUCK AVE       | \$ 1,717.88         |               |                        |
| 057- -2060-029-00                         | WONG MEI L & KUOCHEN             | 1801 UNIVERSITY AVE 403 | \$ 178.88           |               |                        |
| 057- -2031-010-00                         | WU SHU F TR                      | 2124 CENTER ST          | \$ 3,437.88         |               |                        |
| 057- -2049-027-00                         | YANG JUDY C TR & YANG LUCINDA    | 1849 SHATTUCK AVE 405   | \$ 90.32            |               |                        |
| 057- -2034-005-00                         | YANIV GERSHON & RACHEL D ETAL    | 2119 ADDISON ST         | \$ 5,303.86         |               |                        |
| 057- -2059-011-00                         | YEARWOOD INES L & KHALIL & ROD   | 1901 UNIVERSITY AVE     | \$ 1,536.68         |               |                        |
| 057- -2053-011-00                         | YEE DAVID                        | 2017 UNIVERSITY AVE     | \$ 2,198.10         |               |                        |
| 057- -2060-021-00                         | YEH JENG R & YANG CHINGMEI       | 1801 UNIVERSITY AVE 201 | \$ 178.88           |               |                        |
| 057- -2029-010-02                         | YOUNG JAMES C & EDDIE JR         | 2281 SHATTUCK AVE       | \$ 959.88           |               |                        |
| 057- -2029-010-01                         | YOUNG JAMES C & YOUNG EDDIE JR   | 2283 SHATTUCK AVE       | \$ 718.92           |               |                        |
| 057- -2022-018-00                         | YOUNG MENS CHRISTIAN ASSOCIATION | 2109 M L KING JR WAY    | \$ 1,876.68         |               |                        |
| 055- -1893-001-00                         | YU CHING H & INN N TRS           | 2190 BANCROFT WAY       | \$ 2,028.32         |               |                        |
| 055- -1822-004-00                         | YU WAH Y & RUICHAN               | 2520 SHATTUCK AVE       | \$ 740.72           |               |                        |
| 057- -2060-032-00                         | ZOBRIST ALBERT L & TERESA T      | 1801 UNIVERSITY AVE 404 | \$ 178.88           |               |                        |
| TOTAL:                                    |                                  |                         | \$ 1,389,145.08     | \$ 325,136.86 | \$ 17,609.46           |
| Count of Properties                       |                                  |                         | Private Parcels 302 | Tax Exempt 38 | Utility Roll 2         |
| County Fee @1.7% (on Private Parcels):    |                                  |                         | \$ 23,615.47        |               |                        |
| Net Assessment Revenue (Private Parcels): |                                  |                         | \$ 1,365,529.61     |               |                        |
| Total Assessment Revenue:                 |                                  |                         | \$ 1,708,275.93     |               |                        |
| <b>Total Assessment Revenue:</b>          |                                  |                         |                     |               | <b>\$ 1,708,275.93</b> |

Note: Data for APN, Owner, and Land Use from the City's Land Management System is current as of April 1, 2022.





Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Eleanor Hollander, Economic Development Manager

Subject: Assessments: North Shattuck Property Based Business Improvement District

RECOMMENDATION

Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of Fiscal Year (FY) 2022 and proposed budget for FY 2023, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2023.

FISCAL IMPACTS OF RECOMMENDATION

Assessments levied in the North Shattuck Business Improvement District (NSBID) support a package of improvements and activities approved by the property owners and the City Council when the District was renewed for a ten year period on June 16, 2020 (Resolution No. 69,454–N.S). Assessment funds are collected by Alameda County, relayed to the City of Berkeley, and disbursed through a contract with the North Shattuck Association (NSA), a private owners' association that was established to implement the Management District Plan.

In June of 2020, the City Council authorized the City Manager to execute a contract and any amendments with the North Shattuck Association, not to exceed \$2,652,778 of BID revenues, to implement the North Shattuck Management District Plan for the period July 1, 2020 to June 30, 2031 (Contract No. 32100055). The contract covers the years remaining in the current term of the NSBID establishment.

NSBID assessments are projected and budgeted at approximately \$210,363 in FY 2023. Assessment funds are deposited into NSBID Fund 785-21-208-251-0000-000-000-412110 and expended from fund 785-21-208-251-0000-000-446-636110. Though the NSBID's adopted Management District plan allows for an annual 5% assessment increase for inflation, the majority of the North Shattuck Association's Board of Directors met on April 21, 2022, and determined that no rate increase was warranted in FY23 as the current assessment sufficiently covers the slate of services proposed for the coming year. Project funds not spent in any given fiscal year are carried over into future years.

By financing improvements, maintenance and marketing activities for the North Shattuck business district, the NSBID indirectly enhances sales tax, business license

tax and other business-related City revenue sources. No City properties have been or will be assessed in the NSBID.

### CURRENT SITUATION AND ITS EFFECTS

State legislation that authorizes formation of property-based BIDs (*California Streets and Highways Code*, Sections 36600 et. seq.) requires that the BID governing body submit an Annual Report on operations and a budget proposal to the City Council each year. The City Council may approve the report with a Resolution to reauthorize the annual assessments.

The Board of Directors of the NSA met in a publicly noticed meeting on April 21, 2022 to review and approve the attached Annual Report for the NSBID for FY 2022 (Exhibit A). The report includes a budget for improvements and activities for FY 2023 and an estimated cost for providing them. The report also recommends that the assessments for FY 2023 be levied on the same basis and method, and within the same boundaries, as they were levied for FY 2022 *without* the allowable annual 5% fee increase. See Exhibit B: North Shattuck BID FY 2023 Assessment Roll. Council can adopt the recommended resolution which will confirm the NSBID assessment, thus enabling continuous BID operations in the North Shattuck district for another year.

### BACKGROUND

The NSBID was first established by Resolution of the Berkeley City Council in 2001 (Resolution No. 61,168-N.S.) to implement a Management District Plan that had been developed by a steering committee of merchants and property owners. In accordance with the Management District Plan adopted in Resolution No. 61,168-N.S, the NSBID had a lifetime of ten years, expiring in 2011. On May 3, 2011, Council approved Resolution No. 65,265-N.S. reestablishing the NSBID for 10 more years, ending in Fiscal Year 2021. Further, on June 16, 2020, Council approved Resolution No. 69,454–N.S reestablishing the NSBID for an additional 10 years. Thus, the NSBID is authorized through 2031 unless action is taken to dis-establish it.

The NSBID finances special improvement, maintenance and marketing activities that benefit commercial properties and businesses in the North Shattuck District. NSBID activities are performed above and beyond baseline services provided by the City.

The Management District Plan that was adopted by Council in 2020 as part of the reestablishment of the District provides a framework and budget for the NSBID's activities. In FY 2023, the NSBID will continue its ongoing services including District maintenance, public improvements, holiday lighting, and marketing/promotional activities. The NSBID will continue to provide cleaning and outreach services in the public right of way. Events and activities promoting the District will continue throughout the year, including winter holiday promotions and safe group outdoor commerce installations. Regular arts and events newsletters will be shared, and ongoing marketing efforts will continue via the NSBID website and other social media. The NSBID will also continue to liaise and coordinate with other business

district organizations, Visit Berkeley, the Chamber of Commerce, and the Berkeley Business District Network (BBDN) to promote local business and economic development opportunities in Berkeley.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By maintaining and enhancing the District, the NSA creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The District is walking distance from the North Berkeley and Downtown Berkeley BART Stations. Several AC transit lines provide easy accessibility to visitors coming to this popular regional destination. Because the District is well served by public transportation and biking infrastructure, these services support environmental sustainability goals of encouraging alternative transportation choices and reducing vehicle miles traveled.

RATIONALE FOR RECOMMENDATION

Property and Business Improvement District Law of 1994 requires that the BID Board prepare an Annual Report for each fiscal year in which assessments are to be levied. Council action is required to approve the BID's Annual Report, and declare its intent to levy assessments.

This private/public partnership generates significant resources for revitalization of the North Shattuck District has a positive effect on the physical and economic health of the City of Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

The Board of the NSBID considered opting for the allowable 5% increase in assessment rates but instead decided not to levy an increase in the assessment rate, declaring that an increase, would not be necessary to cover the slate of proposed services. The NSA Board determined that the existing assessment level would be sufficient to address the goals outlined in the FY2023 budget and work plan.

CONTACT PERSON

Eleanor Hollander, Office of Economic Development, (510) 981-7536

Attachments:

- 1: Resolution: Confirm Annual Report and Levy Annual Assessment
  - Exhibit A: NSBID Report for FY 2022 and Proposed Budget for FY 2023
  - Exhibit B: North Shattuck BID FY 2023 Assessment Roll

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

APPROVING THE ANNUAL REPORT OF THE NORTH SHATTUCK BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2022 AND DECLARING INTENT TO LEVY ASSESSMENTS FOR FISCAL YEAR 2023.

WHEREAS, the Property and Business Improvement District Law of 1994 as amended (California Streets and Highways Code Section 36600 et. seq.) authorizes cities, with the consent of property owners, to fund property-related improvements, maintenance and activities through the levy of assessments upon the real property that benefit from the improvements, maintenance and activities; and

WHEREAS, after ten years of successful operation, on June 16, 2020 the Berkeley City Council reestablished the North Shattuck Business Improvement District (hereafter, “the District”) for an additional ten year period by Resolution No. 69,454-N.S.; and

WHEREAS, on April 21, 2022 the Board of Directors of the North Shattuck BID adopted the *Annual Report to the City of Berkeley FY 2022* (hereafter “Annual Report”) that describes the operations of the District in FY 2022, recommends services for FY 2023 and proposes a budget for FY 2023 (Exhibit A).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that pursuant to provisions of Section 36600 et. seq. of the California Streets and Highways Code, the City Council approves the Annual Report of the North Shattuck Association (Exhibit A) and declares its intent to levy special assessments on property within the boundaries of the District for FY 2023 (Exhibit B).

BE IT FURTHER RESOLVED that that the boundaries of the District and the method and basis for the assessment remain the same as those set forth and approved in the Management District Plan (Plan) that was adopted on June 16, 2020, when Council renewed the North Shattuck BID through Resolution No. 69,454-N.S.

BE IT FURTHER RESOLVED that the improvements and activities to be provided are those described in the Plan and the Annual Report.

BE IT FURTHER RESOLVED that the cost of providing the improvements and activities is as described in the budget that accompanies the Annual Report.

BE IT FURTHER RESOLVED that the Assessment Rate for FY 2023 shall not increase from the rates established in FY 2022 (despite that an increase of 5% is allowed annually by the District Management Plan). Following adoption of this resolution, the City Council may confirm the Annual Report and levy assessments for FY 2023 and confirm disbursement of NSBID assessment revenue to the North Shattuck Association provided for in Contract No.32100055, authorized in Resolution No. 69,455–N.S (2020).

Exhibit:

A: North Shattuck Annual Report for FY 2022 and Proposed Budget for FY 2023

B: NSBID Assessment Roll FY 2023



**NORTH SHATTUCK ASSOCIATION**  
**ANNUAL REPORT TO THE CITY OF BERKELEY**  
**FISCAL YEAR 2022**

**Introduction**

The North Shattuck Business Improvement District (NSBID) was reestablished for a new 10-year period by the Berkeley City Council on June 16, 2020 (Resolution No. 69,454-N.S.) under provisions of the State of California Property and Business Improvement District Law of 1994. The NSBID was formed in 2001 and renewed in 2011 and again in 2020 to implement a Management District Plan developed and revised in 2020 to address the specific needs of the District and which sets forth the projected activities of the NSBID and the allocation of BID assessment revenues to each activity.

The renewed North Shattuck BID consists of 54 parcels owned by 52 property owners, generally bounded by Rose on the north, Delaware on the south, taking in the block of Vine east of Shattuck Ave. The assessments fund special benefits within the District, enhancing the North Shattuck area's streetscape environment with infrastructure improvements, ongoing maintenance, and special events to new customers and visitors, increase business sales, and attract and retain businesses.

The NSBID is managed by the non-profit North Shattuck Association, whose Board of district business and property owners and Executive Director coordinate implementation of the Management Plan. The Property and Business Improvement District Law of 1994 requires that the owners' association that is responsible for administering a BID prepare an annual report for each fiscal year for which assessments are to be levied.

This report reviews Fiscal Year 2022 operations, and states goals and objectives for Fiscal Year 2023 of the NSBID, which begins July 1, 2022 and ends June 30, 2023. This report includes the improvements and activities for the year, an estimate of the cost of the improvements and activities, the amount of any surplus or deficit revenues are to be carried over from the previous fiscal year and the amount of any contributions from other sources are named in the annual report and budget. There are no proposed changes in the boundaries of the district nor to the method and basis for levying the assessment.

**FY 2022 Summary and Annual Report & Fiscal Year 2023 Budget**

**Summary of FY22 Budget**

The budget for Fiscal Year 2022 included BID assessments which resulted in new revenue of \$209,443, carryforwards of \$22,436 from FY 2021, which added to new revenue resulted in a FY 2022 budget of \$231,879. The following table shows the Budget Allocations by category and percentages as well as the estimated expenditures to the end of the fiscal year on June 30, 2022. Total expenditures for the year are estimated to be \$187,461 with the remaining funds to carry forward in each category to FY 2023.

| <i>NORTH SHATTUCK ASSOCIATION Service/Expense Category</i> | <i>Allowable % of Annual Budget</i> | <i>Carry Forward from Fiscal Year 2021 (Actual)</i> | <i>Fiscal Year 2022 Assessment Revenue</i> | <i>2022 Budget with Carry Forward &amp; New Revenue</i> | <i>Fiscal Year 2022 Expenditures (Estimated to 6/30/22)</i> |
|------------------------------------------------------------|-------------------------------------|-----------------------------------------------------|--------------------------------------------|---------------------------------------------------------|-------------------------------------------------------------|
| Maintenance/Civil Sidewalks                                | 40%                                 | \$3,154                                             | \$83,777                                   | \$86,931                                                | \$84,731                                                    |
| District Identity & Placemaking                            | 25%                                 | \$2,803                                             | \$52,361                                   | \$55,164                                                | \$49,824                                                    |
| Administration/Management                                  | 30%                                 | \$7,418                                             | \$62,833                                   | \$70,251                                                | \$50,406                                                    |
| Contingency                                                | 5%                                  | \$9,061                                             | \$10,472                                   | \$19,533                                                | \$ 2,500                                                    |
| Total Budget                                               | 100%                                | \$22,436                                            | \$209,443                                  | \$231,879                                               | \$187,461                                                   |

### **Accomplishments**

During Fiscal Year 2022, the North Shattuck Association continued implementation of the activities and services outlined in the Management District Plan under a renewed annual contract between the City of Berkeley and the North Shattuck Association (NSA). Activities of the district are organized into Administration/ Program Management, District Identity and Placemaking, and Maintenance/Civil Sidewalks. Accomplishments in each area are summarized below.

### **Administration/Program Management**

- The Executive Director held regular meetings of the Board of Directors and General Association meetings with merchants, property owners, City staff and elected officials were held in person when possible and via Zoom regularly during the year to further the goals and objectives of the Association, focusing on business assistance and retention during the recovery from the Covid-19 pandemic. This included updates on current health orders and guidelines for re-opening, financial relief and technical assistance programs through various agencies, and city grant opportunities through the Outdoor Commerce program, Civic Arts Recovery Grants, and the Business/Building Damage Mitigation Fund.
- The Association continued its involvement with the Berkeley Business District Network (BBDN) to address with citywide issues and programs including the IKE Digital Kiosks and worked with the Berkeley Chamber of Commerce and Visit Berkeley to organize citywide events and marketing programs including Restaurant Week and the Berkeley Holidays campaign, as well as the launch of the Berkeley Bucks program.
- The Association provided input to the City's Pathways to Permanence program to extend and upgrade outdoor commerce areas and parklets installed during the COVID-19 shutdown and provided support to area businesses to continue and upgrade their outdoor operations, including coordinating free design assistance and movement of equipment. The Executive Director is coordinating the City's Outdoor Commerce Grant Program, which provides grant to completed projects and distributes funding for new projects as well as funds to make the existing projects permanent. To date this program has been very successful with 16 grants disbursed across the City, including 6 in the district.



- The Executive Director worked with the Ecology Center's market managers to reorganize the layout of the Farmers Market Thursday operations to allow additional vendors, including prepared foods, to join the market with the lifting of capacity limitations and social distancing requirements. The Association funded more music and activities in the market area by the Saul's/parking bay outdoor commerce area, including a series of Thirsty Thursday events during the summer and fall of 2021, and klezmer bands for Purim/St. Patrick's Day in March and in May for the holiday of L'og B'omer. Plans for an expanded Thirsty Thursday schedule to extend weekly from July to September were also formulated.
- The Executive Director maintained an inventory of all businesses and vacant retail and office space in the district and provided updates to the City's Economic Development office on business openings and closures due to the pandemic. The former Walgreen's store at Cedar and Shattuck was leased by a bouldering gym and is under renovation. Several businesses moved within the district during the year including H. Julian Designs from Shattuck to the former Molly B site on Vine St., and A Priori to the former Earthly Goods site at the corner of Vine and Shattuck. The Association is working with property owners and brokers to market the various vacant properties for prospective new businesses, including the 3 storefronts being rehabbed at Delaware St., and several spaces in turnover on Vine St.
- The Association provided marketing and support to new businesses and new owners in the area this year including a new owner of Corso, Artistic Visions Framing Shop which moved from downtown, Cose Bella boutique in the former Foxglove space, and Flavia, Mexicana Taqueria and Sunnyside Cafe in Epicurious Garden.
- In partnership with Another Bullwinkel Show event production company, the Association submitted a successful Civic Arts Recovery Grant application for the Chocolate & Chalk Art Festival held annually in the district. The grant of \$15,000 covers fiscal years 2022 and 2023. The funding will provide for increased marketing and outreach for the event, professional artist works, and larger prizes for chalk artists in the contest.

### **Civil Sidewalks/Maintenance**

- The Association continued to provide funding and oversight for a regular maintenance program for sidewalks, public spaces, and public property including sidewalk and gutter sweeping, weeding of tree wells, and maintenance of the landscaped ceramic planters throughout the District. As part of the North Berkeley in Bloom recovery campaign (March/April 2022), many planters were replanted and refreshed with blooming flowers and tree wells and sidewalk areas were cleared of weeds and debris. Private property owners were also asked to replant and clean their landscaped areas.
- The Executive Director coordinated with City of Berkeley staff to address maintenance issues including street tree replacements, graffiti abatement, sidewalk steam cleaning and repair, trash receptacle maintenance and sewer and street repair projects. Curb repainting and improved median maintenance were also requested as part of the North Berkeley in Bloom project.

- The Association coordinated meetings of merchants, property owners, BPD, and the City's HOTT team to deal with street behavior issues, trespassing and illegal dumping issues on private property and sleeping

during the day in the public right of way and made requests for additional bike patrol officers to assist in keeping the area safe. The City provided cards with available services and appropriate numbers for reporting incidents and requesting assistance for mental health issues for distribution to the area merchants and customers.

- Holiday lighting was installed for the entire length of the district for the winter holiday season in the sidewalk street trees as well as in median tree locations with electricity access. The lighting provides ambience as well as security and pedestrian lighting in the evenings.

### **District Identity/Placemaking**

- The Association continued to produce a Constant Contact e-newsletter featuring the latest updates on business operations and hours, events, outdoor dining and services, safety protocols, and ways to shop online or by phone, etc. Social media posts on Facebook, Instagram and Twitter were done regularly to boost exposure businesses, drive sales, and help businesses connect with customers. The district website was updated with new business for the directory and links to online events, classes, and information about district activities and re-opening.
- The Association placed print and digital ads on local online sites online highlighting our events and a series of ads promoting shopping at small local businesses in the district in new ways. Through a partnership with Nearlist, a locally focused mobile business application, the Association did a series of postcards to promote discovering our district and enrolled over 20 businesses in the free mobile business directory accessible via a QR code. Each business and the Association have interactive pages on the site, can message directly with customers and each other, offer discounts or specials, and provide updates. Nearlist is working to expanding the directory and offer additional features on the website and pages.
- Coordinated with the Ecology Center to organize and present a series of "Thirsty Thursdays" events in the fall of 2021 at the North Berkeley Farmers Market with live music from the Berkeley High Jazz Band and other local acts, beer and wine, an Ecology Center pop-up shop and program booths, and an Association marketing table with business information and giveaways. The same area and set-up was used for 2 additional festive events sponsored by the Association and Saul's with klezmer music at the market on St. Patrick's Day/Purim and in May for the holiday of L'og B'omer.
- Winter Holiday events included a Sidewalk Sale in the district in conjunction with ACCI Gallery's 2<sup>nd</sup> Annual Holiday Street Market on Dec. 4<sup>th</sup> on Lincoln St. and Saul's Latke Party on Dec. 4<sup>th</sup> and 5<sup>th</sup>. Both events had live music and other area businesses joined in with special sales and giveaways. M. Lowe & Co. had acoustic music outside, and Kitchen on Fire came outdoors to promote their classes and line of wellness teas and drinks during the event. The sale was marketed with print and online ads, and through our social media channels.

- The Executive Director worked with the Chamber of Commerce and the City of Berkeley on the citywide #BerkeleyHolidays Virtual Gift Guide, Holiday Fair, and the launch of Berkeley Bucks, promoting business participation and marketing the program and offerings in our district through our social media outlets.
- In addition to promotion of business offerings and gift ideas through e-blasts and social media, ads promoting the district, the gift guide, etc. the Holiday marketing program included a Direct Mail postcard promoting holiday shopping and support for our small businesses that went out to over 15,000 household in the immediate zip codes. The Association partnered with Nearlist to develop the piece and promote the online business directory on their mobile app.
- Worked with Visit Berkeley to promote their annual "March Munch Madness" version of Berkeley Restaurant Week in March 2022, which offered both to-go and outdoor dining options at several levels in conjunction with the college basketball finals. Participating area businesses included Agrodolce, Abstract Table, Cafenated Coffee Co., Lush Gelato and Kitchen on Fire.
- The Association funded a spring music series with combos from the Berkeley High Jazz Band to play on Saturdays outside the Post Office, hosted by M. Lowe & Co. Jewelers, to provide much-needed activity on the street and support the Jazz program.
- As part of the North Berkeley in Bloom recovery campaign (March/April 2022), the Association worked with a local artist to produce a new series of decorative light pole banners to line Shattuck Ave. The banners have colorful hand drawn bird and flowers to fit the theme of re-opening.
- The Association coordinated another "Sidewalk" Sale on May 7<sup>th</sup> featuring ACCI Gallery's biannual exhibition of garden and botanical themed pieces, along with an Art & Plant Street Sale in partnership with the Berkeley Garden Club (BGC). More than 20 ACCI artists showcased their work on Lincoln Street in an open-air market. Other businesses did sales events and pop-ups, hosted music, etc.
- The Chocolate & Chalk Art Festival received a Civic Arts Recovery Grant of \$15,000 for fiscal years 2022 and 2023. The funding will provide for increased marketing and outreach for the event, professional artist works, and larger prizes for chalk artists in the contest. The 2022 event will be held in August in partnership with Another Bullwinkel Show.

### **Budget - Fiscal Year 2023**

#### ***Work Plan***

The North Shattuck Association will continue implementation of the activities initiated in previous fiscal years and in accordance with the Management District Plan. Funds not expended in the previous year will be carried forward in addition to estimated Fiscal Year 2023 revenues. The work of the Association will continue to be guided by the Board of Directors and its committees. The goals and objectives for Fiscal Year 2023 are organized as outlined in the Management District Plan adopted in 2020.

### **Administration/Program Management**

*Goals:* General oversight and direction of district activities; development of relations and coordination with outside groups and agencies, coordination of projects and programs, management of sponsorships and volunteers.

*Objectives:*

- 1) Oversee development of annual District work plan and detailed budgets, financial records and annual tax returns.
- 2) Conduct property owner outreach, property owner and business input to the Management Plan and various programs and activities.
- 3) Attend needed City of Berkeley Council and Commission meetings and prepare all required reports related to the annual City of Berkeley contract with the Association.
- 4) Prepare correspondence, letters of support, and grant applications with the City of Berkeley and other agencies, present testimony at meetings as needed.
- 5) Coordinate Board elections in July 2022 including nominations and property owner balloting.
- 6) Liaison with property owners, merchants, City of Berkeley, Chamber of Commerce, Visit Berkeley, Berkeley

### **District Identity & Placemaking**

*Goals:* Create a unified, quality image for the district and implement promotion strategies that capitalize on the unique aspects of the area, including advertising, social media, brochures, special events, holiday promotions etc. Strengthen the physical environment and sense of place with public art, landscaping improvements and parklets, and other initiatives as developed.

*Objectives:*

- 1) Oversee implementation of the marketing and promotions strategy including designer/consultant selections, design processes, budgeting, and advertising placements.
- 2) Manage and promote the special events calendar and institute new events to further the image and various market segments of the district, including apparel, culinary, healthy living, and the arts.
- 3) Integrate existing businesses into special events and marketing campaigns through various means, including sponsorship, participation, promotional tie-ins, etc.
- 4) Coordinate public relations for the district and special events as needed. Generate press releases and promote editorial pieces on commercial and retail developments in the area.
- 5) Continue regular updates of the district website with business information and upcoming classes, special events, etc., produce a monthly Constant Contact e-newsletter, and maintain regular Facebook and other social media entries promoting business activities and press coverage.
- 6) Coordinate Thirsty Thursday events during the summer of 2022 (FY23), and other special event and business tie-ins to the weekly Farmers Market with the Ecology Center.
- 7) Work with ACCI Gallery on their Annual Seconds Sale, and other events, such as outdoor art fairs with activities to involve other businesses, the Cultural Trust, Event Producers Group, local schools, and neighborhood groups.
- 8) Continue to participate in the Berkeley Business District Network to review and evaluate proposed City policy changes, public improvement projects, planning changes and zoning amendments relevant to the commercial district. Coordinate with district businesses and

- property owners to develop appropriate responses and present to City Council and Commissions.
- 9) Continue to work on parking issues in the district with the GoBerkeley Parking Program and investigate of improved usage of existing private parking resources for paid employee parking.
  - 10) Work with the City and Ecology Center on issues related to the Farmers Market operations and marketing.
  - 11) Develop and distribute quarterly e-mail newsletter updates to merchants and neighborhood groups with service accomplishments, event information, issue updates, and new business contacts. Continue to connect with outside groups and promote activities through various social media.
  - 12) Identify and act on any business education/assistance needs for business retention and inform businesses and property owner of how to access all available business support financial and technical services.
  - 13) Maintain inventory and lease information for vacant retail and office space in the District, current information for zoning regulations/amendments, and liaison with City and commercial brokers to attract and assist new businesses.
  - 14) Prepare funding applications for public art and events through the City and State grant programs and administer projects with business involvement.
  - 15) Coordinate the City's Outdoor Commerce Grant Program and assist businesses with creating outdoor areas, upgrading structures and extending permits beyond the pandemic.
  - 16) Work with the Berkeley Public Education Foundation, local schools and the Berkeley Business District Network, strategize on additional fundraising events to provide additional funding for classroom grants, for theater, science, art and gardening programs.
  - 17) Oversee contract for installation of annual winter holiday street tree lighting throughout the district.
  - 18) Organize a Holiday Events calendar including a "Snow Day" or other winter Festival, live music series, sidewalk sales and outdoor markets in coordination with ACCI Gallery and neighborhood shops.
  - 19) Identify a non-profit partner and produce a Wine Walk fundraiser event, coordinating wineries, business participation, and marketing when appropriate.
  - 20) Produce the "Taste of North Berkeley" restaurant walk to benefit local charities and highlight neighborhood shops and restaurants when appropriate.
  - 21) Organize Association booths/tables at the weekly Farmers' Market and other fairs and festivals to promote the district and gain newsletter and social media subscribers.
  - 22) Promote virtual and in-person events when they resume at nearby venues such as Live Oak Park, the Jewish Community Center, Berkeley Arts Center, Theatre First and the Hillside Club. Work with producers to tie in district businesses through advertising and promotions.
  - 23) Investigate grant funding opportunities and provide coordination between area businesses and property owners, City Departments, and outside agencies towards implementation of district-initiated projects and programs towards median improvement, pedestrian safety, improved bike facilities, and parking.
  - 24) Investigate design and finding possibilities for a median landscaping improvement project to coincide with the Shattuck Ave. roadway repair project, including City funding and a UC

Berkeley Chancellor’s Grant.

- 25) Investigate opportunities for public art projects with ACCI Gallery, local artists, and local schools, including rotating storefront exhibits, art projects, temporary mural projects, etc.

**Maintenance and Civil Sidewalks**

*Goals:* Address issues related to cleaning and maintenance of the district; design and implement landscaping and other streetscape beautification improvements; provide input on development projects.

*Objectives:*

- 1) Provide ongoing maintenance monitoring, needs assessment, and coordination with appropriate city departments and contractors on projects including bicycle racks/facilities placement, street tree replacements and median landscaping as needed.
- 2) Oversee service contract with Peralta Service Corporation for regular sidewalk cleaning and special projects including tree well maintenance as needed.
- 3) Coordinate work of the City-funded Streets Team to assist with area clean-up one day per week when feasible.
- 4) Identify and address security and safety issues working with the Berkeley Police Department. Organize meetings of district businesses with patrol officers including walk-throughs and at general meetings, etc.
- 5) Coordinate meetings of merchants, property owners, BPD, and the City’s HOTT/mobile crisis team to deal with street behavior issues, trespassing and illegal dumping issues on private property and sleeping during the day in the public right of way.
- 6) Work with property owners and appropriate city departments to address signage conditions and the appearance of empty storefronts and vacant properties in the district.
- 7) Work with appropriate City departments, business and property owners, contractors, and volunteer designers to assist businesses to create and upgrade Outdoor Commerce areas in the district.

**FY 2023 Budget**

BID collections for Fiscal Year 2023 are projected to be \$206,787 with no annual increase in assessments from Fiscal Year 2022. An estimated carryforward of \$44, 418 in unexpended funds from Fiscal Year 2022 will be added to each expense category for a total budget of \$251,205. Services and expenditures will be made in accordance with the revised Management District Plan categories as follows:

| <i>NORTH SHATTUCK ASSOCIATION<br/>Service/Expense Category under new<br/>Management Plan</i> | <i>% of<br/>Annual<br/>Budget</i> | <i>Estimated Carryforward<br/>from 2022 Fiscal Year</i> | <i>Fiscal Year 2023 Projected<br/>New Revenues</i> |
|----------------------------------------------------------------------------------------------|-----------------------------------|---------------------------------------------------------|----------------------------------------------------|
| Maintenance & Civil Sidewalks                                                                | 40%                               | \$2,200                                                 | \$82,715                                           |
| District Identity & Placemaking                                                              | 25%                               | \$5,340                                                 | \$51,697                                           |
| Administration/Program Management                                                            | 30%                               | \$19,845                                                | \$62,036                                           |
| Contingency                                                                                  | 5%                                | \$17,033                                                | \$ 10,339                                          |
| Total Estimated Budget                                                                       | 100%,                             | \$44,418                                                | \$206,787                                          |

The above budget is based upon the maximum amount of BID assessment revenues that could be collected in the District. Actual BID revenues may be lower if some assessments are not paid within the Fiscal Year. No changes to the boundaries of the district and the method and basis for levying the BID assessments were taken this year.

A listing of Fiscal Year 2023 assessments is attached as Exhibit B to this report.

Approved by:

Approved by the Board of Directors  
Kirk McCarthy, President, North Shattuck  
Association

On April 21st, 2022

Prepared by: Heather E. Hensley, Executive Director, North Shattuck Association

North Shattuck Business Improvement District  
FY 2023 Assessment Roll

| APN                                  | Owner Name                                | Site Address            | FY 2023 Assessment     |                                |                  |                     |
|--------------------------------------|-------------------------------------------|-------------------------|------------------------|--------------------------------|------------------|---------------------|
|                                      |                                           |                         | Private Parcels        | Public / Exempt                | Utilities        |                     |
| 058 -2173-002-03                     | 1600 SHATTUCK ASSOCIATES                  | 1600 SHATTUCK AVE #1010 | \$ 8,799.50            |                                |                  |                     |
| 058 -2173-004-00                     | IRA SERVICES TRUST                        | 1620 SHATTUCK AVE       | \$ 916.84              |                                |                  |                     |
| 058 -2173-005-00                     | KIM SAMIL & YOUNGJUNG                     | 1650 SHATTUCK AVE       | \$ 1,968.00            |                                |                  |                     |
| 058 -2174-001-00                     | ARTS & CRAFT COOPERATIVE INC              | 1652 SHATTUCK AVE       | \$ 1,588.26            |                                |                  |                     |
| 058 -2174-002-00                     | NEIL JOE R & CAROL L                      | 1654 SHATTUCK AVE       | \$ 1,208.92            |                                |                  |                     |
| 058 -2174-003-00                     | SATAKE 1 LLC                              | 1662 SHATTUCK AVE       | \$ 1,115.48            |                                |                  |                     |
| 058 -2174-004-01                     | 1995 KAM Y LAM & SHUN FAMILY TRS          | 1670 SHATTUCK AVE       | \$ 1,168.60            |                                |                  |                     |
| 058 -2174-006-02                     | ERDMAN JOHN C & ANNE M TRS                | 1690 SHATTUCK AVE       | \$ 4,939.46            |                                |                  |                     |
| 058 -2175-001-01                     | SCHWARTZ MICHELL J                        | 1700 SHATTUCK AVE       | \$ 3,849.16            |                                |                  |                     |
| 058 -2175-003-00                     | BLUME JAMES & FRANK KATHRYN W             | 1708 SHATTUCK AVE       | \$ 1,455.80            |                                |                  |                     |
| 058 -2175-004-00                     | ROBINSON SCOTT & CHRISTINA C              | 1720 SHATTUCK AVE       | \$ 737.34              |                                |                  |                     |
| 058 -2175-005-00                     | PIERACKI ANDRZEJ TR                       | 1730 SHATTUCK AVE       | \$ 1,096.30            |                                |                  |                     |
| 058 -2175-006-00                     | YI CHONG S                                | 1748 SHATTUCK AVE       | \$ 1,262.50            |                                |                  |                     |
| 058 -2176-001-01                     | CAMPUS AUTO CARE                          | 1752 SHATTUCK AVE       | \$ 2,600.60            |                                |                  |                     |
| 058 -2176-003-01                     | SHATTUCK INVESTMENT GROUP LLC             | 2083 DELAWARE           | \$ 9,047.46            |                                |                  |                     |
| 058 -2177-015-01                     | CLPF HILLSIDE VILLAGE LP                  | 1797 SHATTUCK AVE       | \$ 13,442.96           |                                |                  |                     |
| 058 -2178-018-00                     | AMERICAN COMMONWEALTH ASSOC.              | 2109 VIRGINIA ST        | \$ 6,159.30            |                                |                  |                     |
| 058 -2178-023-00                     | DELANDA PAUL & SUSAN/KENDALL BETTY L      | 1619 SHATTUCK AVE       | \$ 1,353.50            |                                |                  |                     |
| 058 -2178-024-01                     | JCC SHATTUCK LLC                          | 1607 SHATTUCK AVE       | \$ 8,794.50            |                                |                  |                     |
| 058 -2178-026-00                     | SHATTUCK OFFICE LLC                       | 1625 SHATTUCK AVE       | \$ 1,584.10            |                                |                  |                     |
| 058 -2178-027-00                     | SHATTUCK OFFICE LLC                       | 1625 SHATTUCK AVE       | \$ 2,654.50            |                                |                  |                     |
| 058 -2178-028-00                     | SHATTUCK OFFICE LLC                       | 1625 SHATTUCK AVE       | \$ 2,654.50            |                                |                  |                     |
| 059 -2260-001-00                     | CONNOLLY ALLEN & CHRISTINE                | 2100 VINE ST            | \$ 3,710.20            |                                |                  |                     |
| 059 -2260-002-01                     | WALNUT SQUARE CENTER LP                   | 2110 VINE ST            | \$ 8,289.50            |                                |                  |                     |
| 059 -2260-015-01                     | SWEET BOMBAY INC                          | 1549 SHATTUCK AVE       | \$ 1,212.80            |                                |                  |                     |
| 059 -2260-015-02                     | MANN MELVIN M TR                          | 1543 SHATTUCK AVE       | \$ 2,039.18            |                                |                  |                     |
| 059 -2260-016-00                     | GOODMAN CAROL E TRS ETAL                  | 1537 SHATTUCK AVE       | \$ 2,255.36            |                                |                  |                     |
| 059 -2260-017-00                     | GACH MICHAEL R                            | 1533 SHATTUCK AVE       | \$ 1,680.30            |                                |                  |                     |
| 059 -2260-018-00                     | LAM KELVIN S & JACKIE S/LAM GRACE & ALICE | 1531 SHATTUCK AVE       | \$ 3,526.08            |                                |                  |                     |
| 059 -2260-019-00                     | MEYER PATRICIA L TRS & WARD DAW           | 1525 SHATTUCK AVE       | \$ 2,268.24            |                                |                  |                     |
| 059 -2260-020-03                     | APTE ROBERT Z & EVELYN L FAMILY           | 1519 SHATTUCK AVE       | \$ 2,895.72            |                                |                  |                     |
| 059 -2260-021-00                     | PAGNOL ET CIE INC                         | 1517 SHATTUCK AVE       | \$ 1,119.68            |                                |                  |                     |
| 059 -2260-022-01                     | WONG PUI & HOSANNA H                      | 1515 SHATTUCK AVE       | \$ 1,044.96            |                                |                  |                     |
| 059 -2260-022-02                     | ELITE PROPERTIES LLC                      | 1511 SHATTUCK AVE       | \$ 3,208.62            |                                |                  |                     |
| 059 -2261-001-02                     | RUE ELL ENTERPRISES INC                   | 1451 SHATTUCK AVE       | \$ 10,768.12           |                                |                  |                     |
| 059 -2261-004-03                     | JC ARUM LLC                               | 1444 WALNUT ST          | \$ 2,287.68            |                                |                  |                     |
| 059 -2261-005-00                     | RUEGG & ELLSWORTH                         | 2113 VINE ST            | \$ 1,125.50            |                                |                  |                     |
| 059 -2261-006-00                     | RUEGG & ELLSWORTH                         | 2111 VINE ST            | \$ 1,993.76            |                                |                  |                     |
| 059 -2261-007-00                     | RUEGG & ELLSWORTH                         | 1495 SHATTUCK AVE       | \$ 2,655.00            |                                |                  |                     |
| 059 -2261-008-00                     | TARVER DEWEY G & CARMEL A TRS             | 1481 SHATTUCK AVE       | \$ 1,143.80            |                                |                  |                     |
| 059 -2261-009-00                     | LATKE ENTERPRISES LLC                     | 1475 SHATTUCK AVE       | \$ 1,383.00            |                                |                  |                     |
| 059 -2261-010-00                     | WONG HENRY F TR & WONG PUI T E            | 1463 SHATTUCK AVE       | \$ 2,412.24            |                                |                  |                     |
| 059 -2262-001-00                     | SHATTUCK ROSE L P                         | 1400 SHATTUCK AVE       | \$ 5,768.68            |                                |                  |                     |
| 059 -2262-005-00                     | HIRAHARA BRIAN & TAMURA RAYMOND           | 1480 SHATTUCK AVE       | \$ 3,009.04            |                                |                  |                     |
| 059 -2262-006-00                     | RIPSTEEN RYAN & ARLINGTON INVESTMENT CO   | 2085 VINE ST            | \$ 1,334.56            |                                |                  |                     |
| 059 -2262-021-02                     | SAFEBWAY INC                              | 1425 HENRY ST           | \$ 22,794.68           |                                |                  |                     |
| 059 -2262-021-03                     | SAFEBWAY INC                              | 1425 HENRY ST           | \$ 1,761.80            |                                |                  |                     |
| 059 -2263-003-01                     | HEFTER & MURPHY LLC                       | 2044 VINE ST            | \$ 4,547.54            |                                |                  |                     |
| 059 -2263-006-01                     | BANK OF AMERICA NATIONAL TRUST            | 1516 SHATTUCK AVE       | \$ 4,326.08            |                                |                  |                     |
| 059 -2263-009-00                     | PRIMA DONNA HOTELS INC                    | 1540 SHATTUCK AVE       | \$ 1,647.40            |                                |                  |                     |
| 059 -2263-010-01                     | BERKELEY BAZAAR PARTNERS                  | 1550 SHATTUCK AVE       | \$ 18,076.68           |                                |                  |                     |
| 059 -2263-024-01                     | BANK OF AMERICA NATIONAL TRUST            | 1536 SHATTUCK AVE       | \$ 2,415.90            |                                |                  |                     |
| 060 -2455-064-01                     | CALTHORPE PETER & DRISCOLL JEAN           | 2095 ROSE ST            | \$ 3,219.82            |                                |                  |                     |
| 060 -2455-067-00                     | GORDON JOHN K & MITCHELL JANIS            | 2091 ROSE ST            | \$ 6,044.00            |                                |                  |                     |
| <b>Totals</b>                        |                                           |                         | <b>Private Parcels</b> | <b>Public / Exempt</b>         | <b>Utilities</b> | <b>Totals</b>       |
|                                      |                                           |                         | \$210,363.51           | \$0.00                         | \$0.00           | \$210,363.51        |
| <b>Count of Properties</b>           |                                           |                         | <b>54</b>              | <b>0</b>                       | <b>0</b>         | <b>54</b>           |
| <b>County Collection Fee @ 1.7%:</b> |                                           |                         | <b>\$ 3,576.18</b>     | <b>Net Assessment Revenue:</b> |                  | <b>\$206,787.33</b> |

Note: Data for APN, Owner and Land Use from the City's Land Management System is current as of March 29, 2022.  
Updated data from the County current as of December 31, 2021, will be available in July 2022.





Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Eleanor Hollander, Economic Development Manager  
 Subject: Assessments: Telegraph Property Based Business Improvement District

RECOMMENDATION

Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of FY 2022 and proposed budget for FY 2023, and declaring Council's intention to levy an annual assessment for the TBID for FY 2023.

SUMMARY

The Telegraph Property Based Business Improvement District (TBID or "the District") provides cleaning, hospitality and marketing services for Berkeley's Telegraph Avenue commercial district. In May of 2017 the TBID was geographically expanded and renewed for a ten-year period, authorizing operations through December 31, 2027, and designating the Telegraph Property and Business Management Corporation (TPBMC) as the District's Owners' Association. Annually, Council must approve the TBID's annual report and proposed budget and declare its intention to levy an annual assessment.

The City of Berkeley owns one parcel (the Telegraph Channing Parking Garage at 2431 Channing Way) within the boundaries of the TBID and is required by state law to pay the associated assessments. The assessment payment will be \$49,103 in FY 2023; in addition, the City will pay the General Benefit portion of the TBID costs, or roughly \$29,816.44. The City already makes an annual grant to TBID, through the Public Commons for Everyone Initiative (PCEI), which exceeds this general benefit amount, so there will be no new fiscal impacts related to funding the general benefit.

FISCAL IMPACTS OF RECOMMENDATION

Assessments levied in the Telegraph Property Based Business Improvement District (TBID or "the District") support a package of improvements and activities approved by the property owners and the City Council when the District was renewed for a ten-year period on May 2, 2017 (Resolution No. 67,940-N.S.). Assessment funds are collected by the Alameda County Assessor's Office, relayed to the City of Berkeley, and disbursed through a contract with the Telegraph Property and Business Management Corporation (TPBMC), a private owners' association that was established to implement the Management District Plan. TPBMC has an active contract with the City, not to

exceed \$7,410,024 of BID revenues, to implement the Telegraph Management District Plan for the period January 1, 2018 to December 31, 2027 (Contract No. 10835).

Collections from private parcel assessments (less the county's collection fee of 1.7%) are projected and budgeted at approximately \$583,315 in FY 2023. Collections from tax exempt parcels (owned by the Regents of the University of California and the City of Berkeley) are projected and budgeted at approximately \$161,079 in FY 2023. Annual and accrued private parcel assessment funds are deposited into Telegraph BID Fund 784-33-324-342-0000-000-000-412110 and expended from fund 784-21-208-251-0000-000-446-612990. An annual increase of up to 3% to account for inflation is allowed by the Management District Plan and must be approved by a majority of the TPBMC's Board of Directors. On April 12, 2022 the TPBMC board met and voted to raise assessments by 3% from the FY22 level due to a variety of factors including the modest increase in previous years. Project funds not spent in any given fiscal year are carried over into future years. TPBMC collects assessments directly from the University of California with no involvement from the City.

Under the provisions of Proposition 218 in the California Constitution, government agencies must pay assessments on properties they own in property-based BIDs, just like private property owners, unless they receive no benefit. Payment is collected from private property owners through property tax bills. Payments are due from non-property tax-paying entities concurrently. The City's assessment payment in FY 2023 would be \$49,103 (increased by \$1,430) from the FY2022 assessment of \$47,673). The City's assessment is paid annually through the Off-Street Parking Fund (627-54-622-665-3002-000-474-639990).

The City also pays for the "general benefit" portion of the TBID budget. "General benefits" represent that small portion of the overall benefits generated by a property-based business improvement district which are found to accrue to the general public who are not assessed and do not participate in the economic or social activities of the district. The engineer's report commissioned for the reestablishment of the TBID in 2017 calculated that the baseline general benefit for the district would be approximately \$28,947 annually. The City already makes annual grants to the TBID which exceed this amount, so there will be no new fiscal impacts related to funding the general benefit.

By financing improvements, maintenance and welcoming activities for the City's central business district, the TBID indirectly enhances sales tax, business license tax and other business-related City revenue sources.

#### CURRENT SITUATION AND ITS EFFECTS

State legislation that authorizes formation of property-based business improvement districts (BID) (*California Streets and Highways Code*, Sections 36600 et. seq.) requires that the BID governing body submit an Annual Report on operations and a budget proposal to the City Council each year. The City Council may approve the report with a Resolution to reauthorize the annual assessments.

The Board of Directors of the Telegraph Property and Business Management Corporation (TPBMC), the non-profit that manages the TBID, met in a publicly noticed meeting on April 12, 2022 to review and approve the attached Annual Report for the TBID and Budget for FY 2023 (Exhibit A). The report includes a budget for improvements and activities for FY 2023 and an estimated cost for providing them. The report also recommends that the assessments for FY 2023 be levied on the same basis and method, and within the same boundaries, as they were levied for FY 2022, with a 3% increase (Exhibit B: Telegraph BID FY 2023 Assessment Roll). Council can adopt the recommended Resolution which will confirm the TBID assessment, and thus enable continuous BID operations for another year.

### BACKGROUND

The TBID is a benefit assessment district that provides cleaning, hospitality and marketing services for Berkeley's Telegraph Avenue commercial district. The TBID was created in 1998 pursuant to California's "Property and Business Improvement District Law of 1994" to provide needed improvements and activities to assessed property owners. Since the initial five-year term, the TBID has been renewed for a second five-year term in 2003, a ten-year term in 2008, and underwent an expansion and ten-year renewal in 2017. As such, the TBID is authorized through 2027 unless action is taken to disestablish it.

In FY 2023, the District should generate approximately \$750,257 for the provision of "Clean, Safe, and Beautification" services, communications and economic development, and related management and administration. The budget of the TBID is approximately \$761,274 inclusive of taxable and non-taxable parcels and private donations, and net of the County 1.7% collection fee on private parcels (Exhibit A). The TBID Assessment Revenue amount articulated in Exhibit A (\$514,102.22) is slightly different (\$69,212) to account for uncollectable property tax and funds that will be carried forward from the prior year.

The Management District Plan that was adopted by Council in 2017 as part of the reestablishment of the District provides a framework and budget for the TBID's activities, assessment method, and illustrates the TBID boundary and benefit zones. The Management District Plan provides for services above and beyond those provided by the City of Berkeley. Under "The Right to Vote on Taxes Act" (also known as Proposition 218) all public agencies are required to pay the same assessments for public property that apply to private property. The City owns one property within the district, the Telegraph Channing parking garage at 2431 Channing Way. The FY23 assessment for that property will be \$49,103, a \$1,430 increase (approximately 3%) from the FY2022 assessment.

In FY 2023, the TBID will continue its ongoing "clean safe and beautification" activities, including ambassador services, graffiti removal, manual sidewalk cleaning and sidewalk pressure washing, hazardous waste cleanup, gutter and storm drain cleaning, street sweeping, litter removal, enhanced landscaping and landscape maintenance, and small

infrastructure improvements including holiday lights, place-making activities, seasonal promotions, and other special projects. The TBID will also continue its program of communications and community development activities to provide a unified voice to represent the best interests of the assessed parcels, and fulfill a slate of stakeholder communications that support the District's agenda to attract visitors. The TBID will also continue to liaison and coordinate with other business district organizations, including Visit Berkeley, the Chamber, and the Berkeley Business District Network members to promote local business and commercial development opportunities in Berkeley.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By maintaining and enhancing the district, the TBID creates shopping opportunities for residents and visitors while encouraging alternative forms of transportation. The District is also served by several AC Transit lines and BART, which provide access to visitors from around the region. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation choices.

RATIONALE FOR RECOMMENDATION

The Property and Business Improvement District Law of 1994 requires that the BID Board prepare an Annual Report for each fiscal year in which assessments are to be levied. Council action is required to approve the BID's Annual Report, and declare its intent to levy assessments. This private/public partnership will continue to provide significant resources for Telegraph area revitalization, which has had a positive effect on the physical and economic health of the district.

ALTERNATIVE ACTIONS CONSIDERED

The Board of the TBID considered a range between 1.5% and 3% increases in assessment rates but instead decided to opt for a 3% increase (the maximum allowable is 3%) to its existing assessment rate, in order to make adequate investments in expanded capacity of the Ambassador Program, and increase marketing efforts to promote district businesses.

CONTACT PERSON

Kieron Slaughter, Office of Economic Development, (510) 981-2490

Attachments:

- 1: Resolution Approving the Annual Report and Levy of Assessments for the Telegraph Property and Business Improvement District
  - Exhibit A: Telegraph Property and Business Improvement District: Annual Report 2022 and Budget FY 2023
  - Exhibit B: Telegraph Property and Business Improvement District FY2023 Assessments

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

APPROVING THE ANNUAL REPORT OF THE TELEGRAPH BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2022 AND DECLARING INTENT TO LEVY ASSESSMENTS FOR FISCAL YEAR 2023

WHEREAS, the Property and Business Improvement District Law of 1994 (California Streets and Highways Code section 36600 et Seq., hereafter the "Act") authorizes cities to fund property related improvements, maintenance and activities through the levy of assessments upon the real property that benefits from those assessments; and

WHEREAS, after ten years of successful operation, on May 2, 2017 the Berkeley City Council reestablished the Telegraph Business Improvement District (hereafter, "the District") for an additional ten-year period by Resolution No. 67,940-N.S.; and

WHEREAS, on April 12, 2022 the Board of Directors of the Telegraph BID adopted the *Annual Report to the City of Berkeley FY 2022* (hereafter "Annual Report") that describes the operations of the District in FY 2022, recommends services for FY 2023 and proposes a budget for FY 2023 (Exhibit A); and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that pursuant to provisions of Section 36600 et. seq. of the California Streets and Highways Code, the City Council approves the Annual Report (Exhibit A) and declares its intent to levy special assessments on property within the boundaries of the District for FY 2023 (Exhibit B).

BE IT FURTHER RESOLVED that that the boundaries of the District and the method and basis for the assessment remain the same as those set forth and approved in the Management District Plan (Plan) that was adopted on May 2, 2017, when Council renewed the Telegraph BID through Resolution No. 67,940-N.S.

BE IT FURTHER RESOLVED that the improvements and activities to be provided are those described in the Plan and the Annual Report.

BE IT FURTHER RESOLVED that the cost of providing the improvements and activities is as described in the budget that accompanies the Annual Report.

BE IT FURTHER RESOLVED that to finance these improvements and activities, the Annual Report and Budget includes a 3% increase to the assessment rate for FY 2023. Following adoption of this resolution, the City Council may confirm the Annual Report and levy assessments for FY2023 and confirm disbursement of TBID assessment revenue to the Telegraph Property and Business Management Corporation provided for in Contract No.10835.

Exhibits:

A: TBID Annual Report for FY 2022 and Proposed Budget for FY 2023

B: TBID Assessment Roll FY 2023

**EXHIBIT A**

**Annual Report of the Telegraph Property and Business Improvement District for Fiscal Year (FY) 2022 and Budget for FY 2023**

The Telegraph Property and Business Improvement District (TBID), managed by the Telegraph Property and Business Management Corporation (TPBMC), was renewed for a ten-year period by an affirmative vote of the property owners of the Telegraph commercial district by mail-in ballot in the spring of 2017. This vote was affirmed without protest by the City Council on May 2, 2017. This report is for the fiscal year starting July 1, 2021 and ending June 30, 2022 of this ten-year period.

In accordance with 36650 (b) of the Streets and Highway Code for the State of California, the TPBMC affirms the following:

1. The TPBMC proposes no changes in TBID boundaries for the 2022-23 fiscal year (abbreviated "FY").
2. The TPBMC will continue to provide the same services as has been outlined in the Management District Plan of September 21, 2016. These services include street and sidewalk cleaning and beautification, marketing and promotions, decoration, and maintenance of a district office.
3. The budget for FY 2022-2023 approved by the TPBMC Board of Directors on April 12, 2022 provides for \$761,274.50 in expenditures and \$750,257.86 in revenues. An estimated \$2,044.47 of net revenue from FY 2022 will carry over to FY 2023.
4. On April 12, 2022, the TPBMC Board of Directors approved a 3% assessment rate increase for FY 2022-23, as allowed in the Management District Plan.
5. In addition to assessments levied on real property, including the City-owned Telegraph Channing Garage, FY 2023 income will be derived from the following sources: (1) an annual contribution from University of California of \$131,563.53; (2) PCEI (Public Commons for Everyone Initiative) grant funds from the City of Berkeley of \$49,139; (3) the fiscal sponsorship fee of \$1,250 from the Solano Business Improvement District; and (4) anticipated grants and private donations, for special programs.

Based on the TBID Strategic Plan that was developed in 2016 and updated in 2018, the TBID has six strategic goals.

1. Improve the pedestrian environment
2. Support businesses, non-profits, and residents within the District
3. Make the District more accessible (bicycling, parking, and transit)
4. Improve the Telegraph brand through marketing, events, and promotions
5. Better serve District stakeholders as a convener and advocate on issues that impact the success of the District
6. Develop and foster a vibrant destination and experience (including nightlife; diversity of programs, venues, and activities)

## EXHIBIT A

## Annual Report of the Telegraph Property and Business Improvement District for Fiscal Year (FY) 2022 and Budget for FY 2023

## FY 2023 Budget of the Telegraph Property and Business Improvement District

|                                             |              |
|---------------------------------------------|--------------|
| <b>Revenue</b>                              |              |
| <b>Tax Assessments TBID Members</b>         | \$514,102.22 |
| <b>Tax Assessments -COB Property</b>        | \$49,103.11  |
| <b>Tax Assessment - UC Berkeley</b>         | \$131,563.53 |
| <b>City of Berkeley - PCEI Grant</b>        | \$49,139.00  |
| <b>City of Berkeley Events Contribution</b> | \$5,000.00   |
| <b>Solano BID Fiscal Sponsorship</b>        | \$1,250.00   |
| <b>Interest</b>                             | \$100.00     |
| <b>Total Revenue</b>                        | \$750,257.86 |
|                                             |              |
| <b>Expenses</b>                             |              |
| <b>Administration</b>                       | \$222,389.67 |
| <b>Maintenance</b>                          | \$493,734.83 |
| <b>Marketing</b>                            | \$23,150.00  |
| <b>Events</b>                               | \$22,000.00  |
| <b>Total Expenses</b>                       | \$761,274.50 |

In addition to the operating expenses adopted in the FY23 budget, the TBID board of directors designated a Capital Improvements Fund with a balance of \$35,000. The fund is part of the organization's Clean, Safe & Beautification budget and will be used for the purchase, maintenance, and replacement of art and special projects in the public realm. Anticipated projects that will be supported by the fund in FY23 include: the Dwight Triangle rebuild, and the new 24/7 public restroom.

**FY22 Accomplishments and FY23 Planned Activities**

The following is a summary of the activities that the TBID undertook in Fiscal Year 2021-22 to further their strategic goals, and the planned activities for Fiscal Year 2022-2023:

**1. Improve the pedestrian environment**

- a. Purchased seventeen new self-watering sidewalk planters for various locations around the district. The new planters are being installed in the spring of '22, greening and improving the aesthetics of the streetscape.
- b. Utilized the casements on Dwight and Telegraph as well as Bancroft and Telegraph to advertise the welcome back deals by various businesses along the Avenue, promote the Grateful Day Fest, Historic Walking Tour, and created evergreen posters to cycle through when not displaying promotions.
- c. Coordinated with Berkeley Public Works on the 24/7 public restroom project to complete the public input and location selection process. The new Portland Loo unit is scheduled for installment in early 2023 and the TBID is collaborating with the City on best practices for maintenance and staffing.

**EXHIBIT A****Annual Report of the Telegraph Property and Business Improvement District for Fiscal Year (FY) 2022 and Budget for FY 2023**

- d. Supported the roll-out of three new IKE Smart City kiosks on Telegraph. Our ongoing partnership with IKE, City of Berkeley, and Visit Berkeley is focused on installation of two more kiosks and leveraging the platform as a communications and economic development tool for the district.
- e. Enhanced the annual holiday decorations with better pole light placements and our storefront string light lending program.
- f. Served as a partner in the UC Move-out process with the University and City of Berkeley's neighborhood services/code enforcement. Received a very positive response to the reduction in waste and increase in donated items from both the City and campus stakeholders. Partnership is ongoing.
- g. Provided advice and guidance to merchants and property owners navigating quality of life, crime and public safety issues. Continuing to facilitate routine coordination between TBID Ambassadors and social and public safety services from the City and University.
- h. Enhanced merchant and visitor safety with dedicated prevention efforts and active incident response by Telegraph Ambassadors. The addition of a new utility cart will expand capacity and effectiveness of the program.

**2. Support businesses, non-profits, and residents within the District**

- a. Continued our partnership with UC Berkeley New Student Services on the New Student Dine-Around for the Fall '21 Golden Bear Orientation. \$100,000 of program revenue paid directly to 22 participating restaurants in the district that served 5,123 meals to incoming students. The continuing partnership is looking forward to Fall '22.
- b. Provided timely and relevant information to businesses regarding COVID public health guidelines, resources, and regulations. Distributed over 6,000 free face masks to businesses, vendors, and visitors. Printed and distributed hundreds of mask/vaccine policy posters and info sheets to businesses.
- c. Supported Visit Berkeley's rollout of Berkeley Bucks program. Connected businesses with VB lead, Jeffrey Church for additional support. Provided troubleshooting as needed. Bonus incentive to participate, VB issues \$100 Berkeley Bucks Cards to Social Media influencers to spend during Restaurant Week. There are currently 11 participants.
- d. Piloted Instagram influencer collaborations in partnership with Taco & Co. Scheduled a handful of content creators to visit and shoot on location then post on their feeds. Our Holiday Campaign in December included six content creators who highlighted dozens of retail businesses and restaurants, and shared their experience on Telegraph with their audience. One Holiday Campaign reel garnered 711 likes, and 10.9k views. Additional collaborations during the Visit Berkeley restaurant week highlighted seven restaurants, resulting in higher visibility for the Telegraph District in 11% of posts and 33% of reels (with 57,359 views) under the campaign hashtag #BRW22.
- e. Offered individualized social media support/consultation to merchants. Audited social media presence for Berkeley Thai House and D'yar, then provided tutorials for tips and tricks to boost engagement. Created accounts for Bear's Ramen House and Dumpling Express and currently working with owners to create a social media marketing plan.
- f. Spotlight on grand openings of new businesses. Highlighted Sneaker Shop, Vintage Shop and So-So Marketplace when they opened their doors. Supported Sizzling Lunch VIP



**EXHIBIT A****Annual Report of the Telegraph Property and Business Improvement District for Fiscal Year (FY) 2022 and Budget for FY 2023**

Night. Creating a playbook for future openings. Preparing for upcoming events by establishing relationships and welcoming businesses such as GamedayVR and Mosaic Boulders learning about them to maximize our combined efforts to draw people to Telegraph Avenue.

- g. Maintained direct lines of communication with merchants and property owners to navigate safety concerns, connect with public services, and respond to concerns on a range of issues from permits, utility/infrastructure projects, maintenance requests, access constraints, and more. The individualized attention as a liaison with local government improves community relations and engagement in public initiatives.
- h. Facilitated participation of community stakeholders in planning and policy initiatives including the AC Transit Rapid Corridors project, Reimagining Public Safety Initiative, 24/7 Public Restroom project, and local business policy initiatives.

**3. Make the District more accessible**

- a. Participated as a core community stakeholder in the Southside Complete Streets Project conceptual design process. Our extensive engagement included hosting community input sessions, an online survey, stakeholder meetings, reviewing design options, robust advocacy, and coordination with project staff. Continued participation in the engineering design phase is focused on ensuring merchant and property owner operational needs are considered and advocating for prioritization of improvements that promote business activity and economic growth.
- b. Introduced a renewed vision for the Dwight Triangle traffic median to create a public plaza. The long-term project is a major facet of the initiative to bolster business activity along Telegraph south of Dwight and improve the flow of pedestrian traffic. A showcase is planned for May 2022 which will be followed by additional review and a demonstration pilot project.
- c. Initiated community visioning project for the 2500 block of Durant Ave. to elevate the identity of the vibrant restaurant scene and develop public realm improvements. Ongoing partnership with the City aims to address congestion and double parking in ways that are mutually beneficial for retail businesses, customers, and visitors.
- d. Elevated concerns regarding the conditions of the Telegraph-Channing garage resulting in additional maintenance and efforts to address failing infrastructure. Ongoing advocacy is aimed at advancing planned capital improvement projects for the elevators and restrooms.
- e. Participated in the GoBerkeley Smart Space Community Advisory Committee and facilitated engagement from district businesses. Developing partnerships with the City and AC Transit to support businesses in expanding commuter benefits for employees.
- f. Engaged with the City Transportation Division to update parking restrictions in Telegraph Ave loading bays to allow evening parking aligned with adopted City policies.

**4. Improve the Telegraph brand through marketing, events, and promotions**

- a. Held the 6th annual Grateful Day Fest in November after a massive storm forced a reschedule of the event. It was held on the first two blocks of the Avenue with a stage, live Uke band and Dj as well as an outdoor marketplace with 20+ vendors. The new mix

**EXHIBIT A**

**Annual Report of the Telegraph Property and Business Improvement District for Fiscal Year (FY) 2022 and Budget for FY 2023**

of acts and vendors attracted approximately 1,500 visitors to the district and brought in significant foot traffic.

- b. Establishing an inclusive engaged organically growing Instagram account for Telegraph Ave that showcases the various businesses to an audience of 2k+ and reaching 20k+ accounts monthly, with 66% of the audience aged 24 years and older. Grew Telegraph Berkeley Instagram following from 1400 to over 2200 organically utilizing user generated content.
- c. Pulling inspiration from successful events from the past, Sunday Best is the next evolution of Telegraph annual fair. This year we are bringing out our Sunday Best and having a block party with a state fair flare. In partnership with businesses we will showcase the best that Telegraph has to offer from new Virtual Reality chairs from GameDayVR to spicy noodle eating contest hosted by Berkeley Thai House.
- d. Completed the installation of the Pole Icons for the Telegraph Historical Walking Tour, calling attention to the unique stories and legacy of the District. Work is underway to revamp the outreach and increase downloads and usage.
- e. Supported Visit Berkeley's annual Restaurant Week by encouraging restaurants to participate. Provided additional background knowledge of the program and acted as liaison through the event. Scheduled content creators to visit participants and shared content on social media.
- f. Partnered with Berkeley Half Marathon to tap into the running community. Created an opportunity for businesses to engage with participants running through the district. Held a giveaway for a free race entry, made an evergreen welcome banner, branded cowbells and hired musicians to make the experience memorable for runners.
- g. Led the first Telegraph District celebration of National Boba Tea Day in 2021 with a reusable boba straw give-away and advertising of the District's unparalleled collection of boba tea shops. The April 2022 celebration will include additional prizes and live engagement with customers, video features of the businesses, influencer collaborations, and regional advertising.

**5. Better serve District stakeholders as a convener and policy conduit on issues**

- a. Coordinated relief and support efforts in response to the COVID-19 outbreak, in partnership with the City, UC Berkeley, and business organizations city-wide. Provided personalized assistance to merchants seeking information and resources. Coordinated with City officials and business representatives to host merchant forums and provide constructive feedback on public health order implementation.
- b. Formalized robust statements of support for the housing and open space revitalization project at People's Park. Actively advocated to the City and University to support the development plans including the Resources For Community Development Supportive Housing project. Generated additional community support for the project including ongoing partnership efforts behind the supportive services for the unhoused population.
- c. Promoted new mixed-use housing developments in the district by voicing support during the entitlements process and encouraging changes to land-use policies that increase density and reduce barriers to growth.

**EXHIBIT A**

**Annual Report of the Telegraph Property and Business Improvement District for Fiscal Year (FY) 2022 and Budget for FY 2023**

**Telegraph Clean & Safe Ambassador Program**

The single most significant element of the TBID's ongoing work is their ambassador program which is provided through a contract with Block by Block. In keeping with the Management District Plan, the program provides 240 hours per week of cleaning and hospitality services year-round, seven days a week. Services include: trash and graffiti removal, power washing, sanitation, and beautification projects. The program comprises roughly 65% of the TBID's budget.

The program also works collaboratively with UC Berkeley's Homeless Outreach Coordinator and City staff to address the needs of unhoused community members in the District. The Ambassadors are trained in de-escalation and conflict resolution strategies; and respond to help unhoused community members, businesses, students, and local agencies to peacefully navigate conflicts and disruptive behaviors (often the result of substance abuse or a mental health crisis). Finally, our organization facilitates weekly coordination/case management meetings with city and university staff (social service and law enforcement) resulting in a more thoughtful and humane approach to problems involving our unhoused community.

Ambassador Cleaning Statistics for FY21-22

| <b>311 Requests</b> | <b>Graffiti Tags Removed</b> | <b>Handbills Removed</b> | <b>Hazardous Waste Clean-ups</b> | <b>Power Washing Hours</b> | <b>Trashcans Leveled</b> | <b>Lbs of Trash Removed</b> |
|---------------------|------------------------------|--------------------------|----------------------------------|----------------------------|--------------------------|-----------------------------|
| 319                 | 3,318                        | 6,371                    | 2,148                            | 428                        | 3,151                    | 137,130                     |

## Exhibit B:

## Telegraph Business Improvement District (TBID) FY2023 Assessments

| APN           | OWNER NAME                                      | STREET NUMBER | STREET NAME   | Tax Exempt | Private Parcel |
|---------------|-------------------------------------------------|---------------|---------------|------------|----------------|
| 055 188600300 | 2312 ELLSWORTH LLC                              | 2312          | ELLSWORTH ST  |            | \$ 939.84      |
| 055 187800300 | 2340 TELEGRAPH PROPERTY LLC                     | 2328          | TELEGRAPH AVE |            | \$ 11,042.95   |
| 055 187601200 | 2369 TELEGRAPH LLC                              | 2369          | TELEGRAPH AVE |            | \$ 1,676.84    |
| 055 188000100 | 2400 TELEGRAPH AVE LLC                          | 2486          | CHANNING WAY  |            | \$ 6,274.22    |
| 055 188300500 | 2414 DANA ST L P                                | 2414          | DANA ST       |            | \$ 826.40      |
| 055 186801100 | 2415 COLLEGE LLC                                | 2415          | COLLEGE AVE   |            | \$ 3,271.30    |
| 055 187800701 | 2425 DURANT AVENUE LLC                          | 2425          | DURANT AVE    |            | \$ 1,660.71    |
| 055 188101800 | 2442 HASTE STREET LLC                           | 2442          | HASTE ST      |            | \$ 2,010.43    |
| 055 184600101 | 2501 BENVENUE LLC                               | 2501          | BENVENUE AVE  |            | \$ 3,516.32    |
| 055 187503001 | 2506 HASTE STREET PARTNERS LLC                  | 2506          | HASTE ST      |            | \$ 1,913.58    |
| 055 187701100 | 2509 DURANT LLC                                 | 2347          | TELEGRAPH AVE |            | \$ 4,477.82    |
| 055 187701400 | 2522 BANCROFT WAY LLC                           | 2522          | BANCROFT WAY  |            | \$ 1,476.06    |
| 055 183902000 | 2539 TELEGRAPH LLC                              | 2539          | TELEGRAPH AVE |            | \$ 17,600.84   |
| 055 183901901 | 2565 2589 TELEGRAPH BLAKE LLC                   | 2587          | TELEGRAPH AVE |            | \$ 7,357.12    |
| 055 183700300 | 2588 TELEGRAPH AVENUE LLC                       | 2590          | TELEGRAPH AVE |            | \$ 3,631.01    |
| 055 183600802 | 2614 TELEGRAPH LLC                              | 2614          | TELEGRAPH AVE |            | \$ 815.80      |
| 055 183603100 | 2616 TELEGRAPH AVENUE LLC                       | 2616          | TELEGRAPH AVE |            | \$ 2,550.25    |
| 055 187100600 | 2631 DURANT DEVELOPER LLC                       | 2637          | DURANT AVE    |            | \$ 3,404.04    |
| 055 184600300 | 2644 BERKELEY LLC                               | 2644          | DWIGHT WAY    |            | \$ 2,711.36    |
| 055 183500901 | 2650 TELEGRAPH LP                               | 2650          | TELEGRAPH AVE |            | \$ 1,508.38    |
| 055 183802300 | A & A BERKELEY PARTNERS LLC                     | 2501          | DANA ST       |            | \$ 163.57      |
| 055 187602200 | ALLEN HYE K & KIM JOE TR                        | 2511          | CHANNING WAY  |            | \$ 1,990.14    |
| 055 186901100 | ALPHA BETA HALL                                 | 2345          | COLLEGE AVE   |            | \$ 1,706.47    |
| 055 184302603 | AM BAPTIST SEMINARY OF WEST                     | 2511          | HILLEGASS AVE |            | \$ 6,503.61    |
| 055 187100103 | AMI LLC ETAL                                    | 2680          | BANCROFT WAY  |            | \$ 2,932.37    |
| 055 187100203 | AMI LLC ETAL                                    | 2310          | COLLEGE AVE   |            | \$ 1,486.65    |
| 055 187102000 | AMI LLC ETAL                                    | 2680          | BANCROFT WAY  |            | \$ 788.78      |
| 055 183503300 | ANANTHARAM VENKATACHALAM                        | 2628          | TELEGRAPH AVE |            | \$ 136.94      |
| 055 188200200 | ANDREONI THOMAS L & STANTON KAREN J TRS         | 2440          | DANA ST       |            | \$ 828.38      |
| 055 184200100 | ARANGUREN MARY L & JACKSON ALEX ETAL            | 2503          | REGENT ST     |            | \$ 580.64      |
| 055 188303000 | AYSOY SUKRAN TR                                 | 2406          | DANA ST       |            | \$ 166.26      |
| 055 187800200 | AYYAD FUAD & MUNA I                             | 2312          | TELEGRAPH AVE |            | \$ 3,066.85    |
| 055 187000900 | BALAJI EQUITY MANAGEMENT LLC                    | 2319          | COLLEGE AVE   |            | \$ 1,506.63    |
| 055 186801300 | BEAR HAVEN LLC                                  | 2409          | COLLEGE AVE   |            | \$ 2,310.36    |
| 055 188401500 | BERKELEY ARCHITECTURAL HERITAGE ASSOCIATION     | 2318          | DURANT AVE    |            | \$ 1,502.51    |
| 055 188500800 | BERKELEY CANTERBURY FOUNDATION INC              | 2334          | BANCROFT WAY  |            | \$ 1,436.14    |
| 055 188500201 | BERKELEY CITY CLUB                              | 2315          | DURANT AVE    |            | \$ 1,434.14    |
| 055 188500202 | BERKELEY CITY CLUB                              | 2315          | DURANT AVE    |            | \$ 8,538.74    |
| 055 187601302 | BERKELEY MULTIFAMILY I PROPERTY                 | 2500          | DURANT AVE    |            | \$ 10,334.44   |
| 055 187701300 | BERKELEY MULTIFAMILY I PROPERTY                 | 2301          | TELEGRAPH AVE |            | \$ 11,834.80   |
| 055 183801300 | BERKELEY MULTIFAMILY II PROP                    | 2410          | DWIGHT WAY    |            | \$ 1,346.03    |
| 055 183500700 | BERKELEY TELEGRAPH LLC & 2640 TELEGRAPH AVE LLC | 2640          | TELEGRAPH AVE |            | \$ 1,164.08    |
| 055 183502100 | BOLT DIANNA                                     | 2628          | TELEGRAPH AVE |            | \$ 136.94      |
| 055 187001000 | BREIT SH BERKELEY LLC                           | 2700          | BANCROFT WAY  |            | \$ 5,734.89    |
| 055 184002401 | CALIF ANN CONF METH CH                          | 2655          | TELEGRAPH AVE |            | \$ 8,160.46    |
| 055 187900400 | CAMOU TELEGRAPH AVENUE PROPERTIES LLC           | 2386          | TELEGRAPH AVE |            | \$ 992.86      |
| 055 183503200 | CHANG DAVID F & KUO MARGARET                    | 2628          | TELEGRAPH AVE |            | \$ 136.94      |
| 055 184003500 | CHANG MARINA                                    | 2615          | TELEGRAPH AVE |            | \$ 115.01      |
| 055 183502800 | CHEN ZIXIN                                      | 2628          | TELEGRAPH AVE |            | \$ 136.94      |
| 055 183802800 | CHEN ZIXIN                                      | 2501          | DANA ST       |            | \$ 186.81      |
| 055 188303200 | CHIEN CHARLES & SHERI I                         | 2406          | DANA ST       |            | \$ 166.26      |

## Exhibit B:

## Telegraph Business Improvement District (TBID) FY2023 Assessments

| APN           | OWNER NAME                                         | STREET NUMBER | STREET NAME   | Tax Exempt   | Private Parcel |
|---------------|----------------------------------------------------|---------------|---------------|--------------|----------------|
| 055 183802200 | CHIN JACKSON                                       | 2501          | DANA ST       |              | \$ 156.80      |
| 055 184200500 | CHIU EDMUND S & BONNETTE S                         | 2532          | DWIGHT WAY    |              | \$ 813.37      |
| 055 183900400 | CHU FAMILY LLC                                     | 2517          | TELEGRAPH AVE |              | \$ 6,034.41    |
| 055 183502400 | CHUANG PATRICK C & HSIUNG YINGSHENG                | 2628          | TELEGRAPH AVE |              | \$ 136.94      |
| 055 188200100 | CHURCH IN BERKELEY                                 | 2430          | DANA ST       |              | \$ 2,013.94    |
| 055 187900601 | CITY OF BERKELEY                                   | 2431          | CHANNING WAY  | \$ 49,103.09 |                |
| 055 183901502 | CLARA&SONIA LLC                                    | 2529          | TELEGRAPH AVE |              | \$ 2,593.80    |
| 055 188300100 | COLLIER PAMELA & BATTI GREG TRS                    | 2400          | DANA ST       |              | \$ 699.93      |
| 055 187100401 | CORKINS A A, RUSHTON R P, MISHRA S K, BROWN C E TR | 2639          | DURANT AVE    |              | \$ 1,093.51    |
| 055 188000400 | CREATIVE PROPERTY TELEGRAPH LLC                    | 2426          | TELEGRAPH AVE |              | \$ 986.02      |
| 055 187900500 | DABEL GRETCHEN W TR BYPASS TRUST & DABEL GRET ETAL | 2392          | TELEGRAPH AVE |              | \$ 1,133.63    |
| 055 183802900 | DAI GEORGE S. & LUNA Y TRS & DAI CORNELIA          | 2501          | DANA ST       |              | \$ 195.64      |
| 055 184005200 | DELENGOCKY TAYSON                                  | 2615          | TELEGRAPH AVE |              | \$ 130.92      |
| 055 187100300 | DELTA DEUTERON BLDG ASN                            | 2647          | DURANT AVE    |              | \$ 2,091.72    |
| 055 186701300 | DISANO JOSEPH R & DISANO JO                        | 2435          | COLLEGE AVE   |              | \$ 1,130.61    |
| 055 184200401 | DOTP 2530 LLC                                      | 2526          | DWIGHT WAY    |              | \$ 2,097.41    |
| 055 187800100 | DOWNEY NANCY B TR & ROUSH VIRGINIA B TR            | 2310          | TELEGRAPH AVE |              | \$ 4,499.88    |
| 055 187700200 | DOYLE ELAINE M TR                                  | 2310          | BOWDITCH ST   |              | \$ 902.08      |
| 055 183502300 | DU LIMING                                          | 2628          | TELEGRAPH AVE |              | \$ 136.94      |
| 055 187700900 | DURANT PLACE                                       | 2517          | DURANT AVE    |              | \$ 3,290.35    |
| 055 183801600 | DWIGHT BLAKE APARTMENTS                            | 2420          | DWIGHT WAY    |              | \$ 1,008.51    |
| 055 184004300 | ELA PROPERTIES LLC                                 | 2615          | TELEGRAPH AVE |              | \$ 125.64      |
| 055 188600200 | ELLSWORTH INVESTMENT LLC                           | 2306          | ELLSWORTH ST  |              | \$ 1,612.07    |
| 055 187504300 | ENCLAVE PARTNERS DH LLC                            | 2429          | TELEGRAPH AVE |              | \$ 2,797.67    |
| 055 187504400 | ENCLAVE PARTNERS DH LLC                            | 2509          | HASTE ST      |              | \$ 699.42      |
| 055 187504500 | ENCLAVE PARTNERS DH LLC                            | 2503          | HASTE ST      |              | \$ 7,881.55    |
| 055 188000501 | ENT KENNETH E & GREGORY W TRS                      | 2441          | HASTE ST      |              | \$ 10,260.76   |
| 055 188000700 | ENT KENNETH E & GREGORY W TRS                      | 2435          | HASTE ST      |              | \$ 990.79      |
| 055 187101300 | ESLAMI AHMAD A                                     | 2311          | BOWDITCH ST   |              | \$ 357.96      |
| 055 183802400 | FANG KEITH F & TSENG SUHSIEN T                     | 2501          | DANA ST       |              | \$ 160.68      |
| 055 184600400 | FERGUSON JAMES I & ARLENE M TRS                    | 2646          | DWIGHT WAY    |              | \$ 983.29      |
| 055 187401200 | FIRST CHURCH CHRIST SCIENTIST                      | 2619          | DWIGHT WAY    |              | \$ 1,807.91    |
| 055 188001100 | FIRST CHURCH FOUNDATION                            | 2423          | HASTE ST      |              | \$ 604.80      |
| 055 188400100 | FIRST CONG CH OF BERK                              | 2345          | CHANNING WAY  |              | \$ 5,893.82    |
| 055 188401600 | FIRST CONGREGATIONAL CHURCH OF BERKELEY            | 2326          | DURANT AVE    |              | \$ 717.07      |
| 055 188401700 | FIRST CONGREGATIONAL CHURCH OF BERKELEY            | 2330          | DURANT AVE    |              | \$ 1,011.62    |
| 055 188401800 | FIRST CONGREGATIONAL CHURCH OF BERKELEY            | 2334          | DURANT AVE    |              | \$ 267.94      |
| 055 188001502 | FIRST PRESBYTERIAN CHURCH OF BERKELEY              | 2407          | DANA ST       |              | \$ 9,586.55    |
| 055 183500402 | FITZER TIMOTHY A                                   | 2636          | TELEGRAPH AVE |              | \$ 1,427.41    |
| 055 187800400 | FORTUNEWORLD INC                                   | 2439          | DURANT AVE    |              | \$ 3,548.06    |
| 055 188600100 | FOSTER DAVID & LISA TRS & ELRI                     | 2300          | ELLSWORTH ST  |              | \$ 1,393.54    |
| 055 187601100 | FUENTES JENNAN K                                   | 2375          | TELEGRAPH AVE |              | \$ 6,931.52    |
| 055 187502500 | GEE JEW Y TR                                       | 2509          | DWIGHT WAY    |              | \$ 1,387.34    |
| 055 187502900 | GILLMAN SCOTT C TR & GILLMAN L                     | 2455          | TELEGRAPH AVE |              | \$ 3,349.26    |
| 055 184003200 | GIORDANO ARLENE A                                  | 2435          | CARLETON ST   |              | \$ 1,273.29    |
| 055 183800201 | GLENN BUILDING                                     | 2430          | DWIGHT WAY    |              | \$ 11,951.92   |
| 055 184003800 | GOFF EDWARD V                                      | 2615          | TELEGRAPH AVE |              | \$ 86.32       |
| 055 183502000 | GOLD BONNIE & PAYNE DAVID E                        | 2628          | TELEGRAPH AVE |              | \$ 136.94      |
| 055 187701003 | GOODHUE NEIL B & DIANE C TRS                       | 2513          | DURANT AVE    |              | \$ 1,153.93    |
| 055 187701006 | GOODHUE NEIL B & DIANE C TRS                       | 2515-B        | DURANT AVE    |              | \$ 1,786.05    |
| 055 188100200 | GORDON JOHN K & MITCHELL J ETAL                    | 2470          | TELEGRAPH AVE |              | \$ 4,341.02    |

## Exhibit B:

## Telegraph Business Improvement District (TBID) FY2023 Assessments

| APN           | OWNER NAME                                         | STREET NUMBER | STREET NAME   | Tax Exempt | Private Parcel |
|---------------|----------------------------------------------------|---------------|---------------|------------|----------------|
| 055 183900102 | GORDON JOHN K & MITCHELL JANIS L TRS               | 2502          | DWIGHT WAY    |            | \$ 2,549.68    |
| 055 183900303 | GORDON JOHN K & MITCHELL JANIS L TRS               | 2508          | REGENT ST     |            | \$ 1,846.37    |
| 055 183901601 | GORDON JOHN K & MITCHELL JANIS L TRS               | 2513          | TELEGRAPH AVE |            | \$ 2,112.15    |
| 055 187700600 | GROWERS PROPERTIES NO 52                           | 2533          | DURANT AVE    |            | \$ 4,546.35    |
| 055 188300200 | GUERARD JACQUES                                    | 2402          | DANA ST       |            | \$ 665.47      |
| 055 184600500 | HAKAM ALAEDDIN & FOUDEH SAEED TR                   | 2504          | COLLEGE AVE   |            | \$ 818.98      |
| 055 184004100 | HAROUN ANSAR M & NASRA TRS                         | 2615          | TELEGRAPH AVE |            | \$ 119.29      |
| 055 188200300 | HASHEMI HOMAYOUN & GOVASHIRI HOMA TRS              | 2446          | DANA ST       |            | \$ 851.38      |
| 055 183802600 | HOANG VY T & LYNH T                                | 2501          | DANA ST       |            | \$ 201.82      |
| 055 188300600 | HON HENRY D & SYLVIA TRS                           | 2418          | DANA ST       |            | \$ 766.13      |
| 055 187000800 | HOWLAND DAVID L TR & BERG DAVID                    | 2701          | DURANT AVE    |            | \$ 2,131.95    |
| 055 184003600 | HSIA SAMSON & ALICIA TRS                           | 2615          | TELEGRAPH AVE |            | \$ 125.64      |
| 055 184004700 | HU HANG L & TYNG J                                 | 2615          | TELEGRAPH AVE |            | \$ 122.26      |
| 055 184004800 | HU TYNG J & HANG L                                 | 2615          | TELEGRAPH AVE |            | \$ 119.29      |
| 055 183501900 | HUANG ISABELLA                                     | 2628          | TELEGRAPH AVE |            | \$ 136.94      |
| 055 184004200 | HUANG LI L                                         | 2615          | TELEGRAPH AVE |            | \$ 115.01      |
| 055 187701201 | JANGMI LLC                                         | 2327          | TELEGRAPH AVE |            | \$ 2,217.40    |
| 055 187900100 | KICK-AXE PROPERTIES                                | 2350          | TELEGRAPH AVE |            | \$ 4,566.95    |
| 055 184004600 | KPARTNERS LLC                                      | 2615          | TELEGRAPH AVE |            | \$ 134.96      |
| 055 187801900 | KUANG DIANA Q ETAL                                 | 2456          | BANCROFT WAY  |            | \$ 2,549.90    |
| 055 187700500 | KURDYS DOUGLAS & SHAWVER LOIS                      | 2539          | DURANT AVE    |            | \$ 2,849.37    |
| 055 184003900 | KWOK VICTOR Y                                      | 2615          | TELEGRAPH AVE |            | \$ 134.96      |
| 055 187700700 | LANDIS JUDSON R & SHERON C TRS                     | 2525          | DURANT AVE    |            | \$ 5,007.86    |
| 055 187801000 | LANDIS JUDSON R & SHERON C TRS                     | 2419          | DURANT AVE    |            | \$ 2,418.85    |
| 055 187801200 | LANDIS JUDSON R & SHERON C TRS                     | 2411          | DURANT AVE    |            | \$ 1,060.45    |
| 055 184005300 | LEUNG VELIA N                                      | 2615          | TELEGRAPH AVE |            | \$ 114.95      |
| 055 184005400 | LEUNG VELIA N                                      | 2615          | TELEGRAPH AVE |            | \$ 82.19       |
| 055 188100500 | LI ZHAOYANG & WAN KE                               | 2437          | DWIGHT WAY    |            | \$ 2,343.82    |
| 055 184000101 | LIEBERT BRUCE E TR & CARLYN M TR                   | 2601          | TELEGRAPH AVE |            | \$ 1,305.06    |
| 055 183502900 | LIM ING Y & KANWIT ELIZABETH D TRS                 | 2628          | TELEGRAPH AVE |            | \$ 136.94      |
| 055 188100300 | LIPPETT PETER E TR                                 | 2476          | TELEGRAPH AVE |            | \$ 3,562.84    |
| 055 183801800 | LUNDIN JANE M TR                                   | 2428          | DWIGHT WAY    |            | \$ 978.19      |
| 055 183801700 | LUNDIN JANE TR                                     | 2424          | DWIGHT WAY    |            | \$ 959.44      |
| 055 187602101 | LYMAN JOHN T & MARLEY                              | 2538          | DURANT AVE    | \$4,016.91 |                |
| 055 188303100 | MA JANICE L & KENNETH                              | 2406          | DANA ST       |            | \$ 166.26      |
| 055 183800102 | MAJIDI SHAHLA TR                                   | 2500          | TELEGRAPH AVE |            | \$ 5,564.89    |
| 055 184004500 | MAKHJANI MEENA S                                   | 2615          | TELEGRAPH AVE |            | \$ 86.32       |
| 055 187701902 | MARK AT BERKELEY LLC                               | 2580          | BANCROFT WAY  |            | \$ 38,999.71   |
| 055 183802500 | MASON ELIZABETH F & JAMES W ET AL                  | 2501          | DANA ST       |            | \$ 162.33      |
| 055 184005100 | MAUS MARLON TR                                     | 2615          | TELEGRAPH AVE |            | \$ 157.96      |
| 055 183801400 | MEHTA SAHIL & SUYASHI ETAL                         | 2414          | DWIGHT WAY    |            | \$ 970.34      |
| 055 183502600 | MEYYAPPAN MURUGAPPAN & RAMANAT                     | 2628          | TELEGRAPH AVE |            | \$ 136.94      |
| 055 187502700 | MILANO PROPERTIES LTD LLC                          | 2475          | TELEGRAPH AVE |            | \$ 1,270.87    |
| 055 186801400 | MIN ROY & EDWARD ETAL                              | 2700          | CHANNING WAY  |            | \$ 584.93      |
| 055 187701601 | MIOTTEL W J JR TR                                  | 2530          | BANCROFT WAY  |            | \$ 8,920.33    |
| 055 183802700 | MITINA SOFIA TR                                    | 2501          | DANA ST       |            | \$ 202.73      |
| 055 183503000 | NAGEL GARY D                                       | 2628          | TELEGRAPH AVE |            | \$ 136.94      |
| 055 186701400 | NATEGHIAN FARAMARZ TRUST                           | 2431          | COLLEGE AVE   |            | \$ 956.25      |
| 055 184003700 | NAVARROCACERES LILIANA                             | 2615          | TELEGRAPH AVE |            | \$ 86.81       |
| 055 184200200 | NCR PROPERTIES LLC                                 | 2524          | DWIGHT WAY    |            | \$ 1,263.10    |
| 055 183802100 | P G & E CO 135-1-12-2                              | 2540          | TELEGRAPH AVE |            | \$ 1,606.90    |
| 055 187802400 | PAIGE ROGER & NORMA TRS & HERBERT JOSEPH & CA ETAL | 2415          | DURANT AVE    |            | \$ 253.43      |

## Exhibit B:

## Telegraph Business Improvement District (TBID) FY2023 Assessments

| APN            | OWNER NAME                                               | STREET NUMBER | STREET NAME   | Tax Exempt   | Private Parcel |
|----------------|----------------------------------------------------------|---------------|---------------|--------------|----------------|
| 055 187802300  | PAIGE ROGER & NORMA TRS ETAL                             | 2415          | DURANT AVE    |              | \$ 256.15      |
| 055 187802500  | PAIGE ROGER & NORMA TRS ETAL                             | 2417          | DURANT AVE    |              | \$ 170.24      |
| 055 187802600  | PAIGE ROGER & NORMA TRS ETAL                             | 2417          | DURANT AVE    |              | \$ 170.24      |
| 055 188401300  | PAULOS CORALYN M TR                                      | 2310          | DURANT AVE    |              | \$ 1,373.65    |
| 055 187502802  | PELLEGRINO PASQUALE TR                                   | 2461          | TELEGRAPH AVE |              | \$ 2,295.50    |
| 055 187201100  | RAAJ BERKELEY OWNER LLC                                  | 2613          | CHANNING WAY  |              | \$ 768.92      |
| 055 187201300  | RAAJ BERKELEY OWNER LLC                                  | 2323          | BOWDITCH ST   |              | \$ 992.86      |
| 055 187201400  | RAAJ BERKELEY OWNER LLC                                  | 2600          | DURANT AVE    |              | \$ 18,942.53   |
| 055 188500900  | RECTORS ETC OF ST MARKS                                  | 2300          | BANCROFT WAY  |              | \$ 1,542.86    |
| 055 188501000  | RECTORS ETC OF ST MARKS                                  | 2301          | DURANT AVE    |              | \$ 6,037.57    |
| 055 183902100  | REGENT TERRACE LLC                                       | 2593          | TELEGRAPH AVE |              | \$ 10,760.88   |
| 055 186901301  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2333          | COLLEGE AVE   | \$ 2,773.60  |                |
| 055 187101901  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2630          | BANCROFT WAY  | \$ 7,089.45  |                |
| 055 187202101  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  |               | COLLEGE AVE   | \$ 18,240.78 |                |
| 055 187300101  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  |               | CHANNING WAY  | \$ 8,868.63  |                |
| 055 187301500  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2411          | BOWDITCH ST   | \$ 322.06    |                |
| 055 187301600  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2409          | BOWDITCH ST   | \$ 250.34    |                |
| 055 187301700  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2405          | BOWDITCH ST   | \$ 252.07    |                |
| 055 187301800  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2550          | CHANNING WAY  | \$ 160.60    |                |
| 055 187301900  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2612          | CHANNING WAY  | \$ 12,687.76 |                |
| 055 187402301  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2612          | HASTE ST      | \$ 18,345.85 |                |
| 055 187500901  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2538          | CHANNING WAY  | \$ 13,369.02 |                |
| 055 187504001  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2556          | HASTE ST      | \$ 5,008.36  |                |
| 055 187600901  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2535          | CHANNING WAY  | \$ 7,035.16  |                |
| 055 187902203  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2436          | DURANT AVE    | \$ 13,166.38 |                |
| 055 188002103  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  |               | HASTE ST      | \$ 2,897.88  |                |
| 055 188002104  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2433          | HASTE ST      | \$ 394.49    |                |
| 055 188100700  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2427          | DWIGHT WAY    | \$ 744.41    |                |
| 055 188101701  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2400          | HASTE ST      | \$ 4,591.00  |                |
| 055 188601703  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2200          | BANCROFT WAY  | \$ 1,388.74  |                |
| 055 188602501  | REGENTS OF THE UNIVERSITY OF CALIFORNIA                  | 2214          | BANCROFT WAY  | \$ 4,294.95  |                |
| 055 187802900  | REGENTS OF THE UNIVERSITY OF CALIFORNIA<br>(STILES HALL) | 2400          | BANCROFT WAY  | \$ 1,307.35  |                |
| 055 1878 02900 | REGENTS UNIVERSITY CALIFORNIA                            | 2401          | DURANT AVE    | \$ 40,649.19 |                |
| 055 186701200  | ROMAN CATHOLIC WELFARE CORPORATION OF<br>OAKLAND         |               | DWIGHT WAY    | \$ 1,116.97  |                |
| 055 187201200  | ROYSTON APARTMENT LP                                     | 2601          | CHANNING WAY  | \$ 3,206.50  |                |
| 055 187301400  | RUBENSTEIN MICHAEL & POLLAK STEVEN TRS                   | 2605          | HASTE ST      | \$ 2,851.10  |                |
| 055 187500600  | RUE ELL ENTERPRISES INC                                  | 2411          | TELEGRAPH AVE | \$ 1,919.54  |                |
| 055 187601600  | RUE ELL ENTERPRISES INC                                  | 2520          | DURANT AVE    | \$ 3,566.15  |                |
| 055 187700800  | RUE ELL ENTERPRISES INC                                  | 2519          | DURANT AVE    | \$ 4,347.86  |                |
| 055 187800501  | RUE ELL ENTERPRISES INC                                  | 2433          | DURANT AVE    | \$ 8,143.03  |                |
| 055 187900300  | RUE ELL ENTERPRISES INC                                  | 2380          | TELEGRAPH AVE | \$ 992.86    |                |
| 055 183802000  | RUEELL ENTERPRISES INC                                   | 2434          | DWIGHT WAY    | \$ 1,427.52  |                |
| 055 187601901  | RUEELL ENTERPRISES INC                                   | 2534          | DURANT AVE    | \$ 4,274.83  |                |
| 055 187802100  | RUEELL ENTERPRISES INC                                   | 2470          | BANCROFT WAY  | \$ 4,275.03  |                |
| 055 187802200  | RUEELL ENTERPRISES INC                                   | 2480          | BANCROFT WAY  | \$ 2,735.89  |                |
| 055 187601500  | RUEGG & ELLSWORTH                                        | 2516          | DURANT AVE    | \$ 8,204.37  |                |
| 055 187601700  | RUEGG & ELLSWORTH                                        | 2526          | DURANT AVE    | \$ 11,475.53 |                |
| 055 187602300  | RUEGG & ELLSWORTH                                        | 2510          | DURANT AVE    | \$ 3,695.66  |                |
| 055 187700100  | RUEGG & ELLSWORTH & LEWIS SANDRA TR                      | 2590          | BANCROFT WAY  | \$ 5,858.78  |                |
| 055 187500700  | SARACHAN KENNETH                                         | 2409          | TELEGRAPH AVE | \$ 5,886.58  |                |
| 055 187900200  | SARACHAN KENNETH                                         | 2360          | TELEGRAPH AVE | \$ 3,512.53  |                |

Exhibit B:

Telegraph Business Improvement District (TBID) FY2023 Assessments

| APN           | OWNER NAME                                         | STREET NUMBER | STREET NAME   | Tax Exempt | Private Parcel      |
|---------------|----------------------------------------------------|---------------|---------------|------------|---------------------|
| 055 188100100 | SARACHAN KENNETH & BROWN LAURIE                    | 2464          | TELEGRAPH AVE |            | \$ 3,976.09         |
| 055 184200600 | SATELLITE AFFORDABLE HOUSING ASSOCIATES            | 2500          | HILLEGASS AVE |            | \$ 1,750.25         |
| 055 183502500 | SHARMA VINEET & SHUCHI                             | 2628          | TELEGRAPH AVE |            | \$ 136.94           |
| 055 188401400 | SHI ZHOZHENG & LI JIA TRS                          | 2312          | DURANT AVE    |            | \$ 887.41           |
| 055 183803000 | SHYR JURIYAN & HOU DANIEL                          | 2501          | DANA ST       |            | \$ 202.31           |
| 055 184004900 | SIRIVANSANTI VEERA & SUVANNEE TRS                  | 2615          | TELEGRAPH AVE |            | \$ 151.61           |
| 055 187700300 | ST JOSEPH ARIM FOUND                               | 2316          | BOWDITCH ST   |            | \$ 1,515.12         |
| 055 187700400 | ST JOSEPH ARIM FOUND                               | 2543          | DURANT AVE    |            | \$ 696.31           |
| 055 184005000 | SU VINCENT P & INGRID ETAL                         | 2615          | TELEGRAPH AVE |            | \$ 125.64           |
| 055 187502400 | SUM YUN C & NGAN C TRS                             | 2511          | DWIGHT WAY    |            | \$ 4,827.53         |
| 055 183502200 | SUN CHII YUN & KAREN K                             | 2628          | TELEGRAPH AVE |            | \$ 136.94           |
| 055 183501800 | TAM RICHARD W & ZHANG TAO T ETAL                   | 2628          | TELEGRAPH AVE |            | \$ 180.37           |
| 055 188002201 | TAYLOR SPRINGS MANAGEMENT LLC                      | 2414          | TELEGRAPH AVE |            | \$ 8,842.12         |
| 055 183700100 | TELEGRAPH BLAKE LLC                                | 2556          | TELEGRAPH AVE |            | \$ 2,250.49         |
| 055 187502600 | TELEGRAPH PARTNERS LLC                             | 2499          | TELEGRAPH AVE |            | \$ 2,190.92         |
| 055 183900500 | TELEGRAPH REGENT LLC                               | 2512          | REGENT ST     |            | \$ 3,298.74         |
| 055 187500800 | THELMA & LOUISE NO 2 LLC                           | 2508          | CHANNING WAY  |            | \$ 14,016.60        |
| 055 188101200 | TOWN & GOWN CLUB                                   | 2401          | DWIGHT WAY    |            | \$ 1,359.01         |
| 055 187600100 | TREVOR JAMES II                                    | 2328          | BOWDITCH ST   |            | \$ 1,632.71         |
| 055 188500102 | TRINITY UNITED METHODIST CHURCH OF BERKELEY        | 2362          | BANCROFT WAY  |            | \$ 1,290.72         |
| 055 188500104 | TRINITY UNITED METHODIST CHURCH OF BERKELEY        | 2362          | BANCROFT WAY  |            | \$ 4,911.81         |
| 055 187101200 | TRUST BENEFIT CHRISTIAN SCIENCE ORGANIZATION UC BE | 2601          | DURANT AVE    |            | \$ 696.53           |
| 055 188401200 | TWENTY THREE HUNDRED DURANT PARTNERSHIP            | 2300          | DURANT AVE    |            | \$ 2,161.80         |
| 055 186801000 | UNIVERSITY LUTHERAN CHAPEL OF BERKELEY CALIF       | 2425          | COLLEGE AVE   |            | \$ 712.80           |
| 055 187101501 | UNIVERSITY Y W C A                                 | 2600          | BANCROFT WAY  |            | \$ 2,514.07         |
| 055 187801700 | VALHAUS LP                                         | 2430          | BANCROFT WAY  |            | \$ 3,580.93         |
| 055 183801500 | VALUES INC INVESTMENT CO                           | 2418          | DWIGHT WAY    |            | \$ 1,657.42         |
| 055 187401300 | VEDANTA SOCIETY BERKELEY                           | 2455          | BOWDITCH ST   |            | \$ 957.94           |
| 055 188600400 | VERO PROPERTIES LLC                                | 2241          | DURANT AVE    |            | \$ 1,639.28         |
| 055 188100400 | VIRGINIA COLLEGE ASSOCIATES LP                     | 2482          | TELEGRAPH AVE |            | \$ 6,681.09         |
| 055 183502700 | WANG HAOLIN                                        | 2628          | TELEGRAPH AVE |            | \$ 136.94           |
| 055 188300400 | WEN WILLIAM K ETAL                                 | 2410          | DANA ST       |            | \$ 877.84           |
| 055 188500103 | WESLEY HOUSE BERKELEY LLC                          | 2398          | BANCROFT WAY  |            | \$ 2,508.05         |
| 055 183600603 | WONG FRANKLIN C & HENRY F                          | 2600          | TELEGRAPH AVE |            | \$ 1,642.31         |
| 055 184600200 | WU SEN T & SU H & CHUANG MARI                      | 2640          | DWIGHT WAY    |            | \$ 2,038.46         |
| 055 183503100 | XIA JING                                           | 2628          | TELEGRAPH AVE |            | \$ 136.94           |
| 055 187101100 | YEE FAYE & DAVID                                   | 2605          | DURANT AVE    |            | \$ 969.44           |
| 055 184004000 | YU JULIA & YU JEAN J TR                            | 2615          | TELEGRAPH AVE |            | \$ 122.26           |
| 055 187802000 | ZENG'S BERKELEY LLC                                | 2462          | BANCROFT WAY  |            | \$ 4,502.09         |
| 055 184004400 | ZHANG YINGQUN & WANG NAIRU                         | 2615          | TELEGRAPH AVE |            | \$ 86.81            |
| 055 183700200 | ZION PROPERTIES LLC                                | 2566          | TELEGRAPH AVE |            | \$ 3,554.45         |
|               |                                                    | <b>Totals</b> | <b>246</b>    |            | <b>\$216,958.05</b> |

|                                           |            |                      |
|-------------------------------------------|------------|----------------------|
|                                           | Tax Exempt | Private Parcels      |
|                                           | 24         | 222                  |
| County Fee @1.7% (on Private Parcels):    |            | \$ 10,087.84         |
| Net Assessment Revenue (Private Parcels): |            | \$ 583,314.70        |
| <b>Total Assessment Revenue:</b>          |            | <b>\$ 800,272.75</b> |

Note: Data for APN, Owner, and Land Use from the City's Land Management System is current as of March 30, 2022.





Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 31, 2022

**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.

Total estimated cost of items included in this report is **\$535,000**.

| <b><u>PROJECT</u></b>                                                          | <b><u>Fund</u></b> | <b><u>Source</u></b>                                           | <b><u>Amount</u></b> |
|--------------------------------------------------------------------------------|--------------------|----------------------------------------------------------------|----------------------|
| Preliminary Engineering for Adeline Street Transportation Improvements Project | 307<br>134         | Capital Grant<br><br>Measure BB –<br>Local Streets and<br>Road | \$535,000            |
| <b>Total:</b>                                                                  |                    |                                                                | <b>\$535,000</b>     |

**CURRENT SITUATION AND ITS EFFECTS**

On May, 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager's purchasing authority for services to \$50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of \$100,000 for goods; and \$200,000 for playgrounds and construction; and \$50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and

upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

BACKGROUND

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S., amending the City Manager's purchasing authority for services.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Finance Department reviews all formal bid and proposal solicitations to ensure that they include provisions for compliance with the City's environmental policies. For each contract that is subject to City Council authorization, staff will address environmental sustainability considerations in the associated staff report to City Council.

RATIONALE FOR RECOMMENDATION

Need for the services.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Darryl Sweet, General Services Manager, Finance, 510-981-7329

Attachments:

- 1: Formal Bid Solicitations and Request for Proposals Scheduled For Possible Issuance After Council Approval on May 31, 2022
  - a. Preliminary Engineering for Adeline Street Transportation improvements Project

Note: Original of this attachment with live signature of authorizing personnel is on file in General Services.

| SPECIFICATI<br>ON NO. | DESCRIPTION<br>OF GOODS /<br>SERVICES<br>BEING<br>PURCHASED                    | APPROX.<br>RELEASE<br>DATE | APPROX.<br>BID<br>OPENING<br>DATE | INTENDED USE                                                                                                                                                                           | ESTIMATED COST      | BUDGET CODE TO BE<br>CHARGED                                                                                                                                                            | DEPT. /<br>DIVISION             | CONTACT<br>NAME &<br>PHONE |
|-----------------------|--------------------------------------------------------------------------------|----------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|----------------------------|
| 22-11526-C            | Preliminary Engineering for Adeline Street Transportation Improvements Project | 6/1/2022                   | 6/22/2022                         | Professional engineering and project management services for the preliminary design of multimodal improvements to a portion of Adeline Street, from MLK Jr. Way to the Oakland border. | \$535,000           | \$495,000 will be available via AAO2 from 307-54-622-668-0000-000-431-612310-PWTRCT2201<br><br>\$40,000 is available via AAO2 budget from 134-54-622-668-0000-000-431-612310-PWTRCT2201 | Public Works/<br>Transportation | Eric Anderson<br>981-7062  |
| <b>Dept TOTAL</b>     |                                                                                |                            |                                   |                                                                                                                                                                                        | \$535,000.00        |                                                                                                                                                                                         |                                 |                            |
| <b>TOTAL</b>          |                                                                                |                            |                                   |                                                                                                                                                                                        | <b>\$535,000.00</b> |                                                                                                                                                                                         |                                 |                            |





Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Notice of Appropriations Limit for Fiscal Year 2023

RECOMMENDATION

Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2023 at its meeting of June 28, 2022; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 13, 2022.

FISCAL IMPACTS OF RECOMMENDATION

On June 28, 2022, the Council will set the Fiscal Year 2023 appropriations limit. The amount of appropriations subject to the limit is the budgeted proceeds of taxes (e.g., all taxes levied; transfers from an enterprise fund to the extent those transfers exceed the cost of providing the services; discretionary state subventions; interest earned from the investment of proceeds of taxes, etc.), and the total of these budgeted revenues cannot exceed the total appropriations limit. The City's actual appropriations in each fiscal year have been significantly below the limit, as they will be for Fiscal Year 2023. Thus, there are no present fiscal implications of establishing the limit.

CURRENT SITUATION AND ITS EFFECTS

Senate Bill 1352 requires that 1) the governing body of each local jurisdiction shall, by a legislative action, establish its appropriations limit at a regularly scheduled or special meeting and that documentation used in the determination of the appropriations limit shall be made available to the public fifteen days before that meeting. Government Code Section 7910 requires that the City adopt its appropriations limit prior to the beginning of each fiscal year.

This Resolution gives public notice of Council's intent to adopt an appropriations limit for Fiscal Year 2023 at its meeting of June 28, 2022, and that the documents used in calculating the limit will be available for public review on or before June 13, 2022.

Proposition 4, approved by the electorate of the State of California via a special election held on November 6, 1979, added Article XIII B to the constitution of the state. It requires

local governments to adopt yearly appropriation limits according to specified formulas, and allows for specified, yearly adjustments of the limit. Proposition 111, approved by the voters June 5, 1990, and changed the Proposition 4 adjustment.

formulas. Senate Bill 152, Government Code Sections 7900, et. seq, enacted by the Legislature of the State of California, provided for the implementation of Article XIII B defining various terms used in this article and prescribing procedures to be used in implementing specific provisions of the Article.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

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

#### BACKGROUND

The Finance Department of the City of Berkeley compiles the data and makes calculations incident to the determination of the XIII B appropriations limit. The amount of the Fiscal Year 2023 appropriations limit and the documentation incident to the determination thereof will be available for review by the public in the Office of the City Clerk on or before June 13, 2022, at least fifteen days prior to the Council's scheduled adoption of the appropriation limit, as required by law.

#### RATIONALE FOR RECOMMENDATION

This is a state law.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

#### Attachments:

1: Resolution

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

PROVIDING NOTICE OF SCHEDULED ADOPTION OF APPROPRIATIONS LIMIT FOR FISCAL YEAR 2023 PURSUANT TO ARTICLE XIII B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA

WHEREAS, on November 6, 1979, the citizens of the State of California approved Proposition 4, which added Article XIII B to the Constitution of the State of California to place various limitations on the fiscal powers of State and local government; and

WHEREAS, Senate Bill 1352, Government Code Section 7900, et. seq. enacted by the Legislature of the State of California, provides for the implementation of Article XIII by defining various terms in this article; and

WHEREAS, the governing body of each jurisdiction is required to establish its appropriations limit at a regularly scheduled meeting or noticed special meeting; and

WHEREAS, 15 days prior to such meeting, the documentation used in the determination of the appropriations limit shall be made available to the public.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley does hereby give notice that it will, at its meeting of June 28, 2022, adopt a Resolution which establishes the appropriations limit for the 2022 Fiscal Year pursuant to Article XIII B of the Constitution of the State of California.

BE IT FURTHER RESOLVED that the documentation used in the determination of the appropriation limit for Fiscal Year 2023 shall be made available for public review in the Office of the City Clerk of the City of Berkeley, 2180 Milvia Street, Berkeley, California, on or before June 13, 2022.







Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

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: Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services

RECOMMENDATION

Adopt four Resolutions authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:

1. **Foster Care Program** in the projected amount of \$93,187 for FY 2023.
2. **Berkeley High School and Berkeley Technology Academy Health Center Programs** in the projected amount of \$181,208 for FY 2023.
3. **School Linked Health Services Program (Measure A Funding)** in the projected amount of \$200,011 for FY 2023.
4. **Tobacco Prevention Program** in the projected amount of \$78,960 for FY 2023.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds in the amount of \$553,366 from Alameda County for FY 2023 from the sources listed below. There is no local match required for any of these grants, however, the City does provide a significant amount of general fund to support these important programs. Each contract has been entered into the citywide contract management system database:

1. **Foster Care Program:** Revenue Budget Code 326-51-506-556-2046-000-000-431110-. This contract is anticipated to be for \$93,187 in FY 2023.
2. **Berkeley High School Health Center and Berkeley Technology Academy Programs:** Revenue Budget Code 326-51-506-561-0000-000-000-433110-. This contract is anticipated to be for \$181,208 in FY 2023.

3. **School Linked Health Services Program (Measure A Funding):** Revenue Budget Code 326-51-506-560-0000-000-000-432110-. This contract is anticipated to be for \$200,011 in FY 2023.
4. **Tobacco Prevention Program:** Revenue Budget Code 326-51-506-559-2053-000-000-433110-. This contract is anticipated to be for \$78,960 in FY 2023.

Spending of all referenced grant funds is subject to Council approval of the budget for each fiscal year and the Annual Appropriations Ordinances. Depending on when grants are officially awarded and the amounts are determined, the grant budgets will be adjusted as part of a future amendment to the FY 2023 Annual Appropriations Ordinance.

#### CURRENT SITUATION AND ITS EFFECTS

As a local health jurisdiction, the City of Berkeley provides a broad range of public health program services to the community, with the goals of addressing health inequities, promoting healthy environments and behaviors, protecting residents from disease, and preventing illness, disability, and premature death. Alameda County revenue is an important source of support for these City public health programs. In FY 2023, there are no significant changes to this support.

1. **Foster Care Program:** Meets State mandated Child Health and Disability Prevention (CHDP) requirements. This is the Health Care Program for Children in Foster Care (HCPFC) which provides preventive health services for Berkeley children in foster care. Services include: medical and health care case planning; referrals for medical, dental, mental health and developmental services; coordination of health services for children in out-of-county and out-of-state placements; and medical education through the interpretation of medical reports and training for foster care team members on the special health care needs of children and youth in foster care.
2. **Berkeley High School and Berkeley Technology Academy Health Center Programs:** Provides clinical and health education services to adolescents attending Berkeley High School and Berkeley Technology Academy.
3. **School Linked Health Services Program (Measure A Funding):** Increases the capacity of Berkeley Unified School District to meet the health, medical, and dental needs of K-5 students, and to create the infrastructure to more effectively perform public health surveillance for communicable diseases, promote school connectedness, and reduce chronic absenteeism.
4. **Tobacco Prevention Program:** Provides tobacco cessation services, enforcement of tobacco retail licensing requirements, and youth prevention education.

### BACKGROUND

The City of Berkeley receives funding from many sources annually to complete work related to improving the health of the community. As a local health jurisdiction, the City receives specific funding through Alameda County to meet core public health objectives. The Division is committed to providing services to the community to promote healthy environments and prevent the spread of disease.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

### RATIONALE FOR RECOMMENDATION

These funds provide necessary revenue to support vital services related to the City of Berkeley's mandates as a Public Health jurisdiction. They also support the Department's work to reduce health inequities in Berkeley and improve the health of our community.

### ALTERNATIVE ACTIONS CONSIDERED

The Public Health Division assesses each funding source to ensure that it supports the City's mission and goals. The alternative action of not seeking any of these funding sources would be a significant reduction in public health services to the community.

### CONTACT PERSON

Janice Chin, Manager, Public Health Division, HHCS (510) 981-5121

### Attachments:

- 1: Resolution: Foster Care Program
- 2: Resolution: Berkeley High School and Berkeley Technology Academy Health Center Programs
- 3: Resolution: School Linked Health Services Program (Measure A Funding)
- 4: Resolution: Tobacco Prevention Program

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

GRANT AGREEMENT WITH ALAMEDA COUNTY FOR THE FOSTER CARE PROGRAM TO PROVIDE CHDP AND HCPCFC PROGRAMMING FOR FY 2023

WHEREAS, the City of Berkeley Public Health Division of the Department of Health, Housing & Community Services is committed to insuring that Berkeley children in foster care receive the full scope of preventive health services; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services provides a broad range of needed Public Health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Public Health Division seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to Alameda County for fiscal year 2023 funding for the Foster Care Program to meet our mandate so that Berkeley children in foster care receive the full scope of Child Health and Disability Prevention Program preventive health services, to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$93,187; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Budget Codes: (Revenue) 326-51-506-556-2046-000-000-431110-; and (Expenditure) 326-51-506-556-2046-000-451- various. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

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

GRANT AGREEMENT WITH ALAMEDA COUNTY FOR THE BERKELEY HIGH SCHOOL AND BERKELEY TECHNOLOGY ACADEMY HEALTH CENTER PROGRAMS FOR FY 2023

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services is committed to providing health services and health education to adolescents attending Berkeley High and Berkeley Technology Academy; and

WHEREAS, the City of Berkeley Public Health Division of the Department of Health, Housing & Community Services provides a broad range of needed Public Health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Public Health Division seeks to eliminate health and educational inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to Alameda County for fiscal year 2023 funding for the Berkeley High School and Berkeley Technology Academy Health Center Programs to provide health services and health education to adolescents attending Berkeley High and Berkeley Technology Academy to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$181,208; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Budget Codes: (Revenue) 326-51-506-561-0000-000-000-433110-; and (Expenditure) 326-51-506-560-0000-000-451- various. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

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

GRANT AGREEMENT WITH ALAMEDA COUNTY FOR THE SCHOOL LINKED  
HEALTH SERVICES (MEASURE A) PROGRAM FOR FY 2023

WHEREAS, the City of Berkeley Public Health Division of the Department of Health, Housing & Community Services is committed to increasing the capacity of Berkeley Unified School District to meet the health, medical and dental needs of students, and to create the infrastructure to more effectively perform public health surveillance and enforcement functions for communicable diseases and disease outbreaks; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services provides a broad range of needed Public Health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Public Health Division seeks to eliminate health and educational inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to Alameda County for fiscal year 2023 funding for the School Linked Health Services Program (Measure A Funding) to increase the capacity of the Berkeley Unified School District to meet the health, medical and dental needs of students, and to create the infrastructure to more effectively perform public health surveillance and enforcement functions for communicable diseases and disease outbreaks, to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$200,011; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Budget Codes: (Revenue) 326-51-506-560-0000-000-000-432110-; and (Expenditure): 326-51-506-560-0000-000-451- various. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

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

GRANT AGREEMENT WITH ALAMEDA COUNTY FOR THE TOBACCO  
PREVENTION PROGRAM FOR FY 2023

WHEREAS, the City of Berkeley Public Health Division of the Department of Health, Housing & Community Services is committed to providing tobacco cessation services, enforcement of tobacco retail licensing requirements and youth prevention education; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services provides a broad range of needed Public Health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Public Health Division seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to Alameda County for fiscal year 2023 funding for the Tobacco Prevention Program: to provide tobacco cessation services, enforcement of tobacco retail licensing requirements and youth prevention education, to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$78,960; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Budget Codes: (Revenue) 326-51-506-559-2053-000-000-433110-; and (Expenditure) 326-51-506-559-2053-000-451- various. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.







Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

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: Revenue Grant: Funding Support from Alameda County to Public Health Infrastructure Program

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Public Health Infrastructure Program in the projected amount of \$32,080 for FY 2023.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds in the amount of \$32,080 from Alameda County for FY 2023 for the Public Health Infrastructure Program to support public health staffing: Alameda County Grants Fund Revenue: 326-51-501-559-2053-0000-00-433110- and Expenditure Codes 326-51-501-503-2053-000-451--various. There is no local match required for this grant, however, the City does provide a significant amount of general fund to support public health programs.

Spending of grant funds is subject to Council approval of the budget for each fiscal year and the Annual Appropriations Ordinances. Depending on when the grant is officially awarded and the allocation amounts determined, the grant budget will be adjusted as part of a future amendment to FY 2023 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

The Public Health Infrastructure Program improves the core services of the Public Health Officer Unit by funding epidemiological surveillance, as well as ongoing data management and analysis to monitor health in the Berkeley community. Additionally, these funds are used in public health program evaluations, including assessment of the impact on health inequities and priorities identified in the Health Status Report.

As a local health jurisdiction, the City of Berkeley provides a broad range of public health program services to the community, with the goals of addressing health inequities, promoting healthy environments and behaviors, protecting residents from

disease, and preventing illness, disability, and premature death. Alameda County revenue is an important source of support for these City public health programs. In FY 2022, there are no significant changes to this support.

#### BACKGROUND

The City of Berkeley receives funding from many sources annually for its work of improving the community's health. As a local health jurisdiction, the City receives specific funding through Alameda County to meet core public health objectives. The Department of Health, Housing, and Community Services is committed to providing services to the community to promote equitable, healthy environments and prevent the spread of disease.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### RATIONALE FOR RECOMMENDATION

These funds provide necessary revenue to support vital services related to the City of Berkeley's mandates as a public health jurisdiction. They also support the Department's work to reduce health inequities in Berkeley and improve the health of our community.

#### ALTERNATIVE ACTIONS CONSIDERED

The Public Health Officer Unit assesses each funding source to ensure that it supports the City's mission and goals. The alternative action of not seeking any of these funding sources would be a significant reduction in public health services to the community.

#### CONTACT PERSON

Alexandra Deitch, Sr. Health Services Program Specialist, HHCS (510) 981-5379

Attachments:

1: Resolution:

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

GRANT AGREEMENT WITH ALAMEDA COUNTY FOR THE PUBLIC HEALTH  
INFRASTRUCTURE PROGRAM FOR FISCAL YEAR 2023

WHEREAS, the City of Berkeley Public Health Officer Unit of the Department of Health, Housing & Community Services is committed to providing necessary support to analyze data, plan and disseminate information, and provide general public health education; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services provides a broad range of public health services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services works to promote equitable, healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley Public Health Officer Unit seeks to enhance and protect the health of the Berkeley community by producing and managing data for health assessment, planning, policy, and disease prevention and control to ensure and protect public health for a thriving, equitable, safe and healthy Berkeley.

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to Alameda County for fiscal year 2023 funding for the Public Health Infrastructure Program to accept the grant; execute any resultant revenue agreements and amendments; and implement the projects and appropriation of funding in the amount of \$32,080 for related expenses, subject to securing the grant. Budget Codes (Revenue): 326-51-501-503-2053-000-000-433110- (Expenditure): 326-51-501-503-2053-000-451-- various. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR

May 31, 2022

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: Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$120,000 for April 1, 2022 to March 30, 2023.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds in the projected amount of \$120,000 for FY 2023 through the funding source listed above. The contract will have its contract number and the source has a defined budget code.

**Essential Access Health:** The April 1, 2022 – March 30, 2023 \$120,000 allocation will be allocated to revenue budget codes 321-51-506-560-0000-000-000-431110- High School Health Centers (HSHC) - \$41,778 (Expenditure Budget Code: 321-51-506-560-0000-000-451- various). There are no matching funds required by the funder.

Spending of the referenced grant funds is subject to Council approval of the budget and the Annual Appropriations Ordinances. Depending on when grants are officially awarded and the amounts are determined, the grant budgets will be adjusted as part of the First Amendment to the FY 2023 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

As a local health jurisdiction, the City of Berkeley provides a broad range of public health program services to the community, with the goals of addressing health inequities, promoting healthy environments and behaviors, protecting residents from disease, and preventing illness, disability, and premature death. This grant will fund the following services:

Essential Access Health is the administrator for California's Title X federal family planning funds to provide reproductive health services at the Ann Chandler Public Health Clinic and the High School Health Centers (Berkeley High School Health Center and Berkeley Technology Academy Health Center). Federal Title X Funds are given to a non-profit agency, Essential Access Health, and are then dispersed to local health jurisdictions throughout the State through a competitive grant process. The funds are used to support clinical reproductive health services, as well as individual and community health education and outreach activities.

#### BACKGROUND

The City of Berkeley receives funding from many sources annually to complete work related to improving the health of the community. As a local health jurisdiction, the City is committed to exploring opportunities for funding to support key initiatives to augment base funding resources. The Division is committed to providing essential services to the community to prevent the spread of disease and to promote healthy environments.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### RATIONALE FOR RECOMMENDATION

These funds support vital services related to the City's mandates as a public health jurisdiction and local initiatives designed to address health inequities in Berkeley and improve the health of Berkeley residents. These competitive grants support the Department's mission and provide the City with funding to continue working to protect and improve the health of the community.

#### ALTERNATIVE ACTIONS CONSIDERED

The Public Health Division assesses each funding source to ensure that it supports the City's mission and goals. The alternative action of not seeking any of these funding sources would result in not providing these public health services to the community.

#### CONTACT PERSON

Janice Chin, Manager, Public Health Division, HHCS, (510) 981-5121

#### Attachments:

1. Resolution

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

REVENUE GRANT: ESSENTIAL ACCESS HEALTH FOR CLINICAL REPRODUCTIVE HEALTH SERVICES AND HEALTH EDUCATION AND OUTREACH

WHEREAS, it is important to provide comprehensive clinical reproductive health services to individuals of reproductive age to plan their pregnancies and prevent and reduce sexually transmitted infections; and

WHEREAS, preconception/inter-conception care and education is a key part of family planning services; and

WHEREAS, adolescents require teen specific counseling and education; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, through Title X funds, will provide reproductive health services and education at the Ann Chandler Public Health Clinic, Berkeley High School Health Center and Berkeley Technology Academy Health Center; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services seeks to eliminate health and educational inequities; and

WHEREAS, the projected amount of the grant is \$120,000; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit grant application to Essential Access Health for April 1, 2022 – March 30, 2023 to support clinical reproductive health services, as well as individual and community health education and outreach activities; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$120,000; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Budget Code (Revenue): 321-51-506-560-0000-000-000-431110-; (Expenditure): various and 321-51-506-560-0000-000-451- various; A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.







Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

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: Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Services

RECOMMENDATION

Adopt five Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:

1. **Child Health and Disability Prevention (CHDP) Program**, which includes Early Periodic Screening, Diagnosis and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of \$358,309 for FY 2023.
2. **Maternal, Child and Adolescent Health (MCAH) Program**, in the projected amount of \$381,147 for FY 2023.
3. **Tobacco Trust Fund** in the projected amount of \$300,000 in FY 2023.
4. **Immunization Program**: In the projected amount of \$1,185,901 for FY 2023.
5. **Public Health Emergency Preparedness (PHEP)/Pandemic Flu/Cities Readiness Initiative (CRI) Program** in the projected allocation of \$265,000 for FY 2023.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds in the estimated total combined amount of \$2,490,357 from the State of California for FY 2023 through the five funding sources listed above. Each contract will have its own identifying contract number and each source has a defined budget code:

1. **Child Health and Disability Prevention (CHDP) Program**: Revenue Budget Code 312-51-506-556-2046-000-000-432110-, 312-51-506-562-0000-000-000-

432110-, and 312-51-506-562-0000-000-000-432110-. Included in this single State contract, the Early Periodic Screening, Diagnosis, and Treatment (EPSDT) Program and the Health Care Program for Children in Foster Care (HCPCFC). The State establishes an annual cap on local revenue for this program and requires a local match. The precise amount of revenue the City earns is determined by the City's level of match funding, program staff time-studies, and level of eligible services. The City will provide \$39,000 in matching funding in Expenditure Budget Codes 312-51-506-562-0000-000-451- various and 011-51-506-555-0000-000-451- various. Revenue for FY 2023 is expected to be \$358,309.

2. **Maternal, Child and Adolescent Health (MCAH) Program:** Revenue Budget Code 312-51-506-562-0000-000-000-432110-. The state establishes an annual cap on local revenue for this program and requires a local match. The precise amount of revenue the City earns is determined by the City's level of match funding, program staff time-studies, and level of eligible services. The City provides \$150,000 in matching funding in Expenditure Budget Codes 011-51-506-562-0000-000-451- various, 011-51-506-559-2073-000-451- various, and 011-51-506-562-0000-000-451- various. Revenue for FY 2023 is expected to be \$381,147.
3. **Tobacco Trust Fund:** Revenue Budget Code 157-51-506-559-2053-000-000-432310-. There is no match required and this contract is expected to be for \$300,000 in FY 2023.
4. **Immunization Program:** Revenue Budget Code 312-51-506-562-0000-000-000-432110-. There is no match required and this contract is expected to be for \$1,185,901 in FY 2023.
5. **Public Health Emergency Preparedness (PHEP)/Pandemic Flu/CRI Program:** Revenue Budget Codes: 350-51-506-557-0000-000-000-431110-, 350-51-506-557-2047-000-000-431110-, 350-51-506-557-2048-000-000-431110-. There is no match required and this contract is expected to be for \$265,000 for FY 2023.

Spending of all referenced grant funds is subject to Council approval of the budget for each fiscal year and the Annual Appropriations Ordinances. Depending on the timing of when grants are officially awarded and the amounts are determined, the grant budgets will be adjusted as part of a future amendment to the FY 2023 Annual Appropriations Ordinance.

#### CURRENT SITUATION AND ITS EFFECTS

As a local health jurisdiction, the City of Berkeley provides a broad range of public health program services to the community, with the goals of addressing health

inequities, promoting healthy environments and behaviors, protecting residents from disease, and preventing illness, disability, and premature death. In addition to the funding referenced in this report, the City also has continuing multi-year public health grants with the State of California. The total additional anticipated revenue from these state grants is \$2,490,357 in FY 2023.

### BACKGROUND

The City of Berkeley receives funding from many sources annually to complete work related to improving the health of the community. As a local health jurisdiction, the City is entitled to specific State funding to meet core public health objectives. The Division is committed to providing essential services to the community to prevent the spread of disease and to promote healthy environments.

The State establishes funding caps for the CHDP/EPSTD/HPCFC and MCAH programs, with actual revenue determined by City matching funds and service delivery. Revenue projections are based on recent year actual revenues in these programs, service-delivery staffing, eligible client populations, and available matching funds. These projections will enable the Department to keep expenditures within actual revenues, by budgeting expenditures to realistic revenue projections.

Each grant serves a specific purpose in the Department's work towards improving the health of our community:

1. Child Health and Disability Prevention (CHDP) Program, which includes the Early Periodic Screening, Diagnosis, and Treatment (EPSTD) Program and the Health Care Program for Children in Foster Care (HPCFC), ensures access to complete health assessments for the early detection and prevention of disease and disabilities for low-income children and youth including children in the foster care system.
2. Maternal, Child and Adolescent Health (MCAH) Program develops and implements systems that protect and improve the health of women of reproductive age, infants, children, adolescents and their families and works to reduce the morbidity and mortality of pregnant African American women and their infants. The MCAH program includes Berkeley's Black Infant Health program, which provides groups and other supports to pregnant and post-partum mothers and their infants.
3. Tobacco Trust Fund works to reduce death and disease caused by tobacco use and exposure to second hand smoke.
4. Immunization Program provides community immunization services.
5. Public Health Emergency Preparedness/Pandemic Flu/CRI Program works to promote and protect the health of community and the environment by developing

up-to-date medical/health emergency plans, sustaining state and regional disease control, and by coordinating emergency response efforts with hospitals and healthcare partners.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

These funds support vital services related to our mandates as a public health jurisdiction and local initiatives designed to address health inequities in Berkeley and improve the health of Berkeley residents. These non-competitive grants support the Department's mission and provide the City with funding to continue working to protect and improve the health of the community.

ALTERNATIVE ACTIONS CONSIDERED

This funding is essential for the Public Health Division's mission and goals. The Public Health Division assesses each funding source to ensure that it supports the City's mission and goals. The alternative action of not seeking any of these funding sources would result in a significant reduction in public health services to the community.

CONTACT PERSON

Janice Chin, Manager, Public Health Division, HHCS, (510) 981-5121

Attachments:

1. Resolution: CHDP/EPSTDT/HCPCFC Programs
2. Resolution: MCAH Program
3. Resolution: Tobacco Trust Fund
4. Resolution: Immunization
5. Resolution: Public Health Preparedness Program Pandemic Flu/CRI

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

GRANT AGREEMENT: STATE OF CALIFORNIA FOR CHDP, EPSDT, AND HCPCFC PROGRAMS FOR FY 2023

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division, is committed to assuring access to complete health assessments for the early detection and prevention of disease and disabilities for low-income children and youth including children in the foster care system; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services provides a broad range of needed public health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to the State of California for funding for fiscal year 2023 for the Child Health and Disability Prevention, Early Periodic Screening, Diagnosis and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC): to assure access to complete health assessments for the early detection and prevention of disease and disabilities for low-income children and youth including children in the foster care system; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$358,309; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Budget Codes: (Revenue) 312-51-506-556-2046-000-000-432110-, 312-51-506-562-0000-000-000-432110-, 312-51-506-562-0000-000-000-432110-; and (Expenditure): 326-51-506-556-2046-000-451-various, 312-51-506-562-0000-000-451-various, and 011-51-506-555-0000-000-451-various; A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

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

GRANT AGREEMENT: STATE OF CALIFORNIA FOR THE MATERNAL, CHILD, AND ADOLESCENT HEALTH (MCAH) FOR FY 2023

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division, is committed to developing systems that protect and improve the health of women of reproductive age, infants, children, adolescents and their families; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division, is committed to reducing the morbidity and mortality of pregnant African American women and their infants; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services provides a broad range of needed public health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to the State of California for funding for fiscal year 2023 for the Maternal, Child, and Adolescent Health (MCAH) program: to develop systems that protect and improve the health of women of reproductive age, infants, children, adolescents and their families and to reduce the morbidity and mortality of pregnant African American women and their infants; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$381,147; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Revenue Budget Code 312-51-506-562-0000-000-000-432110-. Expenditure Budget Codes 011-51-506-562-0000-000-451- various, 011-51-506-559-2073-000-451- various, and 011-51-506-562-0000-000-451- various. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

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

GRANT AGREEMENT: STATE OF CALIFORNIA FOR THE TOBACCO TRUST FUND  
FOR FY 2023

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division, is committed to reducing death and disease caused by tobacco use and exposure to second hand smoke; and

WHEREAS, second hand smoke is classified as a “known human carcinogen” (cancer causing agent) by the US Environmental Protection Agency, The US Toxicology Program, and the International Agency for Research on Cancer, a branch of the World health organization; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services provides a broad range of needed public health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to submit a grant agreement to the State of California for funding for fiscal year 2023 for the Tobacco Trust Fund; to reduce death and disease caused by tobacco use and exposure to second hand smoke; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$300,000; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Budget Codes: (Revenue) 157-51-506-559-2053-000-000-432310-; (Expenditure) 157-51-506-559-2053-000-451-511110-various; A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

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

GRANT AGREEMENT: STATE OF CALIFORNIA FOR THE IMMUNIZATION PROGRAM FOR FY 2023

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division, is committed to providing immunization services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division, is committed to providing medical providers technical assistance and support related to immunization best practices; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services provides a broad range of needed public health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to submit a grant agreement to the State of California for funding for fiscal year 2023 for the Immunization Program to provide immunization services to the community; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$1,185,901; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Budget Codes: (Revenue) 312-51-506-562-0000-000-000-432110- and (Expenditure) 312-51-506-562-0000-000-451-511110-various; A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.



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

GRANT AGREEMENT: STATE OF CALIFORNIA FOR THE PUBLIC HEALTH  
PREPAREDNESS PROGRAM PANDEMIC FLU/CRI FOR FY 2023

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division, is committed to promoting and protecting the health of the public and the environment by developing up-to-date emergency plans, sustaining state and regional disease control, and coordinating emergency response efforts with hospitals and partner organizations; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services provides a broad range of needed public health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to submit a grant agreement to the State of California for funding for fiscal year 2023 for the Public Health Preparedness Program: to promote and protect the health of the public and the environment by developing up-to-date emergency plans, sustaining state and regional disease control, and coordinating emergency response efforts with hospitals and partner organizations; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$265,000; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Budget Codes: (Revenue) 350-51-506-557-0000-000-000-431110-, 350-51-506-557-2047-000-000-431110-, 350-51-506-557-2048-000-000-431110- and (Expenditure) 350-51-506-557-0000-000-451-511110-various, 350-51-506-557-2047-000-451-511110-various, 350-51-506-557-2048-000-451-511110-various. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

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: Revenue Grant: Funding Support from the State of California for the Tuberculosis Control Program

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grant, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the Tuberculosis Control Program in the projected amount of \$14,000 for FY 2023.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds in the estimated amount of \$14,000 from the State of California for FY 2023 for the Tuberculosis Control Program. There is no match required. The State formula for distribution of Tuberculosis Control funding is dependent upon the number and complexity of active tuberculosis cases and the actual amount may be significantly different from anticipated levels if there are fewer or more qualifying cases.

Spending of all referenced grant funds is subject to Council approval of the budget for each fiscal year and the Annual Appropriations Ordinances. Depending on the timing of when grants are officially awarded and the amounts are determined, the grant budgets will be adjusted as part of a future amendment to the FY 2023 Annual Appropriations Ordinance. Tuberculosis Control Program funds typically support Public Health Officer's Unit staff work with people with Tuberculosis.

The grant award will be deposited and expensed from the Health (General) Fund. (Revenue): 312-51-506-563-0000-000-000-432110 and (Expense): 312-51-501-503-2077-451-various.

CURRENT SITUATION AND ITS EFFECTS

The Tuberculosis Control Program of the Communicable Disease Prevention and Control Program conducts public health tuberculosis prevention and control activities and performs related services such as providing food, shelter, and incentives to enhance treatment adherence. The overall goal of this program is to reduce morbidity

and mortality of Tuberculosis by increasing compliance and breaking the chain of transmission.

As a local health jurisdiction, the City of Berkeley provides a broad range of public health programs and services to the community, with the goals of addressing health inequities, promoting equitable, healthy environments and behaviors, protecting residents from disease, and preventing illness, disability, and premature death.

#### BACKGROUND

The City of Berkeley receives funding from many sources annually to complete work related to improving the health of the community. As a local health jurisdiction, the City is entitled to specific State funding to meet core public health objectives. The Public Health Division is committed to providing essential services to the community to prevent the spread of disease and promote healthy, equitable environments.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### RATIONALE FOR RECOMMENDATION

These funds support vital services related to our mandates as a public health jurisdiction and local initiatives designed to address health inequities in Berkeley and improve the health of Berkeley residents. These non-competitive grants support the Department's mission and provide the City with funding to continue working to protect and improve the health of the community.

#### ALTERNATIVE ACTIONS CONSIDERED

The Public Health Division assesses each funding source to ensure that it supports the City's mission and goals. The alternative action of not seeking any of these funding sources would be a significant reduction in mandated public health services to the community.

#### CONTACT PERSON

James Allard, Supervising Public Health Nurse, HHCS, 510.981.5377

#### Attachments:

1. Resolution: Tuberculosis Control Program

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

GRANT AGREEMENT: STATE OF CALIFORNIA FOR THE TUBERCULOSIS CONTROL PROGRAM FOR FY 2023

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services is committed to conducting public health tuberculosis control and prevention activities and providing related services to ensure adherence to State and Federal standards; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services is committed to protecting residents of Berkeley from tuberculosis, especially unidentified and untreated tuberculosis infections and disease; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services provides a broad range of needed public health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley Public Health Division seeks to enhance and protect the health of the Berkeley community by producing and managing data for health assessment, planning, policy, and disease prevention and control to ensure and protect public health for a thriving, equitable, safe and healthy Berkeley; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital public health services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to the State of California for funding for fiscal year 2023 for the Tuberculosis Control Program: to conduct public health tuberculosis control and prevention activities and provide related services; to accept the grant; execute any resultant revenue agreements and amendments; and implement the projects and appropriation of funding in the estimated amount of \$14,000 for related expenses, subject to securing the grant. Budget Codes (Revenue): 312-51-501-563-0000-000-000-432110; (Expenditure) 312-51-501-503-2077-451-various. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

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: Contract: Interior Motions for Health, Housing, and Community Services  
 Public Health Division Furniture

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments or extensions with Interior Motions for new furniture for the Public Health Division offices. The contract will be in an amount not to exceed \$135,000 for the period April 1, 2022 through December 30, 2022.

FISCAL IMPACTS OF RECOMMENDATION

Interior Motions, a City vendor, has been selected to furnish the Public Health Division Office in preparation for a number of staff and program moves. Interior Motions has met all of the steps of the City’s competitive Request for Proposal process and has submitted a revised quote with final pricing. The original and revised pricing proposal includes delivery, assemblage, and installation of all furniture.

The contract will have a total not to exceed amount of \$135,000 from the following accounts in Fiscal Year 2022:

| Amount    | Account                            |
|-----------|------------------------------------|
| \$104,956 | 011-51-506-555-0000-000-451-651120 |
| \$12,591  | 011-51-506-561-0000-000-451-651120 |
| \$17,453  | 011-51-506-555-2025-000-449-651120 |

CURRENT SITUATION AND ITS EFFECTS

The Public Health Division provides a variety of services and programs to the community, including Maternal, Child, Health, Emergency Preparedness, Tobacco Programs, Oral Health, and Nutrition Services. The Public Health Division has several

organizational changes underway, including multiple staff and program relocations across three locations; resulting in a need for additional furniture and equipment. Additionally, furniture and equipment are needed to provide accommodations for physical distancing and workplace ergonomics. Updated furnishings will enable our staff and community members to engage safely in socialization and health promotion activities.

The furniture contract with Interior Motions will enable the Public Health Division to provide welcoming and well-maintained facilities in order to foster dynamic and sustainable service provision to the community. The pricing resulting from the RFP was so competitive that the Public Health Division proposes to include additional quantities of the products identified to fully outfit the West Berkeley Service Center with an additional \$35,000. Staff originally excluded the West Berkeley Service Center from the RFP because identified funding was not expected to be sufficient.

#### BACKGROUND

The City released a Request for Proposals (RFP) under Specification No. 22-11486-C, conducted a voluntary site walk-thru, and convened a panel of stakeholders to select Interior Motions as the most responsive and responsible bidder for this contract. The original RFP was established for \$100,000, resulting in highly competitive pricing. The pricing was so competitive, the Public Health Division would be able to include additional quantities of the proposed products to fully outfit the West Berkeley Service Center with an additional \$35,000.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental impacts identified at this time.

#### RATIONALE FOR RECOMMENDATION

Interior Motions is a current City vendor. Their proposal includes high quality furniture that aligns with the intended multifunctional uses for HHCS facilities.

#### ALTERNATIVE ACTIONS CONSIDERED

The City could not provide updated furniture to staff, and program, staffing and safety practices would be limited by the use of existing furniture.

#### CONTACT PERSON

Janice Chin, Public Health Division Manager, HHCS, (510) 981-5121

Attachments:

1: Resolution



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

CONTRACT: INTERIOR MOTIONS FOR HEALTH, HOUSING, AND COMMUNITY  
SERVICES FURNITURE

WHEREAS, new office furniture and equipment will serve current and future staff to operate programs and services; and

WHEREAS, new office furniture and equipment will also provide a more efficient delivery of services to community members; and

WHEREAS, Interior Motions was selected by the City's RFP process which includes bidding from vendors, draft proposals, and pricing; and

WHEREAS, funds are available in Fiscal Year 2022 budget in the 011-51-506-555-0000-000-451-651120.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute a contract and any amendments, with Interior Motions to deliver, assemble, and install office furniture and equipment for the Public Health Division in an amount not to exceed \$135,000 for the period April 1, 2022 thru December 30, 2022. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.





Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

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: Expenditure Contract: California Mental Health Student Services Act Grant Funds for Berkeley Unified School District for Coordination and Provision of Mental Health Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract with Berkeley Unified School District (BUSD) to transfer grant funds in the amount of \$2,267,355 requested for BUSD and received from the Mental Health Services Accountability and Oversight Commission (MHSAOC). These funds will be used by BUSD to coordinate and provide mental health staffing and services in BUSD in Fiscal Years 2022 through 2027.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley has received funds in the amount of \$2,500,000.00 from the Mental Health Services Oversight and Accountability Commission (MHSAOC) specifically to support the coordination and provision of mental health services in BUSD. The funds for this contract will be deposited and expensed from the One-Time Grant: No Capital Fund, ERMA revenue GL Code 336-51-503-525- (FUND\$ Project Code 421), and will be appropriated in a future amendment to the Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

The Health, Housing, and Community Services Department (HHCS) worked together with BUSD to apply for a grant and subsequently received notification that the City had been awarded \$2,500,000.00 in funding. A request to accept this revenue was approved by City Council on April 12, 2022. As proposed to the funder, the funding will support coordination and provision of mental health services at BUSD, and this expenditure contract will allow BUSD to expend these funds for this purpose. The Mental Health Student Services Act grant is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity.

### BACKGROUND

The City of Berkeley partnered with BUSD to seek Mental Health Student Services Act (MHSSA) funding from the MHSSOAC to address pressing needs within BUSD related to student mental health and wellness. Although some specific uses of funding will be determined in the program development phase, initial planning conversations between District and school leadership and the Mental Health Division have resulted in the identification of three priority areas for MHSSA funding:

- Dedicated staff to facilitate relationship building and service coordination across BMH and BUSD
- Services to address BUSD's most pressing mental health needs through increased availability of on-campus mental health treatment, navigation support for parents/caregivers, and training for teachers and school staff related to student mental health and wellness
- A comprehensive assessment and strategic planning process to inform BUSD's long-term approach to student mental health

This agreement will provide the framework for a much stronger partnership between BMH and BUSD, increasing coordination at every level of service delivery, and ensuring that students' most pressing mental health needs are identified and addressed as soon as possible. Moreover, it will allow BUSD to develop a robust mental health delivery system for students in collaboration with the City's Mental Health Division; increasing the resources available for student wellness and strengthening navigation support for parents/caregivers and other stakeholders.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

### RATIONALE FOR RECOMMENDATION

These funds will support the City's ability to support BUSD in providing needed mental health services for students in Berkeley. Providing safe and equitable access to essential health services is a key purpose of HHCS.

### ALTERNATIVE ACTIONS CONSIDERED

No alternatives consistent with the City's goal of providing equitable mental health services were identified.

### CONTACT PERSON

Conor Murphy, Assistant Management Analyst (510) 981-7611  
Jonathan Maddox, Family, Youth, and Children's Program Supervisor (510) 981-5235

Attachments:

1: Resolution

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

EXPENDITURE CONTRACT: TRANSFERRING FUNDS FROM THE MENTAL HEALTH STUDENT SERVICES ACT GRANT TO BERKELEY UNIFIED SCHOOL DISTRICT FOR COORDINATION AND PROVISION OF MENTAL HEALTH SERVICES

WHEREAS, the Mental Health Services Oversight and Accountability Commission issued a Request for Applications through the Mental Health Student Services Act for mental health services in California public schools; and

WHEREAS, the Health, Housing and Community Services Department applied for and was awarded funding in the amount of \$2,500,000; and

WHEREAS, accepting funding provided through the Mental Health Services Oversight and Accountability Commission will assist the Mental Health Division administer coordination and provision of mental health services for Berkeley Unified School District (BUSD) students. These funds shall be transferred to BUSD through an expenditure contract for them to utilize to coordinate and provide these services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council approves the following: The City Manager or her designee is hereby authorized to transfer funding from the Mental Health Services Oversight and Accountability Commission to Berkeley Unified School District and execute any resultant agreements and amendments to support the coordination and provision of mental health services in the Berkeley Unified School District in the projected amount of \$2,267,355 total in Fiscal Year 2022 through Fiscal Year 2027. The funds for this contract will be deposited and expensed from the One-Time Grant: No Capital Fund (ERMA revenue GL Code 336-51-503-525- (FUND\$ Project Code 421), and will be appropriated in a future amendment to the Annual Appropriations Ordinance. A signature copy of said documents, agreements and any amendments shall be on file in the office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Department of Public Works  
 Subject: Approving Proposed Projects Anticipated to be paid for by the State's Road Maintenance and Rehabilitation Account (RMRA) Funds for FY2023

RECOMMENDATION

Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California's Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission.

FISCAL IMPACTS OF RECOMMENDATION

Based on information provided by CaliforniaCityFinance.com and the League of California Cities, the City of Berkeley can expect to collect an estimated \$2,661,527 in Road Maintenance and Rehabilitation Account (RMRA) allocated funding in Fiscal Year (FY) 2023. No budgetary action is required at this time. RMRA appropriations will be addressed with the adoption of the FY 2023 Budget.

CURRENT SITUATION AND ITS EFFECTS

California Senate Bill 1 (SB1), signed into law on April 28, 2017, increased certain vehicle fuel and registration taxes and fees, and with those funds has created an RMRA, a portion of which will be distributed to jurisdictions. The California Transportation Commission (CTC) requires jurisdictions to submit documentation annually that RMRA funds were specifically adopted for allowed local streets and roads purposes. In order to receive this funding, the City must annually submit to the State a list of projects anticipated to be completed. For FY 2023, the CTC requires the submission of a list of projects proposed to be funded with RMRA during FY 2023 by July 1 2022. The adoption of the attached resolution by Council is a CTC requirement for Berkeley's RMRA project list submittal.

BACKGROUND

On April 28, 2017, the Governor signed Road Repair and Accountability Act (SB1) to address basic road maintenance, rehabilitation, and critical safety needs on both the state highway and local streets and road system. SB1 provides for the deposit of various funds for the program in the RMRA, which SB1 created in the State Transportation Fund, including the following:

- Revenues attributable to a \$0.12 per gallon increase in the motor vehicle fuel (gasoline) tax imposed by the bill with an inflation adjustment;
- 50% of a \$0.20 per gallon increase in the diesel excise tax, with an inflation adjustment;
- A portion of a new transportation improvement fee imposed under the Vehicle License Fee Law with a varying fee between \$25 and \$175 based on vehicle value and with an inflation adjustment; and
- A new \$100 annual vehicle registration fee applicable only to zero-emission vehicles model year 2020 and later, with an inflation adjustment.

The fuel excise tax increases took effect on November 1, 2017, the transportation improvement fee took effect on January 1, 2018, and the zero-emission vehicle registration fee takes effect on July 1, 2020.

Similar to the Highway Users Tax Account (HUTA), the Road Maintenance and Rehabilitation Account (RMRA) is continuously appropriated, and apportioned on a monthly basis. There is not a set monthly amount as it is use-based. The first apportionments to the City of Berkeley were received in February 2018.

According to the applicable California Streets and Highways Code, eligible projects “shall be prioritized for expenditure on basic road maintenance and road rehabilitation projects, and on critical safety projects”<sup>1</sup>. There is no use-it-or-lose-it requirement in SB1, so multi-year projects are eligible. Eligible projects include, but are not limited to:

- Road maintenance and rehabilitation
- Safety projects
- Railroad grade separations
- Complete streets components, including active transportation, bike/pedestrian, transit facilities, and stormwater capture projects, in conjunction with an allowable project
- Traffic control devices
- Match for state/federal funds for eligible projects

SB1 requires cities and counties to provide basic project reporting to the CTC annually for projects to be funded through the RMRA. On August 16, 2017, the CTC adopted annual reporting guidelines for this funding. The guidelines require jurisdictions to submit documentation annually to show that RMRA funds were specifically adopted for allowed local streets and roads purposes, and also requires the submission of a list of projects proposed to be funded with RMRA during the fiscal year. The legislation also requires an annual expenditure report on work completed during the previous fiscal year to be submitted no later than October 31<sup>st</sup>.

Complete streets improvements such as bike lanes, curb ramps, and pedestrian crossing improvements are allowable uses of RMRA funds. In addition to the previously

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<sup>1</sup> Streets and Highways Code – SHC Division 3. Apportionment And Expenditure Of Highway Funds Chapter 2. Road Maintenance And Rehabilitation Program Section 2030(A)



designated projects listed in last year's Resolution No. 69,377–N.S., which will have RMRA expenditures taking place in FY 2023, staff has selected the FY 2023 Street Rehabilitation projects for use of RMRA. The projects are summarized in the following paragraph, and the complete list is provided in the Resolution (Attachment 1).

Pavement maintenance or rehabilitation as part of the FY 2023 Street Rehabilitation Project (PWENST2301). Selected segments include Channing Way from Sacramento Street to McKinley Avenue (reconstruct; 20-year useful life), Creston Road from Sunset Lane to Grizzly Peak Boulevard (overlay; 10-year useful life), Dana Street From Dwight Way to Ward Street (surface seal; 10-year useful life), Derby Street from Telegraph Avenue to College Avenue (reconstruct; 20-year useful life), Durant Avenue from Milvia Street to Fulton Street (reconstruct; 20-year useful life), Dwight Way from Piedmont Avenue to East End (reconstruct; 20-year useful life), Grizzly Peak Boulevard from Spruce Street to Marin Avenue (reconstruct; 20-year useful life), Hillegass Avenue from Dwight Way to Woolsey Street (surface seal; 10-year useful life), Latham Lane from Miller Avenue to Grizzly Peak Boulevard (overlay; 10-year useful life), McGee Avenue from Russell Street to Dwight Way (surface seal; 10-year useful life), Miller Avenue from Hilldale Avenue to Shasta Road (surface seal; 10-year useful life), Otis Street from Russell Street to Ashby Avenue (overlay; 10-year useful life), Rose Street from Sacramento Street to Martin Luther King Junior Way (reconstruct; 20-year useful life), and Woolsey Street from Hillegass Avenue to College Avenue (reconstruct; 20-year useful life).

Continuing projects with FY 2022 RMRA funding to be expended in FY 2023 include: Pavement maintenance or rehabilitation as part of the FY 2022 Street Rehabilitation project (PWENST2201). Selected segments include Browning Street from Addison Street to Dwight Way (reconstruct; 20-year useful life), Colusa Avenue from North City Limit to Solano Avenue (overlay; 10-year useful life), Delaware Street from Acton Street to Sacramento Street (overlay; 10-year useful life), Ellsworth Street from Stuart Street to Ashby Avenue (surface seal; 10-year useful life), Fulton Street from Dwight Way to Stuart Street (overlay; 10-year useful life), Heinz Avenue from Seventh Street to Ninth Street (surface seal; 10-year useful life), Heinz Avenue from Ninth Street to San Pablo Avenue (reconstruct; 20-year useful life), Ninth Street from Heinz Avenue to Berkeley Bowl Parking Lot (surface seal; 10-year useful life), Stuart Street from Fulton Street to Ellsworth Street (surface seal; 10-year useful life) and Stuart Street from Benvenue Avenue to College Avenue (overlay; 10-year useful life), Sunset Lane from Grizzly Peak Boulevard to Wildcat Canyon Road (reconstruct' 20-year useful life).

Utilization of the RMRA funding will support the City's Strategic Plan goal of creating a resilient, safe, connected, and prepared city and providing state-of-the-art, well maintained infrastructure, amenities, and facilities.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

RMRA funds will benefit all modes of transportation by improving road surfaces for bicyclists and transit riders as well as for auto riders, which could result in lessening greenhouse gas emissions.

RATIONALE FOR RECOMMENDATION

A project list is required to be adopted by City Council in order for the City to receive RMRA disbursements from the State Controller's office. Staff proposes use of RMRA funds for maintenance or rehabilitation of local streets as part of the FY 2023 Street Rehabilitation (PWENST2301). It should be noted that the provided project list is a plan; in the end-of-year reporting on actual spending of RMRA funds, the CTC allows for the completion of projects not included in this list as long as they meet the requirements for RMRA funding.

ALTERNATIVE ACTIONS CONSIDERED

No reasonable alternative exists as the City's pavement condition is currently in the low end of the fair index category and is projected to decline, and is in need of continued maintenance and rehabilitation.

CONTACT PERSON

Liam Garland, Director, Department of Public Works (510) 981-6303  
Joe Enke, Manager of Engineering (510) 981-6411

Attachment:

1: Resolution

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

RESOLUTION APPROVING PROPOSED PROJECTS ANTICIPATED TO BE PAID FOR BY THE STATE'S ROAD AND MAINTENANCE AND REHABILITATION ACCOUNT (RMRA) FUNDS FOR FISCAL YEAR 2023

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must approve by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City, will receive an estimated \$2,661,527 in RMRA funding in Fiscal Year 2023 from SB 1; and

WHEREAS, this is the fourth year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has undergone a public process to ensure public input into our community's street priorities and the project list; and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

WHEREAS, the funding from SB 1 will be used by the City for basic street maintenance and rehabilitation, critical safety projects on local roadways, and pedestrian safety and transportation projects throughout the City this year and for similar projects into the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in the low end of the fair condition category,

and this revenue will help us increase the overall quality of our road system, and improve their bicycle and pedestrian mobility and safety; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide; and

WHEREAS, the following list of proposed projects is anticipated to be funded in-part or solely with Fiscal Year 2023 Road Maintenance and Rehabilitation Account revenues:

#### FY 23 Street Rehabilitation

- Segment 1, Channing Way from Sacramento Street to McKinley Avenue (0.43 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 2, Creston Road from Sunset Lane to Grizzly Peak Boulevard (0.36 miles) - overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 3, Dana Street from Dwight Way to Ward Street (0.31 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 4, Derby Street from Telegraph Avenue to College Avenue (0.31 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 5, Durant Avenue from Milvia Street to Fulton Street (0.23 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 6, Dwight Way from Piedmont Avenue to East End (0.26 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 7, Grizzly Peak Boulevard from Spruce Street to Marin Avenue (0.67 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.

- Segment 8, Hillegass Avenue from Dwight Way to Woolsey Street (0.77 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 9, Latham Lane from Miller Avenue to Grizzly Peak Boulevard (0.10 miles) - overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 10, McGee Avenue from Russell Street to Dwight (0.51 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 11, Miller Avenue from Hilldale Avenue to Shasta Road (0.66 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 12, Otis Street from Russell Street to Ashby Avenue (0.13 miles) - overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 13, Rose Street from Sacramento Street to Martin Luther King Junior Way (0.48 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.
- Segment 14, Woolsey Street from Hillegass Avenue to College Avenue (0.11 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2023 and will be completed by December 2023.

The following previously proposed and approved projects may utilize fiscal year 2022 Road Maintenance and Rehabilitation Account revenues in their delivery. With the relisting of these projects in the adopted fiscal year resolution, the City is reaffirming to the public and the State our intent to fund these projects with Road Maintenance and Rehabilitation Account revenues:

FY 2022 Street Rehabilitation

- Segment 1, Browning Street from Addison Street to Dwight Way (0.50 miles) – overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2022 and will be completed by December 2022.
- Segment 2, Colusa Avenue from North City Limit to Solano Avenue (0.68 miles) - overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2022 and will be completed by December 2022.
- Segment 3, Delaware Street from Acton Street to Sacramento Street (0.13 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2022 and will be completed by December 2022.
- Segment 4, Ellsworth Street from Stuart Street to Ashby Avenue (0.24 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2022 and will be completed by December 2022.
- Segment 5, Fulton Street from Dwight Way to Stuart (0.38 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2022 and will be completed by December 2022.
- Segment 6, Heinz Avenue from Seventh Street to Ninth Street San Pablo (0.13miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2022 and will be completed by December 2022.
- Segment 7, Heinz Avenue from Ninth Street to San Pablo Avenue (0.13 miles) – reconstruct the street pavement. The work will provide a twenty-year useful life. Construction is to start in June 2022 and will be completed by December 2022.
- Segment 8, Stuart Street from Fulton Street to Ellsworth Street (0.12 miles) – overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2022 and will be completed by December 2022.
- Segment 9, Stuart Street from Benvenue Avenue to College Avenue (0.07 miles) – overlay the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2022 and will be completed by December 2022.
- Segment 10, Sunset Lane from Grizzly Peak Boulevard to Wildcat Canyon Road (0.20 miles) – reconstruct the street pavement. The work will provide a twenty-year

useful life. Construction is to start in June 2022 and will be completed by December 2022.

- Segment 11, Ninth Street from Heinz Avenue to Berkeley Bowl Parking Lot (0.08 miles) – surface seal the street pavement. The work will provide a ten-year useful life. Construction is to start in June 2022 and will be completed by December 2022.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to submit the list of proposed projects to the California Transportation Commission as required by Senate Bill 1, Road Repair and Accountability Act of 2017.







Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Department of Public Works  
 Subject: Berkeley Strategic Transportation Plan Update and Grant Application Opportunities

RECOMMENDATION

1. Adopt two Resolutions authorizing the City Manager to submit grant applications to the California Active Transportation Program, accept the grants awarded, and execute any resultant agreements and amendments.
2. Adopt a Resolution:
  - a. Approving the Berkeley Strategic Transportation Plan Third Addendum.
  - b. Authorizing the City Manager to submit unfunded Five-Year Priority Projects from the Berkeley Strategic Transportation Plan Third Addendum to the Alameda County Transportation Commission for funding through the County's Fiscal Year (FY) 2024 – FY 2028 Comprehensive Investment Plan.
  - c. Authorizing the City Manager to execute agreements as needed for accepting the awarded grant funds.

SUMMARY

The Berkeley Strategic Transportation (BeST) Plan was approved by City Council in 2016 in order to establish a framework for prioritizing the funding and completion of transportation projects throughout the City over the following thirty years. The BeST Plan includes an investment strategy to guide how the City spends transportation dollars from local, regional, State, and federal sources. Projects included in the BeST Plan are pooled from the City's already-adopted plans. Addenda to the BeST Plan were approved by City Council in September 2018 and January 2021 in order to report on progress in funding and completing the projects on the Five-Year Priority Project list from the BeST Plan. Following the April 26 special meeting of the City Council on this topic, Public Works is proposing another BeST Plan addendum in order to update the Five-Year Priority Project list and identify transportation capital grant applications to submit in June 2022 to compete for funding through the State Active Transportation Program (ATP) and Alameda County Transportation Commission (Alameda CTC) Fiscal Year 2024 Comprehensive Investment Plan (FY24 CIP).

FISCAL IMPACTS OF RECOMMENDATION

If awarded, the ATP and Alameda CTC FY24 CIP grants would bring a total of up to \$4.5 million of competitive grant revenue to the State Capital Grants Fund (Fund 306) and up to \$1.5 million of competitive grant revenue to the Local Capital Grants Fund (Fund 307), respectively, for high-priority transportation projects, starting in FY 2024.

ATP Cycle 6 Grant Funding Requests (No Matching Funds)

|                                                                  |                   |
|------------------------------------------------------------------|-------------------|
| Washington Elementary and Berkeley High<br>Safe Routes to School | up to \$2,000,000 |
| Addison Street Bicycle Boulevard Extension                       | up to \$5,000,000 |
| Total ATP Grant Funding Request                                  | up to \$7,000,000 |

The total estimated cost of the ATP projects is up to \$4.5 million. No local matching funds are required or proposed.

Alameda CTC FY24 CIP Grant Funding Requests and Matching Funds

|                                                |                   |
|------------------------------------------------|-------------------|
| Bicycle Boulevard Crossings                    | up to \$ 525,000  |
| Adeline Corridor Project at Ashby BART Station | up to \$ 525,000  |
| Total Alameda CTC Grant Funding Request        | up to \$1,050,000 |
| City Matching Funds Available                  | \$ 350,000        |

The total estimated cost of the projects is up to \$8.4 million. As a share of the total project cost, capital projects have a required local match of 25% under the Alameda CTC CIP Program. Funding for the required \$350,000 local match is available from the Alameda County Measure BB Bicycle and Pedestrian Program Fund (Fund 135) and the Measure BB Local Streets and Roads Fund (Fund 134).

CURRENT SITUATION AND ITS EFFECTS

In the five years since the BeST Plan<sup>1</sup> was adopted, the City has made substantial progress in acquiring funding for the Five-Year Priority Projects. Exhibit A, Figure 1 shows that, of the twelve individually listed projects from the BeST Plan Five-Year Priority list, eight have been fully funded, with five of these completed, one under construction, and two others in the preliminary engineering phase. In addition, Exhibit A, Table 1 shows that several projects grouped as High-Priority Pedestrian Plan, Bicycle Plan, and Safe Routes to School projects have been completed or at least funded. These include the completion of the Sacramento Street Complete Streets project, safety treatments at bike boulevard crossings, and four Safe Routes to School projects.

Upcoming Transportation Grant Funding Opportunities

For potentially funding the remaining BeST Plan priority projects, upcoming transportation capital grant funding opportunities include the State Active Transportation Program (ATP) Cycle 6, the Alameda County Transportation Commission (Alameda

<sup>1</sup> <https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-strategic-transportation-best-plan/>

CTC) Fiscal Year 2024 Comprehensive Investment Plan (FY24 CIP), and the Metropolitan Transportation Commission (MTC) One Bay Area Grant Cycle 3 (OBAG 3) federal funding program. Applications under all of these programs are due in June 2022.

#### Remaining Unfunded BeST Plan Five-Year Priority Projects

The remaining unfunded stand-alone projects from the BeST Plan Five-Year Priority Projects list are not anticipated to be competitive for these upcoming capital grant funding opportunities. These projects are: Gilman Grade Separation, Center Street Plaza, Downtown Transit Center, and Signal Interconnect project. All of the above listed programs prioritize pedestrian and bicycle safety and access projects, transit corridor projects, and linkages to transit-oriented development. The Gilman Grade Separation is estimated to cost \$66 million, an amount that is too high to be competitive under the above-described programs. The Center Street Plaza project is estimated to cost \$20 million, an amount that is too high to be competitive without additional funding from other sources such as future Downtown Streets and Open Space Improvement Program fees. The Downtown Transit Center project is not ready to submit given that no conceptual plan has yet been developed because it has not been as high a priority for AC Transit as transit corridor improvements prioritized through the AC Transit Major Corridors Study<sup>2</sup> (2016). The Transit Signal Priority portion of the Signal Interconnect project could be competitive for grant funding, but this is a small part of the project cost compared to the Signal Interconnect, and AC Transit has already acquired funding for the highest priority transit signal priority upgrades on Telegraph and San Pablo Avenues.

#### Adeline Corridor Specific Plan Projects

With the list of BeST Plan Five-Year Priority projects dwindling, it is timely for the City to consider adding new projects to this list. A major City plan that has been adopted since the BeST Plan approval is the Adeline Corridor Specific Plan<sup>3</sup> (December 2020). One project from this plan has already received grant funding through the Alameda CTC Fiscal Year 2022 (FY22) CIP for preliminary engineering: the Adeline Corridor Project covering the segment of Adeline between Martin Luther King Jr. Way (MLK) and the Oakland border. This project grant application was approved by Council as part of the BeST Plan Second Addendum under the Five-Year Priority Project category of High-Priority Pedestrian Plan projects. The City is in the procurement process to hire a consultant for this phase of the project.

In order to implement the Adeline Corridor Specific Plan more broadly, the proposed BeST Plan Addendum includes an Adeline project bundle on the Five-Year Priority Project list. This project bundle incorporates recommendations from the Adeline Corridor Specific Plan, including the recommendation to identify a potential future site on Adeline Street for the Berkeley Flea Market. Consistent with this latter recommendation, the ongoing Adeline Reconfiguration Study is evaluating whether

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<sup>2</sup> <http://www.actransit.org/major-corridors-study/>

<sup>3</sup> <https://berkeleyca.gov/your-government/our-work/adopted-plans/adeline-corridor-specific-plan>

Adeline could be used to provide a plaza useable by the Flea Market within the existing street right of way, as the Ashby BART station west parking lot currently used by the Flea Market on weekends is anticipated to be developed into affordable housing. This study, funded by a grant received by BART, was initiated in response to a City Council Referral (February 11, 2020) calling for an analysis of a potential reduction of Adeline north of MLK to two lanes in order “to increase safety for pedestrians, cyclists, and people living with disabilities, while also meeting the needs of public transit and emergency vehicles”. The reduction in the number of general purpose traffic lanes on Adeline adjacent to the Ashby BART station could provide public space useable by the Berkeley Flea Market. BART has developed several scenarios to explore how a plaza to accommodate the Flea Market on the west side of Adeline might be configured, which are being revised in response to feedback from the Flea Market Board.

#### Proposed Grant Applications

Staff is requesting approval from Council to submit the following projects to compete for transportation capital grant funding. Applications under all of these funding programs are due in June 2022.

- ATP Cycle 6 Program
  - **Washington Elementary and Berkeley High Safe Routes to School**
  - **Addison Street Bicycle Boulevard Extension**  
Resubmit under ATP Cycle 6 these applications previously submitted for the ATP Cycle 5 Program, which both just missed the funding cutoff in Cycle 5. The applications would incorporate improvements based on feedback received from California Transportation Commission staff. The projects fit under the existing BeST Plan Five-Year Priority categories of Safe Routes to School and High-Priority Bicycle Plan Projects.
- Alameda CTC FY24 CIP (Alameda County discretionary funds)
  - **Bicycle Boulevard Crossings**  
This application would fund preliminary engineering for safety treatments at the remaining unfunded bicycle boulevard crossings from the Bicycle Plan. This fits under the existing BeST Plan Five-Year Priority category of High-Priority Bicycle Plan Projects.
  - **Adeline Corridor Project at Ashby BART Station**  
This application would fund preliminary engineering for a project to provide safety improvements on Adeline Street adjacent to the Ashby BART station (between MLK and Ashby Avenue) while improving transit operations and providing public space that could potentially be used by the Ashby Flea Market. The project would be consistent with the results of the Adeline Roadway Reconfiguration Study that is to be completed over the next year.

#### No OBAG Application

OBAG is intended to fund major projects that are ready to undergo detailed design and construction. Staff proposes not to apply for OBAG funding, primarily because the City

is delivering its already funded OBAG Cycle 2 Southside Complete Streets project, and there is not another major project that has completed preliminary engineering and would be competitive under this program in this grant cycle.

**BACKGROUND**

Given the large number of projects in the BeST Plan, they are organized into 25 bundles by location or type of work, with projected expenditures divided into 5-year, 10-year, and 30-year periods. Each of the 25 project bundles has been evaluated according to a set of prioritization and screening criteria which support the goals distilled from Berkeley’s adopted plans and policies. The plans used as sources include the Downtown Area Plan, Downtown Streets and Open Space Improvement Plan, Southside Plan, West Berkeley Circulation Study, Bicycle Plan, and Pedestrian Plan.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

The projects being considered for prioritization in the BeST Plan would increase the number of Berkeley residents and visitors who walk, bike, and take mass transit, which would decrease vehicle miles traveled and greenhouse gas emissions. This would help the City achieve the Berkeley Climate Action Plan greenhouse gas emission reduction target of 80% below the year 2000 level by 2050. The Climate Action Plan states that, in order to meet these targets, “Transportation modes such as public transit, walking and bicycling must become the primary means of fulfilling our mobility needs.”

**RATIONALE FOR RECOMMENDATION**

Capital grant funding will allow the City to address critical local and regional transportation infrastructure gaps for all modes of travel. Priority projects were identified using criteria drawn directly from adopted City plans and reports which have undergone extensive public review prior to Council adoption.

**ALTERNATIVE ACTIONS CONSIDERED**

The City could choose not to approve the BeST Plan Addendum and could also choose to forgo the opportunity to seek grant funding from the State and Alameda CTC for projects among the remaining unfunded Five-Year Priority Projects identified in the BeST Plan.

**CONTACT PERSON**

Farid Javandel, Transportation Manager, Public Works, 981-7061  
Beth Thomas, Principal Planner, Public Works, 981-7068

**Attachments:**

- 1: Resolution
- 2: Resolution
- 3: Resolution

Exhibit A: Berkeley Strategic Transportation Plan Addendum

RESOLUTION NO. -N.S.

GRANT APPLICATION: ACTIVE TRANSPORTATION PROGRAM FOR WASHINGTON ELEMENTARY AND BERKELEY HIGH SCHOOL SAFE ROUTES TO SCHOOL

WHEREAS, students, faculty, and staff travelling to Washington Elementary and Berkeley High School experience traffic safety issues which discourage walking and biking to school; and

WHEREAS, these traffic safety concerns have been documented in School Safety Assessments conducted in 2015 at Washington Elementary and in 2017 at Berkeley High School through the Alameda County Safe Routes to School Program; and

WHEREAS, Martin Luther King Jr. Way has been identified as a high-injury street for severe and fatal traffic crashes involving pedestrians in the Berkeley Vision Zero Action Plan (Resolution No. 69,324-N.S.) and the Berkeley Pedestrian Plan (Resolution No. 69,711-N.S.); and

WHEREAS, signal modifications to eliminate conflicts between left-turning traffic and pedestrians, leading pedestrian intervals with right turn on red prohibition at traffic signals, sidewalk corner "bulbouts", a traffic circle, high visibility pavement markings, and new signs are among the potential safety improvement measures proposed in the School Safety Assessments and the Draft 2020 Berkeley Pedestrian Plan; and

WHEREAS, California Active Transportation Program Safe Routes to School funds can be used to make traffic safety improvements to bicycle and pedestrian routes to schools; and

WHEREAS, if awarded, the grant funds will be placed in the State Capital Grants Fund (Fund 306) starting in FY 2023.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to submit a grant application to the California Active Transportation Program for Safe Routes to School traffic safety improvements around Washington Elementary and Berkeley High School for up to the amount of \$2,000,000; and accept the grants awarded, and execute any resultant agreements and amendments.

RESOLUTION NO. -N.S.

GRANT APPLICATION: ACTIVE TRANSPORTATION PROGRAM FOR  
ADDISON STREET BICYCLE BOULEVARD EXTENSION

WHEREAS, Berkeley residents and others riding bicycles along the University Avenue corridor experience traffic safety issues in the form of heavy, fast-moving vehicle traffic, buses and large trucks due to a lack of a nearby alternate east-west bicycle route; and

WHEREAS, these traffic safety concerns have been documented in the 2017 Berkeley Bicycle Plan (Resolution No. 67,945-N.S.); and

WHEREAS, the 2017 Berkeley Bicycle Plan proposed a new Bicycle Boulevard on Addison Street as an alternate route to University Avenue, to close this gap in the bikeway network and connect the San Francisco Bay Shoreline, the Bay Trail, West Berkeley, Downtown Berkeley, and the University of California Berkeley Campus; and

WHEREAS, the City of Berkeley has already secured funding for the Addison Boulevard Phase I project from Milvia Street to Sacramento Street as part of the Affordable Housing and Sustainable Communities grant-funded Berkeley Way project.; and

WHEREAS, as a mitigation measure for the Pyramid Hotel project, the City of Berkeley has negotiated with the project developer to install a new traffic signal at the intersection of Oxford Street and Addison Street, improving the bicycle connection to the UC Berkeley Campus; and

WHEREAS, street crossing beacons, a 2-way cycle track connection, a median island, pavement markings, and signage are among the potential safety improvements proposed to close the remaining gap in the Addison Street Bicycle Boulevard; and

WHEREAS, California Active Transportation Program capital project funds can be used to make bicycle traffic safety improvements and close the remaining gaps in the Addison Street Bicycle Boulevard; and

WHEREAS, if awarded, the grant funds will be placed in the State Capital Grants Fund (Fund 306) starting in FY 2023.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to submit a grant application to the California Active Transportation Program for Addison Street Bicycle Boulevard Phase II for up to the amount of \$5,000,000; and accept the grants awarded, and execute any resultant agreements and amendments.

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

APPROVAL OF THE BERKELEY STRATEGIC TRANSPORTATION (BEST) PLAN  
ADDENDUM

WHEREAS, the Berkeley Strategic Transportation (BeST) Plan establishes a framework for prioritizing the funding and completion of transportation projects pooled from the City's adopted plans and Council referrals; and

WHEREAS, City Council adopted Resolution No. 67,645-N.S. on July 19, 2016 approving the BeST Plan and authorizing the City Manager to submit the Five-Year Priority Projects listed in the BeST Plan to the Alameda County Transportation Commission (Alameda CTC) for inclusion in their fiscal year (FY) 2018 through 2022 Comprehensive Investment Plan (CIP); and

WHEREAS, Alameda CTC awarded \$9 million to the City through the FY 2018 – 2022 CIP, which left some of the BeST Plan Five-Year Priority Projects unfunded or partially funded; and

WHEREAS, City Council adopted Resolution No. 68,613-N.S. on September 25, 2018 approving the BeST Plan Addendum and authorizing the City Manager to submit the unfunded and partially funded Five-Year Priority Projects listed in the BeST Plan to the Alameda CTC for inclusion in their FY 2020 through 2024 CIP; and

WHEREAS, Alameda CTC limited new grant awards from the FY 2020 through FY 2024 CIP to projects ready for construction, which the City of Berkeley did not have; and

WHEREAS, City Council adopted Resolution No. 69,709-N.S. on January 26, 2021 approving the BeST Plan Second Addendum and authorizing the City Manager to submit the unfunded and partially funded Five-Year Priority Projects listed in the BeST Plan to the Alameda CTC for inclusion in their FY 2022 through 2026 CIP; and

WHEREAS, Alameda CTC awarded \$2 million to the City through the FY 2022 through 2026 CIP, which left some of the BeST Plan Five-Year Priority Projects unfunded or partially funded; and

WHEREAS, Alameda CTC will seek projects to fund through their CIP for FY 2024 through 2028; and

WHEREAS, City Council adopted Resolution No. 69,642-N.S. on December 8, 2020 approving the Adeline Corridor Specific Plan; and

WHEREAS, the Draft BeST Plan Third Addendum adds the Adeline Corridor project bundle to its Five-Year Priority Project list in order to incorporate recommendations from the Adeline Corridor Specific Plan; and



WHEREAS, if awarded, the grant funds will be placed in the Local Capital Grants Fund (Fund 307) and the City will provide matching funds up to the amount of \$350,000, which will be subject to appropriation, starting in FY 2024.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby approves the Berkeley Strategic Transportation (BeST) Plan Third Addendum, Exhibit A attached.

BE IT FURTHER RESOLVED that the City Manager is authorized to submit unfunded BeST Plan Third Addendum Five-Year Priority Projects to the Alameda County Transportation Commission (Alameda CTC) for inclusion in their five-year Comprehensive Investment Plan (CIP) for fiscal year (FY) 2024 through FY 2028, including an application for up to \$525,000 for preliminary engineering on Bikeway Intersection Crossings and an application for up to \$525,000 for preliminary engineering for Adeline Street between Ashby Avenue and Martin Luther King Jr. Way, and accept the grants awarded, and execute any resultant agreements and amendments.

#### Exhibits

A: Berkeley Strategic Transportation Plan Addendum

# Appendix 5

*Berkeley Strategic Transportation Plan*

*DRAFT Third Addendum*

*May 2022*

## **Appendix 5. Berkeley Strategic Transportation Plan Third Addendum**

### **Five-Year Priority Project Update**



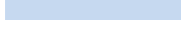

The City has made significant progress on the BeST Plan Five-Year Priority Projects since the adoption of the Plan in 2016 and the completion and adoption of the first BeST Plan Addendum in 2018 and second BeST Plan Addendum in 2021 (see Appendices 3 and 4).

This Third Addendum proposes one amendment to the Five-year Priority Projects list. This amendment adds the existing BeST Plan Adeline Corridor project bundle onto the Five-Year Priority Project list now that the Adeline Corridor Specific Plan has been adopted by the Berkeley City Council.

Berkeley Strategic Transportation Plan DRAFT Third Addendum  
Exhibit A

Figure 1: Five-Year Priority Projects

| PROJECT                                                     | Phase 1<br>Project<br>Development<br>/Scoping       | Phase 2<br>Environmental<br>Study/<br>Preliminary<br>Engineering | Phase 3<br>Detailed<br>Design | Phase 4<br>Construction |
|-------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------------|-------------------------------|-------------------------|
| <b>West Berkeley</b>                                        |                                                     |                                                                  |                               |                         |
| 9th Street Bikeway Path Extension                           | Completed Phase                                     | Completed Phase                                                  | Completed Phase               | Completed Phase         |
| Gilman Grade Separation                                     | Future Phase                                        | Future Phase                                                     | Future Phase                  | Future Phase            |
| Gilman Interchange                                          | Completed Phase                                     | Completed Phase                                                  | Completed Phase               | Current Phase           |
| Railroad Quiet Zone                                         | Completed Phase                                     | Future Phase                                                     | Future Phase                  | Future Phase            |
| <b>Southside Area</b>                                       |                                                     |                                                                  |                               |                         |
| Southside Complete Streets                                  | Completed Phase                                     | Current Phase                                                    | Future Phase                  | Future Phase            |
| Bikeway Intersections & High-Priority Bicycle Plan Projects | Ongoing project category with many smaller projects |                                                                  |                               |                         |
| <b>Downtown Berkeley</b>                                    |                                                     |                                                                  |                               |                         |
| Center Street Plaza                                         | Future Phase                                        | Future Phase                                                     | Future Phase                  | Future Phase            |
| Downtown Berkeley BART Plaza                                | Completed Phase                                     | Completed Phase                                                  | Completed Phase               | Completed Phase         |
| Downtown Transit Center                                     | Future Phase                                        | Future Phase                                                     | Future Phase                  | Future Phase            |
| Hearst Complete Streets                                     | Completed Phase                                     | Completed Phase                                                  | Completed Phase               | Completed Phase         |
| Milvia Protected Bikeway                                    | Completed Phase                                     | Completed Phase                                                  | Completed Phase               | Completed Phase         |
| Shattuck Avenue Reconfiguration                             | Completed Phase                                     | Completed Phase                                                  | Completed Phase               | Completed Phase         |
| <b>Adeline Corridor</b>                                     |                                                     |                                                                  |                               |                         |
| Adeline Corridor Specific Plan recommendations              | Current Phase                                       | Future Phase                                                     | Future Phase                  | Future Phase            |
| Signal Interconnect & Transit Signal Priority               | Future Phase                                        | Future Phase                                                     | Future Phase                  | Future Phase            |
| High Priority Pedestrian Plan Projects                      | Ongoing project category with many smaller projects |                                                                  |                               |                         |
| Safe Routes to School Projects                              | Ongoing project category with many smaller projects |                                                                  |                               |                         |
| Ohlone Greenway Upgrade & Street Crossings                  | Current Phase                                       | Future Phase                                                     | Future Phase                  | Future Phase            |

 Completed Phase  
 Current Phase  
 Future Phase  
 Ongoing project category with many smaller projects

**Table I: Five-Year Priority Project Status Updates<sup>1,2</sup>**

| PROJECT                                                                                             | LEAD        | COMPLETE | FUNDING STATUS <sup>3</sup> | IN BERKELEY STRATEGIC PLAN <sup>4</sup> | CURRENT PHASE                                 |
|-----------------------------------------------------------------------------------------------------|-------------|----------|-----------------------------|-----------------------------------------|-----------------------------------------------|
| Hearst Complete Streets                                                                             | COB         | ✓        |                             | Yes                                     | --                                            |
| Downtown Berkeley BART Plaza                                                                        | COB         | ✓        |                             | Yes                                     | --                                            |
| Safe Routes to School: Emerson, Sylvia Mendez, and John Muir Elementary Schools, King Middle School | COB         | ✓        |                             | Yes                                     | --                                            |
| Shattuck Avenue Reconfiguration                                                                     | COB         | ✓        |                             | Yes                                     | --                                            |
| 9th Street Bikeway Path Extension                                                                   | COB         | ✓        |                             | Yes                                     | --                                            |
| Milvia Protected Bikeway                                                                            | COB         | ✓        |                             | Yes                                     | --                                            |
| Gilman Interchange                                                                                  | Alameda CTC |          | ✓                           | Yes                                     | <i>Under Construction</i>                     |
| Southside Complete Streets                                                                          | COB         |          | ✓                           | Yes                                     | <i>Preliminary Engineering</i>                |
| Ohlone Greenway Modernization & Street Crossings                                                    | COB         |          | ✓                           | Yes                                     | <i>Preliminary Engineering</i>                |
| High Priority Pedestrian Plan Projects:                                                             |             |          |                             |                                         |                                               |
| Sacramento Street Complete Streets (2010 Ped Plan)                                                  | COB         | ✓        |                             | Yes                                     | --                                            |
| Adeline Street South (Martin Luther King Jr. Way to Oakland border) (2020 Ped Plan)                 |             |          | X                           |                                         | <i>Preliminary Engineering</i>                |
| High-Priority Bicycle Plan Projects:                                                                |             |          |                             |                                         |                                               |
| Complete Streets Corridor Study:                                                                    |             |          |                             |                                         |                                               |
| Telegraph Ave Transit & Bikeway Corridor                                                            | COB         |          | X                           | Yes                                     | <i>Corridor Study &amp; Conceptual Design</i> |
| Bike Boulevard Crossings:                                                                           |             |          |                             |                                         |                                               |
| Virginia Street at Martin Luther King, Jr. Way Rectangular Rapid Flashing Beacon (RRFB)             | COB         | ✓        |                             | Yes                                     | --                                            |
| Hillegass Street at Ashby Avenue Pedestrian Hybrid Beacon (PHB)                                     | COB         | ✓        |                             | Yes                                     | --                                            |
| Virginia at Sacramento Street Traffic Signal                                                        | COB         | ✓        |                             | Yes                                     | --                                            |
| 9 <sup>th</sup> St at Cedar, California St at Dwight raised medians                                 | COB         | ✓        |                             | Yes                                     | --                                            |
| Virginia at San Pablo Avenue PHB<br>California Street at Ashby RRFB                                 | Caltrans    |          | ✓                           | Yes                                     | <i>Construction Bidding</i>                   |
| Mabel Street at Dwight Way RRFB                                                                     | COB         |          | ✓                           | Yes                                     | <i>Preliminary Engineering</i>                |
| Russell and Woolsey Streets at Adeline Street PHBs                                                  | COB         |          | ✓                           | Yes                                     | <i>Preliminary Engineering</i>                |
| Russell and Woolsey at Shattuck Avenue RRFB                                                         | COB         |          | ✓                           | Yes                                     | <i>Consultant Selection</i>                   |

**Table I: Five-Year Priority Project Status Updates<sup>1,2</sup> (Continued)**

| PROJECT                                                      | LEAD | COMPLETE | FUNDING STATUS <sup>3</sup> | IN BERKELEY STRATEGIC PLAN <sup>4</sup> | CURRENT PHASE                                                                                        |
|--------------------------------------------------------------|------|----------|-----------------------------|-----------------------------------------|------------------------------------------------------------------------------------------------------|
| Safe Routes to School Projects                               | COB  |          | X <sup>5</sup>              | Yes                                     | <i>Portion of Washington Elementary Safe Routes to School Project Funded</i>                         |
| High Priority Pedestrian Plan Projects                       | COB  |          | X <sup>5</sup>              | Yes                                     | --                                                                                                   |
| Bike Boulevard Intersections                                 | COB  |          | X <sup>6</sup>              | Yes                                     | --                                                                                                   |
| Center Street Plaza                                          | COB  |          | O                           | Yes                                     | <i>Funding for Conceptual Design Deferred</i>                                                        |
| Downtown Transit Center                                      | COB  |          | O                           |                                         |                                                                                                      |
| Railroad Quiet Zone <sup>7</sup>                             | COB  |          | O                           |                                         | <i>Deferred due to currently infeasible Federal Railroad Administration requirements<sup>7</sup></i> |
| Gilman Grade Separation                                      | COB  |          | O                           |                                         | --                                                                                                   |
| Signal Interconnect and Transit Signal Priority <sup>8</sup> | COB  |          | O                           |                                         | --                                                                                                   |

Notes:

1. Project status are as of May 2022. Figure I and Table I are updates to the table shown on page 69 of the BeST Plan.
2. COB = City of Berkeley; Alameda CTC = Alameda County Transportation Commission
3. ✓ = Fully Funded and Project Development Underway; X = Partially Funded; O = Seeking Funding
4. The City of Berkeley Strategic Plan was passed by the Council of the City of Berkeley to help prioritize projects and programs to help meet the City's goals. The Plan can be found at: <https://www.cityofberkeley.info/strategic-plan/>.
5. High Priority Pedestrian Plan Projects and Safe Routes to School Projects are ongoing projects and include projects at various phases.
6. Five intersections are prioritized for future funding: Russell BB at San Pablo Ave and Sacramento St; Channing BB at San Pablo Ave and Sacramento St; Hillegass/Bowditch BB at Dwight.
7. The I-80/Gilman Interchange project includes safety upgrades at the Gilman railroad crossing, while the Alameda CTC Railroad Safety Enhancement Program will be doing safety improvements at the remaining open crossings (Cedar, Virginia, Hearst, Addison, Bancroft). These treatments will not result in the trains ceasing to sound their horns, which would require major railroad and station modifications that are not feasible at this time.
8. First phase includes wayside signal upgrades to support transit signal priority on University Ave between Oxford and San Pablo Ave.



Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Department of Public Works  
 Subject: Declaration of Intent – Fiscal Year 2023 Street Lighting Assessments

RECOMMENDATION

Adopt two Resolutions granting the City Manager the authority to approve the Engineer’s Reports; set a public hearing to be held before the Council of the City of Berkeley at its June 28, 2022 meeting; and authorize the City Clerk to publish a Notice of the Public Hearing for Fiscal Year 2023 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.

FISCAL IMPACTS OF RECOMMENDATION

Resolutions would conditionally approve, pending public hearing and final City Council authorization thereafter, the continued levying of assessments in Fiscal Year (FY) 2023 for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018, collectively referred to herein as the Districts.

The assessments are to be filed with the Alameda County Auditor and included on the County’s assessment roll. After collection by the County the total amount of the assessment minus a county collection fee is paid to the City of Berkeley. The revenue is posted in the Street Light Assessment District Fund (Fund 142).

A summary of projected FY 2023 revenue, expenditures, and fund balances for the assessment districts is shown in Table 1.

**Table 1: FY 2023 Street Light Assessment Revenue & Expenditures Forecast**

|                                                  |                     |
|--------------------------------------------------|---------------------|
| <b>Estimated Beginning Balance (Fund 142)</b>    | <b>\$ 1,941,027</b> |
|                                                  |                     |
| <b>Street Lighting Program Expenditures</b>      | <b>\$ 2,974,124</b> |
| <b>Projected Assessments &amp; Other Revenue</b> |                     |
| Street Light Assessment District 1982-1          | \$ 1,416,260        |
| Street Light Assessment District 2018            | \$ 707,085          |
| County Collection Fee (1.7%)                     | \$ (36,097)         |
| Misc. Revenue                                    | \$ 957              |

|                                         |                     |
|-----------------------------------------|---------------------|
| <b>Projected Net Revenue</b>            | <b>\$ 2,088,205</b> |
| <b>Deficit</b>                          | <b>\$ (885,919)</b> |
|                                         |                     |
| <b>Estimated End Balance (Fund 142)</b> | <b>\$ 1,055,108</b> |

Allowable annual adjustments of the 2018 District assessment rates are expected to raise revenues over the coming years.

**CURRENT SITUATION AND ITS EFFECTS**

The proposed FY 2023 rates for Assessment District 1982-1 (1982 District) are incorporated into the Engineer’s Report (Attachment 3) and reflect no changes to assessment rates in FY 2023. Accordingly, this action is exempt from the notice, protest, and hearing requirements of State Proposition 218 as set forth in Government Code Section 53753.5 (Article XIII D, Sec. 5). Any increase or change in formula for the assessments would make the annual assessment subject to procedures and approval process of Proposition 218 (Government Code Section 53750-53754). Table 2 details prior year and proposed FY 2023 assessment rates for this district.

**Table 2: Street Lighting Assessment District No. 1982-1 Rate Schedule**

| <b>Rate Category</b>          | <b>Assessment FY 2022</b> | <b>Proposed Assessment FY 2023</b> | <b>Unit</b>      |
|-------------------------------|---------------------------|------------------------------------|------------------|
| Residential and Institutional | \$ 0.0108                 | \$ 0.0108                          | BSF <sup>1</sup> |
| Industrial and Utility        | \$ 0.0216                 | \$ 0.0216                          | BSF              |
| Commercial                    | \$ 0.0432                 | \$ 0.0432                          | BSF              |

The assessment for Street Lighting Assessment District 2018 (2018 District) is subject to an annual adjustment tied to the Consumer Price Index-U for the San Francisco Bay Area as of December of each succeeding year (the “CPI”), with a maximum annual adjustment not to exceed 3%. For the period beginning in December 2020 and ending in December 2021, the CPI increased by 4.24%<sup>2</sup>; therefore the assessment CPI adjustment for Fiscal Year 2023 may not exceed the prescribed maximum of 3.00%. As approved by voters, the total annual adjustment may be calculated by taking the sum of the 1982-1 District assessment and the 2018 District assessment, and multiplying the sum by the allowable CPI increase. Calculating the adjustment in this manner allows for the inclusion of a 1982-1 District adjustment as part of the 2018 District adjustment. The cumulative total adjustment results in a 2018 District assessment rate increase of approximately 8.6%.

<sup>1</sup> Building Square Footage (BSF)

<sup>2</sup> Bureau of Labor Statistics, Data Series CUUSS49BSA0



These rate increases and the methodology used in their calculation are in accordance with the voter approved measure; therefore the proposed adjustments are exempt from the notice, protest, and hearing requirements of State Proposition 218 as set forth in Government Code Section 53753.5 (Article XII D, Sec. 5). Table 3 lists current rates and approximate rates proposed for FY 2023 for each rate category. Detailed calculations of the annual adjustment and the corresponding rate increases are included in the 2018 District Engineer’s Report (Attachment 4).

**Table 3: Street Lighting Assessment District 2018 Rate Schedule**

| Rate Category                   | Assessment FY 2022  | Proposed Assessment FY 2023 | Unit   |
|---------------------------------|---------------------|-----------------------------|--------|
| <b>Residential</b>              |                     |                             |        |
| Single Family                   | \$ 14.12            | \$ 15.34                    | parcel |
| Multi-Family<5 units            | \$ 11.30            | \$ 12.27                    | unit   |
| Multi-Family 5 or more units    | \$ 8.47             | \$ 9.20                     | unit   |
| Condominium                     | \$ 11.30            | \$ 12.27                    | parcel |
| Mobile Home                     | \$ 7.06             | \$ 7.67                     | unit   |
| Multiple SFR on parcel          | \$ 14.12            | \$ 15.34                    | unit   |
| <b>Non-Residential</b>          |                     |                             |        |
| General Commercial              | \$ 211.82           | \$ 230.10                   | acre   |
| Industrial / Warehouse          | \$ 21.18            | \$ 23.01                    | acre   |
| Auto Repair                     | \$ 141.22           | \$ 153.40                   | acre   |
| Hotel / Motel / Boarding        | \$ 141.22           | \$ 153.40                   | acre   |
| Hospital                        | \$ 88.26            | \$ 95.88                    | acre   |
| Retirement Home                 | \$ 17.65            | \$ 19.18                    | acre   |
| School / Day Care               | \$ 31.77            | \$ 34.52                    | acre   |
| Medical / Dental / Vet          | \$ 176.52           | \$ 191.75                   | acre   |
| Church                          | \$ 10.59            | \$ 11.51                    | acre   |
| Mortuary                        | \$ 3.53             | \$ 3.84                     | acre   |
| Recreational                    | \$ 35.30            | \$ 38.35                    | acre   |
| Parking / Transportation        | \$ 70.61            | \$ 76.70                    | acre   |
| Mini Storage                    | \$ 10.59            | \$ 11.51                    | acre   |
| Office                          | \$ 52.96            | \$ 57.53                    | acre   |
| Bank                            | \$ 176.52           | \$ 191.75                   | acre   |
| Park / Open Space / Agriculture | \$ 0.71             | \$ 0.77                     | acre   |
| Vacant                          | <i>Not assessed</i> |                             |        |

Revenue from the assessments will provide needed funding for the installation, maintenance, and servicing of public lighting facilities, including but not limited to street lights, traffic signals, and related electrical facilities. The improvements and services provided support the Strategic Plan goals of creating a resilient, safe, connected, and prepared city and of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

**BACKGROUND**

The Berkeley Street Lighting Assessment District No. 1982-1 was established under the Landscaping and Lighting Act of 1972 (Streets and Highway Code Section 22620-22631) on July 27, 1982 (Resolution No. 51,449-N.S.)<sup>3</sup>. The Street Lighting Assessment District 2018 was established under the same Act on June 12, 2018 (Resolution No. 68,482-N.S.). The Landscaping and Lighting Act of 1972 requires City Council to hold a public hearing each year to consider adoption of an annual budget and approve changes to the Engineer’s Report, even if assessments are not being increased.

In accordance with the Landscaping and Lighting Act of 1972, the City Council sets a date for a public hearing, and authorizes publication of a notice at least ten days prior to the date of that hearing to allow owners of assessed properties within each district to make an oral or written protest against the annual levy. During the course of, or upon conclusion of the public hearing, City Council may order changes in any of the matters provided in the respective Engineer’s Report, including changes in improvements; zones within the assessment district; and the proposed district diagram, or the proposed assessment, as long as any proposed changes are less than the proposed annual levy.

Copies of the Engineer’s Reports with FY 2023 assessments are to be filed with the City Clerk and at the reference desk of the main branch of the Berkeley Public Library. Electronic copies of the reports and finalized assessment rolls will also be available to the public upon request.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

The City exclusively uses LED (light emitting diode) street lighting. LED lights provide environmental benefits by reducing the level of greenhouse gases emitted; reducing level of toxic materials disposed; maximization of energy and energy cost savings; achieving the City’s illumination standards; and minimizing administration costs and staff time for street light maintenance.

**RATIONALE FOR RECOMMENDATION**

The Landscaping and Lighting Act of 1972, under which the Districts were formed, requires a public hearing to be held each year during the course of a regular City Council Meeting to consider adoption of an annual budget and changes to the Engineer’s Report. Failing to meet these requirements would prevent the City from collecting assessments for the Districts in FY 2023.

---

<sup>3</sup> State of California legislation (Streets & Highways §22500) allows local governmental agencies to form Landscape & Lighting Maintenance Districts. A 1972 Act Landscaping and Lighting District is a flexible tool used by local government agencies to pay for landscaping, lighting and other improvements and services in public areas. It is based on the concept of assessing only those properties that benefit from improvements financed, either directly, or indirectly through increased property values.  
<http://www.californiataxdata.com/pdf/1972LLact.pdf>

**CONTACT PERSON**

Liam Garland, Director, Department of Public Works, (510) 981-6303

Joe Enke, Manager of Engineering, Department of Public Works (510) 981-6411

**Attachments:**

- 1: Resolution – Declaration of Intent – Street Lighting Assessment District 1982-1
- 2: Resolution – Declaration of Intent – Street Lighting Assessment District 2018
- 3: Engineer’s Report - Street Lighting Assessment District 1982-1 Fiscal Year 2023
- 4: Engineer’s Report - Street Lighting Assessment District 2018 Fiscal Year 2023

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

DECLARATION OF INTENT – ASSESSMENTS FOR FY 2023 STREET LIGHTING  
ASSESSMENT DISTRICT 1982-1

WHEREAS, on July 27, 1982, the Council of the City of Berkeley Adopted Resolution No. 51,449–N.S. that completed proceedings to form the Berkeley Street Lighting Assessment District No. 1982-1; and

WHEREAS, pursuant to Chapter III of the Landscaping and Lighting Act of 1972 Street and Highway Code Section 22620-22631, the Department of Public Works, Engineering Division, Engineer of Work for Berkeley Street Lighting Assessment District No. 1982-1, prepared and filed an annual report for levy of annual assessments for Fiscal Year (FY) 2023 with the City Clerk.

NOW THEREFORE, BE IT RESOLVED, the Council of the City of Berkeley approves the Engineer’s Report, dated May 2022, on levy of assessments for FY 2023 for Berkeley Street Lighting Assessment District 1982-1. The area of land to be assessed is located in the City of Berkeley, Alameda County.

BE IT FURTHER RESOLVED, the Council of the City of Berkeley declares its intention to levy and collect assessments within the Berkeley Street Lighting Assessment District 1982-1 for FY 2023.

BE IT FURTHER RESOLVED, the City Clerk shall publish a notice at least ten (10) days prior to the date of the public hearing listing the date, hour, and place of the public hearing for annual levy and collection of assessments in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Section 6061 of the Government Code.

BE IT FURTHER RESOLVED, improvements to be made in this assessment district are generally described as maintenance or servicing of existing and future public lighting facilities, including, but not limited to street lights, traffic signals, and related electrical facilities; and the installation and construction of public lighting including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk, paving, irrigation, and drainage as needed for the installation of public lighting or related electrical facilities.

BE IT FURTHER RESOLVED, the annual report for Fiscal Year 2023 for which assessments are to be levied and collected to pay the costs of the improvements described in the report prepared by the Department of Public Works, Engineering Division, in accordance with the Landscaping and Lighting Act of 1972 is filed with the Office of City Clerk. All interested persons are referred to that report for a full and detailed description of improvements, boundaries of the assessment district, and proposed assessments upon assessable lots and parcels of land within the assessment district.

BE IT FURTHER RESOLVED, at 6:00 PM on Tuesday, June 28, 2022 the City Council will conduct a public hearing. The hearing may be held in the School District Board Room

located at 1231 Addison Street, Berkeley, CA 94702 or via videoconference pursuant to Government Code Section 54953(e) and the state declared emergency. The Council will consider all objections or protests, if any, to the proposed assessment. At the public hearing any interested person may present written or oral testimony.

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

DECLARATION OF INTENT – ASSESSMENTS FOR FY 2023 STREET LIGHTING  
ASSESSMENT DISTRICT 2018

WHEREAS, on June 12, 2018, the Council of the City of Berkeley Adopted Resolution No. 68,432–N.S. that completed proceedings to form the Street Lighting Assessment District 2018; and

WHEREAS, pursuant to Chapter III of the Landscaping and Lighting Act of 1972 Street and Highway Code Section 22620-22631, the Department of Public Works, Engineering Division, Engineer of Work for Street Lighting Assessment District 2018, prepared and filed an annual report for levy of annual assessments for Fiscal Year (FY) 2023 with the City Clerk.

NOW THEREFORE, BE IT RESOLVED, the Council of the City of Berkeley approves the Engineer’s Report, dated May 2022, on levy of assessments for FY 2023 for Street Lighting Assessment District 2018. The area of land to be assessed is located in the City of Berkeley, Alameda County.

BE IT FURTHER RESOLVED, the proposed annual adjustments of assessments are in compliance with the provisions of Proposition 218 because adjustments are in accordance with adjustment formulas established when the assessment district was formed.

BE IT FURTHER RESOLVED, the Council of the City of Berkeley declares its intention to levy and collect assessments within the Street Lighting Assessment District 2018 for FY 2023.

BE IT FURTHER RESOLVED, the City Clerk shall publish a notice at least ten (10) days prior to the date of the public hearing listing the date, hour, and place of the public hearing for annual levy and collection of assessments in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Section 6061 of the Government Code.

BE IT FURTHER RESOLVED, improvements to be made in this assessment district are generally described as maintenance or servicing of existing and future public lighting facilities, including, but not limited to street lights, traffic signals, and related electrical facilities; and the installation and construction of public lighting, including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk, paving, irrigation, and drainage as needed for the installation of public lighting or related electrical facilities.

BE IT FURTHER RESOLVED, the annual report for Fiscal Year 2023 for which assessments are to be levied and collected to pay the costs of the improvements described in the report prepared by the Department of Public Works, Engineering Division, in accordance with the Landscaping and Lighting Act of 1972 is filed with the Office of City Clerk. All interested persons are referred to that report for a full and detailed

description of improvements, boundaries of the assessment district, and proposed assessments upon assessable lots and parcels of land within the assessment district.

BE IT FURTHER RESOLVED, at 6:00 PM on Tuesday, June 28, 2022 the City Council will conduct a public hearing. The hearing may be held in the School District Board Room located at 1231 Addison Street, Berkeley, CA, 94702 or via videoconference pursuant to Government Code Section 54953(e) and the state declared emergency. The Council will consider all objections or protests, if any, to the proposed assessment. At the public hearing any interested person may present written or oral testimony.

CITY OF BERKELEY

**STREET LIGHTING  
ASSESSMENT DISTRICT No. 1982-1**

**ENGINEER'S REPORT**

on the  
Levy of an Assessment  
for  
Fiscal Year 2023

May 2022

Prepared by

JOSEPH ENKE, PE



CITY OF BERKELEY  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION

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**BACKGROUND**

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By its Resolution 51,230 N.S., adopted April 6, 1982, the Berkeley City Council initiated proceedings under the provisions of Division 15, Part 2, of the California Streets and Highways Code, entitled "Landscaping and Lighting Act of 1972". The required public hearing was held on July 20, 1982, at which time the Council ordered the improvements and the formation of the assessment district, and confirmed the diagram and assessment. The district so formed was designated the "City of Berkeley Street Lighting Assessment District 1982-1". Assessments have been levied for the 1983 through 2022 fiscal years.

This report was prepared and filed pursuant to Division 15, Part 2, of the California Streets and Highway Code Section 2250, and is exempt from Government Code Section 53753 since the proposed assessment for FY 2023 will not be increased.

**PLANS AND SPECIFICATIONS**

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The plans and specifications for this assessment district were prepared and filed with the Engineer's Report for the 1983 fiscal year, which plans and specifications are incorporated herein by this reference thereto.

**METHODOLOGY**

---

The benefit to individual parcels within the Assessment District was established in 1982 based on the median light intensity a parcel receives. Parcel's Land Use Code (LUC) is used to categorize the parcels. The assessment is calculated by multiplying the building square footage on the parcel times the rate of its category. The rate structure has three categories: 1) Residential and Institutional, 2) Industrial, 3) Commercial. An industrial area has twice the median light intensity of a residential area and a commercial area has four times the median light intensity; therefore, the rates are two and four times higher, respectively, than the residential rate. The rates are:

|                               |                                  |
|-------------------------------|----------------------------------|
| Residential and Institutional | \$0.0108/Building Square Footage |
| Industrial and Utility        | \$0.0216/Building Square Footage |
| Commercial                    | \$0.0432/Building Square Footage |

**ESTIMATE OF COSTS**

---

The improvements to be made in this assessment district are generally described as the maintenance or servicing of existing and future public lighting facilities, including, but not limited to street lights, traffic signals, and related electrical facilities; and the installation and construction of public lighting including grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalks, paving, irrigation, and drainage as needed for the installation of public lighting or related electrical facilities.

An estimate of costs for the maintenance of the improvements is provided in the fiscal year (FY) 2023 Street Light Assessment Fund (Fund 142) forecast provided below. A more detailed breakdown of costs is included as Appendix A.

**Table 1- FY 2023 Street Light Fund Forecast**

| <b>Costs</b>                            |                     |
|-----------------------------------------|---------------------|
| <b>Personnel Costs</b>                  | \$ 1,072,367        |
| <b>Non-Personnel Costs</b>              |                     |
| Supplies, etc.                          | \$ 149,673          |
| Debt Service                            | \$ 370,451          |
| PG&E Electric Costs                     | \$ 423,193          |
| Infrastructure/Streets                  | \$ 534,398          |
| Deferred Capital Maintenance            | \$ 171,125          |
| Indirect Costs                          | \$ 51,764           |
| Operating Transfer Out                  | \$ 12,120           |
| Internal Services                       | \$ 189,033          |
| <b>Subtotal Non-Personnel Costs</b>     | <b>\$ 1,901,757</b> |
| <b>Total Costs</b>                      | <b>\$ 2,974,124</b> |
| <b>Assessments &amp; Other Revenue</b>  |                     |
| Street Light Assessment District 1982-1 | \$ 1,416,260        |
| Street Light Assessment District 2018   | \$ 707,085          |
| County Collection Fee (1.7%)            | \$ (36,097)         |
| Misc. Revenue                           | \$ 957              |
| <b>Net Revenue</b>                      | <b>\$ 2,088,205</b> |
| <b>Deficit</b>                          | <b>\$ (885,919)</b> |

**DIAGRAM**

The diagram for this assessment district was prepared and filed with the Engineer's Report for the 1983 fiscal year.

**ASSESSMENT**

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Except as described below, the assessments to be made against the assessable lots and parcels of land within this assessment district are contained in the "2022 Assessment Roll" for this district, which roll is filed herewith and incorporated herein by this reference thereto.

Said assessment roll filed herewith is based on data contained in the City's 2022 Library Tax tape and the County Assessor's 2022 maps. In the event that data contained in the 2022 Library Tax tape and 2022 maps, when issued, conflict therewith, assessments to be made against the affected parcels for this 2023 Fiscal Year shall be based upon the revised data contained in said 2023 tape and 2023 maps.

Dated: *April 19, 2022*



Joseph Enke, RCE 49027  
Engineer of Work



**APPENDIX A: DETAIL OF STREET LIGHTING COSTS IN FY 2023**

DETAIL OF STREET LIGHTING COSTS IN FY 2023

|                                     | Personnel           | Supplies, etc     | Debt Service      | PGE Electric      | Infrastructure/<br>Streets | Deferred<br>Capital/<br>Maintenance | Indirect Costs   | Operating<br>Transfer Out | Internal<br>Services | TOTALS              |
|-------------------------------------|---------------------|-------------------|-------------------|-------------------|----------------------------|-------------------------------------|------------------|---------------------------|----------------------|---------------------|
| Customer Service - 311              |                     |                   |                   |                   |                            |                                     |                  |                           | \$ 38,402            | \$ 38,402           |
| Revenue Collection                  | \$ 19,063           |                   |                   |                   |                            |                                     | \$ 2,188         |                           |                      | \$ 21,251           |
| Financial Admin<br>Services         |                     |                   |                   |                   |                            |                                     |                  | \$ 364                    |                      | \$ 364              |
| Corp Yard<br>Administration         |                     |                   |                   |                   |                            |                                     |                  | \$ 1,091                  |                      | \$ 1,091            |
| General Engineering                 |                     |                   |                   |                   |                            |                                     |                  | \$ 121                    |                      | \$ 121              |
| Communication System<br>Maintenance |                     | \$ 1,000          |                   |                   |                            |                                     |                  |                           |                      | \$ 1,000            |
| Street Lighting<br>Maintenance      | \$ 1,053,304        | \$ 135,756        | \$ 370,451        | \$ 415,808        | \$ 534,398                 | \$ 171,125                          | \$ 49,576        | \$ 10,544                 | \$ 134,495           | \$ 2,875,458        |
| Traffic Signal<br>Maintenance       |                     |                   |                   |                   |                            |                                     |                  |                           |                      | \$ -                |
| Corp Yard Maintenance               |                     | \$ 12,917         |                   | \$ 7,385          |                            |                                     |                  |                           | \$ 16,136            | \$ 36,438           |
| <b>TOTALS</b>                       | <b>\$ 1,072,367</b> | <b>\$ 149,673</b> | <b>\$ 370,451</b> | <b>\$ 423,193</b> | <b>\$ 534,398</b>          | <b>\$ 171,125</b>                   | <b>\$ 51,764</b> | <b>\$ 12,120</b>          | <b>\$ 189,033</b>    | <b>\$ 2,974,125</b> |

**APPENDIX B: FY 2023 ASSESSMENT ROLL**

An Assessment Roll (a listing of all parcels assessed within the City of Berkeley Street Lighting Assessment District 2018 and the amount of the assessment) has been filed with the City Engineer, and is, by reference, made part of this report and will be available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference, made part of this report. These records shall govern all details concerning the description of the lots or parcels.

FY 2023

# City of Berkeley

## Street Lighting Assessment District 2018

May 2022

Engineer of Work:



4745 Mangels Boulevard  
Fairfield, California 94534  
707.430.4300

www.sciengm.com

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**CITY OF BERKELEY**

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**City Council**

Jesse Arreguin, Mayor  
Rashi Kesarwani, District 1  
Terry Taplin, District 2  
Ben Bartlett, District 3  
Kate Harrison, District 4  
Sophie, Hahn, District 5  
Susan Wengraf, District 6  
Rigel Robinson, District 7  
Lori Droste, District 8

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**City Manager**

Dee Williams-Ridley

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**Public Works Department**

Liam Garland, Director  
Joseph Enke, Manager of Engineering  
Ricardo Salcedo, Associate Civil Engineer

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**City Attorney**

Farimah Brown

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**Engineer of Work**

Jerry Bradshaw, P.E., SCI Consulting Group

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## Introduction

### Overview

The City of Berkeley (“City”) provides maintenance and servicing of certain publicly-owned street lights throughout the City. In order to fund the installation, maintenance and operation (the “Services”) of these improvements (“Improvements”), the City formed a city-wide street light assessment district in 1982. The rates for the 1982 assessment district have never been increased. Revenues from these assessments are placed into the streetlight fund (Fund 470).

In time, the financial outlook of the Streetlight fund began to cause concern as the costs increased for energy, labor and materials, while the revenue remained relatively static. Accordingly, the Streetlight fund no longer had enough funds to fund the Street light program. As a result, beginning in Fiscal Year 2006<sup>1</sup> the Streetlight fund began to receive a subsidy from the City’s General Fund in order to balance revenues with expenditures. However, because of other demands on the General Fund, that subsidy ended beginning Fiscal Year 2018. The modest fund balance was sufficient for Fiscal Year 2018 to cover that year’s anticipated expenses, but under current conditions it was expected to be depleted during Fiscal Year 2019. To establish financial sustainability for the Streetlight fund and avoid significant reductions in service levels, in 2018 the City conducted a funding measure to increase the assessment revenue for street light services.

With the passage of Proposition 218 in 1996, any increase in assessments must be approved by the affected property owners through a specified ballot proceeding. In addition, Proposition 218 and related subsequent court decisions create strict criteria for how assessments can be apportioned to the various properties, and the existing 1982 assessment structure may not be adequately consistent with these newer criteria. While the 1982 assessment structure may continue as a “grandfathered” assessment, any increase must be implemented in accordance with Proposition 218 and court decisions. For this reason, a new district, Street Lighting Assessment District 2018 (“District”), was formed separately, leaving the 1982 assessment structure in place, as is. The District will was formed and the levies are made pursuant to Part 2 of Division 15 of the *California Streets and Highways Code*, commonly known as the Landscape and Lighting Act of 1972 (“Act”), and Article XIID of the California Constitution (“Article”).

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<sup>1</sup> Fiscal years are referenced in this Report by the year that fiscal period ends. For example, Fiscal Year 2006 would cover the period from July 1, 2005 through June 30, 2006.

## Assessment Formation Process

This Engineer's Report ("Report") describes the Street Lighting Assessment District 2018 ("District"), along with the boundaries, a description of the facilities and public improvements to be improved, serviced and maintained by the assessments (the "Improvements"), and the proposed assessments for Fiscal Year 2023 ("Assessments").

At its meeting on April 3, 2018, the City Council passed a resolution directing that a notice of assessment and assessment ballot be mailed to property owners within the District whose property receives special benefit from the Improvements. The notice included a description of the Improvements to be funded by the Assessments, the proposed assessment amount for each parcel owned, and an explanation of the method of completing and submitting the ballot. Ballots were mailed on or about April 11, 2018.

On May 29, 2018, a public hearing was held for the purpose of allowing public testimony regarding the proposed Assessments. At the Public Hearing, the public had the opportunity to speak on the issue, voice any concerns or protests, and obtain further information about the proposed Assessments.

The returned ballots were then tabulated, and the ballot results were announced at the City Council meeting on June 12, 2018. It was determined that the assessment ballots submitted in opposition to the proposed Assessments did not exceed the assessment ballots submitted in favor of the Assessments (each ballot was weighted by the proportional financial obligation of the property for which the ballot was submitted), so the Council was able to take action to approve the levying of Assessments for Fiscal Year 2019. The Assessments were so confirmed and approved, and the Assessment information was submitted to the County Auditor/Controller. The County Auditor/Controller included the Assessments on the property tax roll beginning in Fiscal Year 2019. Assessments may now be continued by the City Council from year to year.

## Legal Requirements

### Proposition 218

This Assessment District was formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996 and is now codified as Articles XIII C and XIII D of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including property-owner balloting for the imposition, increase and extension of assessments, and these requirements are satisfied by the process used to establish this Assessment District.

---

### **Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority**

In July 2008, the California Supreme Court decided *Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority* (“*SVTA*”), the most significant court case clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the decision included further emphasis that:

- Benefit assessments are for special benefits to property, not general benefits.
- The services and/or improvements funded by assessments must be clearly defined.
- Assessment districts must be drawn to contain all parcels that receive a special benefit from a proposed public improvement.
- Assessments paid in each assessment district must be proportional to the special benefit received by each such parcel from the improvements and services funded by the assessment.

This Engineer’s Report and the process used to establish the Assessments are consistent with the *SVTA* decision and with the requirements of Article XIIC and XIID of the California Constitution based on the following factors:

1. The District is narrowly drawn to include only the properties that receive special benefit from the specific Improvements. Thus, zones of benefit are not required, and the assessment revenue derived from real property in the District is extended only on the Improvements in the District.



2. The Improvements which will be constructed and maintained with Assessment proceeds in the District are located in close proximity to the real property subject to the Assessment. The Improvements provide illumination to streets and sidewalks enabling improved access to the residents of such assessed property. The proximity of the Improvements to the assessed parcels and the improved access and increased safety provided to the residents of the assessed parcels by the Improvements provides a special benefit to the parcel being assessed pursuant to the factors outlined by the Supreme Court in that decision.
3. Due to their proximity to the assessed parcels, the Improvements financed with Assessment revenues in the District benefit the properties in that District in a manner different in kind from the benefit that other parcels of real property in the area derive from such Improvements, and the benefits conferred on such property in the District are more extensive than a general increase in property values.
4. The assessments paid in the District are proportional to the special benefit that each parcel within the District receives from the Improvements because:
  - a) The costs of the specific lighting Improvements and maintenance and utility costs in the District are specified in this Report; and
  - b) Such Improvement and maintenance costs in the District are allocated among different types of property located within the District and equally among those properties which have similar characteristics, such as single-family residential parcels, multi-family residential parcels, commercial parcels, industrial parcels, etc.

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#### **Dahms v. Downtown Pomona Property**

On June 8, 2009, the Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona in *Dahms v. Downtown Pomona Property* (“*Dahms*”). On July 22, 2009, the California Supreme Court denied review. In *Dahms* the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

---

**Bonander v. Town of Tiburon**

On December 31, 2009, in *Bonander v. Town of Tiburon* (“*Bonander*”), the Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments primarily on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of the overall cost of the improvements and the overall proportional special benefits.

---

**Beutz v. County of Riverside**

On May 26, 2010 the Court of Appeals issued a decision in *Steven Beutz v. County of Riverside* (“*Beutz*”). This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services was not explicitly calculated, quantified and separated from the special benefits.

---

**Golden Hill Neighborhood Association v. City of San Diego**

On September 22, 2011, the Court of Appeal issued a decision in *Golden Hill Neighborhood Association v. City of San Diego* appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The Court described two primary reasons for its decision. First, like in *Beutz*, the Court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the Court found that the City failed to record the basis for the assessment on its own parcels.

---

**Compliance with Current Law**

This Engineer’s Report is consistent with the requirements of Articles XIIC and XIID of the California Constitution and with the *SVTA* decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the District; and the Improvements provide a direct advantage to property in the District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Beutz, Dahms* and *Greater Golden Hill* because the Improvements will directly benefit property in the District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Improvements and Services and proportional special benefit to each property.

## Plans and Specifications

The work and Improvements to be undertaken by the City and the cost paid from the levy of the annual assessment provide special benefit to assessor parcels within the District defined in the Method of Assessment herein. Consistent with the Act, the Improvements are generally described as follows:

The installation, maintenance, and servicing of local street lights in close proximity to certain lots and parcels which provide a direct special benefit to such lots or parcels.

The installation, maintenance, and servicing of peripheral street light structures which provide a special benefit to all the assessable parcels within the District whether or not such parcels are in close proximity to such lighting.

The installation or construction of public lighting facilities, or the acquisition of any new improvements.

Plans and Specifications for the Improvements for the District are voluminous and are not bound in this Report but by this reference are incorporated and made a part of this Report. The Plans and Specifications are on file in the office of the Public Works Director where they are available for public inspection.

Article XIII D of the California Constitution defines "maintenance and servicing expenses" as, "the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care and supervision necessary to properly operate and maintain a permanent public improvement". The Improvement funding includes, but is not limited to, the removal, repair, replacement or relocation of light standards, poles, bulbs, fixtures and appurtenances, electrical energy, supplies, engineering and incidental costs relating to the maintenance and servicing of the local lighting improvements benefiting the parcels within the District.

The Improvements to be maintained and serviced within the District are to be part of the local street light system of the City of Berkeley that confers special benefit to the District's parcels. The specific location of local street light Improvements within the City can be found in the Streetlight Condition Assessment by Tanko Lighting, which is on file in the office of the Director of Public Works, where it is available for public inspection.

The Improvements to be maintained and serviced within the District include City-owned street lights within the right of way of the local public streets located within the boundaries of the District. These lights are all within close proximity to the parcels within the District identified as receiving local lighting benefit in the Method of Assessment, and, as such, provide special benefit to these parcels.

All street light maintenance will be performed by the City of Berkeley or its contractors.

## Fiscal Year 2023 Budget

A summary budget for fiscal year 2023 for the maintenance of the Improvements is provided below. The full Itemized budget for the Assessment District is voluminous and is not bound in this report but by reference is incorporated and made a part of this report. The Itemized budget is on file in the Department of Public Works where it is available for public inspection.

**Table 1 – FY 2023 Budget Summary**

|                                                  | FY 2023             |
|--------------------------------------------------|---------------------|
| <b>Revenue</b>                                   |                     |
| 1982 Assessment Dist                             | \$ 1,416,260        |
| SLAD 2018 Assessments <sup>1</sup>               | 707,085             |
| Misc. Revenue                                    | 957                 |
| <b>TOTAL REVENUE</b>                             | <b>\$ 2,124,302</b> |
| <b>Expenses</b>                                  |                     |
| <b><u>Personnel Expenses</u></b>                 |                     |
| Personnel                                        | 1,072,367           |
| <b><u>Other Operating Expenses</u></b>           |                     |
| Supplies, etc.                                   | 149,673             |
| Indirect Costs                                   | 51,764              |
| Gas/Electricity                                  | 423,193             |
| Debt Service Payment                             | 370,451             |
| Operating Transfer Out                           | 12,120              |
| Internal Services                                | 189,033             |
| County Collection Fee                            | 36,097              |
| <b>Other Operating Subtotal</b>                  | <b>\$ 1,232,331</b> |
| <b><u>Capital Expenses</u></b>                   |                     |
| Infrastructure/Streets                           | 534,398             |
| Deferred Capital/Maint                           | 171,125             |
| <b>Capital Subtotal</b>                          | <b>\$ 705,523</b>   |
| <b>TOTAL EXPENSES</b>                            | <b>\$ 3,010,221</b> |
| <b>To (from) General Fund and/or Reserves</b>    | <b>\$ (885,919)</b> |
| <b>Budget Allocation to Parcels</b>              |                     |
| Total Street Light 2018 Assessments <sup>1</sup> | \$ 707,085          |
| Total Street Light 2018 SFEs                     | 46,097.747          |
| <b>Assessment per SFE <sup>2</sup></b>           | <b>\$ 15.34</b>     |

## Notes on the Budget:

1. The Act requires that proceeds from the Assessments must be deposited into a special fund that has been set up for the revenues and expenditures of the District. Moreover, funds raised by the Assessment shall be used only for the purposes stated within this Report. Any balance remaining at the end of the Fiscal Year, June 30, must be carried over to the next Fiscal Year. The City may also establish a reserve fund for contingencies and special projects, as well as a capital improvement fund for accumulating funds for larger capital improvement projects or capital renovation needs. Any remaining balance would either be placed in the reserve fund, the capital improvement fund, or would be used to reduce future years' assessments.
2. The rate shown here is for a Single-Family Equivalent ("SFE"), which is a single-family home or its equivalent. For the definition of the term SFE and rates for other types of property, see the section titled, "Method of Assessment" and the sections following it in this report.

## Method of Assessment

This section of the Engineer's Report includes an explanation of the benefits derived from the installation, maintenance and servicing of the Improvements throughout the District and the Assessment methodology used to apportion the total Assessment to properties within the District.

The District consists of all assessor parcels within the boundaries as defined by the Assessment Diagram and the parcels identified by the Assessor Parcel Numbers listed with the levy roll included with this Report. The parcel list includes all assessable privately and publicly owned parcels within the boundaries. The method used for apportioning the Assessment is based on the proportional special benefits to be derived by the properties in the District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the Improvements and the second step is to allocate the Assessments to property based on the estimated relative special benefit for each type of property.

## Discussion of Benefit

In summary, the Assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's use of the Improvements or a property owner's specific demographic status. With reference to the requirements for Assessments, Section 22573 of the Act states:

*The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.*

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that Assessments must be based on the special benefit to property:

*No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.*



## Special Benefit

Street lighting is an optional improvement, not required by state or federal law, that is an enhancement over and above requisite infrastructure, and thus is a special benefit. The majority of the benefits of the street lights are received by the benefited property, with a small portion of the benefits received by the general public on major streets only. This portion received by the general public is captured and quantified in the following section.

The factors that determine special benefit conferred on parcels are detailed below:

---

### Improved Visibility and Safety

Well maintained, effective street lighting provides special benefit to proximate parcels, within range of the light, because it allows for safer and improved use of the property in the evenings, early morning, and at night. Street lighting provides special benefit because it increases neighborhood safety and, at least indirectly, reduces the likelihood of crime on the proximate parcels. Over time, the Improvements continue to confer a particular and distinct special benefit upon parcels within the District because of the nature of the Improvements. The proper maintenance of the street lights and appurtenant facilities increases visibility and local human presence and, in many situations, helps reduce property-related crimes, especially vandalism, against assessed properties in the District.

---

### Improved Access, Navigation and Traffic Safety

Well maintained, effective street lighting enhances ingress, egress and accessibility of all forms to the assessed parcels in the evening, early morning, and at night by increasing visibility. Improved visibility also helps prevent local automobile, bicycle, and pedestrian traffic accidents related to the assessed parcels. This benefit includes a reduction in accidents during non-daylight hours.

---

### Improved Community Character and Vitality

Well maintained, effective street lighting promotes evening and nighttime social interaction of residents and customers of businesses and industry. This creates a positive atmosphere and enhanced community image in the evening and at night for the assessed parcels.

All of the above-mentioned items also contribute to a specific enhancement to each of the parcels within the District. The proximate street lights make each parcel safer, more visible, more accessible, more useful, more valuable and more desirable; and this further strengthens the basis of these Assessments.

## General Versus Special Benefit

The proceeds from the Assessments are used to fund the described Improvements and increased levels of maintenance to the other City facilities that serve and benefit the properties in the District. In absence of the Street Lighting Assessment District 2018, such Improvements would not be properly maintained. Therefore, the District's purpose is to ensure that the necessary and beneficial public facilities for property in the District are properly maintained, operated and repaired over time. The Assessments will ensure that street lighting and associated improvements within and adjacent to the District are functional, well maintained and effective. These public resources directly benefit the property in the District and will confer distinct and special benefits to the properties within the District.

The Improvements and Services are specifically designed, located and created to provide additional and improved resources for property inside the District and not the public at large although the Improvements maintained by the Services may be available to the general public. Other properties that are outside the District do not enjoy the unique proximity and other special benefit factors described previously. These Improvements and Services are of special benefit to properties located within the District because they provide a direct advantage to properties in the District that would not be provided in the absence of the Assessments. Any general benefits to surrounding properties outside of the Assessment District, if any, are collateral and conferred concomitantly.

## Quantification of General Benefit

Although the analysis used to support these assessments concludes that the benefits are solely special, as described above, consideration is made for the suggestion that a portion of the benefits are general. General benefits cannot be funded by these assessments. The funding for general benefits must come from other sources.

The maintenance and servicing of these Improvements is also partially funded, directly and indirectly, from other sources, including the City of Berkeley, Alameda County, and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g. curbs, gutters, streets, drainage systems, etc.). This funding from other sources more than compensates for general benefits, if any, received by the properties within the Assessment District.

In the 2009 *Dahms* case, the Court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided within the assessment district. It is also important to note that the improvements and services funded by the assessments in Pomona are similar to the improvements and services funded by the Assessments described in this Engineer's Report and the Court found these improvements and services to be 100% special benefit. Also similar to the assessments in Pomona, the Assessments described in this Engineer's Report fund Improvements and Services directly provided within the District and every benefiting property in the District enjoys proximity and access to the Improvements. Therefore, *Dahms* establishes a basis for minimal or zero general benefits from the Assessments. Nonetheless, possible general benefits have been liberally calculated below and then shown to be more than offset by resources from non-assessment sources.

---

### Calculation of General Benefit

The Illumination Engineering Society of North America provides a widely-used standard for street lighting which has become the de-facto industry standard. This standard specifies footcandle requirements as a measurement of illumination at the roadway level, which are different for local, collector, and major streets using three levels (low/medium/high) of pedestrian activity. The three street classifications and pedestrian activity levels are described below with a discussion of their general benefit contribution from the street light system.

Local Streets – a street that is used to gain access to the property bordering it. The street lights on local streets primarily serve the adjacent property owner. Therefore, per industry standard, the street lights on local streets have no general benefit component.

Collector Streets – low to moderate capacity roads which serve to move traffic from local streets to arterial roads. Similar to local streets, collector streets are primarily used by local residents and per industry standard are also deemed to have no general benefit component. This street classification will be used as the baseline for this analysis.

Arterials – high capacity streets that serve as the principal network for through traffic flow. These routes connect areas of principal traffic generation and important regional roadways traversing the City. As such, this traffic includes a significant number of drivers from outside the District and the street light Improvements may confer some general benefit on those drivers.

On average, arterial streets require a 45% increase in lighting levels from the baseline collector streets.<sup>2</sup> This increase in lighting reinforces the special benefits to the abutting properties as defined above: increased visibility and safety; improved access, navigation and traffic safety; and improved community character and vitality. In addition to these benefits, the through traffic flow, which includes drivers from outside the District, receives the additional benefit of reduction in nighttime accidents due to enhanced lighting. The degree to which each of these benefits can be considered general benefit is shown in Table 2 below.

**Table 2 – General Benefit for Arterial Streets**

| <b>Benefit Factor</b>                                             | <b>Relative Weight</b> | <b>General Benefit Contribution</b> | <b>Relative General Benefit</b> |
|-------------------------------------------------------------------|------------------------|-------------------------------------|---------------------------------|
| Improved Nighttime Visibility and Safety                          | 25                     | 0%                                  | 0.0%                            |
| Improved Access, Navigation and Traffic Safety                    | 25                     | 50%                                 | 12.5%                           |
| Improved Community Character and Vitality                         | 25                     | 0%                                  | 0.0%                            |
| Reduction in Nighttime Accidents                                  | 25                     | 75%                                 | 18.8%                           |
| <b>General Benefit on Arterial Streets from Improved Lighting</b> |                        |                                     | <b>31.3%</b>                    |

The general benefit from arterial streets must be combined with the general benefit from all other streets in the District. Each category of street has its unique general benefit weight, prorated by center line miles of streets. This calculation is shown in Table 3 below.

**Table 3 – Calculation of General Benefit**

| <b>Street Classification</b> | <b>Centerline Miles</b> | <b>General Benefit Weight</b> | <b>General Benefit</b> |
|------------------------------|-------------------------|-------------------------------|------------------------|
| Local                        | 158                     | 73.1%                         | 0.0%                   |
| Collector                    | 37                      | 17.1%                         | 0.0%                   |
| Arterial                     | 21                      | 9.7%                          | 3.0%                   |
| <b>TOTAL</b>                 | <b>216</b>              | <b>100%</b>                   | <b>3.0%</b>            |

<sup>2</sup> Based on values from the Illumination Engineering Society of North America, "American National Standard Practice for Roadway Lighting."

As a result, the City of Berkeley will contribute at least 3.0% of the total budget from sources other than the Assessment. This contribution offsets any general benefits from the Assessment Services.

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### Calculation of the Current General Benefit Contribution from the City

This general benefit contribution is the sum of the following components:

The City of Berkeley owns, maintains, rehabilitates and replaces curb and gutter along the border of the Assessment District improvements. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the Improvements. The contribution from the City of Berkeley toward general benefit from the maintenance, rehabilitation, and replacement of the curb and gutter is conservatively estimated to be 1%.

The City of Berkeley owns and maintains a storm drainage system along the border of the District's Improvements. This system serves to prevent flooding and associated damage to the Improvements and to manage urban runoff including local pollutants loading from the Improvements. The contribution from the City of Berkeley toward general benefit from the maintenance and operation of the local storm drainage system is conservatively estimated to be 1%.

The City of Berkeley owns and maintains local public streets throughout the District. These public streets provide access to the Improvements for its enjoyment as well as efficient maintenance. The contribution from the City of Berkeley toward general benefit from the maintenance of local public streets is conservatively estimated to be 1%.

The value of the construction of the existing street light Improvements can be quantified and monetized as an annuity. Since this construction was performed and paid for by funds other than these Assessments, this "annuity" can be used to offset general benefit costs and is conservatively estimated to contribute 25%.

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### General Benefit is More than Offset by City Contribution

Therefore, the total general benefit is liberally quantified at 3.0%, which is more than offset by the total non-assessment contribution toward general benefit of 28%.

## Method of Assessment

As previously discussed, the proposed Assessments will provide comprehensive Improvements that will clearly confer special benefits to properties in the proposed District. The allocation of special benefits to property is partially based on the type of property and the size of property.

The development of an Assessment methodology requires apportioning to determine the relative special benefit for each property. To determine the special benefit received by individual parcels, the use of that parcel must be considered. Each category of property can benefit from street lights in a unique way, and those characteristics must be quantified. As noted above, the special benefit factors are as follows:

- Improved visibility and safety
- Improved access, navigation and traffic safety
- Improved community character and vitality

The basis for apportioning Assessments is traffic generated to and from a particular parcel. This is used because the amount of traffic generated by a parcel is directly proportional to, and effectively models, the relative quantity of the three special benefit factors. For instance, the more people that come and go from a site, the more the site benefits from the improved visibility and safety. The same reasoning applies to the other special benefit factors.

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### **Residential Traffic**

The typical single-family residence (“SFR”) generates approximately ten vehicular trips per day. Condominium units generate approximately eight trips per day and apartment units generate approximately six trips per day per unit. The trip generation rates that are used for each land use are based on the trip generation rates published by the San Diego Association of Governments and the Encinitas Ranch Austin Foust Traffic Study. The trip generation rates are included in Appendix A of this report.

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### **Non-Residential Traffic**

Trip generation for non-residential parcels vary depending on their designated land use as well as size of parcel. The trip generation data for non-residential land uses are based on trips per acre. For instance, a commercial parcel on two acres typically will have twice the traffic of a commercial parcel on one acre. It follows that the two-acre parcel will then receive twice the benefit from the street lighting as the one-acre parcel. Various land uses were grouped into categories with similar traffic characteristics, resulting in the fee categories shown later in this report.

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### Darkness

Non-residential parcels typically do not operate all night long. The average period of darkness is 12 hours, but non-residential uses will only operate for approximately three hours of that time. For that reason, a non-residential darkness factor of  $(3 \div 12 =)$  25% is applied to those parcels. For two non-residential categories, the darkness factor is different, as shown below:

- Offices and banks typically close earlier than other non-residential uses so they are assigned a darkness factor of 12.5%.
- Hotels, motels and boarding houses typically have activity further into the night than other non-residential uses, so they are assigned a darkness factor of 50%.

Non-residential trip generation is then adjusted for the darkness factor for each rate category.

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### Single-Family Equivalents

The SFR category is used as the baseline for calculating the special benefit for all other land uses and sizes. Each rate category is assigned a single-family equivalent (“SFE”) rate using the following formula:

$$\frac{ADT \times \text{Darkness Factor}}{ADT \text{ for SFR}} = \text{SFE Rate}$$

Where:

- ADT = Average Daily Trips for each category
- ADT for SFR = ADT for single-family residential, which is used as a baseline figure for SFE rate
- SFE Rate = SFEs per unit shown (parcel, [living] unit, or acre)

The results of these calculations for each rate category are shown in Table 4 below.

Table 4 – Single-Family Equivalent Rates

| Landuse Category                | ADT  | Darkness Factor | Adj ADT | SFE Rate | Unit   |
|---------------------------------|------|-----------------|---------|----------|--------|
| <b>Residential</b>              |      |                 |         |          |        |
| Single Family                   | 10   | 1               | 10      | 1.000    | parcel |
| Multi-Family < 5 units          | 8    | 1               | 8       | 0.800    | unit   |
| Multi-Family 5 or more units    | 6    | 1               | 6       | 0.600    | unit   |
| Condominium                     | 8    | 1               | 8       | 0.800    | parcel |
| Mobile Home                     | 5    | 1               | 5       | 0.500    | unit   |
| Multiple SFR on parcel          | 10   | 1               | 10      | 1.000    | unit   |
| <b>Non-Residential</b>          |      |                 |         |          |        |
| General Commercial              | 600  | 0.25            | 150     | 15.000   | acre   |
| Industrial / Warehouse          | 60   | 0.25            | 15      | 1.500    | acre   |
| Auto Repair                     | 400  | 0.25            | 100     | 10.000   | acre   |
| Hotel / Motel / Boarding        | 200  | 0.5             | 100     | 10.000   | acre   |
| Hospital                        | 250  | 0.25            | 62.5    | 6.250    | acre   |
| Retirement Home                 | 50   | 0.25            | 12.5    | 1.250    | acre   |
| School / Day Care               | 90   | 0.25            | 22.5    | 2.250    | acre   |
| Medical / Dental / Vet          | 500  | 0.25            | 125     | 12.500   | acre   |
| Church                          | 30   | 0.25            | 7.5     | 0.750    | acre   |
| Mortuary                        | 10   | 0.25            | 2.5     | 0.250    | acre   |
| Recreational                    | 100  | 0.25            | 25      | 2.500    | acre   |
| Parking / Transportation        | 200  | 0.25            | 50      | 5.000    | acre   |
| Mini Storage                    | 30   | 0.25            | 7.5     | 0.750    | acre   |
| Office                          | 300  | 0.125           | 37.5    | 3.750    | acre   |
| Bank                            | 1000 | 0.125           | 125     | 12.500   | acre   |
| Park / Open Space / Agriculture | 2    | 0.25            | 0.5     | 0.050    | acre   |
| Vacant                          | 0    |                 |         | na       |        |

### Annual Assessment Increase

The Assessment is subject to an annual adjustment tied to the San Francisco-Oakland-Hayward Consumer Price Index-U as of December of each succeeding year ("CPI"), with a maximum annual adjustment not to exceed 3%. In order for the City's dedicated Streetlight fund revenue sources to satisfy cost requirements into the future, the maximum rate per SFE is calculated based upon the sum of the 1982 assessment and the Street Light Assessment District 2018 Assessment.



Table 5 – Maximum Single-Family Equivalent Rate Calculation

|                                           | FY 2022               | FY 2023             |
|-------------------------------------------|-----------------------|---------------------|
| 2018 District Maximum for FY 22           | \$ 645,239.76         | \$ 645,239.76       |
| 1982 District Maximum for FY 22           | <u>\$1,416,260.14</u> |                     |
| Total for FY 22                           | \$2,061,499.90        |                     |
| Maximum Increase of 3% of Total for FY 22 |                       | <u>\$ 61,845.00</u> |
| FY 23 Maximum Assessment                  |                       | \$ 707,084.76       |
| Total SFEs                                |                       | 46,097.747          |
| <b>FY 23 Maximum Rate per SFE</b>         |                       | <b>\$ 15.34</b>     |

### Duration of Assessment

The Assessments may be continued every year after their formation, so long as the public Improvements need to be maintained and improved and the City requires funding from the Assessments for these Improvements in the District. As noted previously, the Assessment can continue to be levied annually after the City Council approves an annually updated Engineer's Report, budget for the Assessment, Improvements to be provided and other specifics of the Assessment. In addition, the City Council must hold an annual public hearing to continue the Assessment.

## Appeals and Interpretation

Any property owner who feels that the Assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the City of Berkeley Public Works department. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City of Berkeley City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the City Engineer or her or his designee shall be referred to the Public Works Director and the decision of the Public Works Director shall be final.

## Assessment Statement

WHEREAS, on March 22, 2022, the City Council of the City of Berkeley, County of Alameda, California, adopted its Resolution No. 70,279-N.S., initiating proceedings for the levy of Assessments for fiscal year 2023 within the Street Light Assessment District 2018, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIII D of the California Constitution (collectively “the Act”);

WHEREAS, the City of Berkeley directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the Assessment District and an assessment of the estimated costs of the Improvements upon all assessable parcels within the Assessment District, to which the description of the proposed Improvements therein contained, reference is hereby made for further particulars;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under the Act and the order of the City Council of the City of Berkeley, hereby make the following assessment to cover the portion of the estimated cost of the Improvements, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for the Improvements and the expense incidental thereto to be paid by the City of Berkeley Street Lighting Assessment District 2018 for the fiscal year 2023 are generally as listed in Table 1.

As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of the City of Berkeley Street light Assessment District 2018. The distinctive number of each parcel or lot of land in the City of Berkeley Street light Assessment District 2018 is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby assess and apportion the net amount of the cost and expenses of the Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within the City of Berkeley Street Lighting Assessment District 2018, in accordance with the special benefits to be received by each parcel or lot, from the Improvements, and more particularly set forth in the cost estimate and method of assessment hereto attached and by reference made a part hereof.

The Assessments are made upon the parcels or lots of land within the City of Berkeley Street Lighting Assessment District 2018 in proportion to the special benefits to be received by the parcels or lots of land from the Improvements.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 2018. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2019 for each parcel or lot of land within the City of Berkeley Street Lighting Assessment District 2018.

Dated: April 21, 2022

Engineer of Work

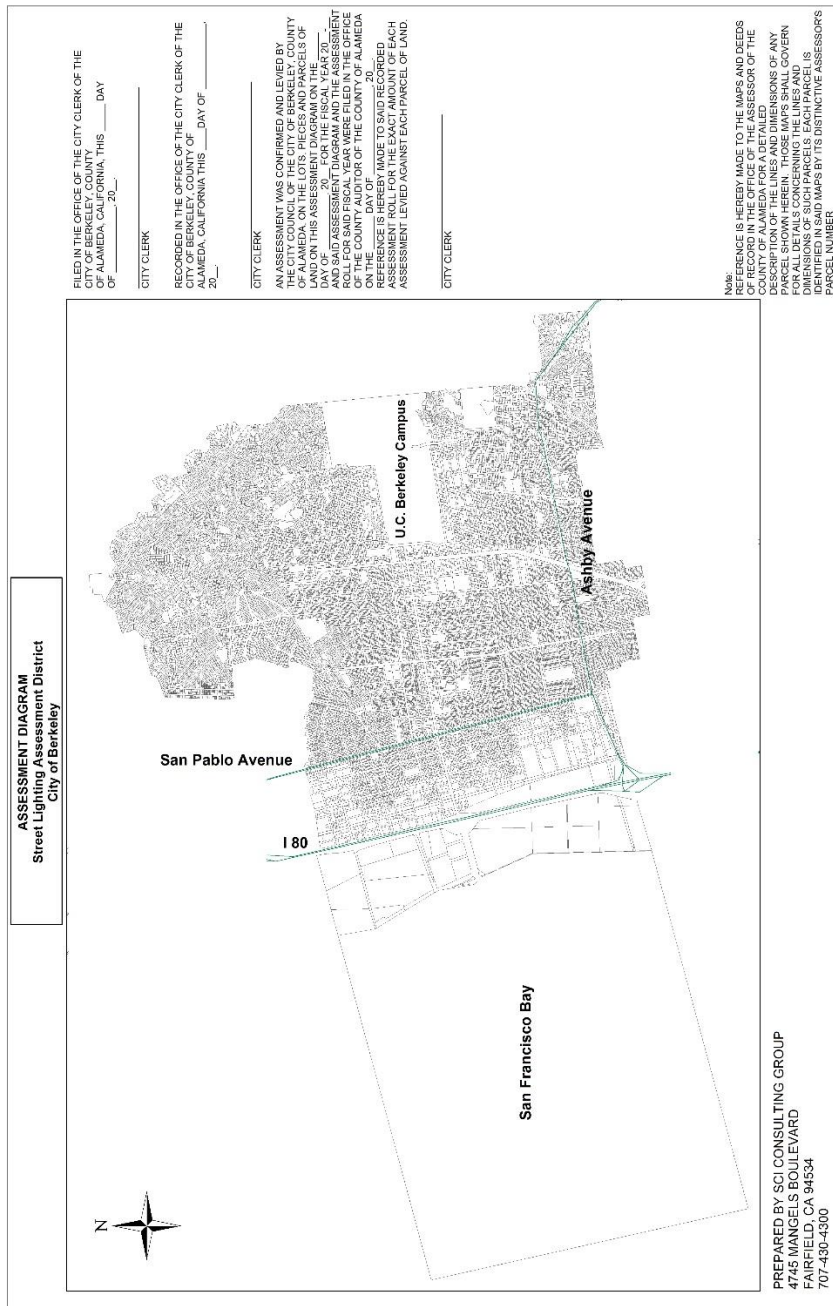
By \_\_\_\_\_  
Jerry Bradshaw, License No. C48845



# Assessment Diagram

The boundaries of the City of Berkeley Street Light Maintenance Assessment Districts and Annexations are displayed on the Assessment Diagram below.

Figure 1 – Assessment Diagram



Appendix A – SANDAG Trip Generation Tables

(NOT SO) BRIEF GUIDE OF VEHICULAR TRAFFIC GENERATION RATES FOR THE SAN DIEGO REGION



APRIL 2002

NOTE: This listing only represents a guide of average, or estimated, traffic generation "driveway" rates and some very general trip data for land uses (emphasis on acreage and building square footage) in the San Diego region. These rates (both local and national) are subject to change as future documentation becomes available, or as regional sources are updated. For more specific information regarding traffic data and trip rates, please refer to the San Diego Traffic Generators manual. Always check with local jurisdictions for their preferred or applicable rates.

Table with 5 columns: LAND USE, TRIP CATEGORIES (PRIMARY, DIVERTED, PASS-BY)†, ESTIMATED WEEKDAY VEHICLE TRIP GENERATION RATE (DRIVEWAY), HIGHEST PEAK HOUR % (plus IN-OUT ratio) Between 6:00-9:30 A.M. and Between 3:00-6:30 P.M., TRIP LENGTH (Miles)†. Rows include AGRICULTURE, AIRPORT, AUTOMOBILE, CEMETERY, CHURCH, COMMERCIAL/RETAIL, EDUCATION, FINANCIAL, HOSPITAL, and INDUSTRIAL.

(OVER)

MEMBER AGENCIES: Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, Vista and County of San Diego. ADVISORY/LIAISON MEMBERS: California Department of Transportation, County Water Authority, U.S. Department of Defense, S.D. Unified Port District and Tijuana/Baja California.

| LAND USE                                                                    | TRIP CATEGORIES<br>[PRIMARY:DIVERTED:PASS-BY] <sup>†</sup> | ESTIMATED WEEKDAY VEHICLE<br>TRIP GENERATION RATE (DRIVEWAY) | HIGHEST PEAK HOUR % (plus IN:OUT ratio) |                        | TRIP LENGTH<br>(Miles) <sup>1</sup> |      |
|-----------------------------------------------------------------------------|------------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------|------------------------|-------------------------------------|------|
|                                                                             |                                                            |                                                              | Between 6:00-9:30 A.M.                  | Between 3:00-6:30 P.M. |                                     |      |
| LIBRARY                                                                     | [44:44:12]                                                 | 50/1000 sq. ft., 400/acre**                                  | 2%                                      | (7:3)                  | 10% (5:5)                           | 3.9  |
| LODGING                                                                     | [58:38:4]                                                  |                                                              |                                         |                        |                                     | 7.6  |
| Hotel (w/convention facilities/restaurant)                                  |                                                            | 10/occupied room, 300/acre                                   | 6%                                      | (6:4)                  | 8% (6:4)                            |      |
| Motel                                                                       |                                                            | 9/occupied room, 200/acre*                                   | 8%                                      | (4:6)                  | 9% (6:4)                            |      |
| Resort Hotel                                                                |                                                            | 8/occupied room, 100/acre*                                   | 5%                                      | (6:4)                  | 7% (4:6)                            |      |
| Business Hotel                                                              |                                                            | 7/occupied room**                                            | 8%                                      | (4:6)                  | 9% (6:4)                            |      |
| MILITARY                                                                    | [82:16:2]                                                  | 2.5/military & civilian personnel*                           | 9%                                      | (9:1)                  | 10% (2:8)                           | 11.2 |
| OFFICE                                                                      |                                                            |                                                              |                                         |                        |                                     |      |
| Standard Commercial Office (less than 100,000 sq. ft.)                      | [77:19:4]                                                  | 20/1000 sq. ft., 300/acre*                                   | 14%                                     | (9:1)                  | 13% (2:8)                           | 8.8  |
| Large (High-Rise) Commercial Office (more than 100,000 sq. ft., 6+ stories) | [82:15:3]                                                  | 17/1000 sq. ft., 600/acre*                                   | 13%                                     | (9:1)                  | 14% (2:8)                           | 10.0 |
| Office Park (400,000+ sq. ft.)                                              |                                                            | 12/1000 sq. ft., 200/acre**                                  | 13%                                     | (9:1)                  | 13% (2:8)                           |      |
| Single Tenant Office                                                        |                                                            | 14/1000 sq. ft., 180/acre*                                   | 15%                                     | (9:1)                  | 15% (2:8)                           | 8.8  |
| Corporate Headquarters                                                      |                                                            | 7/1000 sq. ft., 110/acre*                                    | 17%                                     | (9:1)                  | 16% (1:9)                           |      |
| Government (Civic Center)                                                   | [50:34:16]                                                 | 30/1000 sq. ft.**                                            | 9%                                      | (9:1)                  | 12% (3:7)                           | 6.0  |
| Post Office                                                                 |                                                            |                                                              |                                         |                        |                                     |      |
| Central/Walk-In Only                                                        |                                                            | 90/1000 sq. ft.**                                            | 5%                                      |                        | 7%                                  |      |
| Community (not including mail drop lane)                                    |                                                            | 200/1000 sq. ft., 1300/acre*                                 | 6%                                      | (6:4)                  | 9% (5:5)                            |      |
| Community (w/mail drop lane)                                                |                                                            | 300/1000 sq. ft., 2000/acre*                                 | 7%                                      | (5:5)                  | 10% (5:5)                           |      |
| Mail Drop Lane only                                                         |                                                            | 1500 (750 one-way)/lane*                                     | 7%                                      | (5:5)                  | 12% (5:5)                           |      |
| Department of Motor Vehicles                                                |                                                            | 180/1000 sq. ft., 900/acre**                                 | 6%                                      | (6:4)                  | 10% (4:6)                           |      |
| Medical-Dental                                                              | [60:30:10]                                                 | 50/1000 sq. ft., 500/acre*                                   | 6%                                      | (8:2)                  | 11% (3:7)                           | 6.4  |
| PARKS                                                                       | [66:28:6]                                                  |                                                              |                                         |                        |                                     | 5.4  |
| City (developed w/meeting rooms and sports facilities)                      |                                                            | 50/acre*                                                     | 4%                                      |                        | 8%                                  |      |
| Regional (developed)                                                        |                                                            | 20/acre*                                                     | 13%                                     | (5:5)                  | 9% (5:5)                            |      |
| Neighborhood/County (undeveloped)                                           |                                                            | 5/acre (add for specific sport uses), 6/picnic site***       |                                         |                        |                                     |      |
| State (average 1000 acres)                                                  |                                                            | 1/acre, 10/picnic site**                                     |                                         |                        |                                     |      |
| Amusement (Theme)                                                           |                                                            | 80/acre, 130/acre (summer only)**                            |                                         |                        | 6% (6:4)                            |      |
| San Diego Zoo                                                               |                                                            | 115/acre*                                                    |                                         |                        |                                     |      |
| Sea World                                                                   |                                                            | 80/acre*                                                     |                                         |                        |                                     |      |
| RECREATION                                                                  |                                                            |                                                              |                                         |                        |                                     |      |
| Beach, Ocean or Bay                                                         | [52:39:9]                                                  | 600/1000 ft. shoreline, 60/acre*                             |                                         |                        |                                     | 6.3  |
| Beach, Lake (fresh water)                                                   |                                                            | 50/1000 ft. shoreline, 5/acre*                               |                                         |                        |                                     |      |
| Bowling Center                                                              |                                                            | 30/1000 sq. ft., 300/acre, 30/lane**                         |                                         |                        |                                     |      |
| Campground                                                                  |                                                            | 4/campsite**                                                 | 4%                                      | (7:3)                  | 11% (4:6)                           |      |
| Golf Course                                                                 |                                                            | 7/acre, 40/hole, 700/course***                               | 7%                                      | (8:2)                  | 9% (3:7)                            |      |
| Driving Range only                                                          |                                                            | 70/acre, 14/tee box*                                         | 3%                                      | (7:3)                  | 9% (5:5)                            |      |
| Marinas                                                                     |                                                            | 4/berth, 20/acre***                                          | 3%                                      | (3:7)                  | 7% (6:4)                            |      |
| Multi-purpose (miniature golf, video arcade, batting cage, etc.)            |                                                            | 90/acre                                                      | 2%                                      |                        | 6%                                  |      |
| Racquetball/Health Club                                                     |                                                            | 30/1000 sq. ft., 300/acre, 40/court*                         | 4%                                      | (6:4)                  | 9% (6:4)                            |      |
| Tennis Courts                                                               |                                                            | 16/acre, 30/court**                                          | 5%                                      |                        | 11% (5:5)                           |      |
| Sports Facilities                                                           |                                                            |                                                              |                                         |                        |                                     |      |
| Outdoor Stadium                                                             |                                                            | 50/acre, 0.2/seat*                                           |                                         |                        |                                     |      |
| Indoor Arena                                                                |                                                            | 30/acre, 0.1/seat*                                           |                                         |                        |                                     |      |
| Racetrack                                                                   |                                                            | 40/acre, 0.6/seat*                                           |                                         |                        |                                     |      |
| Theaters (multiplex w/matinee)                                              | [66:17:17]                                                 | 80/1000 sq. ft., 1.8/seat, 360/screen*                       | 13%                                     |                        | 8% (6:4)                            | 6.1  |
| RESIDENTIAL                                                                 | [86:11:3]                                                  |                                                              |                                         |                        |                                     | 7.9  |
| Estate, Urban or Rural (average 1-2 DU/acre)                                |                                                            | 12/dwelling unit**                                           | 8%                                      | (3:7)                  | 10% (7:3)                           |      |
| Single Family Detached (average 3-6 DU/acre)                                |                                                            | 10/dwelling unit**                                           | 8%                                      | (3:7)                  | 10% (7:3)                           |      |
| Condominium (or any multi-family 6-20 DU/acre)                              |                                                            | 8/dwelling unit**                                            | 8%                                      | (2:8)                  | 10% (7:3)                           |      |
| Apartment (or any multi-family units more than 20 DU/acre)                  |                                                            | 6/dwelling unit**                                            | 8%                                      | (2:8)                  | 9% (7:3)                            |      |
| Military Housing (off-base, multi-family) (less than 6 DU/acre)             |                                                            | 8/dwelling unit                                              | 7%                                      | (3:7)                  | 9% (6:4)                            |      |
| (6-20 DU/acre)                                                              |                                                            | 6/dwelling unit                                              | 7%                                      | (3:7)                  | 9% (6:4)                            |      |
| Mobile Home                                                                 |                                                            |                                                              |                                         |                        |                                     |      |
| Family                                                                      |                                                            | 5/dwelling unit, 40/acre*                                    | 8%                                      | (3:7)                  | 11% (6:4)                           |      |
| Adults Only                                                                 |                                                            | 3/dwelling unit, 20/acre*                                    | 9%                                      | (3:7)                  | 10% (6:4)                           |      |
| Retirement Community                                                        |                                                            | 4/dwelling unit**                                            | 5%                                      | (4:6)                  | 7% (6:4)                            |      |
| Congregate Care Facility                                                    |                                                            | 2.5/dwelling unit**                                          | 4%                                      | (6:4)                  | 8% (5:5)                            |      |
| RESTAURANT <sup>5</sup>                                                     | [51:37:12]                                                 |                                                              |                                         |                        |                                     | 4.7  |
| Quality                                                                     |                                                            | 100/1000 sq. ft., 3/seat, 500/acre***                        | 7%                                      | (6:4)                  | 8% (7:3)                            |      |
| Sit-down, high turnover                                                     |                                                            | 160/1000 sq. ft., 6/seat, 1000/acre***                       | 8%                                      | (5:5)                  | 8% (6:4)                            |      |
| Fast Food (w/drive-through)                                                 |                                                            | 650/1000 sq. ft., 20/seat, 3000/acre***                      | 7%                                      | (5:5)                  | 7% (5:5)                            |      |
| Fast Food (without drive-through)                                           |                                                            | 700/1000 sq. ft., **                                         | 5%                                      | (6:4)                  | 7% (5:5)                            |      |
| Delicatessen (7am-4pm)                                                      |                                                            | 150/1000 sq. ft., 11/seat*                                   | 9%                                      | (6:4)                  | 3% (3:7)                            |      |
| TRANSPORTATION                                                              |                                                            |                                                              |                                         |                        |                                     |      |
| Bus Depot                                                                   |                                                            | 25/1000 sq. ft.**                                            |                                         |                        |                                     |      |
| Truck Terminal                                                              |                                                            | 10/1000 sq. ft., 7/bay, 80/acre**                            | 9%                                      | (4:6)                  | 8% (5:5)                            |      |
| Waterport/Marine Terminal                                                   |                                                            | 170/berth, 12/acre**                                         |                                         |                        |                                     |      |
| Transit Station (Light Rail w/parking)                                      |                                                            | 300/acre, 2 1/2/parking space (4/occupied)**                 | 14%                                     | (7:3)                  | 15% (3:7)                           |      |
| Park & Ride Lots                                                            |                                                            | 400/acre (600/paved acre),<br>5/parking space (8/occupied)** | 14%                                     | (7:3)                  | 15% (3:7)                           |      |

\* Primary source: San Diego Traffic Generators.

\*\* Other sources: ITE Trip Generation Report (6th Edition), Trip Generation Rates (other agencies and publications), various SANDAG & CALTRANS studies, reports and estimates.

† Trip category percentage ratios are daily from local household surveys, often cannot be applied to very specific land uses, and do not include non-resident drivers (draft SANDAG Analysis of Trip Diversion, revised November, 1990).

PRIMARY - one trip directly between origin and primary destination.

DIVERTED - linked trip (having one or more stops along the way to a primary destination) whose distance compared to direct distance ≥ 1 mile.

PASS-BY - undiverted or diverted < 1 mile.

<sup>1</sup> Trip lengths are average weighted for all trips to and from general land use site. (All trips system-wide average length = 6.9 miles)

<sup>2</sup> Fitted curve equation:  $\ln(T) = 0.502 \ln(x) + 6.945$  }  $T = \text{total trips, } x = 1,000 \text{ sq. ft.}$

<sup>3</sup> Fitted curve equation:  $\ln(T) = 0.756 \ln(x) + 3.950$  }

<sup>4</sup> Fitted curve equation:  $t = -2.169 \ln(d) + 12.85$  }  $t = \text{trips/DU, } d = \text{density (DU/acre), DU = dwelling unit}$

<sup>5</sup> Suggested PASS-BY (undiverted or diverted < 1 mile) percentages for trip rate reductions only during P.M. peak period (based on combination of local data/review and Other sources\*\*):

|                                           |     |
|-------------------------------------------|-----|
| COMMERCIAL/RETAIL                         |     |
| Regional Shopping Center                  | 20% |
| Community                                 | 30% |
| Neighborhood                              | 40% |
| Specialty Retail/Strip Commercial (other) | 10% |
| Supermarket                               | 40% |
| Convenience Market                        | 50% |
| Discount Club/Store                       | 30% |
| FINANCIAL                                 |     |
| Bank                                      | 25% |
| AUTOMOBILE                                |     |
| Gasoline Station                          | 50% |
| RESTAURANT                                |     |
| Quality                                   | 10% |
| Sit-down high turnover                    | 20% |
| Fast Food                                 | 40% |

<sup>1</sup> Trip Reductions - In order to help promote regional "smart growth" policies, and acknowledge San Diego's expanding mass transit system, consider vehicle trip rate reductions (with proper documentation and necessary adjustments for peak periods). The following are some examples:

[1] A 5% daily trip reduction for land uses with transit access or near transit stations accessible within 1/4 mile.

[2] Up to 10% daily trip reduction for mixed-use developments where residential and commercial retail are combined (demonstrate mode split of walking trips to replace vehicular trips).

## Appendix B – Assessment Roll

An Assessment Roll (a listing of all parcels assessed within the City of Berkeley Street Lighting Assessment District 2018 and the amount of the assessment) has been filed with the City Engineer, and is, by reference, made part of this report and will be available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this report. These records shall govern all details concerning the description of the lots or parcels.





Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Director, Department of Public Works  
Subject: Contract: Nema Construction for FY 2022 Street Light Maintenance Project

RECOMMENDATION

Adopt a Resolution approving plans and specifications for the Street Rehabilitation FY 2022 Project, Specification No. 22-11506-C; accepting the bid of the lowest responsive and responsible bidder, Nema Construction; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$428,950.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available from the Street Light Assessment Fund. No other funding is required, and no other projects will be delayed due to this expenditure.

|                                    |                  |
|------------------------------------|------------------|
| Low bid by Nema Construction ..... | \$373,000        |
| 15% Contingency                    | \$55,950         |
| <b>Total construction cost</b>     | <b>\$428,950</b> |

FY 2022 Street Light Maintenance Project Funds

|                                                     |           |
|-----------------------------------------------------|-----------|
| Fund 142 (142-54-623-672-0000-000-426-664110-)..... | \$428,950 |
|-----------------------------------------------------|-----------|

CURRENT SITUATION AND ITS EFFECTS

The FY 2022 Street Light Maintenance Project (Specification No. 22-11506-C) was released for bids on March 28, 2022, and bids were opened on April 19, 2022 (see Attachment 3, Abstract of Bids). Six non-local bids were received, from a low of \$373,000 to a high of \$460,400. The engineer’s estimate for the project was \$475,000.

Nema Construction of Albany, California was the lowest responsive and responsible bidder, with a bid of \$373,000, and their references were found to be satisfactory. This project includes a 15% contingency, resulting in a total contract not to exceed amount of \$428,950. Staff recommends a contract for this project be awarded to Nema Construction.

The FY 2022 Street Light Maintenance Project is a Strategic Plan Priority Project, advancing our goal to provide state-of-the art, well-maintained infrastructure, amenities, and facilities.

### BACKGROUND

In 2017, the Department of Public Works hired a consulting firm to evaluate the condition of the 3,105 metal street light poles within Berkeley. The firm developed a custom survey for field staff to complete for each metal pole. The data from the surveys was used to determine which poles were experiencing chronic rust or corrosion and how these issues should be addressed.

The data was further reviewed and an estimated remaining useful pole life was determined for each street light pole. The remaining pole life was estimated based on pole type and level of damage (if any) observed in the field. The data was also mapped to allow the City to visualize where various issues are occurring.

This data was used to select the street light poles that were most in need of replacement. A subset of those street light poles were selected to be replaced as part of this project

The plans and specifications are on file in the Public Works Department. In accordance with the requirements of the California Environmental Quality Act (CEQA), this project has been determined to be categorically exempt because it consists of maintenance of existing street light poles and does not expand their use beyond existing conditions.

According to City policy, the Living Wage Ordinance does not apply to this project since Public Works construction contracts are subject to state prevailing wage laws. The contractor has submitted a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce Agreement (CWA) does not apply because the engineer's estimate of \$475,000 was below the \$500,000 contract amount threshold for CWA eligibility.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Improved street lighting is consistent with the City's efforts to improve efficiency and safety of movement of people and vehicles throughout the City's roadway network. Street lighting can also advance opportunities for people to safely walk, bike, and take public transit, therefore working to reduce greenhouse gases and pollutants that impact air quality.

### RATIONALE FOR RECOMMENDATION

This street light maintenance project is part of the City's ongoing efforts to maintain and rehabilitate public work infrastructure throughout the City. The work requires contracted services, as the City does not possess the in-house labor or equipment resources necessary to complete the project.

### ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered for this street light maintenance project. The City could choose not to proceed with this project. However, the street light infrastructure would then continue to deteriorate, reducing night visibility, increasing the chances of vehicular and pedestrian collisions, reducing public safety.

CONTACT PERSON

Joe Enke, Manager of Engineering, Public Works Department (510) 981-6411

Attachments:

- 1: Resolution
- 2: Location Map
- 3: Abstract of Bids

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

CONTRACT: NEMA CONSTRUCTION FOR FY 2022 STREET LIGHT  
MAINTAINENCE PROJECT

WHEREAS, the FY 2022 Street Light Maintenance Project is part of the City's ongoing efforts to maintain and rehabilitate public works infrastructure throughout the City; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this FY 2022 Street Light Maintenance Project; and

WHEREAS, an invitation for bids was duly advertised on March 28, 2022, bids were opened on April 19, 2022; and

WHEREAS, Nema Construction was determined to be the lowest responsive and responsible bidder; and

WHEREAS, funding is available in the current year budget in the FY 2022 Street Light Maintenance Project Fund142 (142-54-623-672-0000-000-426-664110-).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specification No. 22-11506-C for the FY 2022 Street Light Maintenance Project are approved.

BE IT FURTHER RESOLVED that the construction contract is awarded to Nema Construction as the lowest responsive and responsible bidder.

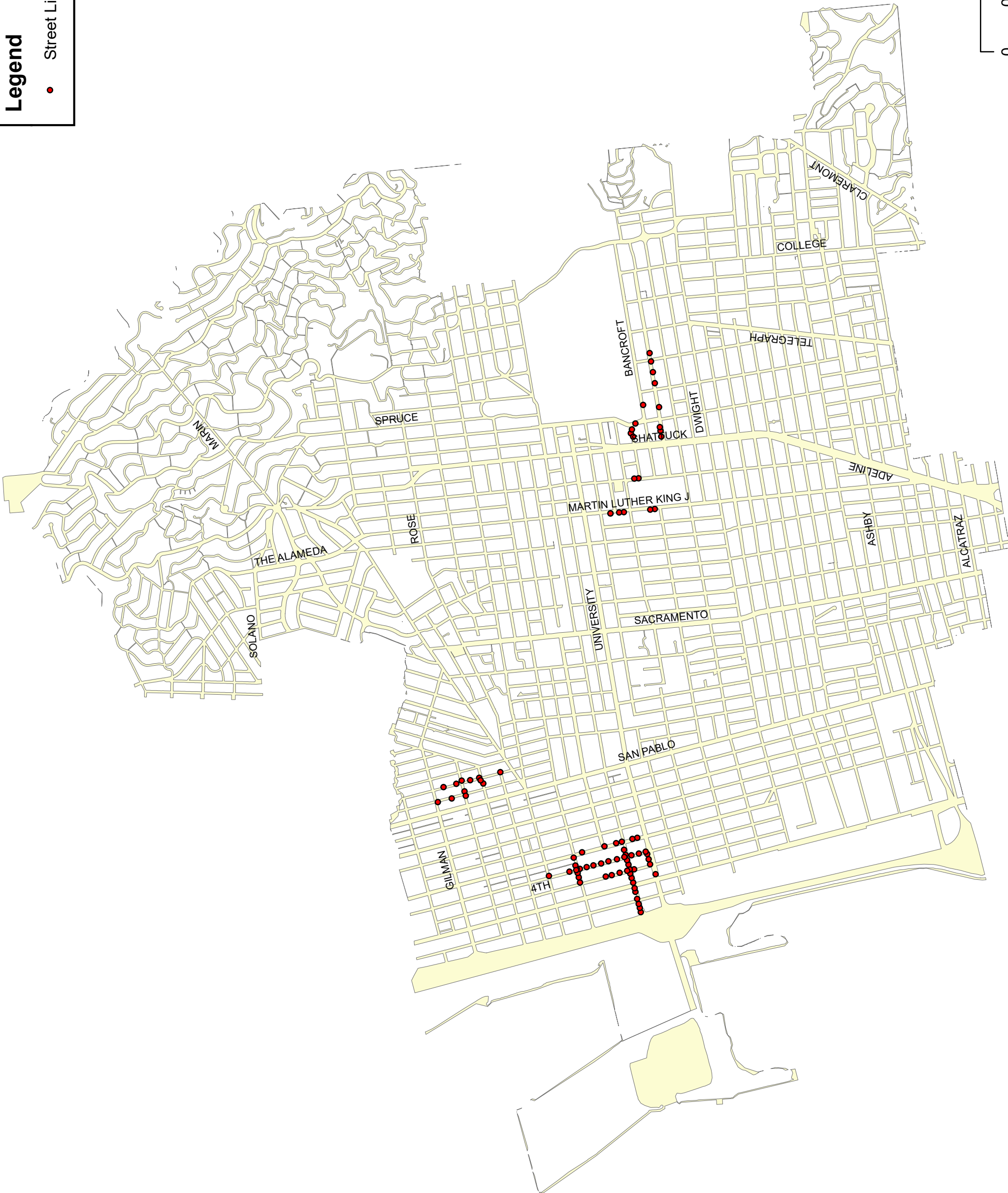
BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract and any amendments, extensions or change orders, until completion of the project in accordance with the approved plans and specifications with Nema Construction for the FY 2022 Street Light Maintenance Project, in an amount not to exceed \$428,950, which includes a 15% contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.

# PART - E



## Legend

- Street Light Pole Replacement Location





City of Berkeley  
Abstract of Bid Worksheet

Finance Department  
General Services Division

Spec. #

22-11506-C

Bid Date:

4/19/2022

FOR: FY 2022 Street Light Maintenance Project

required w/ bid

|    | Bidders             | Base Bid      | Alt. #1 | Alt. #2 | Alt. #3 | Bid Bond | Addenda | SC | LW | WF | EBO | OS | NF |
|----|---------------------|---------------|---------|---------|---------|----------|---------|----|----|----|-----|----|----|
| 1  | BES                 | \$ 406,350.00 |         |         |         | X        | X       | X  |    |    | X   | X  | X  |
| 2  | DC ELECTRIC GROUP   | \$ 382,180.00 |         |         |         | X        | X       | X  |    |    | X   | X  | X  |
| 3  | NEMA CONSTRUCTION   | \$ 373,000.00 |         |         |         | X        |         | X  |    |    | X   | X  | X  |
| 4  | RAYS ELECTRIC       | \$ 460,400.00 |         |         |         | X        |         | X  |    |    | X   | X  | X  |
| 5  | ST FRANCIS ELECTRIC | \$ 424,040.00 |         |         |         | X        |         | X  |    |    | X   | X  | X  |
| 6  | TENNYSON ELECTRIC   | \$ 416,765.00 |         |         |         | X        |         | X  |    |    | X   | X  | X  |
| 7  |                     |               |         |         |         |          |         |    |    |    |     |    |    |
| 8  |                     |               |         |         |         |          |         |    |    |    |     |    |    |
| 9  |                     |               |         |         |         |          |         |    |    |    |     |    |    |
| 10 |                     |               |         |         |         |          |         |    |    |    |     |    |    |

Bid Recorder: \_\_\_\_\_ ROOPREET SOORMA \_\_\_\_\_

Bid Opener: \_\_\_\_\_ JOSH ROBEN \_\_\_\_\_

Project Manager: Reeve Battle \_\_\_\_\_



Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Public Works  
 Subject: Contract: Zanker Recycling for Construction and Demolition Materials Hauling, Sorting and Marketing Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Zanker Recycling LLC to provide construction and demolition materials hauling, sorting and marketing services for an initial five-year term commencing on July 1, 2022. The contract includes an option to extend for one five (5) year period for a maximum ten (10) year contract term and a total amount not to exceed amount of \$21,551,718.

FISCAL IMPACTS OF RECOMMENDATION

Funds for this contract are available in the Zero Waste Fund (budget code 601-54-627-734-3023-000-472-612990).

CURRENT SITUATION AND ITS EFFECTS

The reuse and/or recycling of construction and demolition materials delivered to the City's Transfer Station is a Strategic Plan Priority Project, advancing our goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

The City currently sends all construction and demolition (C&D) materials delivered to its Transfer Station to an offsite contracted vendor. These services are currently provided by Zanker Road Resource Management, Ltd. Inc. (Contract No. UGJG6), an affiliated company with Zanker Recycling LLC (Zanker). At Zanker's facility, the C&D materials are sorted into commodities for reuse, recycled in other products, and/or permitted alternatives to landfilling. Given that all available contract extensions have been optioned by the City, the current contract will end on June 30, 2022.

To ensure that the Transfer Station's commercial and self-haul customers are provided this recycling service uninterrupted beyond June 30, 2022 and at a fair price, the City issued a Request For Proposals (RFP), Specification No. 22-11499-C, on February 23, 2022, for qualified firms or individuals to provide these offsite services. A City staffed

selection panel independently analyzed two (2) RFP proposals. The selection panel has determined Zanker Recycling LLC's proposal received a superior ranking based on the evaluation and scoring criteria detailed in the RFP. Therefore, the panel and staff recommend that Council approve a Resolution authorizing the City Manager to execute a contract and amendments with Zanker Recycling LLC for these construction and demolition materials' hauling, sorting and marketing services.

### BACKGROUND

The City of Berkeley's Transfer Station, at 1201 2<sup>nd</sup> Street, is open to the public Monday through Saturday from 8:00 a.m. to 4:30 p.m., 52 weeks per year, except for four (4) holidays. The Transfer Station annually receives approximately 140,000 tons of refuse, compostable organics, construction and demolition, and miscellaneous materials. Of these incoming tons, approximately 15,000+ tons are construction and demolition (C&D) materials delivered to the Transfer Station by third-party commercial hauling and self-haul customers.

The Transfer Station cannot provide an adequate staging area or space for the equipment required to sort and market these C&D materials. Therefore, these construction and demolition materials must be transported to a contracted offsite facility with the capability, capacity and equipment that can sort and/or segregate these materials for reuse or processed into recyclable or other permitted uses. These construction and demolition materials include, but not limited to, the following: drywall, painted and unpainted wood, engineered wood, roofing materials, metals, cardboard, dirt, brick, rock and various aggregates, concrete, rigid plastics, etc.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The selected contractor shall attempt to recover from these delivered C&D materials their best and highest use in the following order: reuse; recycling into similar products; recycling into other products, such as compost, mulch, energy production and other permitted and beneficial uses.

The diversion level will be a minimum of 75% of the tons received at the Zanker Recycling LCC facility or will meet any County of Alameda or State of California diversion requirements (whichever requirement is higher) or any change in law during the contract term. These contracted services will support the City's efforts to strive towards its 2009 Climate and Zero Waste goals.

### RATIONALE FOR RECOMMENDATION

The City does not own, operate a facility, or have sufficient staging area or equipment to sort and/or segregate these construction and demolition materials for reuse, recycling, and/or uses as permitted alternatives to landfilling. These hauling, sorting and marketing services require the City to contract with an offsite vendor and, per its submitted proposal, Zanker Recycling LLC can effectively provide these services.



ALTERNATIVE ACTIONS CONSIDERED

None. The City cannot provide an adequate staging area or possess the equipment needed at the Transfer Station to sort these construction and demolition materials into commodities to be marketed for reuse, recycled, and/or permitted alternatives to landfilling.

CONTACT PERSON

Greg Apa, Solid Waste & Recycling Manager, Zero Waste, (510) 981-6359  
Heidi Obermeit, Recycling Program Manager, Zero Waste, (510) 981-6357

Attachments:

1: Resolution

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

CONTRACT: ZANKER RECYCLING LLC FOR THE CONSTRUCTION AND DEMOLITION MATERIAL HAULING, SORTING and MARKETING SERVICES

WHEREAS, the City of Berkeley's Transfer Station annually receives approximately 15,000 plus tons of construction and demolition materials from third-party hauling companies and self-haul customers; and

WHEREAS, construction and demolition materials received by the Transfer Station must be sent to offsite contracted facilities for further sorting, processing and/or segregation to ensure their reuse, recycling and other permitted and beneficial uses; and

WHEREAS, on February 23, 2022, the City issued a Request for Proposals from qualified firms or individuals to haul, receive, sort and market all delivered construction and demolition materials for reuse, recycling or other permitted and beneficial uses (Specification No. 22-11499-C); and

WHEREAS, the City received two proposals on March 22, 2022, and after conducting an independent review and analysis by a City staffed selection panel, Zanker Recycling LLC was determined to be the superior proposal based on the Request For Proposal's selection criteria; and

WHEREAS, the reuse, recycling and other permitted and beneficial uses of these construction and demolition materials supports the City's efforts to strive towards its 2009 Climate and Zero Waste goals; and

WHEREAS, funds for this contract are available in the Zero Waste Fund (budget code 601-54-627-734-3023-000-472-612990).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract and any amendments with Zanker Recycling LLC for construction and demolition materials hauling, sorting and marketing services for an initial five (5) year contract term starting on July 1, 2022 with an option to extend for one five (5) year period for a maximum ten (10) year contract term and total amount not to exceed \$21,551,718.



Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Liam Garland, Director, Public Works

Subject: Contract No. 102498-1 Amendment: TK Elevator for Elevator Maintenance and Repair Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an Amendment to Contract No. 102498-1 with TK Elevator (formerly Thyssenkrupp Elevator) to increase the contract amount by \$500,000 for a total contract amount not to exceed \$1,640,000 and to extend the contract term through June 30, 2025.

FISCAL IMPACTS OF RECOMMENDATION

Total funding of \$500,000 is required over the extended three-year contract term. \$163,000 is needed for the remaining FY 2022 and budgeted as follows: \$20,000 is required from the Building Purchase and Management Fund (budget code: 636-54-624-692-0000-000-474-624110); \$100,000 is required from the Building Maintenance Fund (budget code: 673-54-624-692-0000-000-474-624110); \$20,000 is required from the Library Fund (budget code: 101-22-242-272-0000-000-463-624110); \$20,000 is required from the General Fund (budget code: 011-21-203-000-0000-000-424-624110); \$3,000 is required from the Parks Tax Fund (budget code: 138-52-542-568-0000-000-461-612990). An additional \$337,000 will be added to the budgets in each fiscal year for FY 2023-FY 2025, subject to the City's annual appropriation process.

CURRENT SITUATION AND ITS EFFECTS

The City operates 38 elevators located within 22 locations throughout the city. In addition, the elevators were built by several different manufacturers. TK Elevator technicians have the necessary experience and expertise to provide the comprehensive range of maintenance and emergency repair services for the diversity of elevators within City locations. This is a citywide contract shared by the Library, Animal Shelter, Health Housing and Community Services, and Parks Recreation and Waterfront.

The original contract not to exceed (NTE) amount of \$1,140,000 has been expended. Amending the contract to increase the NTE by \$500,000 and extending the contract term for an additional three years through June 30, 2025, will allow for continued and uninterrupted use of TK Elevators' critical elevator maintenance and repair services.

Council approval of this contract amendment advances the City's Strategic Plan goal of providing well-maintained infrastructure, amenities, and facilities.

BACKGROUND

The City is required to comply with California Code of Regulations Title 8, Chapter 4. AMSE A17.1 and local code testing requirements related to safe elevator maintenance and operations. Since 2003 the City has contracted with an elevator maintenance and repair vendor. In April 2014, the City issued a Request for Proposal (Specification No. 14-10847-C) and conducted a mandatory walkthrough of each of the elevator sites within City buildings. TK Elevator was selected as the most responsive and best qualified vendor. By authority of the City Council (Resolution No. 66,648-N.S.), the Public Works' Facilities Building Maintenance Division contracted with TK Elevators in June 2014 for an initial contract term of five years. The contract term was extended by City Manager authority in June 2019 and again in June 2021, ending June 30, 2022.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This contract has no environmental effects or opportunities.

RATIONALE FOR RECOMMENDATION

TK Elevator is a valued contractor who has provided timely, quality service for the City since 2014. TK Elevator technicians have training and experience which qualifies them to service both older and new state of the art elevators. They are knowledgeable about and familiar with the mechanics and operating systems of each of the City's different types of elevators. Their services have been essential in maintaining the City's aging fleet of elevators at optimal performance levels.

ALTERNATIVE ACTIONS CONSIDERED

None. TK Elevator has provided consistently responsive, reliable service. Extending the term through June 30, 2025 and increasing the not to exceed amount allows for uninterrupted services to maintain the City's elevators.

CONTACT PERSON

Aaron Baker, Facilities Superintendent, Public Works (510) 981-6452

Attachment:

1: Resolution

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

CONTRACT NO. 102498-1 AMENDMENT: TK ELEVATOR FOR ELEVATOR  
MAINTENANCE AND REPAIR SERVICES

WHEREAS, the City of Berkeley operates 32 elevators located in 16 locations, and is required to comply with California Code of Regulation Title 8, Chapter 4 related to safe elevator operations; and

WHEREAS, the City and TK Elevator entered into Contract No. 102498-1 for elevator maintenance and repair services effective June 11, 2014 and extended through June 30, 2022; and

WHEREAS, the originally contracted not to exceed amount of \$1,140,000 has been expended; and

WHEREAS, funds in the amount of \$163,000 is needed for the remaining FY 2022 and budgeted as follows: \$20,000 from the Building Purchase and Management Fund (budget code: 636-54-624-692-0000-000-474-624110); \$100,000 from the Building Maintenance Fund (budget code: 673-54-624-692-0000-000-474-624110); \$20,000 from the Library Fund (budget code: 101-22-242-272-0000-000-463-624110); \$2,000 from the General Fund (budget code: 011-21-203-000-0000-000-424-624110); \$3,000 from the Parks Tax Fund (budget code: 138-52-542-568-0000-000-461-612990). An additional \$337,000 will be added to the budgets in each fiscal year for FY 2023-FY 2025, subject to the City's annual appropriation process; and

WHEREAS, TK Elevator is a valued contractor who has provided consistently reliable regular maintenance services and expert, specialized repair services for the diverse range of City elevators, since 2014.

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. 102498-1 with TK Elevator (formerly Thyssenkrupp Elevator), to provide maintenance and repair services for the City's elevators, increasing the contract amount by \$500,000 for a total contract not to exceed amount of \$1,640,000 and extending the contract term to June 30, 2025. A record signature copy of contract and any amendments will be on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Public Works  
 Subject: Contract No. 108037-1 Amendment: MSR Mechanical, LLC for on-call heating, ventilation and air conditioning services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an Amendment to Contract No. 108037-1, with MSR Mechanical LLC: to increase the contract amount by \$50,000 for a total contract amount not to exceed \$130,000; and to extend the contract term through June 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY2022 budget in the Building Purchase and Management Fund (636-54-624-692-0000-000-474-624110) and the Building Maintenance Fund (673-54-624-692-0000-000-474-624110).

Spending for this contract in future fiscal years will be subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

CURRENT SITUATION AND ITS EFFECTS

MSR Mechanical LLC (MSR) provides a comprehensive range of on-call and emergency heating, ventilation and air conditioning (HVAC) services to support the Public Works Facilities Building Maintenance Division. Services include inspection, trouble shooting and research into repairs or replacements. Timely inspection and maintenance of ventilation systems in City buildings is critical to ensuring optimum system performance. The previously amended contract not to exceed (NTE) amount of \$80,000 has been expended. Amending the Contract to increase the NTE amount by \$50,000 and extending the term for an additional two years, through June 30, 2024, will allow continued, uninterrupted use of MSR Mechanical's services for critical HVAC system maintenance and repairs.

This contract amendment supports the City's Strategic Plan Goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities as well as an essential component.

BACKGROUND

The City's Public Works Facilities Building Maintenance Division contracted with Marken Mechanical Services in November 2015 for an initial contract term of two years and eight months. The Contract term was extended by City Manager authority in June 2018 for an additional twelve months, and again in June 2019 for twelve more months. On September 22, 2020 the City Council authorized an amendment (Resolution 69,574 N.S.) to increase the contract amount by \$30,000 and extend the contract for twenty-two months ending June 30, 2022.

In 2018, Marken Mechanical Services was purchased by and became a wholly owned subsidiary of MSR Mechanical LLC. MSR Mechanical has provided reliable, timely, and consistently satisfactory HVAC service for the City.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

A well-maintained HVAC system helps to reduce indoor levels of airborne pollutants and runs at closer to peak efficiency which consumes less energy.

RATIONALE FOR RECOMMENDATION

MSR Mechanical is a valued contractor who has provided timely, quality service for the City since 2015. The contractor is knowledgeable about and familiar with the City's equipment. Their services have been essential to maintaining the City's HVAC systems at optimal performance levels.

ALTERNATIVE ACTIONS CONSIDERED

None. Contractor has provided consistently responsive, reliable service over the life of the Contract. Extending the term through June 30, 2024 and increasing the NTE amount allows for uninterrupted HVAC service to maintain the ventilation systems in City buildings.

CONTACT PERSON

Aaron Baker, Facilities Superintendent, Public Works (510) 981-6452

Attachment:

1: Resolution



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

CONTRACT NO. 108037-1 AMENDMENT: MSR MECHANICAL LLC., FOR ON-CALL HEATING, VENTILATION AND AIR CONDITIONING SERVICES

WHEREAS, the City of Berkeley owns and operates buildings with heating, cooling and ventilation systems which regulate the temperature and quality of indoor air; and;

WHEREAS, Public Works Facilities and Building Maintenance staff rely upon supplemental contractor provided HVAC services to help maintain properly performing HVAC systems for optimal indoor air quality and reduced energy usage; and;

WHEREAS, the City and Marken Mechanical Services entered into Contact No. 108037-1 for on-call and emergency HVAC services, effective November 9, 2015 and extended through June 30, 2022; and;

WHEREAS, Marken Mechanical Services was purchased by and is now a wholly owned subsidiary of MSR Mechanical LLC; and;

WHEREAS, Funding is available in the FY 2022 budget in the Building Purchase and Management Fund 636 and the Building Maintenance Fund (673 and subsequent funding for FY2023 is subject to appropriation; and;

WHEREAS, MSR Mechanical LLC is a valued contractor who has provided consistently reliable, timely, and satisfactory service for the City since 2015.

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. 108037-1 with MSR Mechanical LLC, to provide on call and emergency HVAC services for the City's HVAC systems, increasing the Contract amount by \$50,000 for a total contract not to exceed amount of \$130,000 and extending the contract term to June 30, 2024.





Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Public Works  
 Subject: Contract No. 31900031 Amendment: Downtown Streets Team for Expanded Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 31900031 with Downtown Streets Team (DST) to:

1. Increase the contract by \$400,000 for a new not to exceed amount of \$1,675,304 and extend the contract term through December 31, 2023; and
2. Expand DST services to include the cleanup of litter and illegally dumped materials at encampment sites and adjacent neighborhoods throughout the City of Berkeley as needed; and
3. Sole-source negotiate new pricing, contract terms, and scope of services in support of the Clean Cities Program for the continuation of leaf and litter removal, graffiti abatement, and poster removal services for various commercial districts in Fiscal Year 2024.

FISCAL IMPACTS OF RECOMMENDATION

Funding in the amount of \$100,000 is available in the FY22 General Fund 011 (budget code: 011-54-625-714-0000-000-431-612990-PWSUCC2201) and \$300,000 is available in Zero Waste Fund 601 (budget code: 601-54-625-714-0000-000-472-612990).

CURRENT SITUATION AND ITS EFFECTS

This contract amendment will continue funding baseline services, in support of the Clean City Program, which promotes beautification of the City's commercial districts by performing hand sweeping, graffiti abatement, and poster removal services. Additionally, this contract amendment provides for continued DST services that were initiated to fund bi-weekly (once every two weeks) cleaning of populated encampment sites and adjacent neighborhoods. These services include the cleanup of litter and illegally dumped materials in areas throughout Berkeley, currently enhancing services in South and West Berkeley neighborhoods.

Furthermore, if adopted, this resolution will allow for City staff to enter into sole source negotiations with DST for new pricing, contract terms, and scope of services in support of the Clean Cities Program for the continuation of leaf and litter removal, graffiti abatement, and poster removal services for various commercial districts in Fiscal Years 2024 and 2025

Amending the contract supports the Strategic Plan Priority of advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

### BACKGROUND

DST works extensively with the low income, un-housed community to promote self-sufficiency through job training and leadership opportunities to rebuild effective work habits, as well as providing assistance to the un-housed in securing permanent housing. DST works cooperatively with local community agencies to ensure local, low-income and homeless residents have access to, and receive training for, jobs created by this contract.

Since August 2018, DST has supported the City's Clean City Program by hand sweeping to remove excess leaves, litter, and trash from sidewalks and gutters throughout the City, and helping keep the City's commercial districts clean.

On April 27, 2021, City Council approved the adoption of Resolution No. 69,820 N.S., authorizing the City Manager to amend the DST contract to address enhanced needs for services. The enhanced services provide for the cleanup of litter and illegally dumped materials around encampments and adjacent neighborhoods throughout Berkeley consistent with the Equitable Clean Streets Budget Referral adopted by City Council on October 27<sup>th</sup> 2020. This was followed by the adoption of another resolution (Resolution No. 70,109 N.S.) to expand the enhanced services to three new zones serving residential areas near Adeline Avenue, South Shattuck Avenue, and West Berkeley.

Since the adoption of both resolutions, DST has applied the enhanced services to both South and West Berkeley neighborhoods. These areas currently include Adeline Street, from Alcatraz Avenue to Ashby Avenue, plus side streets; and University Avenue, from San Pablo Avenue to Sixth Street, plus side streets. Additionally, the enhanced services may extend to the Gilman District area as well, specifically on Gilman Avenue, between San Pablo and Sixth Street, including side streets. However, DST is currently experiencing significant staffing shortages so the Gilman District services will not be able to commence until Fall of 2022.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Clean City Program is an integral part of the City's Zero Waste Goal. Additionally, the Municipal Regional Stormwater Permit (MRP) requires the City to reduce the

amount of trash flowing into local waterways and the Bay via the City's storm drainage system. Hand sweeping removes excess leaves, litter, and debris from sidewalks and gutters which prevents these items from getting into the City's storm drainage system.

RATIONALE FOR RECOMMENDATION

Additional funding will allow for the Downtown Streets Team to continue current services plus expand the City's program to address enhanced needs throughout the City where services are needed.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Andrew Brozyna, Deputy Director of Public Works, 510-981-6396

Joy Brown, Operations Manager, Public Works, (510) 981-6629

John Hurtado, Public Works Streets & Utilities Superintendent, Public Works, 510-981-6484

Attachment:

1: Resolution

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

CONTRACT NO. 31900031 AMENDMENT: DOWNTOWN STREETS TEAM FOR EXPANDED SERVICES

WHEREAS, in August, 2018 City Council authorized Resolution No. 68,497 N.S. authorizing Contract No. 31900031 with Downtown Streets Team for leaf and litter removal and related services with a not to exceed amount of \$645,304 for a two year contract term; and

WHEREAS, in September, 2020 City Council Resolution No. 69,545 N.S. authorized Contract No. 31900031 Amendment with Downtown Streets Team to add additional scope of work, increase the not to exceed amount by \$225,000 to \$870,304 and to extend the Contract term through June 30, 2022; and

WHEREAS, in April, 2021 City Council Resolution No. 69,820 N.S. authorized Contract Amendment No. 31900031 with Downtown Streets Team to add additional scope of work to hire two Streets Team Enterprises C.A.R.E. Fellows to address enhanced needs for services in neighborhoods and around encampment hot spots and increase the contract by \$50,000 for a new not to exceed amount of \$920,304; and

WHEREAS, in November, 2021 City Council Resolution No. 70,109 N.S. authorized Contract Amendment No. 3190031 with Downtown Streets Team to add additional scope to expand services to three new zones serving residential areas near Adeline, South Shattuck and West Berkeley, and increase the contract by \$335,000 for a new not to exceed amount of \$1,275,304; and

WHEREAS, Downtown Streets Team is an organization committed to helping low-income and un-housed members in the local community achieve health and self-sufficiency; and

WHEREAS, funding is available in the General Fund (budget code: 011-54-625-714-0000-000-431-612990-PWSUCC2201) in the amount of \$100,000 and Zero Waste Fund 601 (budget code: 601-54-625-714-0000-000-472-612990) in the amount of \$300,000.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute an amendment to Contract No. 31900031 with Downtown Streets Team to 1) increase the contract by \$400,000 for a new not to exceed amount of \$1,675,304 and extend the contract term through December 31, 2023; 2) expand services to include the cleanup of litter and illegally dumped materials at encampment sites and adjacent neighborhoods throughout the City of Berkeley as needed; and 3) negotiate new pricing, contract terms, and scope of services in support of the Clean Cities Program for the continuation of leaf and litter removal, graffiti abatement, and poster removal services for various commercial districts in Fiscal Year 2024.



Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Director, Department of Public Works  
Subject: Contract No. 32000246 Amendment: CF Contracting, Inc. for Sacramento Complete Streets Improvements Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000246 with CF Contracting, Inc. for work on the Sacramento Complete Streets Improvement Project (“Project”), Specification No.20-11379-C, increasing the contract amount by \$250,000 for an amended total not to exceed \$2,725,200.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this CF Contracting, Inc. contract amendment will be included in the FY2023 Transportation Budget in the Measure BB Local Streets and Roads (LSR) Fund 134 pending the approval of the first Amendment to the Annual Appropriations.

**Original Contract:**

|                                                          |             |
|----------------------------------------------------------|-------------|
| Measure B LSR Fund (130-54-622-668-0000-000-431-665110)  | \$550,629   |
| Measure BB B&P Fund (135-54-622-668-0000-000-431-665110) | \$675,893   |
| Caltrans Grand Fund (344-54-622-668-0000-000-431-665110) | \$1,248,678 |
| Original Authorized Contract Amount (NTE)                | \$2,475,200 |

**This Amendment:**

|                                                          |                    |
|----------------------------------------------------------|--------------------|
| Measure BB LSR Fund (134-54-622-668-0000-000-431-665110) | \$250,000          |
| <b>Amended Contract Amount (New NTE)</b>                 | <b>\$2,725,200</b> |

CURRENT SITUATION AND ITS EFFECTS

CF Contracting, Inc. has substantially completed the construction of the Project. There are several outstanding extra work claims that the City and CF Contracting, Inc., will need to come to agreement on prior to project closeout. City staff estimates that an additional \$250,000 in funds may be needed.

BACKGROUND

On April 14, 2020, Council authorized the City Manager to execute a \$2,475,200 contract with CF Contracting, Inc., the lowest of five bidders in a competitive public bid process, to construct the Project. The contract included a 10 percent contingency, which was

intended to cover unexpected costs encountered during the construction phase. However, as construction progressed, the contingency was found to be insufficient.

The contingency was depleted by several unanticipated changes to work due to unforeseen conditions. Underground utility conflicts were encountered that necessitated significant changes to the new traffic signal system at the Virginia Street and Sacramento Street intersection. The changes included re-siting large cast-in-drilled-hole foundations, modifying foundation sections, altering pole and signal head configurations, and remapping conductor schedules. Additionally, the existing asphalt thickness was significantly thicker than the design plans indicated, which resulted in extra costs related to both removal and replacement of the pavement section. Finally, a traffic accident at the University/Sacramento intersection destroyed the traffic signal controller.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The project improvements are intended to make Sacramento Street between Addison Street and Virginia Street more accessible for walking, bicycling, and riding transit, thereby reducing emissions from trips made via single occupancy vehicles. The project improvements are also expected to reduce collisions between motor vehicles, pedestrians, and bicyclists.

#### RATIONALE FOR RECOMMENDATION

The amended contract must be executed to ensure timely payment to the Contractor.

#### ALTERNATIVE ACTIONS CONSIDERED

No alternative action was considered.

#### CONTACT PERSON

Joe Enke, Manager of Engineering Engineer, Public Works Department, (510) 981-6411  
Terrence Salonga, Associate Civil Engineer, Public Works Department, (510) 981-6447

#### Attachments:

1: Resolution



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

CONTRACT NO. 32000246 AMENDMENT: CF CONTRACTING, INC FOR  
SACRAMENTO COMPLETE STREETS IMPROVEMENTS PROJECT

WHEREAS, Council authorized the City Manager to enter into a contract with CF Contracting, Inc. for construction of the Sacramento Complete Streets Improvements Project in the amount of \$2,475,200 on April 14, 2020 (Resolution No. 69,355-N.S.); and

WHEREAS, unanticipated conditions were recently encountered during construction, resulting in additional work and cost to complete the Project; and

WHEREAS, additional contract funding is insufficient to compensate the contractor for the additional costs; and

WHEREAS, the City has neither the staff nor the equipment needed to undertake the additional work; and

WHEREAS, funding for this contract amendment in the amount of \$250,000 will be available in the FY 2023 budget from the Measure BB Local Streets & Roads Fund 134 via the approval of the First Amendment to the FY 2023 Annual Appropriations Ordinance.

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. 32000246 with CF Contracting, Inc. for work on the Sacramento Complete Streets Improvements Project, Specification No. 20-11379-C, increasing the contract amount by \$250,000 for an amended total not to exceed \$2,725,200.





Office of the City Manager

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Public Works  
 Subject: Purchase Order: Papé Machinery, Inc. for the completed rebuild and repair of Zero Waste Division's John Deere Wheel Loader, Unit No. 6505

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a purchase order with Papé Machinery, Inc. for the complete rebuild, major component replacement and repair of Zero Waste Division's John Deere Wheel Loader, Unit No. 6505, in an amount not to exceed \$345,188.20.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in Fiscal Year 22 Equipment Maintenance Fund (672-54-626-722-0000-000-472-613120).

CURRENT SITUATION AND ITS EFFECTS

PW Fleet and Zero Waste Division solicited a quote on the Division's John Deere Wheel Loader, Unit No. 6505, from Papé Machinery, Inc. (sole provider of John Deere equipment), for a complete rebuild, also referred to as a re-life, to address much needed manufacturer recommended repairs due to typical wear and tear that can be expected of a wheel loader of this type and age, given its working conditions. Because Unit No. 6505 had low operating hours, Public Works decided to invest in a rebuild instead of replacing the unit which would have cost \$419,855 or more plus the cost of leasing a unit while awaiting the new unit. Also, the turnaround time for a rebuild was significantly shorter than purchasing a new unit. Pulling the wheel loader back into service as quickly as possible was necessary to support the Zero Waste Division's operations from 3:00 a.m. to 5:30 p.m., 6 days per week, 52 weeks per year. Not doing so could have significantly impacted the division's ability to stay operational.

Authorizing this purchase order supports the Strategic Plan Priority goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

On July 14, 2015, the City Council approved Resolution No. 67,160-N.S. for the purchase of one 2016 John Deere 644K Hybrid AWD Loader in the amount not to exceed \$394,000. On July 21, 2015, the Department of Finance, General Services

Purchase Order: Papé Machinery, Inc. for completed rebuild  
and repair to Zero Waste John Deere  
Wheel Loader, Unit No. 6505

CONSENT CALENDAR  
May 31, 2022

approved PO 106603 that was issued to HGACBuy Contractor, Papé Machinery, Inc., to purchase this wheel loader in the amount of \$388,732. This was a piggyback purchase off of HGACBuy Contract # EM06-13.

Papé Machinery, Inc. is an authorized John Deere Construction & Forestry Company (JDCFC) dealer in the state of California, including the City of Berkeley. Papé Machinery, Inc. is authorized and trained to sell, lease, and rent JDCFC products as specified in their John Deere Construction & Forestry Company Dealer Agreement and authorized to sell the subsequent genuine OEM parts. In addition, Papé Machinery, Inc. is qualified and trained to provide service and warranty repairs on JDCFC products.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The rebuilt Wheel Loader has a new Hybrid Drive Motor and drive components in combination with an engine powered by renewable diesel fuel. The combined systems reduce fuel consumption by an estimated 25% and reduce greenhouse gas emission by as much as 50-80%. Usage of renewable diesel complies with the City's Fossil Free recommendations. Additionally, the vehicle is equipped with a Tier 4 Final engine application that meets the strictest EPA emissions requirement for off-highway diesel engines.

Public Works contacted heavy equipment manufacturing representatives from Case, Peterson Caterpillar, Doosan (Bobcat), Komatsu, Volvo, and Hitachi regarding the availability of fully electric versions of this equipment. These representatives confirmed there are no fully electric versions available for 20-ton Wheel Loader at this time.

#### RATIONALE FOR RECOMMENDATION

The wheel loader needed substantial repairs, and a rebuild was necessary to save money and have the machine back in service in a significantly shorter time frame.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Greg Ellington, Superintendent, 981-6469

Attachments:

1: Resolution

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

PURCHASE ORDER: PAPÉ MACHINERY, INC. FOR REPAIRS TO WHEEL LOADER  
EQUIPMENT NO. 6505

WHEREAS, major component replacement and repairs to Zero Waste John Deere Wheel Loader Equipment No. 6505 were needed to support Zero Waste Transfer Station Operations; and

WHEREAS, equipment must be maintained that allows operators to efficiently and effectively carry out their work duties; and

WHEREAS, Papé Machinery, Inc is the authorized John Deere Construction & Forestry Company (JDCFC) dealer in the state of California, including the City of Berkeley; and

WHEREAS, Papé Machinery, Inc. is trained to repair JDCFC products as specified in their John Deere Construction & Forestry Company Dealer Agreement and authorized to sell the subsequent genuine OEM parts.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a purchase order with Papé Machinery, Inc. for the major component replacement and repairs to Zero Waste John Deere Wheel Loader, Unit No. 6505, in an amount not to exceed \$345,188.20.





Civic Arts Commission

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Civic Arts Commission  
 Submitted by: Modesto Covarrubias, Chairperson, Civic Arts Commission  
 Subject: Authorization for Additional Civic Arts Commission Meeting in 2022

RECOMMENDATION

Adopt a Resolution for one additional meeting of the Civic Arts Commission in 2022.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Civic Arts Commission requests approval to hold a Special Meeting in October 2022 as a retreat in order to have dedicated time to review progress on the *City of Berkeley Arts & Culture Plan 2018-2027 Update* and the *Civic Arts Commission 2022-2023 Work Plan*. Submission of this report for authorization of the additional meeting was approved by the Civic Arts Commission at its April 27, 2022 meeting as follows: M/S/C (Anno/Bullwinkel) Vote: Ayes — Anno, Blecher, Bullwinkel, Covarrubias, Dhesi, La, Ozol, Passmore, Woo; Nays — None; Abstain — None; Absent — None.

BACKGROUND

Resolution No. 68,705–N.S. governs the number of meetings for boards and commissions and authorizes the Civic Arts Commission to meet ten times per year. In 2022, the Civic Arts Commission plans to hold its ten regular meetings in addition to this Special Meeting.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

The additional meeting requested for October 2022 will provide an opportunity for the Commission to have uninterrupted time to focus on the review of progress on the previously approved *Arts and Culture Plan* and *Annual Work Plan* and to discuss activities for the remainder of 2022 and activities for 2023 in furtherance of the goals and objectives outlined in these plans.

[Title of Report]

CONSENT CALENDAR  
May 31, 2022

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager takes no position the content and recommendations of the Commission's Report.

CONTACT PERSON

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

Attachments:

1: Resolution



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

AUTHORIZING ADDITIONAL MEETING FOR THE CIVIC ARTS COMMISSION

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

WHEREAS, the Civic Arts Commission plans to hold an additional meeting in October 2022 to review progress on the *City of Berkeley Arts & Culture Plan 2018-2027 Update* and the *Civic Arts Commission 2022-2023 Work Plan*.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Civic Arts Commission is authorized to hold one additional meeting in 2022.





Civic Arts Commission

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Civic Arts Commission  
 Submitted by: Lisa Bullwinkel, Vice Chair  
 Subject: Budget Referral: Festival Grants Budget Allocation

RECOMMENDATION

Refer to the City's Budget Process for Fiscal Year 2023 an increased budget allocation of \$41,685 for Festival Grants to bring the allocation for these grants to \$200,000 annually beginning in Fiscal Year 2023.

FISCAL IMPACTS OF RECOMMENDATION

Additional \$41,685 annual allocation from the General Fund.

CURRENT SITUATION AND ITS EFFECTS

The Festival Grants Budget Allocation is a Strategic Plan Priority Project, advancing our goal to foster a dynamic, sustainable, and locally-based economy.

On April 27, 2022, Berkeley's Civic Arts Commission voted unanimously to request that City Council Refer to the City's Budget Process for Fiscal Year 2023 an increased budget allocation of \$41,685 for Festival Grants to bring the allocation for these grants to \$200,000 annually beginning in Fiscal Year 2023. Submission of this Budget Referral Request was approved by the Civic Arts Commission at its April 27, 2022 meeting as follows: M/S/C (Anno/Blecher) Vote: Ayes — Anno, Blecher, Bullwinkel, Covarrubias, Dhesi, La, Ozol, Passmore, Woo; Nays — None; Abstain — None; Absent — None.

BACKGROUND

Prior to the pandemic, the Festival Grant Program allocation was \$158,315. When the pandemic hit, it was dropped to zero. However, the arts community responded with the ability to produce many of the festivals in some sort of virtual formats and the Council increased the allocation to \$80,000, or about one half the prior allocation. As the ability to produce actual live events and/or hybrid events increased, the allocation in Fiscal Year 2022 was proposed to be restored to \$158,315, however the Mayor added almost \$50,000 from his budget for a total Festival Grants allocation of \$200,000 in Fiscal Year 2022. The currently proposed allocation for Fiscal Year 2023 is back to \$158,315 which the arts community would like to increase and maintain annually at \$200,000. The Civic Arts Commission is requesting an annual increase to the Festival Grants allocation of \$41,685 to bring the baseline allocation for Festival Grants to \$200,000 starting in Fiscal

Year 2023. Each year approximately 20 to 25 dynamic Berkeley festivals are funded through this program. For FY23, we received 35 Festival Grant applications, which are currently being reviewed for scoring.

RATIONALE FOR RECOMMENDATION

Established festivals need the added support as their model will most likely include a hybrid model for all future events. There are also may new festivals being created post-pandemic and so the need is greater than before.

CITY MANAGER

The City Manager takes no position the content and recommendations of the Commission's Report.

CONTACT PERSON

Jennifer Lovvorn, Secretary, Civic Arts Commission, Office of Economic Development,  
981-7533



TO: Members of the City Council  
 FROM: Mayor Jesse Arreguín, Councilmember Rigel Robinson,  
 Councilmember Sophie Hahn, and Councilmember Kate Harrison  
 SUBJECT: Budget Referral: Small Business Rental and Legal Support

### **RECOMMENDATION**

Refer to the Fiscal Year 2023 Budget Process and the City Manager, \$1,000,000 from American Rescue Plan Act (ARPA) funding to launch a needs-based grant program for Berkeley-based small businesses (under 50 employees) to provide supplemental assistance to cover outstanding commercial rent debt and to fund legal assistance to small businesses.

Specifically the funding should be used to create a program to:

- Provide needs-based grants for small businesses that can demonstrate their inability to pay their commercial rental debt accumulated during the COVID-19 pandemic due to business shutdowns and declining revenues. Determine criteria to provide minimum and maximum grants to eligible businesses, including the potential for greater grant amount based on significant hardship or across the board grants of specific amounts;
- Add capacity to existing services that provide pro-bono legal assistance to business owners;
- Add capacity to existing mediation programs to support both small business tenants and property owners;
- Engage in a public education campaign regarding regulations and resources available.

The City Manager shall create the criteria and formula to distribute the funds as described above.

### **BACKGROUND**

Several small businesses have contacted the Mayor's Office raising concerns about their ability to pay significant commercial rental debt. Due to mandated COVID-19 shelter-in-place orders and the economic impacts of the pandemic, many small businesses have struggled to keep their doors open and have been unable to pay back rent accumulated. This has also impacted commercial property owners who have taken losses due to economic hardship faced by their tenants.

The COVID-19 Emergency Response Ordinance, BMC Chapter 13.110, prohibits the eviction of commercial tenants due to back rent and treats the rent owed as a commercial debt. The eviction moratorium has helped prevent commercial evictions, but now that we are transitioning to the next phase of the pandemic, it is critical we think about what resources are in place to help small businesses pay back rent, including legal and financial assistance.

While there are several resources available to provide legal advice and technical assistance to businesses on commercial lease issues, including the applicability of the eviction moratorium, there is a need to bolster existing programs that provide pro-bono legal assistance and also provide funding to help further the ability of small businesses to pay their commercial rental debt.

Both small business tenants and the property owners from which they rent have suffered tremendous financial hardship caused by the pandemic. This item further seeks to strengthen existing mediation programs designed to bring property owners and their small business tenants together to seek innovative repayment plans that maintain the ability of these small businesses to keep their doors open.

After years of economic growth in our commercial corridors, the COVID-19 pandemic forced many businesses to close in March 2020, significantly impacting many sectors of our economy, notably our food & beverage, hospitality, and arts & entertainment businesses. While most restrictions are now lifted, we are all acutely aware of the toll this took, which required our government to take action to support impacted businesses.

Today, unemployment levels are on path to reach pre-pandemic levels soon and most businesses have resumed pre-pandemic operations, yet we know there is still work to be done as we continue our economic recovery. We will continue to deploy all the tools in our toolkit to support our local businesses as we transition from a pandemic to an endemic, and beyond.

### **FINANCIAL IMPLICATIONS**

\$1,000,000 from American Rescue Plan Act (ARPA) funding

### **CONTACT**

Mayor Jesse Arreguín  
mayor@cityofberkeley.info | 510-981-7100



CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
From: Councilmember Taplin  
Subject: Budget Referral: Ceasefire Program Staffing

#### RECOMMENDATION

Refer \$1,000,000 (\$1M) to the budget process to provide full staffing for a Berkeley Ceasefire program.

#### FINANCIAL IMPLICATIONS

\$1 million in General Fund costs per annum in FY 23-24 biennial budget.

According to the Everytown Economic Cost of Gun Violence Calculator Tool, a single gun homicide directly costs state taxpayers \$1 million, and costs Californians \$9 million when including externalities imposed on family members, survivors, and the community at large.<sup>1</sup>

#### CURRENT SITUATION AND ITS EFFECTS

Berkeley Ceasefire is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

Gun violence is increasing at an alarming rate in the city of Berkeley. In 2021, there was a 30% increase in reported gun violence in Berkeley, with 52 confirmed shooting incidents compared to 40 in 2020. In 2021, the Berkeley Police Department recovered a total of 118 firearms, an increase of 38.8%. In 2021, 33 of the firearms seized were ghost guns compared to 6 in 2020 and 8 in 2019.<sup>2</sup>

On November 9, 2021, the Berkeley City Council unanimously approved a budget referral for \$200,000 in consulting costs to begin developing a multi-jurisdictional Gun Violence Intervention (GVI) program, a.k.a. Ceasefire, in Berkeley. On May 5, 2022, the City Council approved an omnibus budget referral to pursue a phased approach to the Reimagining Public Safety process, which included an additional \$200,000 for Ceasefire.

#### BACKGROUND

<sup>1</sup> <https://everytownresearch.org/report/economic-cost-calculator/>

<sup>2</sup> <https://berkeleyca.gov/sites/default/files/2022-04/2022-02-22%20Item%2033%202021%20Year%20End%20Crime.pdf>

David Muhammad, Executive Director of the National Institute for Criminal Justice (NICJR), has provided the following cost estimates for a fully staffed Ceasefire program in Berkeley:

- Full time Director: \$120-\$140k
- Program Manager/Supervisor: \$80-90k
- 5 Life Coaches: \$70k each - \$350k
- 3 Outreach Workers - \$62k each -- \$186k
- Fringe (25%): \$190,250
- Gun Violence Problem Analysis: \$35k

Total: \$986,250

The National Network for Safe Communities defines GVI programs as “a partnership of law enforcement, community members, and social service providers with a common goal but distinct roles,” each role “conveying a powerful community message about disapproval for violence and in support of community aspirations; concrete opportunities for both immediate and longer term assistance and support; and clear prior notice of the legal risks associated with continued violence.”<sup>3</sup>

Ceasefire programs are credited with major reductions in homicide rates in cities that have implemented them, including Stockton<sup>4</sup> and Richmond.<sup>5</sup>

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

#### CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

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<sup>3</sup> <https://nnscommunities.org/wp-content/uploads/2020/08/GVI-Issue-Brief-1.pdf>

<sup>4</sup> Braga, A. A. (2008). Pulling levers focused deterrence strategies and the prevention of gun homicide. *Journal of criminal justice*, 36(4), 332-343.

<sup>5</sup> <https://www.advancepeace.org/wp-content/uploads/2020/03/AP-Richmond-Impact-2019.pdf>





Kate Harrison  
Vice Mayor, District 4

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Vice Mayor Harrison and Councilmember Hahn  
 Subject: Budget Referral: Fund Mental Health Wellness Support and Services Coordinator at the Berkeley High School Health Center

RECOMMENDATION

Refer to the FY 23 and FY 24 Annual Budget Process \$350,000 to provide a coordinator position to deliver mental health wellness support and services to the City-run Berkeley High School (BHS) Mental Health Center, and to expand services and training as appropriate, consistent with the May 5, 2022 Council action to reimagine public safety. This includes:

1. Counseling services for students experiencing depression, anxiety, self-harm, suicidal ideations, etc.;
2. Teacher training for mental health awareness;
3. Facilitator/support resources to assist with coordination and scheduling of services.

CURRENT SITUATION AND RATIONALE FOR RECOMMENDATION

In response to a recent tragic incident involving a BHS student and ongoing insufficient mental health services and training within the Berkeley Unified School District, concerned students have led a petition with nearly 500 signatures calling for urgent mental health resources. Many students indicate that there are obstacles to communicating with teachers and counselors about mental health issues. Students report a sense of isolation, perpetuating personal and academic stress. The decline of students' mental health is a national phenomenon (see below).

HHCS leadership confirms providing an additional position at the City-supported Health Center would enhance student mental health. The City already provides BHS with limited counseling services through the Health Center, but the resources are not consistently available or accessible and teaching staff are not provided with regular training to identify signs of mental health needs and to help connect students to resources as appropriate. It is in the public interest to fund a City Mental Health Coordinator in the BHS Health Center to facilitate services and training, develop a mental health prevention and awareness program to promote mental health and resilience, and to address emerging challenges.

## BACKGROUND

The mental health crisis among youth has increased dramatically in the past few years. A recent journal study found that between 1999 and 2016 national suicide rates have increased 30%.<sup>1</sup> Young people have been disproportionately represented in this tragic trend.

During the height of the pandemic, emergency room visits related to suspected suicide attempts rose 50% among girls 12-17.<sup>2</sup> A 2022 survey found that almost 50% of LGBTQ youth contemplated suicide in the last year.<sup>3</sup> According to the Centers for Disease Control and Prevention “suicide is the third leading cause of death for young people” and “[f]or youth ages 10-14, suicide is the second leading cause of death.”<sup>4</sup> Suicide is the second-leading cause of death for college students.<sup>5</sup>

Although the overall suicide rate among people aged 10–24 was statistically stable from 2000 to 2007, the CDC found that suicides increased 57.4% in 2018.<sup>6</sup> The New York Times also recently reported that mental health disorders are beginning to eclipse binge drinking, drunken driving, teenage pregnancy and smoking. In 2019, “13 percent of adolescents reported having a major depressive episode.”

The recent loss of a student at BHS caused a significant number of students trauma and grief. Many of these students are seeking support and needed time to process their emotions. Unfortunately, many students report that Berkeley High School does not have sufficient resources available to respond properly to this and other similar incidents. Students report that many teachers were unprepared following the tragedy, and did not adjust academic work appropriately. As a result, students were forced to suppress their emotional needs to focus on their school work.

Even prior to the recent incident, students reported a scarcity of mental health support. Students report that there are few counselors and very limited drop-in appointments available and that counselors are focused on academic concerns. Wait list for mental

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<sup>1</sup> Deborah M. Stone, ScD et al, “Trends in State Suicide Rates — United States, 1999–2016 and Circumstances Contributing to Suicide — 27 States, 2015,” 2018, [https://www.medscape.com/viewarticle/897984\\_1](https://www.medscape.com/viewarticle/897984_1).

<sup>2</sup> Aria Bendix, “Adolescents accounted for larger share of suicides in many states in 2020,” April 25, 2022, NBC News, <https://www.nbcnews.com/health/health-news/teen-suicides-increased-many-states-pandemic-rcna25825>

<sup>3</sup> Meghan Roos, “Nearly Half of LGBTQ Youth Considered Suicide in Last Year: Survey,” May 4, 2022, Newsweek, <https://www.newsweek.com/nearly-half-lgbtq-youth-considered-suicide-last-year-survey-1703607>.

<sup>4</sup> “Disparities in Suicide,” Centers for Disease Control and Prevention, May 3, 2022, <https://www.cdc.gov/suicide/facts/disparities-in-suicide.html>

<sup>5</sup> “University and college campus suicide prevention,” American Foundation for Suicide Prevention, <https://afsp.org/university-and-college-campus-suicide-prevention>.

<sup>6</sup> Sally C. Curtin, M.A., “State Suicide Rates Among Adolescents and Young Adults Aged 10–24: United States, 2000–2018” September 11, 2020, National Vital Statistics Reports, <https://www.cdc.gov/nchs/data/nvsr/nvsr69/nvsr-69-11-508.pdf>

Budget Referral: Fund Mental Health Wellness Support and Services Coordinator at the Berkeley High School Health Center

health services are weeks long. Students are unable to receive proper support and are left to manage on their own.

An informal needs assessment survey conducted by BHS students reveals:

- 68% of students report that they have to put in a lot of effort to receive help.
- 57% of students stated they would feel more supported if there were more on-site therapists.
- Only 17% of students reported teachers/counselors/staff checking in on them regarding their mental health.

Following the recent Berkeley tragedy, students assembled the “Wellness and Support Project.” Their plan is primarily to implement mental health training for both teachers and students at BHS. This will increase general knowledge, decrease stigma, and create a supportive community on campus. They also seek an expansion in the availability of psychologists and therapists for students at BHS, as well as a Mental Health Coordinator to coordinate such trainings and services. The group’s recommendations follow extensive research, and numerous meetings with administrators, teachers, parents, students, and community members.

The BHS Health Center is operated by the City of Berkeley HHCS and offers first aid, medical, health education, youth development and counseling/therapy services. The Mental Health Coordinator position will support the provision of critical mental health aid for students and staff at Berkeley High School, and provide better access to urgent and equitable health services.

There are currently no immediate plans considered by the City or School District that would sufficiently address the urgent needs of students and teachers. While on April 22, 2022, the Berkeley City Council approved the Mental Health Services Oversight and Accountability Commission revenue grant for \$2,500,000 (\$500,000 for each of five years) for Coordination and Provision of Mental Health Services in Berkeley Unified School District, this money was allocated to the BUSD school district in its entirety (not BHS), and is still being processed. City staff expect much of it will be dedicated to supporting the middle schools. Even with this new funding, there is no guarantee of a position within the BHS Health Center to coordinate such services.

Having someone specifically at BHS (the District’s largest school with students at a particularly volatile age) who will build a system of behavioral health supports for students, and that also involves teachers, staff, and families, will create more robust and sustainable supports specifically for BHS. In addition, since coordinating teacher and staff training can be challenging, having someone dedicated to this function will make a significant difference in supporting teacher and staff awareness of emerging mental health issues.

This budget item, informed by discussion with HHCS leadership, will fund a coordinator position to leverage existing and new funding to expand BHS services, and organize

Budget Referral: Fund Mental Health Wellness Support and Services Coordinator at the Berkeley High School Health Center

various stakeholders and partners to deliver upon the current critical wellbeing and mental health needs of students and educators.

FISCAL IMPACTS OF RECOMMENDATION

Impact on General Fund of \$350,000.

ENVIRONMENTAL SUSTAINABILITY

No discernable impact.

CONTACT PERSON

Vice Mayor Kate Harrison, (510) 981-7140



Kate Harrison  
Vice Mayor, District 4

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
From: Vice Mayor Harrison  
Subject: Budget Referral: Fund Additional HHCS Community Development Project Coordinator Position to Assist with Workforce Standards and Enforcement

RECOMMENDATION

Refer to the FY 23 and FY 24 Annual Budget Process approximately \$104,863 in General Funds with additional benefits to hire another Community Development Project Coordinator in the Health, Housing and Community Services (HHCS) Department to assist with enforcement of existing and prospective labor laws and regulations.

CURRENT SITUATION AND RATIONALE FOR RECOMMENDATION

The HHCS department is responsible for staffing and enforcing each of the City's labor ordinances and regulations, including the Minimum Wage, Paid Sick Leave, Berkeley Family Friendly and Environment Friendly, and Living Wage Ordinances. Currently, the Department has a single employee tasked with enforcing Berkeley's workforce standards. In consultation with HHCS leadership and a former employee who staffed the division, current labor enforcement staffing levels may not adequate for existing programs, let alone the adoption of possible new legislation such as the Fair Work Week Ordinance. It is in the public interest to expand staffing in this division to enhance implementation and enforcement of Berkeley's workforce standards.

BACKGROUND:

The City of Berkeley currently enforces four workforce standards ordinances with the following provisions:

**Minimum Wage**

Employers must pay all staff who work in Berkeley at least two hours per week the minimum wage standard set by the City. The minimum wage standard in Berkeley is listed below:

The minimum wage standard applies to all employees who work at least two hours in the geographical limits of Berkeley, regardless of where the employer is located or where the employee lives. The standard applies to both for-profit and

non-profit employers. Employees' tips do not count towards covering the minimum wage payment.

### **Paid Sick Leave**

Employers must give their staff one hour of paid sick leave for every 30 hours worked.

Small business employers (with fewer than 25 employees) may cap an employee's accrued paid sick leave at 48 hours and may cap the use of paid sick leave to 48 hours per year.

Employers with 25 or more employees may cap an employee's accrual of paid sick leave at 72 hours, but may not cap how much paid sick leave an employee uses in a calendar year.

### **Berkeley Family Friendly and Environment Friendly Ordinance**

Under this ordinance, an employee has the right to request a flexible or predictable work schedule. The employer does not have to grant the request, but does have to respond in writing within 21 days. If denying the request, the written response must include a business reason for denial.

The ordinance applies to employers with ten or more employees. Employees must have worked at least three months and must work at least eight hours per week on a regular basis to be covered by the ordinance.

An employer may revoke or modify a flexible or predictable working schedule for business reasons, with reasonable notice to the employee. Within 21 days, the employer must provide a schedule and must provide in writing to the employee a business reason for the change.

### **Living Wage Ordinance**

Vendors paid more than \$25,000 per year by the City of Berkeley must comply with the Living Wage Ordinance. To comply, vendors must pay a living wage (set by the City), provide health benefits or cash in lieu, and provide paid time off.

HHCS is responsible for implementing and enforcing such ordinances, including collecting complaints and helping to adjudicate alleged violations. Complaints are currently collected via email, in person or by mail. Complaints may be submitted by employees or any other person. In addition, HHCS is responsible for enforcing against employers who retaliate against any employee who asserts their right under the ordinances. Such responsibilities are vast and require additional staffing.

In addition, Council is actively considering the Fair Work Week Ordinance, which could require HHCS to adopt significant additional implementation and enforcement responsibilities.

FISCAL IMPACTS OF RECOMMENDATION

Impact on General Fund of \$104,863.

ENVIRONMENTAL SUSTAINABILITY

No discernable impact.

CONTACT PERSON

Vice Mayor Kate Harrison, (510) 981-7140







Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council

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

Subject: Support for SB-1076 Lead-based paint (Archuleta)

RECOMMENDATION

Send a letter of support to Senator Archuleta for his proposed legislation: SB-1076 Lead-based paint, with a copy to Nancy Skinner.

FINANCIAL IMPLICATIONS

None.

BACKGROUND

Berkeley has old housing stock in neighborhoods throughout the city. Housing built before 1978 may contain lead paint. Exposure to lead can seriously harm a child's health, including damage to the brain and nervous system, slowed growth and development, learning and behavior problems, and hearing and speech issues. Children from low-income households and those who live in housing built prior to 1978 are at the greatest risk of lead exposure.

Lead-based paint was used in over 38 million homes in the U.S. until it was banned from residential use in 1978. As a result, 7.8 million homes in California that were built before 1978 are considered at high risk of lead contamination. Renovation, repair and painting projects disturb surfaces covered in lead-based paint and create lead-contaminated dust that endangers residents young and old, and workers repairing the building. Lead is harmful to children and adults, though children under the age of six years old are most vulnerable to lead poisoning. Lead can affect children's developing brains and nervous systems, causing reduced IQ, learning disabilities, and behavioral problems with life-long impacts. Lead poisoning in adults can cause high blood pressure and reproductive harm. Lead poisoning can also cause premature birth and miscarriage.

Low-income communities of color are exposed to lead at higher rates due to lack of access to affordable housing in good repair. In Los Angeles County, for example, 85% of elevated blood lead levels in children under six years of age are Latinos. Workers doing painting, remodeling and repair are also at high risk of exposure, as are their

Support for SB-1076 Lead-based paint (Archuleta)

CONSENT CALENDAR  
May 31, 2022

families, because dust contaminated with lead may be tracked in to homes from work clothes and shoes.

While California's lead protection laws and the federal Renovation and Repair Program (RRP) complement each other in many ways, subtle differences and inconsistencies between the two make the regulatory framework confusing. Renovators and contractors have to figure out how to deal with the inconsistencies on their own, and as a consequence, they can easily, and unintentionally, violate both California or federal lead laws. Federal enforcement of the RRP is also lacking. Only a few federal employees are assigned to a multi-state region to enforce the RRP's requirements, and most federal enforcement efforts target large, or high-profile contractors -- not the typical contractors performing renovations and repairs in local neighborhoods. The solution to this confusing situation is to align state and federal lead laws so that the state of California can assume management and enforcement of the RRP. Such alignment would also allow the state to recoup certification fees that are currently paid to the US Treasury, and use those revenues to fund programs and enforcement activities.

SB 1076 (Archuleta), is a bill that addresses the confusing inconsistencies in current regulations and aims to coordinate state and federal training and certification requirements for lead safe work practices. If SB 1076 passes, California would also assume management of the Lead Renovation, Repair, and Painting (RRP) program.

#### ENVIRONMENTAL SUSTAINABILITY

Lead-based paint chips and dust blow into soil, contaminating any food grown in the soil as well as the dirt itself. Contaminated soils are also toxic for animal life, streams and the run off into the bay. This legislation would reduce the distressing consequences lead paint continues to have on our environment.

#### CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

#### Attachments:

1: Letter

2: [SB-1076 Lead-based paint](#)

May 31, 2022

The Honorable Bob Archuleta  
California State Senate  
1021 O Street, Suite 6720  
Sacramento, CA 95814

**RE: SB-1076 Lead-based paint  
Support from the Berkeley City Council**

Dear Senator Archuleta,

Thank you for your proposed legislation, SB-1076, to help reduce lead poisoning. The City of Berkeley has concentrations of old housing stock with lead-based paint in neighborhoods throughout the city. As you know, exposure to lead can seriously harm a child's health, including damage to the brain and nervous system, slowed growth and development, learning and behavior problems, and hearing and speech issues. Children from low-income households and those who live in housing built before 1978 are at the greatest risk of lead exposure. As Councilmembers charged with protecting the health and safety of our residents, we are committed to working towards zero lead-paint contact for everyone.

The City of Berkeley is in full support of SB-1076. It is a bill that addresses confusing inconsistencies in current regulations that are currently reducing regulation compliance. SB-1076 would coordinate state and federal training and certification requirements for lead safe work practices. Your bill would also allow California to assume management of the Lead Renovation, Repair, and Painting (RRP) program. SB-1076 is a bill that reduces lead poisoning.

In support,

The Berkeley City Council

cc:

State Senator Nancy Skinner

Support for SB-1076 Lead-based paint (Archuleta)

CONSENT CALENDAR  
May 31, 2022

AMENDED IN SENATE APRIL 18, 2022

AMENDED IN SENATE MARCH 7, 2022

**SENATE BILL**

**No. 1076**

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**Introduced by Senator Archuleta**

February 15, 2022

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An act to amend Section 105254 of, and to add Section 105250.5 to, the Health and Safety Code, relating to lead-based paint.

LEGISLATIVE COUNSEL'S DIGEST

SB 1076, as amended, Archuleta. Lead-based paint.

Existing law requires the State Department of Public Health to implement and administer a residential lead-based paint hazard reduction program, as specified, including adopting regulations regarding accreditation of providers of health and safety training to employees who engage in or supervise lead-related construction work, as defined, and certification of employees who have successfully completed that training. Existing law requires the department to adopt regulations to establish and impose fees for those accreditations and certifications and for licensing entities engaged in lead-related occupations, as specified. Existing law requires those fees to be deposited into the Lead-Related Construction Fund, as specified, and to be available for specified uses upon appropriation by the Legislature.

This bill would require the department to review and amend its regulations governing lead-related construction work, including training and certification for workers and accreditation for trainers in lead-safe work practices, to comply with existing state regulations and the United States Environmental Protection Agency's Lead Renovation, Repair, and Painting Rule, as specified. The bill would require the adoption of those regulations to establish fee provisions for those certifications and

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SB 1076

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accreditations. The bill would require the fees to be deposited into the Lead-Related Construction Fund. The bill would require the department to adopt emergency regulations to implement these provisions, as specified.

Existing law requires certain persons engaged in lead construction work to have a certificate. A violation of that provision is a crime.

This bill, on and after January 1, 2024, would further require a firm, as defined, and at least one person onsite and employed by a firm, doing renovation, repair, or painting work that will disturb lead-based paint or presumed lead-based paint, as defined, to have a certificate. The bill would also make a violation of these provisions punishable by imprisonment in the county jail, by a fine of not more than \$37,500, or by both that imprisonment and fine. *a civil or criminal penalty, as specified.* By creating a new crime, the bill would impose a state-mandated local program.

This bill, on or before July 1, 2023, would require the department and the Contractors State License Board to collaborate to develop and implement an education and outreach program for every person and firm that is required to have a certificate, to include information on who is required to have a certificate and the requirements and process to obtain a certificate.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 105250.5 is added to the Health and
- 2 Safety Code, to read:
- 3 105250.5. (a) The department shall review and amend its
- 4 regulations governing lead-related construction work, including
- 5 training and certification for workers and accreditation for trainers
- 6 in lead-safe work practices to comply with regulations adopted
- 7 pursuant to Sections 105250 and 124160 and the United States
- 8 Environmental Protection Agency's Lead Renovation, Repair and
- 9 Painting Rule (40 C.F.R. 745).

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SB 1076

1 (b) The amended regulations adopted pursuant to subdivision  
2 (a) shall include, but not be limited to, requiring a copy of the  
3 worker and firm certification to be provided before the start of the  
4 job to the prime contractor or other employers on the site and to  
5 be posted on the job site beside the Division of Occupational Safety  
6 and Health Lead-Work Pre-Job Notification required by  
7 subdivision (p) of Section 1532.1 of Title 8 of the California Code  
8 of Regulations.

9 (c) Consistent with Section 105250, the department shall also  
10 adopt regulations establishing fees for the certifications or  
11 accreditations established pursuant to this section. The fees  
12 imposed under this section shall be established at levels not  
13 exceeding an amount sufficient to cover the costs of developing,  
14 administering, and enforcing the standards and regulations adopted  
15 under this section. The fees established pursuant to this section  
16 shall be deposited into the Lead-Related Construction Fund,  
17 established pursuant to Section 105250.

18 (d) (1) Notwithstanding the rulemaking provisions of the  
19 Administrative Procedure Act (Chapter 3.5 (commencing with  
20 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
21 Code), the department may implement and administer this section  
22 through all-county letters or similar instructions from the  
23 department until regulations are adopted. The department shall  
24 adopt emergency regulations implementing these provisions. The  
25 department may readopt any emergency regulation authorized by  
26 this section that is the same as, or substantially equivalent to, an  
27 emergency regulation previously adopted under this section.

28 (2) The initial adoption of emergency regulations pursuant to  
29 this section and one readoption of emergency regulations shall be  
30 deemed an emergency and necessary for the immediate  
31 preservation of the public peace, health, safety, or general welfare.  
32 Initial emergency regulations and the one readoption of emergency  
33 regulations authorized by this section shall be exempt from review  
34 by the Office of Administrative Law. The initial emergency  
35 regulations and the one readoption of emergency regulations  
36 authorized by this section shall be submitted to the Office of  
37 Administrative Law for filing with the Secretary of State, and each  
38 shall remain in effect for no more than 180 days, by which time  
39 final regulations may be adopted.

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1 SEC. 2. Section 105254 of the Health and Safety Code is  
2 amended to read:

3 105254. (a) The following persons engaged in the following  
4 types of lead construction work shall have a certificate:

5 (1) Persons who receive pay for doing lead hazard evaluations,  
6 including, but not limited to, lead inspections, lead risk  
7 assessments, or lead clearance inspections, in residential or public  
8 buildings.

9 (2) Persons preparing or designing plans for the abatement of  
10 lead-based paint or lead hazards from residential or public  
11 buildings.

12 (3) Persons doing work designed to reduce or eliminate lead  
13 hazards on a permanent basis (to last 20 years or more) from  
14 residential or public buildings.

15 (4) Persons inspecting for lead or doing lead abatement activities  
16 in a public elementary school, preschool, or day care center.

17 (5) Persons doing lead-related construction work in a residential  
18 or public building that will expose a person to airborne lead at or  
19 above the eight-hour permissible exposure limit of 50 micrograms  
20 per cubic meter.

21 (b) On and after January 1, 2024, the following shall also have  
22 a certificate: a firm, as defined by Section 745.83 of Title 40 of  
23 the Code of Federal Regulations, and at least one person onsite  
24 and employed by a firm, doing renovation, repair, or painting work  
25 for compensation in a residential or public building that will disturb  
26 lead-based paint, as defined in Section 35033 of Title 17 of the  
27 California Code of Regulations, or presumed lead-based paint, as  
28 defined in Section 35043 of Title 17 of the California Code of  
29 Regulations, which regulations were adopted by the State  
30 Department of Public Health pursuant to Sections 105250 and  
31 124160.

32 (c) Persons performing routine maintenance and repairs in  
33 housing are not required to have a certificate if they are not  
34 performing any of the activities listed under subdivisions (a) and  
35 (b).

36 (d) The department may adopt regulations to modify certification  
37 requirements for persons engaged in lead construction work based  
38 on changes to state or federal law, or programmatic need.

39 (e) The department or any local enforcement agency may,  
40 consistent with Section 17972, enter, inspect, and photograph any

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SB 1076

1 premises where abatement, a lead hazard evaluation, or renovation,  
2 repair, or painting is being conducted or has been ordered, enter  
3 the place of business of any person who conducts abatement, lead  
4 hazard evaluations, or renovation, repair, or painting, and inspect  
5 and copy any business record of any person who conducts  
6 abatement, lead hazard evaluation, or renovation, repair, or painting  
7 to determine whether the person is complying with this section.

8 (f) (1) A violation of subdivision (a) shall be punishable by  
9 ~~imprisonment for not more than six months in the county jail, a~~  
10 ~~fine of not more than one thousand dollars (\$1,000), or by both~~  
11 ~~that imprisonment and fine. a civil penalty of no less than five~~  
12 ~~thousand dollars (\$5,000), per violation per day.~~

13 (2) A violation of subdivision (b) shall be punishable by  
14 ~~imprisonment for not more than six months in the county jail, by~~  
15 ~~a fine of not more than thirty-seven thousand five hundred dollars~~  
16 ~~(\$37,500), or by both that imprisonment and fine. a civil penalty~~  
17 ~~of no less than ten thousand dollars (\$10,000), per violation per~~  
18 ~~day.~~

19 (3) *Each subsequent violation of this section may be subject to*  
20 *imposition of a civil penalty of no more than thirty-seven thousand*  
21 *five hundred dollars (\$37,500) per violation per day or punishable*  
22 *by imprisonment for no more than six months in the county jail, a*  
23 *fine of no more than one thousand dollars (\$1,000), or by both*  
24 *that imprisonment and fine. In assessing the amount of the criminal*  
25 *or civil penalty, any one or more of the relevant circumstances*  
26 *shall be considered: the nature and seriousness of the misconduct,*  
27 *the number of violations, the persistence of the misconduct, the*  
28 *length of time over which the misconduct occurred, the willfulness*  
29 *of the misconduct, and the violator’s assets, liabilities, net worth,*  
30 *and other relevant factors.*

31 (g) The State Department of Public Health and the Contractors  
32 State License Board shall collaborate to develop and implement  
33 an education and outreach program for every person and firm that  
34 is required to have a certificate pursuant to subdivisions (a) and  
35 (b). The program shall include information on who is required to  
36 have a certificate and the requirements and process to obtain a  
37 certificate. The program shall be implemented on or before July  
38 1, 2023.

39 SEC. 3. No reimbursement is required by this act pursuant to  
40 Section 6 of Article XIII B of the California Constitution because



Support for SB-1076 Lead-based paint (Archuleta)

CONSENT CALENDAR  
May 31, 2022

SB 1076

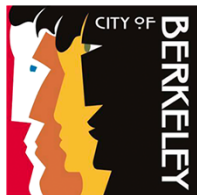
— 6 —

1 the only costs that may be incurred by a local agency or school  
2 district will be incurred because this act creates a new crime or  
3 infraction, eliminates a crime or infraction, or changes the penalty  
4 for a crime or infraction, within the meaning of Section 17556 of  
5 the Government Code, or changes the definition of a crime within  
6 the meaning of Section 6 of Article XIII B of the California  
7 Constitution.

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CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR  
 May 31, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson (Author), Vice Mayor Kate Harrison (Co-Sponsor), and Councilmember Sophie Hahn (Co-Sponsor)

Subject: Budget Referral: Purchase of Electric Bicycles for City Use

RECOMMENDATION

Refer \$25,000 to the FY 2023-2024 budget process to purchase electric bicycles, electric cargo bicycles, and any related safety, storage, or security equipment for use by employees on City business.

BACKGROUND

The City of Berkeley has a vested interest in encouraging our residents, visitors, and employees to shift towards using sustainable modes of transportation. The City's Climate Action Plan states, "Transportation modes such as public transit, walking and bicycling must become the primary means of fulfilling our mobility needs, and remaining motor vehicle use must be far less carbon-intensive. More active modes of transportation will become the mainstream when they are as convenient and cost effective as driving."<sup>1</sup>

As one of the largest employers in Berkeley, the City of Berkeley should lead by example and provide our workforce with ample alternatives to driving. There are some trips conducted on City business that necessitate the use of cars or other heavy vehicles. However, there are also many trips that do not. City staff can currently use City vehicles to perform job duties that do not involve transporting supplies or large equipment — for example, conducting site visits and inspections; attending community meetings and City events; and doing in-person outreach to residents and businesses.

Electric bicycles are a great option for many of these use cases. In July 2021, Walk Bike Berkeley conducted an assessment that showcased how e-bikes could be used for City of Berkeley building inspections.<sup>2</sup> Their test run of a typical inspection route found that riding an e-bike instead of driving a car only added 4 extra minutes to a 51-minute route, with minimal exertion and no mid-route recharging necessary.

<sup>1</sup> <https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Climate-Action-Plan.pdf>

<sup>2</sup> Preliminary assessment of using e-bikes for City of Berkeley building inspections, Tom Lent. Walk Bike Berkeley, July 24, 2021, <https://bit.ly/BerkeleyMuniFleetE-bikeAssessment>

E-bikes require far less physical exertion than a human-powered bicycle, making them suitable for uphill rides and accessible to a wide range of bicycling abilities. Cargo e-bikes provide additional space for equipment, allowing employees to replace car trips even when transporting items that would not fit on a typical bicycle. Bicycling is also better than driving for situational awareness, community engagement, and delivering a high level of service during peak traffic times. E-bikes are 20 times more efficient than electric cars, using the equivalent of anywhere from 1000 to 4000 MPGe.<sup>3</sup> Lastly, e-bikes are much cheaper than motor vehicles, costing as little as \$1,500 per bike. Therefore, with e-bikes, the City can achieve cost savings by reducing capital investment in vehicles while meeting our climate goals faster.

Berkeley has the fourth highest bicycle commute mode share of any city in the United States as of 2014.<sup>4</sup> A significant percentage of our workforce already bikes, either to get to work or for other purposes. There is likely a readiness and eagerness among many City employees to switch to e-bikes for on-the-job trips. No employee would be required to ride a bicycle to carry out their job functions — this funding would simply provide the e-bike option alongside existing options.

Council previously referred to the City Manager to “prioritize municipal fleet modal shift to electric bicycles and other forms of zero-emissions mobility, where feasible, as part of ongoing efforts to achieve a zero-emissions fleet by 2030.”<sup>5</sup> Funding a small number of e-bikes in this budget cycle could act as a pilot for interested employees, allowing the City to test how well e-bikes work for different uses across departments while simultaneously working towards a comprehensive assessment of our municipal fleet.

#### FINANCIAL IMPLICATIONS

\$25,000 from the General Fund.

#### ENVIRONMENTAL SUSTAINABILITY

Aligns with the City’s Climate Action Plan goals to reduce the number of vehicle trips and encourage bicycling.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Angie Chen, Legislative Assistant

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<sup>3</sup> Results to date from the E-bike Monitoring Project, Walk Bike Berkeley EBike 1000 MPG Project, <https://sites.google.com/view/ebikestudy/results>

<sup>4</sup> <https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf>

<sup>5</sup>

<https://records.cityofberkeley.info/PublicAccess/api/Document/AXPO34zYAp1UNrq3gLsfj8tV9L8YSr7bjBvMSz4KidtpxUddx%C3%89pZLY38Dp50JWSyHRY%C3%89guTOJaaM8Fv%C3%89pkooA6I%3D/>



Office of the City Manager

PUBLIC HEARING  
May 31, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Updating Published Charges: Mental Health Clinical Services

#### RECOMMENDATION

Conduct a Public Hearing and, upon conclusion, adopt a Resolution establishing Published Charges for Mental Health Clinical Services for Fiscal Year 2022. Published Charges are effective July 1, 2021.

#### FISCAL IMPACTS OF RECOMMENDATION

Approval of the requested action will enable the Mental Health Division to comply with Short-Doyle/Medi-Cal (SD/MC) regulations and avoid federal Lower of Cost or Charges (LCC) audit disallowances. The Charges are not paid by mental health consumers, but rather are used for Medi-Cal billing.

There is no net city cost associated with the recommended plan. Published Charges are utilized in the cost reporting process to establish Medi-Cal reimbursement for mental health services. The cost reporting process is the methodology the state and federal government require to show BMH's actual funding sources and uses and the services delivered. The cost report is based on expenses, services, and funding for the previous fiscal year. In this case, the effective date of July 1, 2021 establishes the rates for BMH's cost report for FY 2022. Published Charges are set retrospectively to allow for the completion of the previous years' cost report, which are the basis for the setting of the charges.

#### CURRENT SITUATION AND ITS EFFECTS

The City Council adopted FY 2021 Published Charges on May 11, 2021 through Resolution No. 69,858-N.S. Current and proposed rates are detailed in Attachment 2.

#### BACKGROUND

Medi-Cal regulations require the Mental Health Division to establish Published Charges at least annually. Federal requirements stipulate that Published Charges are determined at the mental health jurisdiction level. The City uses these charges as the basis of a cost report in order to claim Medi-Cal revenue. This revenue is used to fund mental health expenses for a wide variety of City mental health programs.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Medi-Cal regulations require the Mental Health Division to establish Published Charges at least annually. Federal requirements stipulate that Published Charges are determined at the mental health jurisdiction level. The recommended Published Charges comply with the SD/MC audit requirements.

The Published Charge rate does not affect the amount mental health consumers with Medi-Cal are charged for services – rather it only affects the amount BMH can charge Medi-Cal for these eligible services. For any consumer without Medi-Cal, BMH utilizes the Universal Mechanism for Determining Ability to Pay (UMDAP) and sets the fee at an affordable rate.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

CONTACT PERSON

Yvette Katuala, Assistant Manager of Mental Health, HHCS, 510-981-7654

Attachments:

1: Resolution

Exhibit A: Table of City of Berkeley Medi-Cal Rates FY 2022 Published Charges

2: Table of City of Berkeley Medi-Cal Rates for FY 2021 and FY 2022  
Published Charges

3: Public Hearing Notice

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

ESTABLISHING FISCAL YEAR 2022 PUBLISHED CHARGES FOR MENTAL  
HEALTH CLINICAL SERVICES EFFECTIVE JULY 1, 2021

WHEREAS, Published Charges are necessary to ensure that the Mental Health Clinics continues to offer specialty mental health related services to the Berkeley and Albany communities consistent with its mission; and

WHEREAS, the Published Charges will allow the City of Berkeley's Mental Health Clinics to continue to meet all Federal, State and County regulatory requirements, while providing continued community access to specialty mental health related services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the proposed Published Charges, detailed in Exhibit A for Fiscal Year 2022 are hereby fixed and established, effective July 1, 2021, for mental health clinic services offered by the Mental Health Division's Clinics of the City's Department of Health, Housing & Community Services.

Exhibits

A: Table of City of Berkeley Medi-Cal Rates Fiscal Year 2022 Published Charges

Exhibit A

**City of Berkeley Medi-Cal Rates Fiscal Year 2022 Published Charges**

**FY 2022 Published Charges**

| <b>Mode</b> | <b>SFC</b> | <b>Services</b>             | <b>Cost/Unit</b> |
|-------------|------------|-----------------------------|------------------|
| 15          | 1          | Case Management & Brokerage | \$13.97          |
| 15          | 10         | Mental Health Services      | \$14.34          |
| 15          | 30         | Evaluation                  | \$13.58          |
| 15          | 40         | Mental Health Services      | \$13.58          |
| 15          | 50         | Mental Health Services      | \$13.58          |
| 15          | 60         | Medication                  | \$27.75          |
| 15          | 70         | Crisis                      | \$12.83          |



**PUBLISHED CHARGES FOR BERKELEY MENTAL HEALTH FOR  
FY 2021 AND FY 2022**

**City of Berkeley Medi-Cal Rates FY 2022 Published Charges**

| <b>Mode</b> | <b>SFC</b> | <b>Services</b>             | <b>FY 2021<br/>Published<br/>Charge</b> | <b>FY 2022<br/>Published<br/>Charge</b> |
|-------------|------------|-----------------------------|-----------------------------------------|-----------------------------------------|
|             |            |                             | <b>Cost/Unit</b>                        | <b>Cost/Unit</b>                        |
| 15          | 1          | Case Management & Brokerage | \$10.49                                 | \$13.97                                 |
| 15          | 10         | Mental Health Services      | \$10.77                                 | \$14.34                                 |
| 15          | 30         | Evaluation                  | \$10.20                                 | \$13.58                                 |
| 15          | 40         | Mental Health Services      | \$10.20                                 | \$13.58                                 |
| 15          | 50         | Mental Health Services      | \$10.20                                 | \$13.58                                 |
| 15          | 60         | Medication                  | \$20.84                                 | \$27.75                                 |
| 15          | 70         | Crisis                      | \$9.63                                  | \$12.83                                 |

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**PROPOSED PUBLISHED CHARGES FOR BERKELEY MENTAL  
HEALTH**

**The public may participate in this hearing by remote video or in-person.**

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said City Council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Health, Housing, and Community Services is proposing to establish Published Charges FY2022 for mental health and case management services.

| Mode | SFC | Services                    | FY 2021          | FY 2022          |
|------|-----|-----------------------------|------------------|------------------|
|      |     |                             | Published Charge | Published Charge |
|      |     |                             | Cost/Unit        | Cost/Unit        |
| 15   | 1   | Case Management & Brokerage | \$10.49          | \$13.97          |
| 15   | 10  | Mental Health Services      | \$10.77          | \$14.34          |
| 15   | 30  | Evaluation                  | \$10.20          | \$13.58          |
| 15   | 40  | Mental Health Services      | \$10.20          | \$13.58          |
| 15   | 50  | Mental Health Services      | \$10.20          | \$13.58          |
| 15   | 60  | Medication                  | \$20.84          | \$27.75          |
| 15   | 70  | Crisis                      | \$9.63           | \$12.83          |

The hearing will be held on May 31, 2022 at 6:00 p.m.in the School District Board Room, 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of May 19, 2022. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Yvette Katuala, Assistant Mental Health Manager at 510-981-7654.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Council members 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 [council@cityofberkeley.info](mailto:council@cityofberkeley.info) for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

**Published:** May 20 and May 27, 2022 – The Berkeley Voice Per Government Code 6062A



I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on May 19, 2022.

\_\_\_\_\_  
Mark Numainville, City Clerk





Office of the City Manager

ACTION CALENDAR

May 31, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Paul Buddenhagen, Deputy City Manager

Subject: Discussion and Direction Regarding Vision 2050 Program Plan and Potential Ballot Measures for the November 8, 2022 General Municipal Election

RECOMMENDATION

Discuss the results of the recent community survey; provide direction to the City Manager on whether to continue working towards placing measure(s) on the November ballot, and, if so, the type of and dollar amounts for revenue measures; and provide input on the Vision 2050 *Program Plan*.

FISCAL IMPACTS OF RECOMMENDATION

If a potential revenue measure or measures are placed on the ballot and subsequently approved by voters, the City would receive additional funds from increased tax revenues.

CURRENT SITUATION AND ITS EFFECTS

Most of Berkeley's streets, sidewalks, sewers, parks, playgrounds and public buildings were built over 75 years ago and need repair. However, local revenues have not kept pace with the investments needed to maintain and/or update aging infrastructure, or promote sustainability and housing affordability. This underinvestment has led to more than \$1 billion in deferred maintenance and even more to ensure resilient and sustainable infrastructure. Studies show that \$1 spent in early maintenance of infrastructure, such as streets, can save \$7 in later, more expensive repairs. This explains why delays in addressing deferred maintenance in the City's streets quadruples the cost of addressing these needs by 2050.

The size and scale of these infrastructure needs show the challenge ahead despite proactive steps taken to address these needs in the last decade. Local voters approved the start of upgrades to local infrastructure through the passage of Measure M in 2012 (\$30M), the Parks Tax increase in 2014, and Measure T1 in 2016 (\$100M); and to affordable housing through the passage of Measure U1 in 2016 and Measure O in 2018 (\$135M). Together, these measures have provided additional resources to construct 308 affordable housing units (with 456 more units in the queue), and repair and improve Berkeley's aging infrastructure, including sidewalks, storm drains, parks, streets, senior and recreation centers, watershed and other City facilities.

While marking important progress, these measures have not been large enough to address this significant infrastructure and affordable housing need. A measure or measures on the November 2022 ballot would secure a dedicated funding source to support local infrastructure and affordable housing, and accelerate the City's path toward sustainability and resilience as envisioned in the Vision 2050 Framework.

In April 2022, a random, representative sample of 500 Berkeley voters were surveyed regarding their infrastructure priorities and possible revenue measures via telephone and text-to-online technology using professional interviewers. The survey had a margin of error of +/-4.4%, and top line results are in Attachment 1. The survey confirmed that voters' top priorities were affordable housing, streets and sidewalks, and undergrounding utilities to help reduce the risk of wildfire. In the survey, 57% of Berkeley's likely voters said they would vote yes on Option #1, a \$600 million general obligation bond, and 61-63% responded yes on Option #2, the pairing of one \$300 million general obligation bond (61%) with a 30 cent parcel tax (63%). These results fall short of the two-thirds necessary for voter approval on any of these measures. The "No" vote (between 26-29%) continues to register at higher levels than this City's previous pre-placement surveys, and the undecided vote is smaller than previous surveys.

Staff seeks City Council's direction on which, if any, measure or measures that staff should prepare for City Council's placement on the November 2022 ballot, and input on the draft *Vision 2050 Program Plan*.

## BACKGROUND

On April 27, 2021, City Council approved a referral to the City Manager to "explore various options for a future city bond measure in November 2022 to support the growing need for infrastructure investment, including street repaving, Complete Streets infrastructure that promotes bike and pedestrian safety, restoration of public buildings and facilities, and affordable housing citywide." On June 30, 2021, City Council adopted a budget that included Vision 2050 implementation and exploration of revenue measures for the November 2022 ballot.

In significant coordination with Vision 2050 volunteers, staff have completed meetings with 25+ City Commissions and community organizations; conducted a scientific survey on infrastructure priorities in October 2021; updated City Council on progress on [November 16, 2021](#);<sup>1</sup> updated and gained City Council's direction at the [January 20, 2022 work session](#);<sup>2</sup> sent an informational brochure to all Berkeley residents inviting them to one of four large area public meetings; held those public meetings on March 30, April 6, April 13, and April 20; conducted this project's 2<sup>nd</sup> scientific survey of Berkeley

<sup>1</sup><https://records.cityofberkeley.info/PublicAccess/api/Document/AdG61weWildAPhLXK5fpdWtst1f97yF2HRTRBZo4KWAcbadsmEVrPuMZbJ0saMj1yOQehYuhcR1QggYN5qYWÉU%3D/>

<sup>2</sup> <https://berkeleyca.gov/city-council-special-ws-meeting-eagenda-january-20-2022>

voters in late April; reported to City Council on the City’s bond capacity on [April 26, 2022](#);<sup>3</sup> drafted a *Program Plan* and incorporated public comments received between May 2 and May 12, 2022; submitted to City Council a *Strategic Asset Management Plan* and *Asset Management Policy* on [May 10, 2022](#);<sup>4</sup> and issued [off agenda memos](#)<sup>5</sup> on October 4, 2021, December 13, 2021, March 28, 2022, and May 3, 2022.

*Vision 2050 Program Plan*. Per City Council’s direction at the January 20, 2022 work session, Attachment 2 is a draft long-term program to address Berkeley’s infrastructure needs<sup>6</sup> through 2050, includes a high-level funding approach, four outcomes and tangible results from increased investments, a method for prioritizing work, an organizational approach to program delivery, key performance indicators, and a process for developing and approving projects funded by future revenue measures. While not binding, the Plan is a blueprint with enough flexibility to adapt as infrastructure needs evolve and will require updates every five years.

The *Plan*’s four outcomes are:



**Program Plan’s Figure 7: Outcomes**

<sup>3</sup> <https://berkeleyca.gov/sites/default/files/2022-04/2022-04-26%20Special%20Item%2002%20Accept%20the%20Risk%20Analysis%20for%20Long-Term%20Debt.pdf>

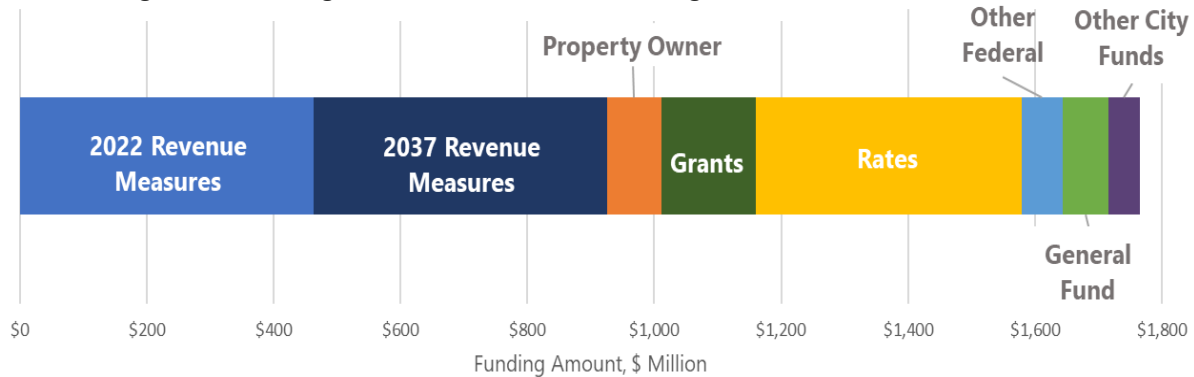
<sup>4</sup> <https://berkeleyca.gov/sites/default/files/2022-04/2022-05-10%20Item%2031%20Vision%202050%20Strategic%20Asset.pdf>

<sup>5</sup> <https://berkeleyca.gov/your-government/city-council/agenda-memos>

<sup>6</sup> The City Council’s adopted *Vision 2050 Framework* focused on infrastructure, not affordable housing. Given City Council’s April 27, 2021 direction to include both infrastructure and affordable housing in the context of revenue measures, the revenue measure options below address both infrastructure and affordable housing, but the draft *Vision 2050 Program Plan* retains its focus on infrastructure.

As shown in the figure below, the *Program Plan* includes a high-level funding plan to address the City’s infrastructure needs through a variety of fund sources, including revenue measures, grants and developer contributions, rates, and City (and General) funds.

**Program Plan’s Figure 11 – Vision 2050 Funding Sources**



The *Program Plan* at Table 3 prioritizes infrastructure categories based on the Institute for Sustainable Infrastructure’s scorecard and public input assembled to date. Infrastructure categories in Priorities 1 and 2 are most aligned to resilience and sustainability measures in the scorecard criteria, closest to being able to move into construction, and most supported by public input gained to date.

Many of the infrastructure categories in Priorities 2 and 3 are important, but require more public process, planning, and/or engineering, some of which may be supported by funding from a revenue measure or measures. Some of these infrastructure categories, such as sewer, already have sufficient, dedicated funding sources that make them unnecessary to prioritize for new revenue funding.

| Priority | Asset Category by Score              |
|----------|--------------------------------------|
| 1        | Streets                              |
|          | Bicycle and Pedestrian Plan projects |
|          | Sidewalks                            |
| 2        | Undergrounding                       |
|          | Stormwater                           |
|          | Parks                                |
|          | Trees                                |
|          | Waterfront                           |
| 3        | Traffic, Streetlights, and Parking   |
|          | Transit projects                     |
|          | Civic center                         |
|          | City buildings                       |
|          | Transfer station                     |
|          | Sewer                                |



This prioritization is intended as a general guideline for resource allocation, and is not binding on when work on the particular infrastructure category is completed. Ultimately, City Council will select the projects to fund and their timing after consultation with Commissions, staff, and the community.

*Revenue Measure Options*

For the November 2022 ballot, two types of infrastructure revenue measures are being considered: a General Obligation Bond (or Infrastructure Bond) and Parcel Tax. GO Bonds are paid by an ad valorem property tax based on taxable properties’ assessed value and can only be used to fund capital improvements (no maintenance, operations or services). A parcel tax is a property tax of all properties, i.e., residential, commercial, and industrial, that can generate annual special revenues for capital, operations, maintenance, and services.<sup>7</sup> A summary of these funding mechanism’s basics and their pros and cons is below.

**Table 4 from the *Program Plan* - Funding Mechanisms**

| TYPE              | GO Bond                                                                      | Parcel Tax                                                                    |
|-------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| TAX BASIS         | Assessed Value (AV)                                                          | Building square footage                                                       |
| USE OF FUNDS      | Capital only                                                                 | Capital + Maintenance                                                         |
| TAX PROGRESSIVITY | Progressive                                                                  | Progressive                                                                   |
| EXEMPTIONS        | None                                                                         | Low income/senior                                                             |
| PROS              | Relative tax burden decreases as total AV increases                          | Fixed payments with cost of living adjustments, funds capital and maintenance |
| CONS              | Cannot pay for maintenance or operations<br>Does not adjust for future costs | Increases tax burden if building square footage increases                     |

With that context, staff seek direction among these possible revenue measure options:

Option #1, \$600M GO Bond: Such as measure could have the following investment priorities (and corresponding *Program Plan* outcomes):

- \$250 Million - Street repair and traffic safety (*Program Plan’s* Outcome 1)
- \$150 Million - Affordable housing for low-income and homeless residents
- \$125 Million - Climate change, sea level rise, wildfire prevention and protection (*Program Plan’s* Outcome 2)

<sup>7</sup> Some have suggested a split roll parcel tax, where residential and commercial properties are charged different rates. Staff have not been able to find many examples of these types of parcel taxes for infrastructure in other cities.

- \$75 Million - Other public infrastructure improvements<sup>8</sup> (*Program Plan's* Outcomes 3 and 4)

This option funds the community's top priorities from the public outreach and scientific surveys (affordable housing, street repair, and resilience to climate change), and is supported by the city's prioritization using the Vision 2050/Envision scorecard.

Option #2, Two Measures: Two measures on the November 2020 ballot would include:

- A parcel tax of \$0.30 per building square foot, raising approximately \$28 million annually, to improve streets and traffic safety (*Program Plan's* Outcome 1), and
- A \$300 million GO bond
  - \$150 million to address affordable housing for low-income persons and the unhoused
  - \$150 million to improve resilience to climate change, wildfire prevention and protection, and to improve other public infrastructure (*Program Plan's* Outcomes 2, 3, and 4)

Option #2 also funds voters' top priorities. To succeed, each measure would be required to separately meet the two-thirds threshold for approval, which may be more difficult than one measure meeting the two-thirds threshold. Both measures could gain voter approval, one measure could be approved by voters but not the other, or both could fail. In the scientific survey, Option #2's two-measure approach garnered more support (61-63%) than Option #1's \$600M GO bond (57%).

Option #2 is better positioned to deliver on Vision 2050's commitment to resilient and sustainable infrastructure. It provides more flexible sources of funding that could address maintenance needs in addition to capital improvements. The parcel tax component includes an annual cost of living escalator, whereas a GO bond does not. That means the GO bond's impact diminishes over time, as does its tax burden. The parcel tax not only includes a cost of living escalator, it delivers benefits through 2050 unless ended sooner by voters, whereas the GO bond is planned to deliver benefits for 15 years.

*Tax Impacts from Options #1 and #2.* The table below shows these options' tax impacts.

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<sup>8</sup> *Other Public Infrastructure Improvements* could include one-time projects, e.g., Old City Hall, Veterans Memorial Building, Waterfront and Marina, etc.

Program Plan's Table 7 – Tax Impacts

|                                                       | <b>Option #1<br/>\$600M<br/>GO Bond</b> | <b>Option #2<br/>\$300M GO Bond +<br/>Parcel Tax</b> |
|-------------------------------------------------------|-----------------------------------------|------------------------------------------------------|
| <b>Tax Rate<br/>(\$100,000 A.V.)</b>                  | Avg \$51<br>Max \$91                    | Avg Bond = \$27<br>Parcel = 30 cents per sq. ft.     |
| <b>Tax<br/>(Avg Home:<br/>\$647,972; 1,900 sq ft)</b> | Avg \$332<br>Max \$589                  | Avg Bond = \$166<br>Parcel = \$570<br>Total = \$736  |

*Results from Options #1 and #2.* These results assume the City continues its track record of successfully leveraging state, federal, and regional grants, and City Council allocates a total of approximately \$15 million—\$7 million in existing baseline funding plus \$8 million in new non-revenue measure funding—to the annual paving program in order to ensure proper ongoing maintenance of the City’s streets.

These investments would:

- Improve streets to good paving condition with an average Paving Condition Index of 70 or more
- Implement 75%+ of adopted traffic safety plans (bike/ped) and achieve Berkeley’s vision of a low-stress bike network
- Complete selected sea level rise projects, and begin to implement undergrounding of evacuation routes and the stormwater/green infrastructure plan
- Assist in advancing the city’s park and public realm projects, e.g., Waterfront and Civic Center Renovation
- Address 13-26% of Berkeley’s affordable housing need through the addition of 500-1,000 new affordable housing units

*Other Measures on the November 2022 ballot.* To date, City staff and consultants are not aware of other measures that have been approved for the November ballot. In June, staff will bring a recommendation to the City Council to include an Article 34 measure, which is required by the California Constitution in order to develop affordable housing projects with state or local public financing. Such an approval has occurred in at least four previous elections and has had strong support.

*Seeking Direction.* Staff seeks Council direction on the following, should City Council want staff to continue working on placing revenue measure(s) on the November 2022 ballot:

- Should staff move forward with placing a measure or measures on the ballot?
  - If so, which revenue measure or measures should the City Attorney and City Manager's office draft for placement on the ballot?
  - What should the amount of each measure be?
  - Which priorities (and their funding levels) should be included with each measure, e.g., streets and traffic safety, affordable housing, etc.? Should these priorities be indicated in the *Program Plan*, built into the measures themselves, both of the above, or neither?
  - If a GO bond is proposed for placement, should it include a 1% dedication to public art, an annual General Fund allocation to public art in lieu of the revenue measure dedication, or something else?
  - If a parcel tax is proposed for placement, should it include an exemption for very low income property owners?
  - If a parcel tax is proposed for placement, should it include an end date?
- If streets and traffic safety are priorities in one or more measures, should the *Program Plan* include a specific commitment for City Council and staff to find non-revenue measure funding sources (~\$8 million) to fund the annual street maintenance necessary to ensure pavement condition does not decline?
- Given the significant request of voters' financial support, should the *Program Plan* (or revenue measure itself) include a commitment to ensure the General Fund contribution to infrastructure in the FY 2023 budget is a minimum for future years, except during times of emergency?

Subject to direction on these questions, the City Manager and City Attorney will return on July 12, 2022 seeking City Council's formal action to place a measure or measures.

*Seeking Input on Vision 2050 Program Plan.* Staff will revise the *Vision 2050 Program Plan* consistent with the direction provided on the above questions. In addition, staff seeks Council's input on any further revisions or changes to make to the *Plan*. Staff will return no later than July 26, 2022 with a revised *Plan* based on City Council's input.

#### ALTERNATIVES CONSIDERED

City Council could direct staff to develop Options #1 or #2 but with different and/or smaller funding mechanisms, e.g. Option #1 but with a similarly-sized parcel tax in lieu of infrastructure bond, at different funding levels (lower or higher amounts), or with different investment priorities, e.g., more or less for affordable housing, street repair, etc.

Below is a table showing the revenue possibilities and tax impacts of smaller measures.

|                                                   | <b>Solo \$150M<br/>GO Bond</b> | <b>Solo \$0.15<br/>Parcel Tax</b> |
|---------------------------------------------------|--------------------------------|-----------------------------------|
| <b>Tax Rate<br/>(\$100,000 A.V.)</b>              | Avg \$13<br>Max \$22.73        | 15 cents<br>per sq. ft.           |
| <b>Tax<br/>(Avg Home: \$647,972; 1,900 sq ft)</b> | Avg \$166<br>Max \$294         | \$285<br>(generates \$14M/yr)     |
| <b>Survey</b>                                     | 55% support<br>29% oppose      | 63% support<br>22% oppose         |

City Council could choose to delay this discussion until a future election; ask for other measure options to be developed further; or direct staff to consider an option not yet considered.

August 12, 2022 is the last day to submit measures to the County Registrar.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

Implementing Vision 2050 would result in more resilient public infrastructure that creates fewer greenhouse gases, and reduces conflict between our built and natural environment. More affordable housing in Berkeley would reduce greenhouse gas emissions caused by employees finding lower cost housing farther away from employment centers and requiring longer commutes.

**CONTACT PERSON**

Paul Buddenhagen, Deputy City Manager, (510) 981-7014  
Liam Garland, Director, Public Works, (510) 981- 6303

**Attachments:**

- 1: Topline Results of April 2022 Scientific Survey
- 2: [Draft] Vision 2050 Infrastructure Program Plan

**City of Berkeley Community Survey  
Live Phone and Text to Online  
April 28-May 3, 2022  
FINAL WEIGHTED TOPLINES**

**N=500 Likely Nov 2022 General Election Voters  
Splits: A/B, C/D**

|  | TOTAL<br>N= 500 | MEN<br>222 | WOMEN<br>259 |
|--|-----------------|------------|--------------|
|--|-----------------|------------|--------------|

**Region**

|                                |    |    |    |
|--------------------------------|----|----|----|
| Council District 5, 6, 8 ..... | 43 | 43 | 42 |
| Council District 3, 4, 7 ..... | 28 | 28 | 28 |
| Council District 1, 2 .....    | 29 | 29 | 30 |

**Party**

|                  |    |    |    |
|------------------|----|----|----|
| Democrat .....   | 80 | 74 | 86 |
| Republican ..... | 2  | 2  | 2  |
| NPP .....        | 15 | 21 | 10 |
| Other .....      | 3  | 3  | 2  |

**Q1.** Before we begin, I need to know if I have reached you on a cell phone, and if so, are you in a place where you can talk safely?

|                                                           |    |    |    |
|-----------------------------------------------------------|----|----|----|
| Yes, cell and can talk safely .....                       | 54 | 55 | 55 |
| Yes, cell and cannot talk safely <b>[CALL BACK]</b> ..... | 0  | 0  | 0  |
| No, not on cell, but own one .....                        | 10 | 8  | 12 |
| No, not on cell, and do not own one .....                 | 1  | 1  | 0  |
| (Don't know/refused) <b>[TERMINATE]</b> .....             | 0  | 0  | 0  |
| Text-to-online .....                                      | 36 | 36 | 33 |

**Q2.** Although it is some time from now, what are the chances of you voting in the November 2022 general election for Governor, Congress, and other offices? Are you almost certain to vote, will you probably vote, are the chances about 50-50, are you probably not going to vote, or are you definitely not going to vote?

|                                         |    |    |    |
|-----------------------------------------|----|----|----|
| Almost certain to vote .....            | 90 | 85 | 94 |
| Probably will vote .....                | 10 | 15 | 6  |
| 50-50 <b>[TERMINATE]</b> .....          | 0  | 0  | 0  |
| Probably not <b>[TERMINATE]</b> .....   | 0  | 0  | 0  |
| Definitely not <b>[TERMINATE]</b> ..... | 0  | 0  | 0  |
| Don't know <b>[TERMINATE]</b> .....     | 0  | 0  | 0  |

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 222 | 259   |

**Q3.** Do you feel that things in the City of Berkeley are generally headed in the right direction or do you feel things are headed in the wrong direction?

|                       |    |    |    |
|-----------------------|----|----|----|
| Right Direction ..... | 47 | 46 | 49 |
| Wrong Direction ..... | 24 | 24 | 25 |
| (Don't know).....     | 29 | 30 | 27 |

**Q4.** Now I'm going to read some different issues that have been identified as important needs in the city of Berkeley. If you had to choose, which one or two of the following would be the highest priority for you personally in the city of Berkeley? **[RANDOMIZE]**

**[ACCEPT UP TO TWO RESPONSES]**

|                                                                                                                        |    |    |    |
|------------------------------------------------------------------------------------------------------------------------|----|----|----|
| Increasing affordable housing for low-income and homeless residents .....                                              | 58 | 55 | 61 |
| Repairing deteriorating streets and sidewalks .....                                                                    | 27 | 29 | 23 |
| Undergrounding utilities to help reduce the risk of wildfire .....                                                     | 20 | 22 | 20 |
| Protecting critical facilities from the threats of climate change .....                                                | 12 | 8  | 15 |
| Improving pedestrian, bike, and traffic safety .....                                                                   | 11 | 12 | 11 |
| Upgrading storm drains, green infrastructure, and our watersheds to keep pollution from the Bay.....                   | 10 | 9  | 11 |
| Improving the Berkeley waterfront, including docks, pilings, streets, parking lots, pathways, and marina dredging..... | 9  | 11 | 7  |
| Making public buildings, streets, and sidewalks more accessible to people with disabilities .....                      | 8  | 6  | 8  |
| Improving parks and recreation facilities .....                                                                        | 6  | 7  | 6  |
| Creating and expanding bike lanes and infrastructure.....                                                              | 6  | 6  | 6  |
| Creating more transformative public spaces in Berkeley.....                                                            | 5  | 8  | 3  |
| Improving seismic safety of historic buildings in Civic Center, including Old City Hall and the Veterans Building..... | 3  | 1  | 5  |
| (None).....                                                                                                            | 2  | 1  | 1  |
| (Don't know).....                                                                                                      | 1  | 1  | 0  |
| (Refused).....                                                                                                         | 0  | 1  | 0  |

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 222 | 259   |

*Now, I'm going to read several versions of ballot measures that may appear on the ballot in Berkeley this November. I am going to ask about different ways of funding the measures and different dollar amounts for each. Here is the first measure.*

**SPLIT C HEARS Q5 THEN Q6/Q7; SPLIT D HEARS Q6/Q7 THEN Q5**

**[IF SSC – READ AFTER Q5 AND BEFORE Q6/7:]** *Now I am going to ask you about two different measures that could be on the ballot instead of the first one. They are each smaller in size than the first, but, together, provide slightly more funding. Here is the first one.*

**[IF SSD – READ AFTER Q6/7 AND BEFORE Q5:]** *Now I am going to ask you about a different measure that could be on the ballot instead of the others I mentioned. It is larger in size than each of others separately, but provides slightly less than the previous two together.*

**Q5.** This is a ballot measure that would provide funding through a general obligation bond.

In order to:

- Build and preserve affordable housing for low-income and homeless residents;
- Significantly repair streets, and improve traffic, bike, and pedestrian safety;
- Promote climate change resiliency, including protecting against wildfires; and
- Improve public buildings and infrastructure;

Shall the City of Berkeley enact a measure issuing bonds of 600 million dollars, at rates of 54 dollars per 100 thousand dollars of assessed property value, on average, generating approximately 30 million dollars annually while bonds are outstanding, and requiring regular audits and independent oversight?

If the election were held today, would you vote yes or no on this measure, or are you undecided?

**[IF YES/NO]:** And is that Yes/No strongly or not so strongly?

**[IF UNDECIDED]:** Well, to which side do you lean?

|                             |    |    |    |
|-----------------------------|----|----|----|
| Yes - strongly .....        | 31 | 32 | 31 |
| Yes - not so strongly ..... | 13 | 13 | 14 |
| Lean yes .....              | 13 | 13 | 13 |
| Undecided/DK.....           | 15 | 11 | 18 |
| Lean no.....                | 4  | 6  | 3  |
| No - not so strongly.....   | 6  | 4  | 7  |
| No - strongly .....         | 18 | 20 | 14 |
| (Refused).....              | 0  | 0  | 0  |
| Yes .....                   | 57 | 58 | 58 |
| No .....                    | 28 | 31 | 24 |

**SPLIT A HEARS Q6 THEN Q7; SPLIT B HEARS Q7 THEN Q6**



|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 222 | 259   |

**Q6.** This is a ballot measure that would provide funding through a general obligation bond.

In order to:

- Build and preserve affordable housing for low-income and homeless residents;
- Promote climate change resiliency, including protect against wildfires; and
- Improve public buildings and general infrastructure;

Shall the City of Berkeley enact a measure issuing bonds of 300 million dollars, at rates of 26 dollars per 100 thousand dollars of assessed property value, on average, generating approximately 17 million dollars annually while bonds are outstanding, and requiring regular audits and independent oversight?

If the election were held today, would you vote yes or no on this measure, or are you undecided?

**[IF YES/NO]:** And is that Yes/No strongly or not so strongly?

**[IF UNDECIDED]:** Well, to which side do you lean?

|                             |    |    |    |
|-----------------------------|----|----|----|
| Yes - strongly .....        | 36 | 34 | 38 |
| Yes - not so strongly ..... | 15 | 17 | 15 |
| Lean yes .....              | 10 | 8  | 12 |
| Undecided/DK.....           | 14 | 14 | 13 |
| Lean no.....                | 2  | 2  | 2  |
| No - not so strongly.....   | 6  | 5  | 7  |
| No - strongly .....         | 17 | 20 | 13 |
| (Refused).....              | 0  | 0  | 0  |
| Yes .....                   | 61 | 58 | 64 |
| No .....                    | 25 | 27 | 22 |

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 222 | 259   |

**[KEEP IN BETWEEN Q6 AND Q7] Now I am going to read you another measure that would be on the ballot.**

**Q7.** This ballot measure would provide funding through a parcel tax.

In order to:

- Significantly repair deteriorating streets;
- Improve traffic, bike, and pedestrian safety; and
- Fix sidewalks and increase access for those with disabilities;

Shall the City of Berkeley enact a measure levying 30 cents per building square foot, generating approximately 28 million annually, with low-income exemptions, regular audits, independent oversight, and all funds staying local?

If the election were held today, would you vote yes or no on this measure, or are you undecided?

**[IF YES/NO]:** And is that Yes/No strongly or not so strongly?

**[IF UNDECIDED]:** Well, to which side do you lean?

|                             |    |    |    |
|-----------------------------|----|----|----|
| Yes - strongly .....        | 37 | 37 | 37 |
| Yes - not so strongly ..... | 17 | 17 | 17 |
| Lean yes .....              | 9  | 7  | 12 |
| Undecided/DK.....           | 11 | 9  | 12 |
| Lean no.....                | 3  | 5  | 2  |
| No - not so strongly.....   | 5  | 8  | 4  |
| No - strongly .....         | 17 | 17 | 16 |
| (Refused).....              | 0  | 0  | 0  |
| Yes .....                   | 63 | 61 | 66 |
| No .....                    | 26 | 30 | 22 |

**Now, I am going to ask you about two different measures that could be on the ballot in place of those already described. Here is the first one.**

**SPLIT A HEARS Q8 THEN Q9; SPLIT B HEARS Q9 THEN Q8**

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 222 | 259   |

**Q8.** This is the smallest version of the bond measure, providing a lower amount of funding than the previous versions.

In order to:

- Build and preserve affordable housing for low-income and homeless residents;
- Promote climate change resiliency, including protect against wildfires; and
- Improve public buildings and general infrastructure;

Shall the City of Berkeley enact a measure issuing bonds of 150 million dollars, at rates of 13 dollars per 100 thousand dollars of assessed property value, on average, generating approximately 8.7 (8 point 7) million dollars annually while bonds are outstanding, and requiring regular audits and independent oversight?

If the election were held today, would you vote yes or no on this measure, or are you undecided?

**[IF YES/NO]:** And is that Yes/No strongly or not so strongly?

**[IF UNDECIDED]:** Well, to which side do you lean?

|                             |    |    |    |
|-----------------------------|----|----|----|
| Yes - strongly .....        | 30 | 30 | 33 |
| Yes - not so strongly ..... | 15 | 15 | 15 |
| Lean yes .....              | 10 | 8  | 11 |
| Undecided/DK.....           | 16 | 15 | 17 |
| Lean no.....                | 4  | 5  | 4  |
| No - not so strongly.....   | 7  | 6  | 7  |
| No - strongly .....         | 18 | 21 | 14 |
| (Refused).....              | 0  | 0  | 0  |
| Yes .....                   | 55 | 53 | 59 |
| No .....                    | 29 | 32 | 25 |

**[KEEP IN BETWEEN Q8 AND Q9] Now I am going to read you another measure that would be on the ballot.**

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 222 | 259   |

**Q9.** This is a smaller version of the parcel tax measure, providing a lower amount of funding than the previous version.

In order to:

- Significantly repair deteriorating streets;
- Improve traffic, bike, and pedestrian safety; and
- Fix sidewalks and increase access for those with disabilities;

Shall the City of Berkeley enact a measure levying 15 cents per building square foot, generating approximately 14 million annually, with low-income exemptions, regular audits, independent oversight and all funds staying local?

If the election were held today, would you vote yes or no on this measure, or are you undecided?

**[IF YES/NO]:** And is that Yes/No strongly or not so strongly?

**[IF UNDECIDED]:** Well, to which side do you lean?

|                             |    |    |    |
|-----------------------------|----|----|----|
| Yes - strongly .....        | 34 | 37 | 33 |
| Yes - not so strongly ..... | 19 | 17 | 22 |
| Lean yes .....              | 10 | 8  | 11 |
| Undecided/DK.....           | 15 | 13 | 16 |
| Lean no.....                | 4  | 4  | 4  |
| No - not so strongly.....   | 3  | 3  | 3  |
| No - strongly .....         | 15 | 18 | 12 |
| (Refused).....              | 0  | 0  | 0  |
| Yes .....                   | 63 | 61 | 66 |
| No .....                    | 22 | 26 | 18 |

|    |       |     |       |
|----|-------|-----|-------|
|    | TOTAL | MEN | WOMEN |
| N= | 500   | 222 | 259   |

**Q10.** Now I’m going to read some different statements that could be made about the proposed ballot measures described earlier. Please tell me whether each statement makes you MORE likely or LESS likely to vote YES on any of the ballot measures providing revenue for the city of Berkeley.

**[RANDOMIZE STATEMENTS]**

**Sorted by “More likely”**

|                                                                                                                                                                                                                                                                        |    |    |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|----|
| 10d. An increase in city funding for infrastructure and affordable housing helps Berkeley to leverage additional funding from federal and state government that would otherwise go to other cities.....                                                                | 71 | 68 | 76 |
| 10c. Berkeley has more than one billion-dollar backlog in infrastructure needs, including critical repairs to streets, parks, and other public facilities that will only get more expensive to fix over time. A long-term investment in repair and resilience is ..... | 70 | 72 | 70 |
| 10b. Undergrounding utilities and building climate-resilient infrastructure is a practical necessity that will help reduce the risk of wildfires, save lives, and make Berkeley a safer and more sustainable place to live. ....                                       | 69 | 68 | 71 |
| 10a. Providing affordable housing for low-income and homeless residents is important to address the housing crisis in Berkeley and reduce the impacts of encampments and unsheltered homelessness on our streets.....                                                  | 69 | 66 | 72 |
| 10e. In addition to providing funding to help fix current and past problems, we need a long-term investment to proactively build a Berkeley that thrives years into the future. ....                                                                                   | 60 | 61 | 61 |
| 10f. Berkeley’s city government needs to do a better job of being responsible with the budget it already has before we are asked to raise taxes even more. ....                                                                                                        | 39 | 42 | 35 |
| 10g. With inflation and cost of living on the rise, this is the wrong time to increase taxes and make it more expensive to live in Berkeley. ....                                                                                                                      | 32 | 32 | 31 |

|    |       |     |       |
|----|-------|-----|-------|
|    | TOTAL | MEN | WOMEN |
| N= | 500   | 222 | 259   |

a. Providing affordable housing for low-income and homeless residents is important to address the housing crisis in Berkeley and reduce the impacts of encampments and unsheltered homelessness on our streets.

|                  |    |    |    |
|------------------|----|----|----|
| More likely..... | 69 | 66 | 72 |
| Less likely..... | 15 | 17 | 11 |
| Not sure.....    | 16 | 17 | 17 |

b. Undergrounding utilities and building climate-resilient infrastructure is a practical necessity that will help reduce the risk of wildfires, save lives, and make Berkeley a safer and more sustainable place to live.

|                  |    |    |    |
|------------------|----|----|----|
| More likely..... | 69 | 68 | 71 |
| Less likely..... | 15 | 16 | 13 |
| Not sure.....    | 16 | 16 | 16 |

c. Berkeley has more than one billion-dollar backlog in infrastructure needs, including critical repairs to streets, parks, and other public facilities that will only get more expensive to fix over time. A long-term investment in repair and resilience is needed to avoid higher costs later on.

|                  |    |    |    |
|------------------|----|----|----|
| More likely..... | 70 | 72 | 70 |
| Less likely..... | 12 | 10 | 12 |
| Not sure.....    | 19 | 17 | 19 |

d. An increase in city funding for infrastructure and affordable housing helps Berkeley to leverage additional funding from federal and state government that would otherwise go to other cities.

|                  |    |    |    |
|------------------|----|----|----|
| More likely..... | 71 | 68 | 76 |
| Less likely..... | 12 | 15 | 8  |
| Not sure.....    | 17 | 18 | 16 |

e. In addition to providing funding to help fix current and past problems, we need a long-term investment to proactively build a Berkeley that thrives years into the future.

|                  |    |    |    |
|------------------|----|----|----|
| More likely..... | 60 | 61 | 61 |
| Less likely..... | 16 | 16 | 16 |
| Not sure.....    | 24 | 24 | 23 |

f. Berkeley’s city government needs to do a better job of being responsible with the budget it already has before we are asked to raise taxes even more.

|                  |    |    |    |
|------------------|----|----|----|
| More likely..... | 39 | 42 | 35 |
| Less likely..... | 33 | 31 | 34 |
| Not sure.....    | 28 | 27 | 30 |

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 222 | 259   |

g. With inflation and cost of living on the rise, this is the wrong time to increase taxes and make it more expensive to live in Berkeley.

|                   |    |    |    |
|-------------------|----|----|----|
| More likely.....  | 32 | 32 | 31 |
| Less likely ..... | 41 | 41 | 42 |
| Not sure .....    | 27 | 27 | 27 |

**Sometimes in a survey like this, people change their minds. I'm going to read two of the ballot measures that you heard before, asking again how you would vote. Here is the first one.**

**SPLIT A HEARS Q11 THEN Q12; SPLIT B HEARS Q12 THEN Q11**

**Q11.** This is a ballot measure that would provide funding through a bond.

In order to:

- Build and preserve affordable housing for low-income and homeless residents;
- Promote climate change resiliency, including protect against wildfires; and
- Improve public buildings and general infrastructure;

Shall the City of Berkeley enact a measure issuing bonds of 300 million dollars, at rates of 26 dollars per 100 thousand dollars of assessed property value, on average, generating approximately 17 million dollars annually while bonds are outstanding, and requiring regular audits and independent oversight?

If the election were held today, would you vote yes or no on this measure, or are you undecided?

**[IF YES/NO]:** And is that Yes/No strongly or not so strongly?

**[IF UNDECIDED]:** Well, to which side do you lean?

|                             |    |    |    |
|-----------------------------|----|----|----|
| Yes - strongly.....         | 36 | 33 | 39 |
| Yes - not so strongly ..... | 14 | 15 | 13 |
| Lean yes .....              | 10 | 7  | 12 |
| Undecided/DK.....           | 11 | 10 | 13 |
| Lean no.....                | 4  | 4  | 4  |
| No - not so strongly.....   | 6  | 7  | 5  |
| No - strongly .....         | 19 | 23 | 14 |
| (Refused).....              | 0  | 0  | 0  |
| Yes .....                   | 59 | 56 | 64 |
| No .....                    | 29 | 34 | 24 |

**[KEEP IN BETWEEN Q11 AND Q12] Now I am going to read you the other measure that would be on the ballot.**

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 222 | 259   |

**Q12.** This is a ballot measure that would provide funding through a parcel tax.

In order to:

- Significantly repair deteriorating streets;
- Improve traffic, bike, and pedestrian safety; and
- Fix sidewalks and increase access for those with disabilities;

Shall the City of Berkeley enact a measure levying 30 cents per building square foot, generating approximately 28 million annually until ended by voters, with low-income exemptions, regular audits, independent oversight, and all funds staying local?

If the election were held today, would you vote yes or no on this measure, or are you undecided?

**[IF YES/NO]:** And is that Yes/No strongly or not so strongly?

**[IF UNDECIDED]:** Well, to which side do you lean?

|                             |    |    |    |
|-----------------------------|----|----|----|
| Yes - strongly .....        | 38 | 37 | 41 |
| Yes - not so strongly ..... | 15 | 16 | 13 |
| Lean yes .....              | 8  | 6  | 10 |
| Undecided/DK.....           | 12 | 9  | 15 |
| Lean no.....                | 5  | 5  | 5  |
| No - not so strongly .....  | 4  | 6  | 4  |
| No - strongly .....         | 16 | 20 | 12 |
| (Refused).....              | 0  | 0  | 0  |
| Yes .....                   | 61 | 60 | 64 |
| No .....                    | 26 | 31 | 21 |

***Finally, I would like to ask you a few questions for statistical purposes only.***



|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 222 | 259   |

**Q13. How long have you lived in Berkeley? [DO NOT READ, RECORD WITHIN RANGE]**

|                                    |    |    |    |
|------------------------------------|----|----|----|
| Less than two years .....          | 10 | 10 | 10 |
| Two to less than five years.....   | 12 | 15 | 9  |
| Five to less than ten years .....  | 15 | 15 | 14 |
| Ten to less than twenty years..... | 20 | 19 | 20 |
| Twenty years or more .....         | 32 | 34 | 32 |
| All your life .....                | 9  | 5  | 12 |
| (Don't know/refused).....          | 2  | 1  | 3  |

**Q14. What best describes your gender? [SELECT ALL THAT APPLY]**

|                                    |    |     |     |
|------------------------------------|----|-----|-----|
| Man.....                           | 44 | 100 | 0   |
| Woman .....                        | 52 | 0   | 100 |
| Nonbinary .....                    | 2  | 0   | 0   |
| Prefer to self-describe/other..... | 0  | 0   | 0   |
| (Prefer not to answer) .....       | 2  | 0   | 0   |

**Q15. [ASK ALL] And please tell me which one, or more than one, of these racial or ethnic groups you identify with?**

**[RANDOMIZE/READ CHOICES/ACCEPT MULTIPLE RESPONSES]**

**[IF "OTHER" OR "BIRACIAL" OR "MULTI-RACIAL" PROMPT:]** Which two or three of these do you identify with the most?

|                                         |    |    |    |
|-----------------------------------------|----|----|----|
| White or Caucasian.....                 | 60 | 62 | 60 |
| Black or African American .....         | 10 | 8  | 13 |
| Latino/Latina or Hispanic.....          | 9  | 8  | 11 |
| Asian American or Pacific Islander..... | 12 | 11 | 11 |
| Native or Indigenous American .....     | 1  | 0  | 1  |
| Middle Eastern.....                     | 2  | 3  | 2  |
| (Other) .....                           | 3  | 3  | 3  |
| (Don't know/Refused).....               | 6  | 7  | 4  |

**Q16. In terms of local politics, do you consider yourself progressive, liberal, moderate, or conservative?**

|                             |    |    |    |
|-----------------------------|----|----|----|
| Progressive.....            | 40 | 40 | 41 |
| Liberal.....                | 28 | 26 | 30 |
| Moderate.....               | 19 | 23 | 17 |
| Conservative.....           | 4  | 5  | 3  |
| (Don't know).....           | 3  | 1  | 4  |
| (Refused).....              | 5  | 5  | 5  |
| Progressive /liberal .....  | 68 | 66 | 72 |
| Moderate /conservative..... | 24 | 28 | 20 |

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 222 | 259   |

**Q17. What is the last year of schooling that you have completed?**

|                                                    |    |    |    |
|----------------------------------------------------|----|----|----|
| 1 - 11th Grade.....                                | 1  | 1  | 0  |
| High School Graduate.....                          | 6  | 5  | 6  |
| Vocational or technical school.....                | 1  | 2  | 0  |
| Some college but no degree .....                   | 14 | 15 | 13 |
| Associate degree .....                             | 6  | 4  | 6  |
| 4-year college graduate or bachelor's degree ..... | 34 | 36 | 32 |
| Graduate School or advanced degree.....            | 37 | 35 | 40 |
| (Refused).....                                     | 2  | 3  | 2  |
| <br>                                               |    |    |    |
| H.S./Less .....                                    | 6  | 5  | 6  |
| Post H.S. ....                                     | 20 | 21 | 19 |
| College graduate or post-grad.....                 | 72 | 71 | 72 |

**Q18. Do you own your own home or do you rent?**

|                           |    |    |    |
|---------------------------|----|----|----|
| Own .....                 | 47 | 46 | 47 |
| Rent.....                 | 44 | 47 | 42 |
| (Other) .....             | 6  | 4  | 8  |
| (Don't know/refused)..... | 3  | 3  | 3  |

**Age**

|                 |    |    |    |
|-----------------|----|----|----|
| 18 - 24 .....   | 10 | 10 | 9  |
| 25 - 29 .....   | 8  | 10 | 6  |
| 30 - 34 .....   | 10 | 9  | 11 |
| 35 - 39 .....   | 7  | 8  | 5  |
| 40 - 44 .....   | 7  | 6  | 7  |
| 45 - 49 .....   | 7  | 8  | 7  |
| 50 - 54 .....   | 8  | 10 | 8  |
| 55 - 59 .....   | 5  | 5  | 6  |
| 60 - 64 .....   | 8  | 9  | 7  |
| 65 - 69 .....   | 9  | 7  | 11 |
| 70 - 74 .....   | 5  | 4  | 7  |
| Over 74 .....   | 15 | 14 | 16 |
| <br>            |    |    |    |
| Under 30 .....  | 18 | 20 | 15 |
| 30 - 39 .....   | 17 | 17 | 17 |
| 40 - 49 .....   | 14 | 14 | 14 |
| 50 - 64 .....   | 22 | 24 | 21 |
| 65 & over ..... | 29 | 24 | 34 |

|    | TOTAL | MEN | WOMEN |
|----|-------|-----|-------|
| N= | 500   | 222 | 259   |

**Vote Select**

|                                                                   |    |    |    |
|-------------------------------------------------------------------|----|----|----|
| PDI 22P9A: Voted 6/14, 11/14, 6/18, 11/18, 3/20, or<br>9/21. .... | 97 | 96 | 98 |
| PDI 22P9A: Reg after 9/21. ....                                   | 3  | 4  | 2  |

**[RECORD AGE AND PARTY REGISTRATION FROM FILE]**

***This completes our survey. Thank you very much for your time, and have a pleasant day/evening!***



# VISION 2050 PROGRAM PLAN

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# 01

## THE INFRASTRUCTURE PROGRAM PLAN: OVERVIEW

This section provides an overview of the Vision 2050 Initiative and describes the Program Plan.



## 1.1 The Vision 2050 Initiative

The Vision 2050 initiative was introduced by Mayor Arreguin at his 2017 State of the City address. He described a complex network of pipes, streets, utility wires, bikeways, and transportation systems that are old and have suffered from historic disinvestment, neglect, and poor maintenance. As our infrastructure ages, we need a plan to make sure our systems are resilient to handle a growing population and climate change, including sea-level rise, more flooding, and wildfires. As technological innovations emerge and the condition of our infrastructure declines, we have an enormous and exciting opportunity to reimagine our streets and public spaces. This initiative is about building a future for Berkeley that provides essential services for future generations.

In November 2018, Berkeley voters approved Measure R. The Measure asked: "Shall the measure, advising the Mayor to engage citizens and experts in the development of Vision 2050, a 30-year plan to identify and guide implementation of climate-smart, technologically-advanced, integrated and efficient infrastructure to support a safe, vibrant and resilient future for Berkeley, be adopted?" The response was a resounding yes.

A 40-member residents' task force was formed and the team analyzed quality of life, environmental and technology trends, and funding issues. To help keep focus on the future, the team imagined being on a street corner in Berkeley in the year 2050. What will Berkeley be like then? Figure 1 shows a street corner view from 2050.

The task force worked diligently for 18 months and developed the principles, strategies and

recommended actions shown on Figure 2.

Community engagement was at the center of Vision 2050. Outreach began early in 2018 with four information nights across Berkeley. Outreach continued in an effort to reach people where they already congregate, including neighborhood and faith-based groups and community organizations. From September 2018 to July 2019, the Mayor's Office presented at thirteen community organization meetings in conversations that ranged from a handful to one hundred people. Community feedback was used to develop the principles, strategies, and recommended actions.



▲ **Figure 1:** Street Corner View from Vision 2050 report



## VISION 2050

The Vision 2050 Framework focused on better coordination, integrated project delivery, utilizing new financing mechanisms, and broad principles and strategies for our infrastructure needs. The Framework was approved by Berkeley's City Council in September 2020. The City Manager then turned to implement the recommendations and assigned the Public Works Department to lead the effort. A timeline for the Vision 2050 initiative is shown below.

**2017**

Mayor Arreguin announces Vision 2050 Initiative

**November 2018**

Measure R approved by voters

**2018-2019**

Residents task force conducted analysis

**September 2020**

City Council approves Vision 2050 Framework

**Current**

Implementation led by City Manager

▲ **Figure 3:** Timeline for Vision 2050 Initiative



## PRINCIPLES, STRATEGIES AND RECOMMENDED ACTIONS

### 1 STRATEGY ONE Use Integrated and Balanced Planning

- > Use multi-criteria decision-making
- > Use adaptive planning
- > Prepare and implement a Dig Once policy

### 2 STRATEGY TWO Manage Infrastructure from Cradle to Grave

- > Institute structured master planning
- > Develop an Asset Management Program

### 3 STRATEGY THREE Adopt Sustainable and Safe Technologies

- > Accelerate the transition to clean energy and electrification
- > Implement Complete Streets to provide sustainable and healthy transportation
- > Develop natural streetscapes that provide ecosystem services
- > Use sensors, data, and advanced technologies
- > Prepare a wildfire mitigation and safety plan

### 4 STRATEGY FOUR Invest in Our Future

- > Take advantage of a strong financial position to address infrastructure needs and commit to reducing large unfunded infrastructure liability by doubling capital expenditures

### 5 STRATEGY FIVE Prepare the City's Organization to Implement a Major Capital Program

- > Develop an organization that is integrated and has capacity to deliver
- > Prepare a program approach with management tools
- > Provide independent oversight and reporting

▲ **Figure 2:** Vision 2050 Principles, Strategies, and Recommended Actions  
Page 393

## 1.2 What is an Infrastructure Program Plan?

This Infrastructure Program Plan (Plan) is the City of Berkeley's roadmap to rebuild our public infrastructure over the next 30 years. This Plan supports the Vision 2050 principles and provides information on outcome objectives, program elements, community input, the funding plan, program implementation, and program oversight and reporting. The Plan serves as a roadmap to guide the many infrastructure decisions that will be required throughout the next three decades. The Plan is flexible and adaptable, so the City can anticipate and address new challenges that we will face in the future. Why prepare a Plan now?

Improving the City's infrastructure requires new funding and a revenue measure or measures, which voters may consider on the November 2022 ballot. This Plan is prepared to provide the public with an understanding of the "big picture" for Vision 2050 in advance of voting for new funding. This approach is an advancement from prior measures. The Plan describes the work at the asset category level—streets, stormwater, parks, waterfront, etc. It is not a project-by-project prioritization. That will happen if voters approve funding, after which a project and program team will be formed and an oversight committee designated.

## 1.3 Core Values and Principles Guide our Planning

Berkeley's streets, storm drains, sewers, and water lines date back to the early decades of the 20th century. Critical systems are simply wearing out. Recent budgets have been insufficient to address these infrastructure needs, let alone modernize our systems or improve their resilience. As defined in the City's resilience strategy, resilience is the capacity of individuals, communities, institutions, businesses, and systems within a city to survive, adapt, and grow no matter what kinds of chronic stresses and acute shocks they experience.

The growing backlog of aging infrastructure leaves the community vulnerable to unplanned failure and service interruptions. For residents, workers, and businesses, this can translate to unsafe conditions, increased cost, and impediments to quality of life. Examples of infrastructure needs are shown in Figure 4.

As we begin to grapple with Berkeley's unfunded infrastructure needs, new challenges are emerging. The local impacts of the global climate crisis pose a major threat to our aging infrastructure. Extreme storm events, wildfires, heat waves, drought, groundwater, and sea level rise will challenge streets, pipes, and open spaces that were designed for a more benign environment. These vulnerabilities are layered upon other acute risks such as a major earthquake, and chronic challenges such as inequity. If our city is to survive and thrive, we must increase our resilience to these challenges.

### PRINCIPLE ONE

SUPPORT VIBRANT AND SAFE COMMUNITIES

Infrastructure shall take equity into account and improve the quality of life of all Berkeley residents, including having green open spaces, safe modes of mobility, and being prepared for fires and earthquakes.

### PRINCIPLE TWO

HAVE EFFICIENT, INSPIRED AND WELL MAINTAINED INFRASTRUCTURE

Infrastructure shall be long lasting, use advanced technologies, and be maintained to provide efficient service.

### PRINCIPLE THREE

FACILITATE A GREEN BERKELEY AND CONTRIBUTE TO SAVING OUR PLANET

Infrastructure shall accelerate the transition to carbon neutrality and include electrification, develop natural streetscapes using green infrastructure, and prioritize human-powered and public transportation.

▲ **Figure 2:** Vision 2050 Principles

As we rebuild our infrastructure and, at the same time, reimagine a landscape for a changing future, our infrastructure decisions must remain flexible, yet grounded in a set of clear values. For this reason, the Vision 2050 Framework identified four core values as shown in Figure 5. These values will guide implementation of Vision 2050.



**Street Pavement Damage**



**Sidewalk Repair**



**Deteriorated Marina Dock**

▲ **Figure 4:** Example Infrastructure Needs

## CORE VALUES FOR INFRASTRUCTURE DEVELOPMENT



### EQUITY

The benefits of improved infrastructure must be distributed equitably throughout the entire community. Equity should mean that disadvantaged citizens with more pressing needs experience benefits sooner than others and receive benefits particularly tailored to their unique needs.



### STRONG LOCAL ECONOMY

A strong local economy provides resources to Berkeley citizens and creates an opportunity to build local skills and employment opportunities that support the city's diverse community.



### PUBLIC HEALTH AND SAFETY

This core value considers safe and convenient access to greenspaces, public services, clean air, and social support networks, all of which can have a big impact on people's emotional and physical health.



### RESILIENCY AND SUSTAINABILITY

Resilience requires systems and structures that are able to recover quickly from temporary and, sometimes, catastrophic events. Sustainability refers to the ability to minimize our impacts on the environment while still providing core services.

▲ **Figure 5:** Vision 2050 Core Values



# 02

## INFRASTRUCTURE NEEDS AND COMMUNITY PRIORITIES

This section provides an update on the City's infrastructure funding needs and the community's infrastructure priorities.



## 2.1 Infrastructure Needs

The City has an extensive portfolio of capital assets and infrastructure, including 216 miles of streets, more than 300 miles of sidewalks, 255 miles of sewers, 78 miles of underground storm drains, 95 public buildings, 52 parks, 2 pools, and 3 camps. In addition, the City operates and maintains the Berkeley Waterfront and its related facilities, including the pier, docks, pilings, channel, streets, pathways, parking lots, buildings, trails, Adventure Playground, and 1,000 berth marina.

A City budget is prepared every two years and it includes a Capital Improvement Program (CIP). The City's ability to fund its CIP is limited by the total available resources that are competing with other community priorities. CIP funding resources include the General Fund, a number of special revenue funds, grants, and loans. The CIP attempts to identify all known CIP projects, categorizing them as baseline (annual, recurring program), one-time (special allocations, grants, loans), and unfunded (funding source has yet to be identified).

The FY2022 CIP identified an infrastructure capital funding need of more than \$1 billion in Berkeley. However, these infrastructure needs are constantly changing due to increased construction costs and new planning studies that result in updated cost estimates. Past estimates also focused primarily on "fix it first" type repairs rather than the transformational infrastructure sought by the Vision 2050 Framework.

For this reason, Table 1 provides an updated list of infrastructure needs. This list includes updates from prior estimates and advances Vision 2050 in several significant ways. It adds asset categories

that are more than simply fixing or repairing an asset and are about the ultimate use and safety of the asset. For example, instead of solely identifying the deferred maintenance in our pavement, the list includes the cost of fully implementing our adopted Bicycle and Pedestrian Plans, which would keep our streets safe for all users, especially bicyclists and pedestrians. Instead of focusing solely on traditional infrastructure, it includes trees as an important infrastructure category and begins to address the climate crises by building in the cost of undergrounding the City's evacuation routes.

Some of these categories have existing, dedicated funding for which an increase is necessary to cover these needs. Others categories may require multiple revenue sources, such as the General Fund, grants, State and Federal funding, developer contributions, user rates, and new revenue sources. An estimate of potential revenue from these funding sources is provided in Section 4.

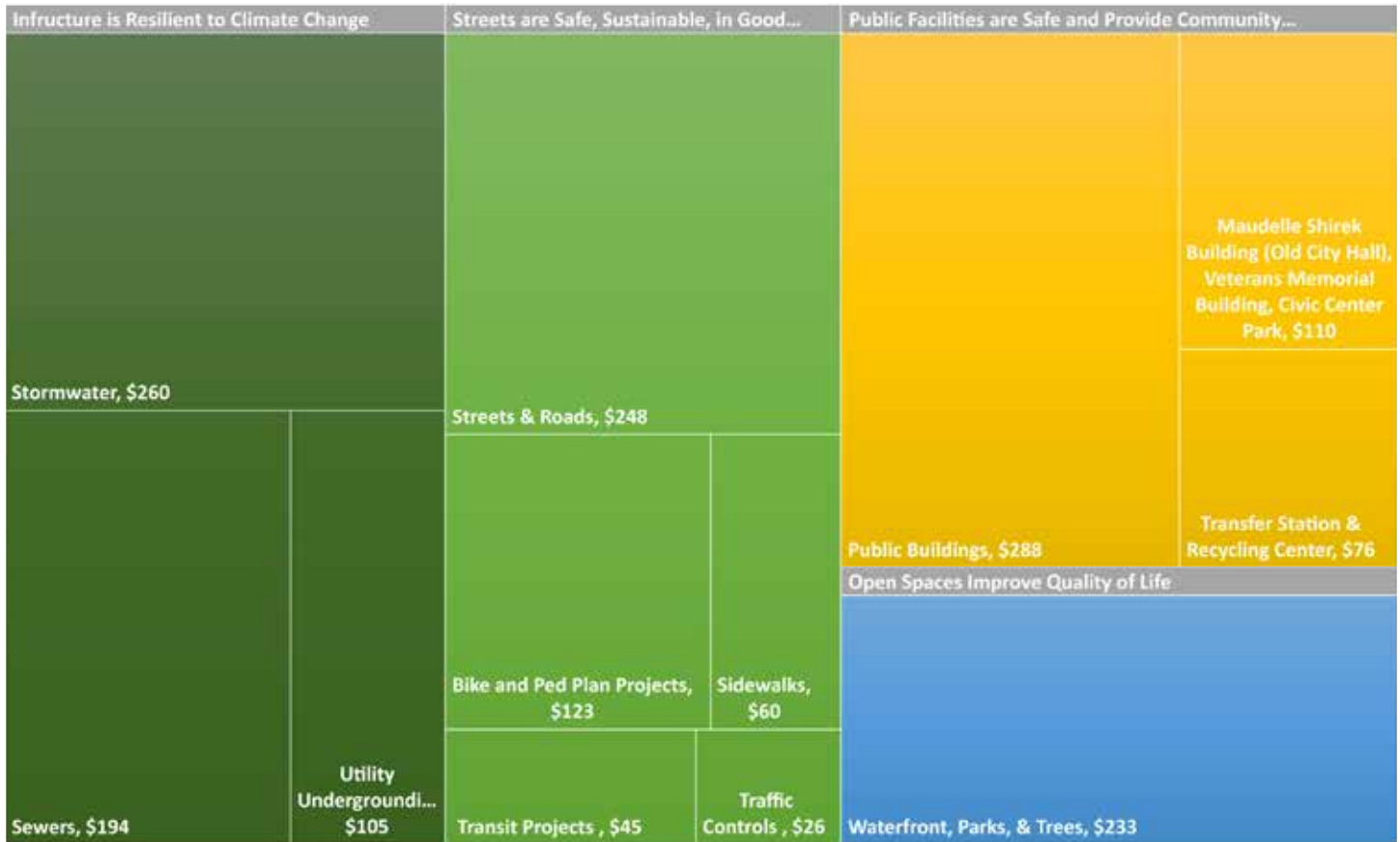
Figure 6 summarizes these same needs, grouped by asset category within each of the four Vision 2050 Program outcomes discussed in Section 3. If these needs are addressed, then Vision 2050's goal of resilient and sustainable infrastructure will be reached.

**TABLE 1**  
**INFRASTRUCTURE FUNDING NEEDS**  
 (These are updated on an ongoing basis)

| Asset Category                                                                             | Infrastructure Funding Needs, in 2022 dollars |
|--------------------------------------------------------------------------------------------|-----------------------------------------------|
| <b>More immediate needs</b>                                                                |                                               |
| Parks, camps, and pools                                                                    | \$81,000,000                                  |
| Waterfront                                                                                 | \$131,000,000                                 |
| Public buildings                                                                           | \$288,000,000                                 |
| Sidewalks                                                                                  | \$60,000,000                                  |
| Streets                                                                                    | \$248,000,000                                 |
| Sewers                                                                                     | \$194,000,000                                 |
| Stormwater                                                                                 | \$259,500,000                                 |
| Traffic Controls, Streetlights, and Parking                                                | \$26,000,000                                  |
| <b>Longer-term needs</b>                                                                   |                                               |
| Bike and Pedestrian plan projects                                                          | \$122,500,000                                 |
| Maudelle Shirek Building (Old City Hall),<br>Veterans Memorial Building, Civic Center Park | \$110,000,000                                 |
| Transfer station and recycling center                                                      | \$76,000,000                                  |
| Transit projects                                                                           | \$45,000,000                                  |
| Trees                                                                                      | \$21,000,000                                  |
| Utility Undergrounding                                                                     | \$105,000,000                                 |
| <b>Total Average</b>                                                                       | <b>\$1,767,000,000</b>                        |

Table 1's cost estimates are largely work that would be capital funded. In some cases, such as with streets and roads, the estimate includes recurring annual costs to keep the asset performing at the

expected level and without deterioration. The requirement to fund the annual maintenance of assets is addressed in the Asset Management Program discussed in Section 6.



▲ **Figure 6:** Infrastructure Funding Needs by Vision 2050 Outcome Objective

## 2.2 Community Input and Priorities

To better understand the community’s infrastructure priorities, the following was completed in winter 2021 through spring 2022:

- › Two statistically-reliable surveys of a representative sample of 500 Berkeley voters
- › Meetings with over 25 commissions and local community organizations
- › An online public survey that received over 1,000 responses
- › An informational mailer to all Berkeley residents
- › Development of a Vision 2050 website [BerkeleyVision2050.org](https://BerkeleyVision2050.org)
- › Four virtual large area public meetings

All of these efforts have been instrumental in sharing information and gaining input in the development of this Program Plan.

A survey in October 2021 of a random, representative sample of 500 Berkeley voters elicited respondents’ infrastructure priorities and found that voters’ top priorities included:

- › Increasing affordable housing for low-income and homeless residents (79% rated as “important”)
- › Upgrading storm drains, green infrastructure, and watersheds to keep pollution from the Bay (79% important)
- › Developing climate change resiliency, including protecting against sea level rise, wildfires and drought (78% important)
- › Undergrounding utilities to reduce the risk of wildfire (73% important)
- › Repairing deteriorating streets (73% important)



An online survey was also conducted and a total of 1,024 responses were received. For the most part, the results from the online survey aligned with the scientific survey. More so than the scientific survey, street repair stood out as a clear top priority followed by affordable housing. The top five ranked priorities are listed below, with percentages indicating the number of respondents who ranked the particular item as top priority:

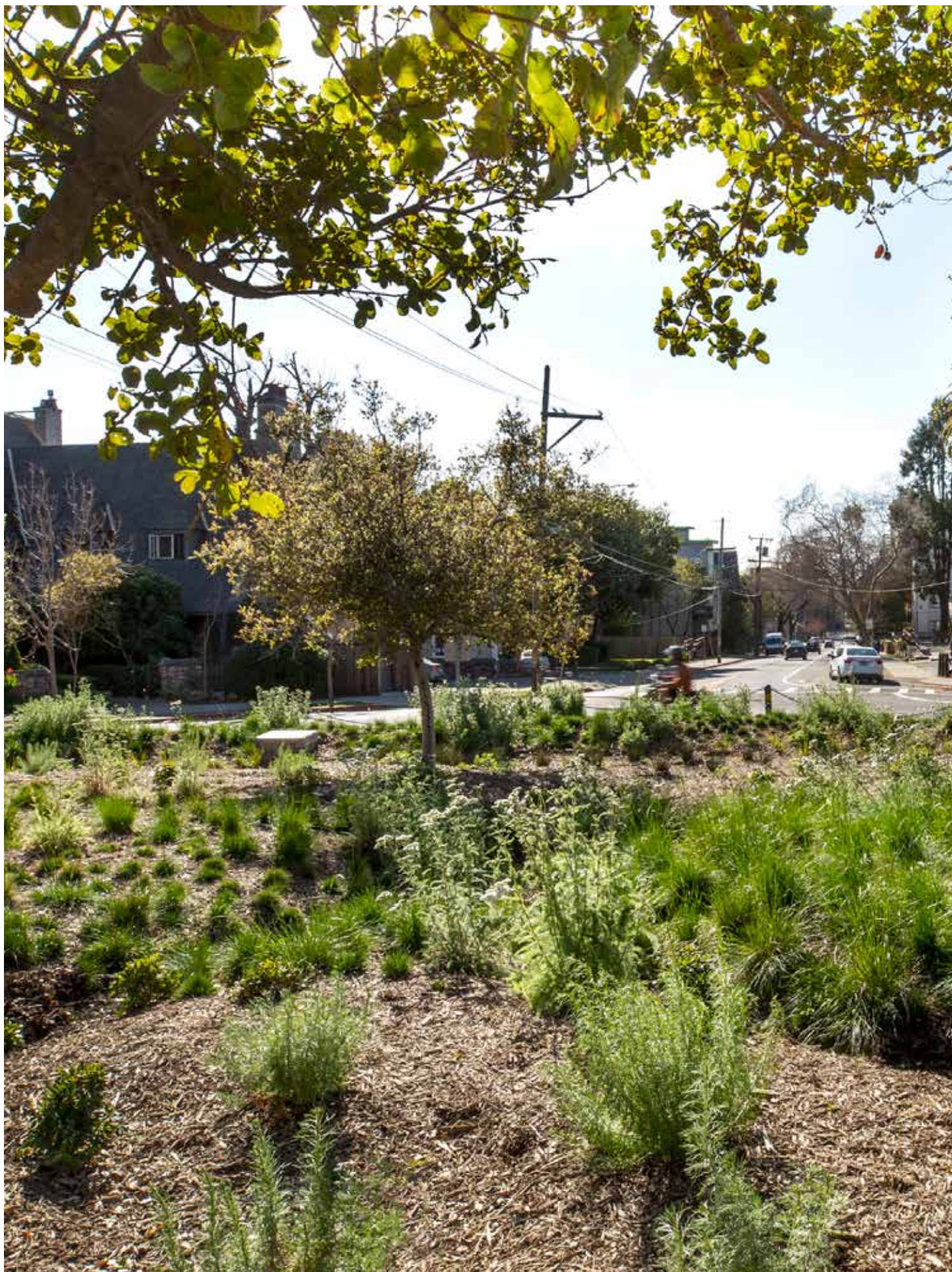
- › 28.5% - Street repair
- › 19.2% - Affordable housing
- › 8.3% - Bike lanes/safety
- › 7.5% - Climate change resiliency
- › 6.8% - Pedestrian safety

Input on this Program Plan was gained from four large area public meetings held on March 30, April 6, April 13, and April 20 and the following Commissions: Environment and Climate, Disaster and Fire Safety, Disabilities, Parks and Waterfront, Public Works, and Transportation. Berkeley residents brought their questions, input, and comments, a summary of which can be found at [BerkeleyVision2050.org](http://BerkeleyVision2050.org).

This program plan reflects input gathered from these meetings, including:

- › Adding regular five-year updates to the Program Plan to ensure flexibility and keeping up to date with technology
- › Address overall vision
- › Incorporate trees as public infrastructure assets
- › Include indicator on tree canopy and diversity
- › Address sidewalks
- › Address equity and reference existing equity-based plans
- › Include transit
- › Explain why affordable housing is being considered for the revenue measure(s)
- › Include developers' fees as source of revenue
- › Address General Fund commitments to maintaining public infrastructure
- › Include public art
- › Revise indicators on EVs, sidewalks, and micromobility
- › Revise Program Delivery section to address paving and traffic safety
- › Include more on climate change, e.g., resilience and electrification in buildings
- › Include reference to the San Pablo Park pool
- › Include coordination of programs/projects for multiple benefits





03

# INTRODUCING THE 30-YEAR PROGRAM PLAN



The City's infrastructure systems are very complex, are in daily use, and can't be improved all at once. This Plan proposes making the improvements over a 30-year planning period in order to achieve a sustainable and resilient infrastructure. This is a reasonable time frame given the need to balance the work priority, the funding required, tax impacts, and the ability to deliver the projects. This also allows time for incorporating new technologies as they develop.

This 30-year Program Plan provides the following information:

- > The major outcomes from implementing the Plan
- > Implementing the Plan over 30 years in phases
- > Possible results from the first phase

### 3.1 Outcomes of the Program Plan

This Plan includes visible outcomes. Four major outcomes have been identified that incorporate and advance Vision 2050 principles and core values, and

incorporate community input received to date. The outcomes are shown in Figure 7 and the related infrastructure components are described below.



▲ **Figure 7:** Outcomes of the Program Plan

# Outcome 1 - Have Safe and Good Quality Streets

## Streets are Safer, More Sustainable, Improved to a Good Condition, and Maintained

Having streets that are safer, use sustainable technologies, and are in “good” or better condition is a top priority from the community input, has been a subject of City audits, and is a priority of the Council. The asset categories to achieve this outcome are described below.

### Asset Category 1 - Street Surface

The poor condition of Berkeley’s streets has been documented by the City Auditor’s report *Rocky Road: Berkeley Streets at Risk and Significantly Underfunded*, by residents’ complaints, and by an overall low Pavement Condition Index (PCI). On a scale of 0 to 100, streets in a “good” condition have a PCI between 70 - 79. Berkeley’s streets are “at risk” with an overall average PCI of 57. From a community survey conducted in the fall of 2021, improving the condition of Berkeley’s streets is one of the community’s highest infrastructure priorities. The target is to improve Berkeley’s streets to a PCI of more than 70.

Berkeley’s streets in 2050 will look much different than today. Personal automobiles will be rarer, and public transit, ride sharing services, bicycling, and walking more common. Streets will better serve all users, and include visible engineering improvements that make bicycling and walking safer. These streets will make transit easier, safer, faster, and more reliable to access and use. Work in our streets will also require a coordinated approach to the infrastructure above, both at and below the street surface. This will require planning that is integrated and uses concepts such as “Dig Once”. We also will use other street surface technologies that are long lasting, help absorb stormwater and

reduce pollution, reduce surface temperatures and the “urban heat island” effect, and reduce our dependence on asphalt paving, the production of which generates greenhouse gas emissions.

The expected outcome is for Berkeley’s street surface to be in an overall “good” condition, to move toward using sustainable technologies, and to have Vision Zero and Dig Once policies fully implemented.

#### Reimagine Streets:

- > Implement Multi modal Streets with Protected Sidewalks and Bike Lanes
- > Introduce Pervious and/or Cool Pavement
- > Reclaim Street Parking for Trees and Vegetation
- > Promote transit use



▲ **Figure 8:** Vision 2050 Streets

### Asset Category 2 - Sidewalks

Most Berkeley residents use a sidewalk daily, and many of us much more. Sidewalks in 2050 will be an even more important part of the transportation network. They will accommodate and promote the City’s trees and healthy urban forest, serve users of all levels of ability and accessibility, and use materials that help filter stormwater and reduce



surface temperatures. At present, the City faces a backlog of thousands of sidewalk repairs that have been requested by residents. While Measure T1 has significantly reduced that backlog, the backlog is about to grow again as City staff complete the first proactive assessment of the City's sidewalks to identify repair locations. This proactive assessment is being conducted as part of the City's update to its Americans with Disabilities (ADA) Transition Plan. The City addresses sidewalk repairs with short-term grinding and filling of problem areas and long-term replacement of damaged sidewalks. Where conflicts with the urban forest exist, tools like meandering sidewalks are used to reduce or resolve those conflicts and make tree removal a last resort.

The expected outcome is for the backlog of Berkeley's sidewalk repairs to be completed and to have adequate resources to address future repair needs.

### Asset Category 3 - Bicycle and Pedestrian Plans

Eighty percent of the collisions that result in deaths or severe injuries on our streets involve someone riding a bike or walking. Making our streets safer means prioritizing bicycle and pedestrian safety. This is especially important to help more residents and workers choose these fossil fuel-free active transportation modes, and is why Berkeley's vision for the future of its transportation network is to be multi-modal, fossil-fuel free, and equitably accessed. The City has adopted the 2017 Bicycle Plan and the

2020 Pedestrian Plan, and has identified projects to help to bring the City closer to these safe and accessible multi-modal goals.

The City is transforming the City's bicycle network into a low-stress experience with a goal of reducing motor vehicle conflicts and connecting cyclists with the most utilized portions of the City. At the end of the program, over 50 miles of city streets will comprise bikeways, with 15.8 miles of these streets being full bicycle boulevards that criss-cross the City.

Walking is also a core mode of transportation in Berkeley. Improving walkability makes Berkeley safer, more inclusive, and more connected. As the most accessible and affordable form of transportation, walking lies at the core of an equitable mobility network and a healthy community. In addition to enhancing Berkeley's quality of life, improving walking will help the City to achieve its Vision Zero Policy goal of zero traffic deaths and severe injuries.

The Berkeley Pedestrian Plan includes an infrastructure inventory and an assessment of pedestrian demand and safety. The plan identifies ten priority street segments requiring projects to improve pedestrian safety and walkability. Projects provide improved street design, upgraded pedestrian crossings, installed speed management and traffic calming, and improved sidewalk maintenance and accessibility.

The expected outcome is for Berkeley's Bicycle and Pedestrian plans to be fully implemented.



## Asset Category 4 - Traffic Controls, Streetlights, and Parking

In support of creating safe, accessible, and easy to use streets, the City of Berkeley is planning upgrades to existing traffic signals, including detection at 67 locations, ADA accessibility, pedestrian push buttons at 103 locations, and battery back-ups at 124

locations. Public Works maintains 8,011 streetlights and is planning replacements and upgrades of 2,100 parking meters and 240 pay stations.

The expected outcome is for these traffic controls, streetlights, and parking needs to be addressed.

## Outcome 2 - Protect the Environment

### Infrastructure is Resilient, Protects the Environment, and is Adapted to Climate Change Impacts

Global warming is a significant threat to communities globally and to the City of Berkeley. Berkeley's 2009 Climate Action Plan, 2016 Resilience Strategy, and 2019 Local Hazard Mitigation Plan establish city-wide actions to reduce greenhouse gas emissions and adapt to climate change impacts. The message is clear that the City's infrastructure must be resilient to prepare the City for these risks. Key goals of the City's climate action plans are to use energy more efficiently, transition to renewable energy as a power source for both buildings and transportation, improve access to sustainable transportation modes, recycle our waste, and build local food systems. The asset categories to achieve this outcome are described below.

### Asset Category 1 - Stormwater and Watershed Management

The 2012 Watershed Management Plan (WMP) identified projects to improve storm drains, restore creeks, attenuate peak flows and to reduce pollutants entering San Francisco Bay. That project modelled the Potter and Codornices watersheds. The City is in the process of updating the WMP. The updated plan will consider flooding and drought caused by extreme storm events, sea level, and groundwater rise, implementation of the Green Infrastructure Plan, and modelling of all the watersheds. Infrastructure improvements will include storm drains, flow attenuation basins, permeable surfaces, bio-swales, and improvements at Aquatic Park.

The expected outcome is to have a stormwater system that addresses future climate impacts, reduces impervious surfaces, minimizes flooding, meets the City's stormwater discharge permit into San Francisco Bay, prevents pollution from reaching the San Francisco Bay, and revitalizes the urban watershed.

### Asset Category 2 - Sewers

The City's wastewater collection system includes approximately 254 miles of City-owned sanitary



sewers, 7,200 manholes and other sewer structures, seven pump stations, and approximately 31,600 service laterals. The City is responsible for maintenance and repair of the lower portion of the service laterals (located within the public right-of-way) from the property line cleanout to the connection to the City's sewer main. Wastewater generated in the City's collection system is conveyed to the East Bay Municipal Utility District (EBMUD) wastewater interceptor system and is treated at EBMUD's Main Wastewater Treatment Plant.

During the 1980s, EBMUD and the seven Satellite agencies conducted studies to address the problem of overflows and bypasses of untreated wastewater that occurred during large wet weather events due to excessive infiltration and inflow (I/I) into the collection systems. These studies resulted in a long-term program of construction of collection system relief sewers and sewer rehabilitation. The City has rehabilitated or replaced over 200 miles of its gravity sewers and associated lower laterals over the past 30 years. Since 2006, the City has also implemented a private sewer lateral (PSL) certification program requiring the inspection and/or repair or replacement of private (upper) sewer laterals at the time of property transfer or major building remodel.

The seven Satellites and EBMUD are in a Consent Decree with the U.S EPA, the State Water Resources Control Board, and the Regional Water Quality Control Board, which establishes requirements for achieving the elimination of untreated wastewater overflows and bypasses over the next 20 to 25 years.

The expected outcome is to comply with the City's requirements in the Consent Decree and seal the sewer system from storm water intrusion, thereby reducing the risk of untreated sewage reaching the Bay during wet weather. This will become even more important as storms intensify due to the climate crisis.

### Asset Category 3 - Undergrounding Overhead Utility Wires

The City of Berkeley's stated goal, as outlined in the General Plan, Disaster Preparedness and Safety Element, is to ensure the City's disaster related efforts are directed toward preparation, mitigation, response and recovery from disaster shocks. The Berkeley Local Hazard Mitigation Plan states that our two greatest disaster challenges are a Hayward Fault rupture and Wildland Urban Interface (WUI) fire. The climate crisis will result in periods of drought followed by very wet winters, producing heavy vegetation, dry summers, and hot easterly winds in the late summer. These conditions are known to create significant fires such as the 1991 Oakland Hills Tunnel Fire and fires in many parts of California in the past five years.

Methods to reduce the threat of overhead wires creating WUI fires include aggressive vegetation management and other fire hardening techniques. Overhead power lines, more so than undergrounded wires, can exacerbate unsafe conditions either by contributing to the disaster itself or hampering public safety efforts and evacuations. Earthquakes and landslides can knock over utility poles creating a special hazard. In an earthquake,





poles have a tendency to sway in opposite directions causing wires to snap and throw sparks. Some of California’s biggest fires have started because of live wires in contact with combustible fuel.

The Public Works Commission led a three-phase study to underground overhead utility wires in Berkeley. The Phase 3 report recommended undergrounding along evacuation routes to support public safety through ingress of first responders and egress of community members in the event of a major disaster.

The expected outcome is to implement the Phase 3 study recommendations to underground overhead utility wires along Berkeley’s evacuation routes and to support neighborhoods in fire zones that choose to underground.

### Asset Category 4 - Electrification of Buildings Neighborhoods and Transportation

A major goal of Vision 2050 is to decrease the City’s overall climate impact. This effort requires both the reduction of City-wide energy use and transition away from fossil fuels to renewable energy. The Existing Buildings Electrification Strategy in 2021 transitions existing buildings in Berkeley from natural gas appliances to all-electric alternatives in a way that benefits all residents, especially members of historically marginalized communities. As identified in the City’s Resilience Strategy and Climate Action Plan, Berkeley seeks an energy system that, by 2045, is carbon neutral and delivers carbon-free electricity across a highly distributed system. Multifaceted changes to existing infrastructure and its uses are required to achieve carbon neutrality. Improvements to the existing energy grid may include, among other items:

- › Increasing electricity distribution capacity to accommodate neighborhood electrification and mobility charging, in coordination with streets and other infrastructure improvements
- › Improving or expanding access to transformers, vaults, and switchgears
- › Seeking opportunities to decommission gas pipes in areas where buildings or neighborhoods are transitioning to all-electric
- › Supporting solar energy and storage for critical facilities that prioritizes renewable backup power over diesel generators, including mobile batteries and electric vehicle-to-building connections
- › Increasing electric vehicle infrastructure for municipal fleet and distributed mobility charging for residents

The expected outcome is to achieve the City’s goal of becoming a fossil fuel-free city as soon as possible.

### Asset Category 5 - Urban Forest

The City’s municipal forest includes approximately 42,000 street, park, and median trees. These are often referred to as “city trees” or “public trees.”

#### CLIMATE EQUITY FUND PILOT PROGRAMS

In 2021, the Berkeley City Council allocated \$600,000 for Climate Equity Fund Pilot Programs that provide decarbonization and resilience programs for low income community members to retrofit homes, increase access to electric bikes or other forms of electric micro mobility, and gain access to resilience measures and other electrification measures.

They are maintained by the Parks, Recreation, and Waterfront's Urban Forestry Unit, which performs pruning, removing, and planting trees. These trees are hard at work. They remove pollutants and carbon dioxide from the air, help cool the City during the summer, absorb stormwater during storms, and help the City stay green and support a high quality of life. However, there are approximately 10,000 vacant tree locations and many of these locations are in areas with higher proportions of low-income residents of color. The expected outcome is to increase our City's tree canopy by planting thousands more trees for the purpose of enhancing our urban forest, sequestering carbon, addressing equity, mitigating urban heat island impacts, and improving quality of life.

### Asset Category 6 - Specific Resilience Infrastructure Assets

While limiting City-wide climate impact is necessary, the effects of global warming are already testing traditional infrastructure and will continue to push our resources to their limits. Worsening drought conditions, increased risk of extreme weather events such as flooding and sea level rise create major challenges for our water supplies, watershed management, and resilience of our underground infrastructure systems. These events also have implications on the safety, health, and well-being of the community. The City has identified several new technologies and infrastructure to build while working towards climate adaptation and resilience. Some of the new infrastructure and adaptation strategies include:

- › Develop rainwater catchments, expanding the use of gray water and expanding the distribution and use of EDMUD recycled water (purple pipe) for landscaping irrigation.
- › Use natural green infrastructure solutions including infiltration basins, wetlands, bioswales, permeable paving, etc. to mitigate

flooding from the combined effects of groundwater, sea level rise, and extreme rain events.

- › Increase the urban forestry canopy and use cool paving technologies to protect against extreme heat.
- › Upgrade Community Resilience Centers and Resilience Hubs to ensure respite and evacuation capacity.
- › Identify and manage urban - wildland forest canopy to mitigate wildfire risks.
- › Install technologies such as air filtration to mitigate wildfire smoke impacts.
- › Use "cool" paving and reduce dark asphalt street surfaces to combat urban heat island effects.
- › Improve seismic safety systems in City facilities to reduce impacts from future earthquakes.



## Outcome 3 - Promote Quality of Life

### Open Space, Parks, and Recreation Improve Our Quality of Life

A key outcome of the Vision 2050 initiative is to improve our overall quality of life through the promotion of open spaces, parks, and recreational opportunities. The asset categories to achieve this outcome are described below.

#### Asset Category 1 - Parks

The City has 52 parks that contain 15 athletic fields, 49 sports courts (basketball and tennis), and 63 play areas. Many parks need significant improvements to pathways, lighting, irrigation systems, play structures, and athletic fields. The expected outcome is to implement these improvements.

#### Asset Category 2 - Pools

The City has two swimming pools, one by King Middle School and the other at West Campus. The pools require improvements to the locker rooms and office areas, and improvements to piping, decking, tiling, and roofs. While the King pool has a 30-year lease, the West Campus site has a five-year lease with the possibility that a new pool will be built at San Pablo Park that serves south and west Berkeley residents.



#### Asset Category 3 - Park Buildings and Restrooms

The City has four community centers, 2 clubhouses, 29 restrooms, and outbuildings. Many of the required improvements have been made with

funding from Measure T1. Future improvements include seismic/deferred maintenance at some park buildings, renovation of existing restrooms, and construction of new restrooms. The expected outcome is to implement the required improvements, including electrification, elimination of natural gas connections, and the addition of solar and battery storage, where feasible.

#### Asset Category 4 - Camps

The City of Berkeley's non-resident camps include Cazadero Camp located off the Russian River, Echo Lake Camp located just above South Lake Tahoe, and Berkeley Tuolumne Camp located just east of Yosemite Park. These camps include hundreds of facilities, amphitheaters, bridges, pathways, water systems, and swimming pools.

There are two significant camp projects in progress. The rebuilding of Berkeley Tuolumne Camp is nearly completed and is scheduled to reopen in the summer of 2022. At Cazadero Camp, the Jensen Dorm, which was destroyed by a landslide in 2016, has been reconstructed. These projects are primarily funded by insurance.

The expected outcome is to complete the construction at the camps and to have them back in operation.

#### Asset Category 5 - Waterfront

The Waterfront is the largest public marina in the Bay Area located on 125 acres of land and 50 acres of water, and includes approximately 1,040 berths, public access docks, pilings, channels, streets, pathways, parking lots, buildings, restrooms, buildings, and small boat launch ramps.

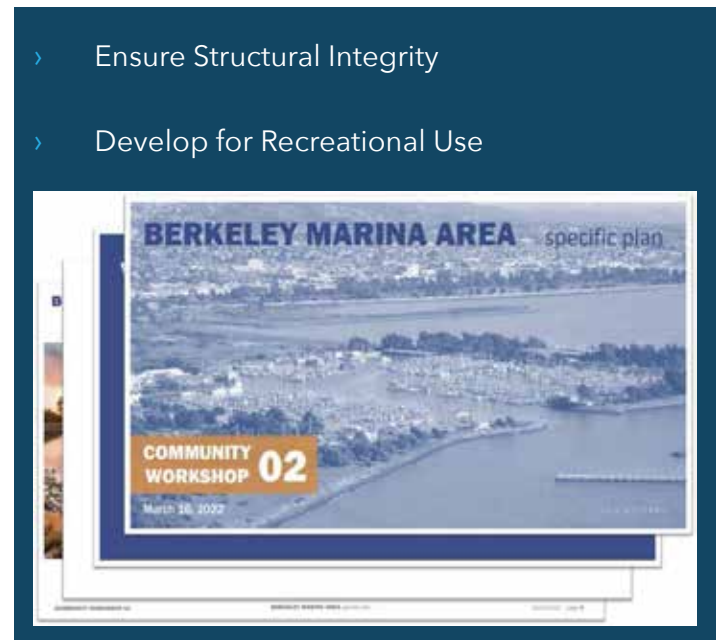
There are many funding needs at the Waterfront,

where many of the facilities have reached the end of their useful life and are starting to fail. As documented in multiple reports, there is a diminishing ability to pay for the pressing capital needs in the Waterfront. The Marina Fund is the City's mechanism for managing all Waterfront revenues and expenditures. Revenues steeply declined in the last two years as a result of safety and security concerns and failing infrastructure. The combination of falling revenue and increasing expenditure needs have strained the relatively small Marina Fund to a breaking point.

The City has begun a long-term planning effort – the Berkeley Marina Area Specific Plan (Figure 9)– to establish the community's vision for the Waterfront and to plan for making the Marina Fund viable and stable. There is still a need to address urgent infrastructure repairs to finger docks, pilings, electrical systems, and restrooms. If these investments are not made, facilities and

infrastructure will either require more costly emergency funding or be closed as in the case of the Berkeley Pier.

The expected outcome is to make the urgent repairs, complete the Berkeley Marina Area Specific Plans, and to return the Marina Fund to solvency.



▲ **Figure 9:** Marina Community Vision

## Outcome 4 – Have Safe Public Facilities

### Public Facilities are Safe, Resilient, and Provide Community Placemaking

The City is responsible for maintenance of 95 facilities, not including Library facilities and facilities leased to other entities. These facilities include 39 facilities in the Parks, Recreation, and Waterfront inventory and 56 facilities in the Public Works inventory. These facilities house City staff and are places where residents receive public services. These facilities need to be safe, healthy, and resilient, and provide community placemaking, where the connection between people and these places is strengthened. The asset categories to achieve this outcome are described below.

#### Asset Category 1 – Public Buildings

In 2013, staff retained a consultant to perform

assessments and provide updated condition reports and cost estimates for the City's facility inventory. The recommended improvements are extensive. All projects included in these assessments are considered either major maintenance or capital projects. Despite support from a variety of City funds, the cost for routine maintenance, major maintenance, and capital improvements far exceeds currently existing sources of funds.

The expected outcome is that condition assessments of the City's public buildings will be conducted regularly, and necessary improvements identified and completed. These improvements include electrification, elimination of natural gas

connections, and addition of solar and battery storage, where feasible.

### Asset Category 2 - Civic Center

The Civic Center comprises portions of the area surrounding Martin Luther King Jr. Civic Center Park including the Maudelle Shirek Building “Old City Hall” (1909) and the Veterans Memorial Building (1928). Presently, the historic buildings have decades of accumulated deferred maintenance and are seismically unsound. As part of the city’s Measure T1 program, the Veterans Memorial Building and Old City Hall were slated for structural analysis and visioning of possible conceptual design alternatives, in concert with Civic Center Park. A consultant was retained to conduct a community outreach strategy, perform an assessment of the existing infrastructures, identify programs and functions for the two buildings, develop concepts for improvements for the Park. The consultant completed this work and presented a suite of financing and revenue generation strategies for the facility. City Council approved the following vision:

#### CIVIC CENTER VISION

The Civic Center will be the heart of Berkeley’s community. Civic Center will be the prime space for civic life, culture, and the arts. It will reflect the city’s diverse identities, celebrating its history, and contributing to shaping its future. A place of shared resources and a platform for free expression accessible to all, Civic Center aims to manifest the city’s values, advance social justice, and demonstrate the power of true public space.

The expected outcome is to design and construct a Civic Center consistent with this vision and to provide placemaking.

### Asset Category 3 - Transfer Station and Recycling Center

The city’s current solid waste transfer station was opened in 1983. In the late 1980s, Berkeley’s recycling operations relocated to the site to be operated by the Community Conservation Center. In the 1990s, the residential recyclable collection operator, the Ecology Center, was allocated an area at the site for its operations yard and office building. These facilities are not integrated and operations are not coordinated in a way that provides customers ease of use, access, or efficient drop-off of materials. These facilities do not meet current seismic requirements, have not been upgraded or improved since constructed, exceed their serviceable life, and cannot help meet the city’s Zero Waste Goal. The city retained a consultant to conduct a feasibility study to build a new solid waste transfer and recycling facility. Through active collaboration and community participation between November 2018 to May 2019, the city has developed a consensus around two conceptual facility designs.

The expected outcome is that the CEQA analysis and design of the approved project will be completed and a replacement facility constructed that helps the city achieve its Zero Waste goal.



**Award Winning Remodel of the Mental Health Building**

## 3.2 Work Prioritization and Phasing



The Vision 2050 program is planned to be implemented over 30 years in approximately three, 10-year phases. Due to the work's complexity and volume, an understandable prioritization process is needed to sequence the work. The Program Plan uses a scoring system based on these components and weighting:

- > Envision criteria, 60% weighting
- > Community input criteria, 40% weighting

The Vision 2050 report recommended the use of multi-criteria decision-making and suggested using the Envision criteria as prioritization tool. Envision is a program that is organized by the Institute for Sustainable Infrastructure and provides an objective framework of criteria designed to help identify ways in which sustainable approaches can be used to plan, design, construct, and operate individual infrastructure projects.

The Envision framework includes 64 sustainability and resilience indicators organized around five categories: quality of life, leadership, resource allocation, natural world, and climate and resilience. Envision is now widely applied to civil infrastructure projects akin to LEED certification. This criteria is given a weighting of 60%.

The other criteria comprises community input from the surveys, online feedback and community meetings. What the community wants for Berkeley is important and this criteria is given a weighting of 40%. The resulting criteria and score sheet is shown on Table 2.

| TABLE 2:<br>PRIORITIZATION SCORE CARD |                                                                                       |
|---------------------------------------|---------------------------------------------------------------------------------------|
| Envision Criteria (Weight 60%)        |                                                                                       |
| <b>Quality of Life</b>                |    |
|                                       | Public Health and Safety                                                              |
|                                       | Equity                                                                                |
|                                       | Public Space                                                                          |
| <b>Leadership</b>                     |     |
|                                       | Integrated Planning                                                                   |
|                                       | Lifecycle Maintenance                                                                 |
|                                       | Local Economy                                                                         |
| <b>Resource Allocation</b>            |    |
|                                       | Sustainable and Durable Materials                                                     |
|                                       | Reduces Energy Use                                                                    |
|                                       | Preserves Water Resources                                                             |
|                                       | Ready to Implement                                                                    |
| <b>Natural World</b>                  |  |
|                                       | Green Infrastructure                                                                  |
|                                       | Open Space and Habitats                                                               |
| <b>Climate and Resilience</b>         |  |
|                                       | Reduces Greenhouse Gas Emissions                                                      |
|                                       | Extreme Climate Impacts                                                               |
|                                       | Resilience Strategy                                                                   |
|                                       | <b>Total Envision Points</b>                                                          |
|                                       |                                                                                       |
| Community Input Criteria (Weight 40%) |                                                                                       |
|                                       | Complies with Community Survey Input                                                  |
|                                       | Complies with Commissions and Public Input                                            |
|                                       | <b>Total Community Input Points</b>                                                   |
|                                       |                                                                                       |

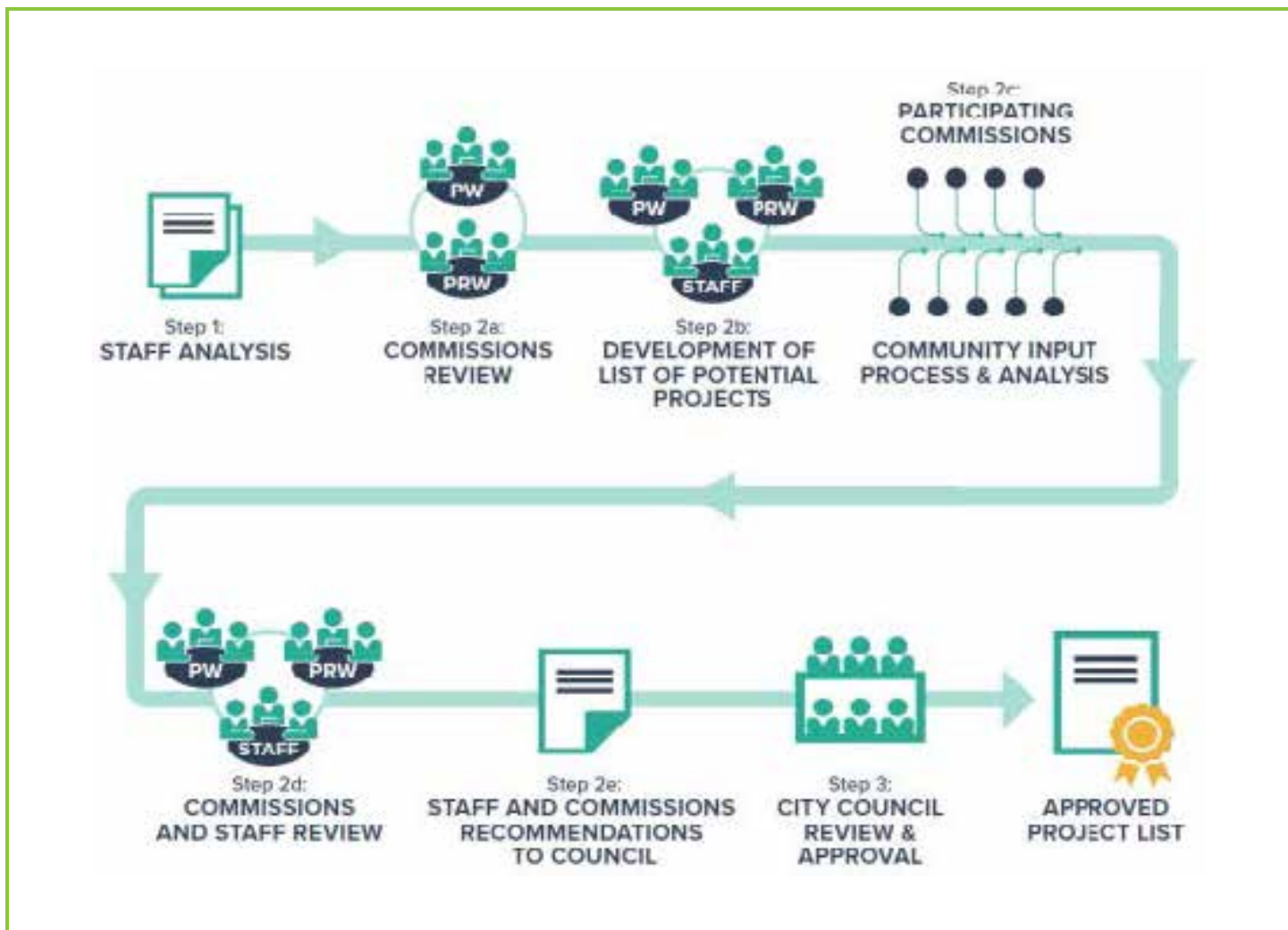


Each asset category was rated using the score sheet, and initial scoring was completed by managers in the Public Works and Parks, Recreation and Waterfront departments. A summary of the scoring results is shown on Table 3. This rating is intended as a general guideline for resource allocation. It does not dictate when the works gets done as there may be other project requirements. For planning purposes, the work can be placed in three priority groups as shown in Table 3. This can serve as a start for the planning of a 30-year program. More details

of the 3-phase program will be developed by the program team, should voters approve new funding for the program. Ultimately, the City Council will select the projects to fund and their timing. The Program Plan’s goal is to ensure all of these asset categories become Priority 1 well before 2050. Asset categories in Priorities 1 and 2 are most aligned to resilience and sustainability measures in the criteria and are closest to being able to move into construction. Many of the asset categories in Priorities 2 and 3 require more public process, planning, and/or engineering, some of which may be supported by a revenue measure or measures. Some of these asset categories, such as sewer, have sufficient, dedicated funding sources that make them unnecessary to prioritize for new revenue funding.

When sufficient funding mechanisms and the project team are in place, the work of selecting projects will begin. The process will be carried out separately for each 10-year program phase. The project selection process is shown on Figure 10. This process is being used successfully on the second phase of the Measure T1 program. Projects that are identified as high priority for implementation within each 10-year phase will move forward to final acceptance after staff analysis, community and Commission input, and City Council review and approval. The prioritization of the projects will use the scorecard shown on Table 2, or as updated at the time.

| TABLE 3<br>SUMMARY OF PRIORITY SCORING |                                             |
|----------------------------------------|---------------------------------------------|
| Priority                               | Asset Category by Score                     |
| 1                                      | Streets                                     |
|                                        | Bicycle and Pedestrian Plan projects        |
|                                        | Sidewalks                                   |
| 2                                      | Undergrounding                              |
|                                        | Stormwater                                  |
|                                        | Parks                                       |
|                                        | Trees                                       |
|                                        | Waterfront                                  |
| 3                                      | Traffic Controls, Streetlights, and Parking |
|                                        | Transit projects                            |
|                                        | Civic center                                |
|                                        | City buildings                              |
|                                        | Transfer station                            |
|                                        | Sewer                                       |



▲ **Figure 10:** Project Approval Process



# 04

## THE PLAN'S FUNDING, RESULTS, AND TAX IMPACT

This section describes a high-level funding approach to achieving resilient and sustainable infrastructure by 2050, the various sources of funds available for this work, results that could be delivered, and a review of the tax impacts on residents for implementing a Vision 2050 program.

MARTIN LUTHER KING JR  
CIVIC CENTER

2180  
Milvia Street

## 4.1 Funding Sources

Achieving a resilient and sustainable infrastructure by 2050 will require new revenue from a variety of sources, including new voter-approved measures. Adjustment to user fees and rates that are dedicated to certain services will be another important source of infrastructure funding. For example, Berkeley’s sewer system is operated and maintained through user fees charged to customers. Through financial analysis, staff have determined that the \$194 million needed in the city’s sewer systems can be addressed in the next decade or so with cost-of-living adjustments to existing rates. Other services have dedicated funding sources (or rates), but that funding falls short. This is true of the city’s

stormwater fee and a special parcel tax for parks and trees. Other sources of funds include grants (federal, state, and other), developer fees, city funds (including the General Fund), and property owner fees, e.g., 50/50 sidewalk repairs.

Figure 11 shows the anticipated funding sources that will be available to complete each of the four Program outcomes and deliver sustainable and resilient infrastructure by 2050. This is a high-level projection with many assumptions yet to be proven, but is offered to show a funding path to the Vision 2050 destination and its dependence on a variety of revenue sources.



▲ **Figure 11:** Vision 2050 Funding Sources



## 4.2 Funding Alternatives

For the November 2022 ballot, two types of infrastructure revenue measures are being considered: a General Obligation Bond (or Infrastructure Bond) and Parcel Tax.

**General Obligation Bonds** (GO Bonds) are paid by an ad valorem property tax based on taxable property assessed value and can only be used to fund capital improvements (no maintenance, operations or services). GO Bonds are considered the most secure type of municipal debt and carry the lowest interest rates given the taxing power for repayment of the debt service. GO Bonds can also be structured to match the life expectancy of the infrastructure improvements and be issued in independent series as required based on project costs and timing. This phasing can allow for a better alignment of infrastructure utilization and repayment of the debt. Also, bond measures are generally considered progressive forms of taxation since they are based on the assessed value of properties.

The city has historically managed its GO Bond program for each authorization (Measures G, S, I, FF, M, T1 and O) through the issuance of individual bond series calculated to meet the capital funding requirements of the projects. Bonds were issued in amounts that minimized the impact on the tax rate required to make debt service payments. Since 1992, the city has maintained annual tax rates below original projections represented to voters for each of the GO Bond authorizations.

A **Parcel Tax** is a property tax that generates annual special revenues for capital, operations, maintenance and services. State law provides for

a number of different tax formulas for levies to all properties (residential and commercial) including per parcel, building square footage or land use. A parcel tax cannot be based on property value. A parcel tax based on building square feet is generally considered a progressive form of taxation since larger properties pay more than smaller properties, and exemptions for seniors and low-income property owners are allowed.

Given the scale of the infrastructure need, the Program Plan assumes an initial funding phase in the range of \$600M, to be generated through one or more voter-approved measures in November 2022. The measures could include a single \$600M GO Bond (Infrastructure Bond) or a combination of a \$300M GO Bond and an additional \$0.30 building square foot parcel tax.

Comparisons of general obligation bonds and parcel taxes are summarized in Table 4 on the next page.

### Option #1 - \$600 million GO Bond (Infrastructure Bond)

A \$600 million GO Bond would be used to fulfill a portion of the asset replacement priorities following the priorities developed using the Vision 2050/Envision prioritization scorecard, as discussed above. This distribution of funds would focus on improving the city's street, traffic, and pedestrian safety, which present the highest risk for any of the Asset Categories. Such a measure could have the following investment priorities:

- › \$250 million - Outcome 1: Streets are safe, sustainable, and in good condition

**TABLE 4**  
**FUNDING MECHANISMS**

| Type                     | GO Bond                                                                      | Parcel Tax                                                                    |
|--------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <b>TAX BASIS</b>         | Assessed Value (AV)                                                          | Building square footage                                                       |
| <b>USE OF FUNDS</b>      | Capital only                                                                 | Capital + Maintenance                                                         |
| <b>TAX PROGRESSIVITY</b> | Progressive                                                                  | Progressive                                                                   |
| <b>EXEMPTIONS</b>        | None                                                                         | Low income/senior                                                             |
| <b>PROS</b>              | Relative tax burden decreases as total AV increases                          | Fixed payments with cost of living adjustments, funds capital and maintenance |
| <b>CONS</b>              | Cannot pay for maintenance or operations<br>Does not adjust for future costs | Increases tax burden if building square footage increases                     |

- › \$150 million – Special Need: Affordable housing for low-income and homeless residents
- › \$125 million – Outcome 2: Infrastructure is resilient and adapts to climate change
- › \$75 million – Outcomes 3 and 4: Other public infrastructure improvements

This option funds the community's top priorities voiced in the public outreach: affordable housing,

street repair, and resilience to climate change. Street repair is also the top and most urgent need identified by online survey respondents, and is supported by the city's prioritization using the Vision 2050/Envision scorecard. This option would significantly reduce the city's risk related to infrastructure unfunded liabilities, and improve the City's streets to good condition while making streets safer for all users.

### **Why is affordable housing included in these possible revenue measures?**

The Vision 2050 Framework focused on infrastructure, not affordable housing. However, on April 27, 2021, City Council approved exploring revenue measures that addressed both infrastructure and affordable housing, given both were top priorities for residents. Housing and infrastructure are connected. Ensuring affordable housing in a city such as Berkeley reduces greenhouse gas emissions because it affords lower and middle-income residents an opportunity to live closer to where they work, which means less emissions getting to work. At the same time, ensuring affordable housing is an important tool for ensuring a diverse and equitable city, which is an important priority of our community and City Council.

## Option #2 - Bond and Parcel Tax Measures

Multiple measures on the November 2020 ballot could include the following:

- › An parcel tax of \$0.30 per building square foot, raising approximately \$28 million annually, that is dedicated to streets and traffic safety as described under Outcome No. 1
- › An infrastructure bond of \$300 million with \$150 million to address affordable housing for low-income persons and the unhoused and \$150 million to improve resilience to climate change, wildfire prevention and protection, and to improve other select public infrastructure, as described in Outcome No. 2, 3, and 4

Similar to Option No. 1, this approach also funds voters' top priorities. In addition, having multiple measures provides more flexible sources of funding that could address maintenance needs in addition to capital improvements. Results from these investments are likely to be better than the results from Option No. 1. However, each of these measures would have to separately meet the two-thirds voter-support threshold for approval. If one or both measures are not approved by voters, the city will not be able to address the current backlog of infrastructure or housing needs.

## Results

Per Section 4.1, these results assume the City continues its track record of successfully leveraging state, federal, and regional grants, and City Council allocates a total of \$15 million to annual paving from non-revenue measure sources in order to ensure proper ongoing maintenance of the City's streets. These investments would:

- › Improve streets to good paving condition
- › Implement 75%+ of adopted traffic safety plans (bike/ped) and achieve Berkeley's vision of a low-stress bike network
- › Complete selected sea level rise projects, and begin to implement undergrounding of evacuation routes and the stormwater/green infrastructure plan
- › Assist in advancing the city's park and public realm projects, e.g., Waterfront and Civic Center Renovation

One significant caveat is that Option #2 is much better positioned to deliver these needs after accounting for costs that increase in future years. A parcel tax can include an annual cost of living adjustment, whereas a GO bond's funding maximum amounts are static.



## 4.3 Review of Tax Implications

Property tax rates for Berkeley property owners are comparable to neighboring cities. After accounting for ad valorem taxes, city voter-approved taxes and assessments, school district taxes, and other fixed charges, FY 2021 tax rates in Berkeley (1.58%) were on par with Oakland (1.54%) and lower than in Albany (1.89%).

The city's prior bond issuances include Measure FF (neighborhood libraries), Measures G, S, and I (public safety, main library/seismic retrofit, animal shelter), Measure O (affordable housing), Measure M (streets and watershed), and Measure T1 (infrastructure and public facilities). Debt service from prior bond measures constitutes only 3.2% of the average property owner's tax bill.

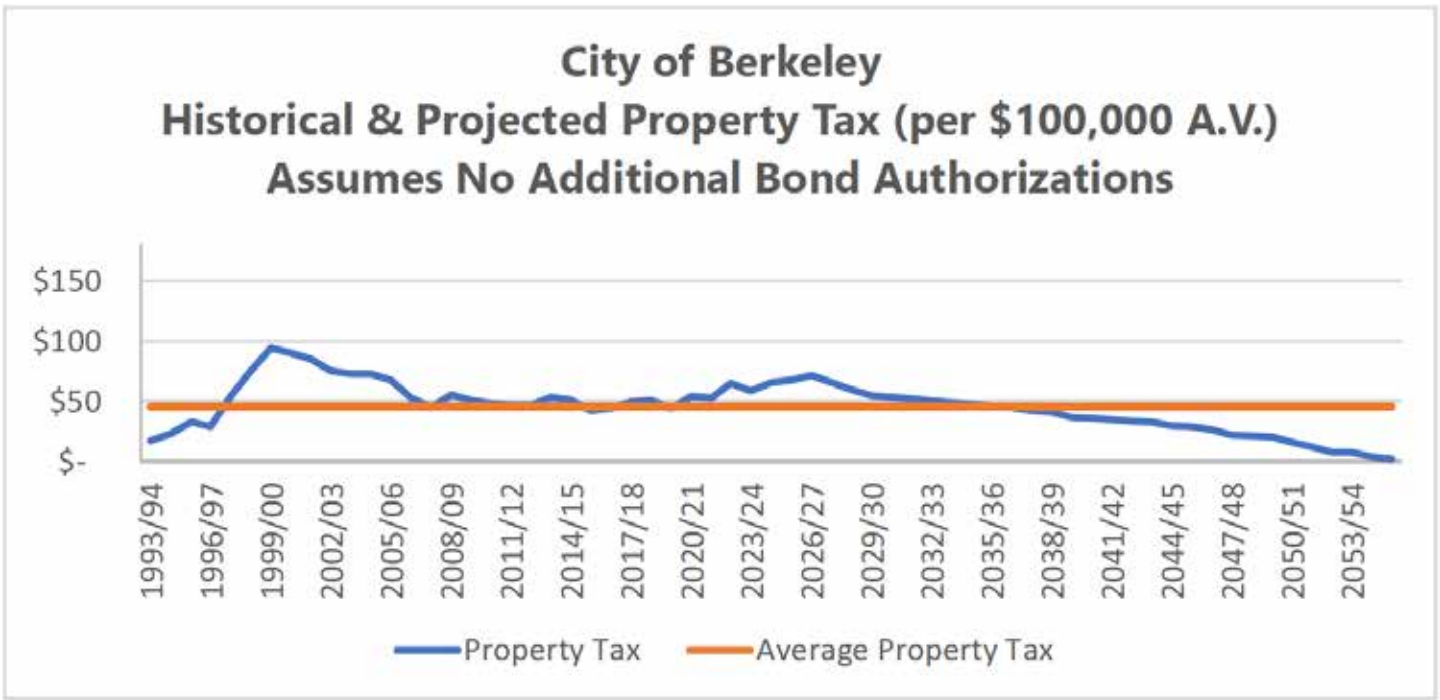
The city has a current debt service of \$52.90 per \$100,000, which is low compared to nearby cities and their school districts, as shown in the table below. Even after implementation of Options 1 or 2, the city's debt service will continue to be lower than nearby cities and school districts.

| <b>2021/22 Tax Rates</b>                                       | <b>Total GO Bond Tax Burden</b> |
|----------------------------------------------------------------|---------------------------------|
| Per \$100,000                                                  | \$52.90                         |
| Average Tax<br>(based on assessed property value of \$647,972) | \$342.78                        |

| <b>City or District</b>                     | <b>Debt Service per \$100,000 of Assessed Value</b> |
|---------------------------------------------|-----------------------------------------------------|
| City of Oakland                             | \$201.10                                            |
| Albany School District                      | \$195.00                                            |
| Berkeley School District                    | \$145.10                                            |
| City of Albany                              | \$130.30                                            |
| Oakland School District                     | \$120.20                                            |
| City of Berkeley plus Option 1, \$600M Bond | \$103.90<br>(average)                               |
| City of Berkeley plus Option 2, \$300M bond | \$79.75<br>(average)                                |
| City of Berkeley (current)                  | \$52.90<br>(average)                                |

The city has historically maintained low GO Bond tax rates as shown in Figure 12. This represents the previously approved bond measures including the remaining bonds for Measures T1 and O to be issued over the next four years.

If voters approved a \$600 million GO bond, the maximum tax required for the new bond authorization will be \$91 per \$100,000 of assessed value. Assuming the existing GO bond authorization capacity are issued as scheduled, the cumulative debt service on all GO Bonds will increase through 2036, and then begin to decrease as prior bonds are paid off. Over the life of the \$600M GO Bond,



▲ **Figure 12:** Historical & Projected Property Tax

a property owner will have an average annual property tax of \$51 per \$100,000 of assessed value. If a \$300 million bond is approved by voters, the average annual property tax is estimated to be \$26 per \$100,000 of assessed value (excluding the existing GO Bond authorizations). Due to this lower bond amount being insufficient to address the City's infrastructure need, it is coupled with a separate parcel tax at an estimated value of \$0.30 per square foot of developed property. Assuming average

developed property size of 1,900 square feet, this parcel tax would add \$570 annually to the average property owner's tax bill, which is comparable to the annual cost of refuse service based on a 32-gallon cart.

Below is a summary of the tax impacts of these options on an average property, assumed to be an average valued house at \$647,972 (assessed value) with 1,900 sq ft.

| TABLE 7<br>SUMMARY OF TAX IMPACTS         |                             |                                                     |
|-------------------------------------------|-----------------------------|-----------------------------------------------------|
|                                           | Option #1 \$600M<br>GO Bond | Option #2 \$300M<br>GO Bond + Parcel Tax            |
| Tax Rate (\$100,000 A.V.)                 | Avg \$51<br>Max \$91        | Avg Bond = \$27<br>Parcel = 30 cents per sq. ft.    |
| Tax (Avg Home: \$647,972;<br>1,900 sq ft) | Avg \$332<br>Max \$589      | Avg Bond = \$166<br>Parcel = \$570<br>Total = \$736 |

## 4.4 Other Benefits of Infrastructure Spending

Infrastructure spending has other benefits. It creates jobs. The U.S. Department of Transportation has found that for every \$1 billion in infrastructure investment, 13,000 jobs are created. In a place like Berkeley, which follows both state law on public works expenditures and local law via a Community Workforce Agreement, this means jobs that pay prevailing wages and benefits.

Infrastructure spending also can add art to our public spaces. If 1 percent of a revenue measure is dedicated to local public art, as was the case with Measure T1, or City Council commits an annual General Fund allotment of a similar amount, then Berkeley's public spaces will get more public art. Public art plays an integral role in improving our community's wellbeing by creating inspired spaces that reflect the unique character of our city. Public art breathes life into the built environment, engages the community with creative art experiences, and fosters a sense of belonging.



Art Installation at Civic Center Garage



Statue of William Byron Rumford



Art Installation at Shattuck & Center

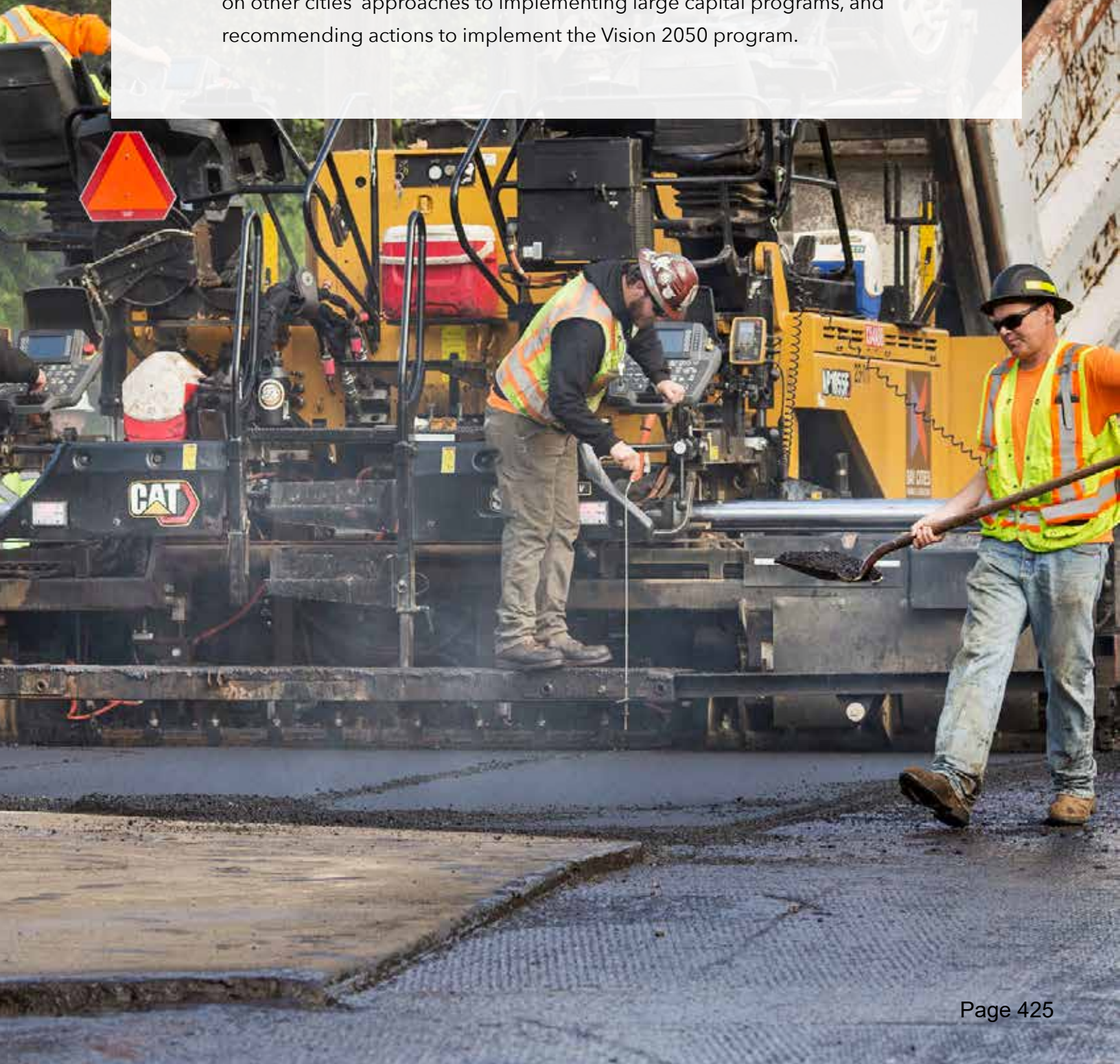




# 05

## PROGRAM DELIVERY

The City has well-established capital project divisions in the Public Works Department and Parks, Recreation, and Waterfront Departments, delivering a wide range of infrastructure projects. Given this major 30-year program to rebuild infrastructure, this section looks ahead on how the City will deliver the program, evaluating the City's current capabilities, sharing information on other cities' approaches to implementing large capital programs, and recommending actions to implement the Vision 2050 program.



## 5.1 Current Organization and Measure T1 Implementation

Capital projects are delivered by the Engineering and Transportation Divisions in the Public Works Department, and Capital Projects Division of the Parks, Recreation and Waterfront Department. Most of this work is based on regular, annual contributions from special funds, including ratepayer funds (sewer, stormwater, and streetlight) and a parks-focused parcel tax.

As shown in the table below, capital investments have more than doubled in the last decade.

| Year | Capital Program |
|------|-----------------|
| 2010 | \$41.6 million  |
| 2020 | \$114.5 million |

This growth has largely been driven by Measure T1 and the large project to rebuild Tuolumne Camp. In November of 2016, Berkeley voters passed Measure T1, authorizing the city to sell \$100 million of General Obligation Bonds to repair, renovate, replace, or reconstruct portions of the city's aging infrastructure.

The City of Berkeley has managed all T1 projects internally with a team that includes administrative, financial, and project management staff from the Public Works and Parks, Recreation, and Waterfront Departments. Five full-time equivalent positions were allocated across 11 staff within PW and PRW. One of the five FTEs is a T1 Associate Management Analyst. While projects are managed by city staff, the planning, design, and construction management of projects are largely completed by consultants.

As a part of preparing this Program Plan, interviews were conducted with the T1 Management Team and project managers to learn what has worked well and how things can be done better in the future.

### Positive outcomes of T1 implementation:

- › The City has completed nearly all of the 39 projects in Phase 1. Phase 2 projects are approved and are on track to be completed by 2026
- › Interdepartmental collaboration has been very effective with regular meetings and open communications
- › Community messaging has been regular and recurring, with ongoing updates to the website and email distribution lists, periodic reporting to Council, and a January 2022 informational brochure mailed to residents
- › The program team has been able to staff up and retain staff during the program
- › Staff costs have been kept to a minimum, i.e., less than 12% of project costs
- › Meetings are held at the conclusion of each project to discuss challenges, successes, and lessons learned
- › The project teams have largely been able to keep up with the project schedules

**Ideas for future improvements:**

- › Reduce the time it takes to hire staff
- › Increase IT and legal support to match the program size
- › Add consultants to help with certain tasks in project management
- › Improve tools to aid in project management

- › Streamline contracting policies, including bid protest procedures and purchasing policies

It is important to note there will be overlap with the T1 team completing the Phase 2 projects and the Vision 2050 team ramping up. The future organization will need to account for this to ensure the success of both programs.

## 5.2 Research on Other Programs

The City and its consultants conducted interviews with three cities implementing large capital programs. Interview topics included organization, tools, implementation, and accountability.

Successes, challenges, and lessons learned were discussed with each group, too. Table 8 summarizes the cities and their programs.

TABLE 8

### CITIES INTERVIEWED AND THEIR CAPITAL PROGRAMS

| City                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Program Description | Budget and Staff                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------------------------------------|
| <p><b>City of Oakland</b></p> <ul style="list-style-type: none"> <li>› Measure KK’s funding allocations are a) \$350 million for streets and roads, b) \$150 million for facilities and c) \$100 million for anti-displacement and affordable housing</li> <li>› CIP projects are delivered through Public Works (PW) and Transportation (OakDOT). PW delivers non-transportation projects, such as sewer, drainage, and parks. OakDOT delivers transportation projects through two divisions: a) Great Streets (large projects) and b) Safe Streets (street repairs)</li> <li>› Program management is primarily done with City staff with some consultant support. There are about 20 dedicated staff members for program management</li> <li>› Staffing vacancies have been as high as 25%</li> </ul> |                     | <p>\$87M / 20 employees =<br/>~\$4.4M per employee.</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| <p><b>City of Oakland (cont.)</b></p> <ul style="list-style-type: none"> <li>› Oakland’s PCI was 53 in 2019 and increased to 58 in 2021. They are using \$100 M of Measure KK funds over 3 years to improve 350 miles of street surface</li> <li>› Measure KK has a 9 member Public Oversight Committee. The members were appointed by the Mayor and report to the City Council</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                            |
| <p><b>City of Sunnyvale</b></p> <ul style="list-style-type: none"> <li>› The Public Works Engineering Division delivers all capital projects through four groups: a) special projects, b) project design, c) construction management, and d) land development</li> <li>› The special projects group manages very large capital projects, e.g., \$1 billion wastewater treatment plant re-build. Consultants handle the day-to-day project management but do not have monetary authority</li> <li>› There are 8 staff in the project design group, who manage the smaller on-going capital projects</li> <li>› The City uses e-Builder software</li> <li>› Staffing vacancies are a problem</li> <li>› City Council’s target PCI is 80. Their current PCI is about 76</li> </ul>                                                                                                                                          | <p>\$176.5M / 30 employees<br/>= ~\$5.9M per employee.</p> |
| <p><b>City of San Diego</b></p> <ul style="list-style-type: none"> <li>› The City delivers capital projects through two departments: a) Capital Projects and b) Strategic Capital Projects. Capital Projects perform projects that are \$5 to 20 million in size, the work is long-term and they have about 700 staff. The Strategic Capital department works on projects over \$100 million in size, the work requires special expertise, there are about 50 staff and there is a high reliance on consultants</li> <li>› The current 5-year CIP has a funding need of \$8.4 billion</li> <li>› The City uses OCI (overall condition index) instead of PCI. The City’s target for OCI is 70</li> <li>› Staff vacancies range from 15 - 20%</li> <li>› A State of CIP Report is provided to City Council twice per year</li> <li>› San Diego is a participant in a California multi-agency benchmarking group</li> </ul> | <p>\$830M / 750 employees<br/>= ~\$1.1M per employee</p>   |

While Berkeley uses City staff for project management and consultants for planning, design, and construction management, by comparison, the larger programs are managed by a combination of City staff and consultants. Berkeley's 5 full time equivalent employees are handling \$45 million projects at present, a higher ratio than these other cities. City staff make all financial decisions, manage City processes, and complete repeatable tasks. Consultants assist City staff with a wide variety of tasks involving project planning, design, construction management, and execution, and provide necessary specialized expertise and knowledge. Some program teams include a

dedicated group who administer grant funding. Challenges experienced during large program implementation include difficulty in recruiting and retaining a talented workforce, having sufficient administrative and support services, and having effective and efficient hiring and on-boarding processes, including a continuous recruitment process.

These issues could be addressed in part by including dedicated financial and recruiting staff that are funded through the revenue measure, and developing program-specific hiring policies and procedures.

## 5.3 Recommendations for Vision 2050 Implementation

The recommendations presented in the section below build off the successes and lessons learned from implementation of Measure T1 and the City's regular capital program, and from the three cities we interviewed and researched. These recommendations will help in delivering a more significant investment in the city's infrastructure:

- › **Responsible organization** - A Vision 2050 program management team should be formed and report to the Public Works Director for the first phase of improvements, given this phase's focus is likely within the right of way, which is Public Works' responsibility. This team would be multi-discipline, meaning the team would be responsible for implementing all aspects of the Vision 2050 program, including projects outside of the normal purview of Public Works. In future phases, as determined by future Vision 2050 priorities, this program management team could report either to Directors of Public Works or Parks, Recreation, and Waterfront, a Deputy City Manager, or the City Manager.

- › **Multiple Benefits** - The Vision 2050 Framework recommended infrastructure improvements that have multiple benefits. Given this Plan's initial focus on streets and traffic safety, the program management team will ensure projects are delivered that, to the extent feasible, combine paving, traffic safety, and green infrastructure improvements. Recent annual paving projects demonstrated progress in this regard, as they have included paving, green infrastructure, and various traffic safety features such as traffic circles, traffic diverters, and pedestrian islands. Given this plan prioritizes the co-benefits of street paving and traffic safety, staff have modeled how to meet both goals simultaneously. By dedicating two-thirds of streets-focused investments to paving and one-third to traffic safety, this Plan's goals can be met in ten years or so.

- › **Program management team and staffing** - The City should initiate a recruitment for a new full-time position, Vision 2050

Program Manager. The manager should have an administrative support person and project managers (the number to be determined prior to implementation). The City team would ideally include dedicated staff in lieu of 3-year limited term positions, given the duration of the work. In addition, the city team should include both an in-house construction inspector and a project coordinator to assist with time-intensive tasks such as compiling budget data, preparing public outreach materials, and coordinating meetings. Outreach support should be included on this team as well. The Program Manager should also have a mix of staff and consultant support in a blended team. Consultant support may include: a) preparation of a project management manual, b) project cost tracking, c) performance indicator tracking, and d) management of special projects.

› **Engineering functions** - As discussed above, the engineering and capital delivery divisions in the Public Works and Parks, Recreation and Waterfront Departments will continue to deliver ongoing projects. These include aspects of street paving, sidewalk repairs, sewer rehabilitation, and park and playground improvements.

› **Special projects** - Projects that are not normally handled by the City's engineering

divisions should be managed by the program management team or assigned to a consultant. Examples of these projects may include utility undergrounding, seismic improvement to public buildings, public realm projects, etc

› **Supporting departments** - Advanced planning needs to be held with the City's procurement, legal, human resources and information technology departments. Challenges experienced during large program implementation include difficulty in recruiting and retaining a talented workforce and having effective on-boarding processes. In addition, the City's procurement procedures need updating and improvement. The ideal Vision 2050 organization may include dedicated recruitment and financial staff, as well as new policies that are developed specifically for the program. For example, the City of Oakland cut 500 staff hours and months from project timelines by reducing the number of project and procurement approvals.

› **Tools, software and procedures** - An evaluation of current and new tools will be made for delivering the program. This will include: a) procurement tools for goods and services, b) project scheduling and tracking software, c) document management, and d) reporting.



# 06

## SUPPORTING STRATEGIES

This section describes the performance monitoring, oversight and reporting and on-going maintenance that will be a part of implementing a successful Vision 2050 program.



## 6.1 Performance Indicators

A large complex program like Vision 2050 can benefit from identifying Key Performance Indicators (KPIs) to track progress. An initial list of KPIs is shown on Table 9 and are organized around the four Vision 2050 outcome objectives. The indicators go beyond the traditional tracking of cost and schedule progress and incorporate indicators that reflect sustainability and resilience goals.

It will be important to update these KPIs at the beginning of each phase of this thirty-year program, and more frequently in some areas, in order to incorporate changing conditions, new technologies, and new priorities.

TABLE 9

### VISION 2050 KEY PROGRAM PERFORMANCE INDICATORS

| 1. Streets are Safer, More Sustainable, Improved to a Good Condition, and Maintained               |                                                                              |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Paving condition                                                                                   | % of sidewalks in safe condition                                             |
| Three year average of severe injuries/fatalities                                                   | % of Bicycle, Pedestrian, and ADA Transition Plans implemented               |
| % of 2020 pavement surface converted to pervious surface                                           | Public satisfaction with right of way                                        |
| % of commute trips by solo occupant vehicle                                                        | % of trips by walking, micro mobility or transit                             |
| 2. Infrastructure is Resilient, Protects the Environment, and is Adapted to Climate Change Impacts |                                                                              |
| Citywide GHG reductions                                                                            | % of public buildings fossil-fuel free                                       |
| Citywide natural gas consumption                                                                   | % of automobiles that are EV citywide                                        |
| % of Stormwater and GI plans implemented                                                           | % of sea level rise, undergrounding, and evacuation route projects completed |
| % of target acres treated by Green Infrastructure                                                  | % of 2022 vacant street tree sites planted                                   |
| % of public buildings seismically retrofitted                                                      |                                                                              |
| 3. Open Space, Parks, and Recreation Improve our Quality of Life                                   |                                                                              |
| % of Backlog Addressed Annually                                                                    | Diversity of the Urban Forest                                                |
| # of Street Trees/Tree Canopy Ratio                                                                | Public satisfaction at Parks and open spaces                                 |
| 4. Public Facilities are Safe and Provide Community Placemaking                                    |                                                                              |
| % of public realm/placemaking opportunities implemented                                            | % of Backlog Addressed                                                       |
| % of ADA Transition Plan implemented in buildings                                                  | Public satisfaction in public spaces                                         |
| % of public buildings with battery storage                                                         |                                                                              |



## 6.2 Equity

Incorporating equity into infrastructure is a core value of the Vision 2050 Framework, and is something Berkeley residents want. Three-fourths of voters said an infrastructure measure should incorporate equity.

Poorly maintained infrastructure is inherently inequitable, as it is more detrimental to Berkeley's most vulnerable residents. Those with mobility impairments can find potholes, deficient sidewalks, failing hand rails, or out-of-service elevators as insurmountable challenges. Those on bikes or walking, instead of in vehicles, are more at risk of death or serious injury on streets with potholes, failing pavement markings, and lacking traffic safety controls. As reported by the city auditor, low-income residents who depend on their automobile to get to work face greater risk from the estimated annual \$1,049 repair bill attributable to poorly maintained streets. The state of our parks, recreation and senior

centers has a serious impact on the programs and services delivered to children of color and lower income seniors.

In implementing equity into Vision 2050, Berkeley will build on recent progress. The City's transportation plans prioritize projects in historically underinvested neighborhoods in Berkeley, including improvements like bus bulbouts and dedicated bus lanes which help lower income residents more likely to use transit. Many capital projects approved in Measure T1 implementation advanced equity. These projects include the African American Holistic Resource Center, South Berkeley Senior Center, the Martin Luther King Jr. Youth Services Center, and public restrooms citywide approved as part of Measure T1, Phase 2. In addition, Phase 1 projects such as paving and park improvements at San Pablo Park and 10 play structures in West Berkeley also advance equity.

## 6.3 Reporting and Oversight

A Vision 2050 program team will prepare a Program Management Manual. The manual will include the performance indicators and a format for reporting progress. Typically, performance monitoring reports are prepared on a semi-annual basis. The reports will be provided to Council and will be available to the public via the Vision 2050 website.

To ensure accountability, an independent oversight committee will be formed. This can be an existing Berkeley commission or a newly formed oversight committee, as has been used with Berkeley's Sugar Sweetened Beverage Product Panel of Experts,

Berkeley Unified School District's Bond Oversight Committee, and Oakland's Measure KK Public Oversight Advisory Committee. The committee will review the progress of the work and will prepare an independent annual report of progress.

## 6.4 Lifecycle Maintenance

Asset Management is an important concept in which the city's infrastructure systems are managed throughout the life cycle from 'cradle to grave.' Taking an asset management approach was a key part of the City Council adopted Vision 2050 recommendations.

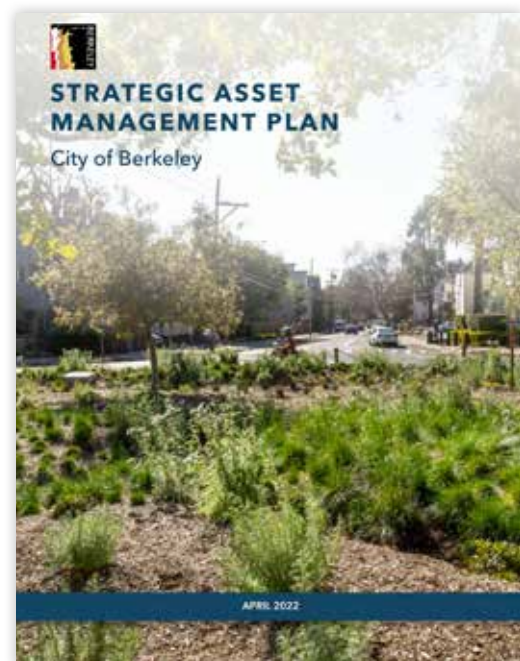
A Strategic Asset Management Plan (SAMP) was recently prepared to develop policy guidance, to review the city's current maintenance practices, and to prepare a roadmap of key initiatives for implementing a full Asset Management Program (AMP) in Berkeley's Public Works and Parks, Recreation & Waterfront Departments. Critical systems that we depend on every day are simply wearing out. Recent budgets were inadequate for infrastructure capital and maintenance needs, let alone modernizing them. An AMP is needed to manage our infrastructure assets throughout their useful life.

The city retained a consultant to assess the city's current asset management practices against a global standard benchmark on Asset Management in six areas: asset strategy and planning, asset management decision-making, lifecycle delivery, asset information, organization and people, and risk assessment. Based on the benchmark, Berkeley's average assessment was in the 'developing' level of asset management implementation and comparable to many U.S. cities, but not nearly good enough. The consultant worked with city staff to develop a 'Roadmap' of key initiatives in the next two years to implement an effective AMP.

The components include:

- › Prepare an Asset Management policy for City Council's adoption
- › Form an Asset Management team, consisting of a team leader and two program staff
- › Form an AM Steering Committee to guide the program implementation
- › Provide consultant support
- › Prepare the strategies, procedures and analyses to implement an AMP

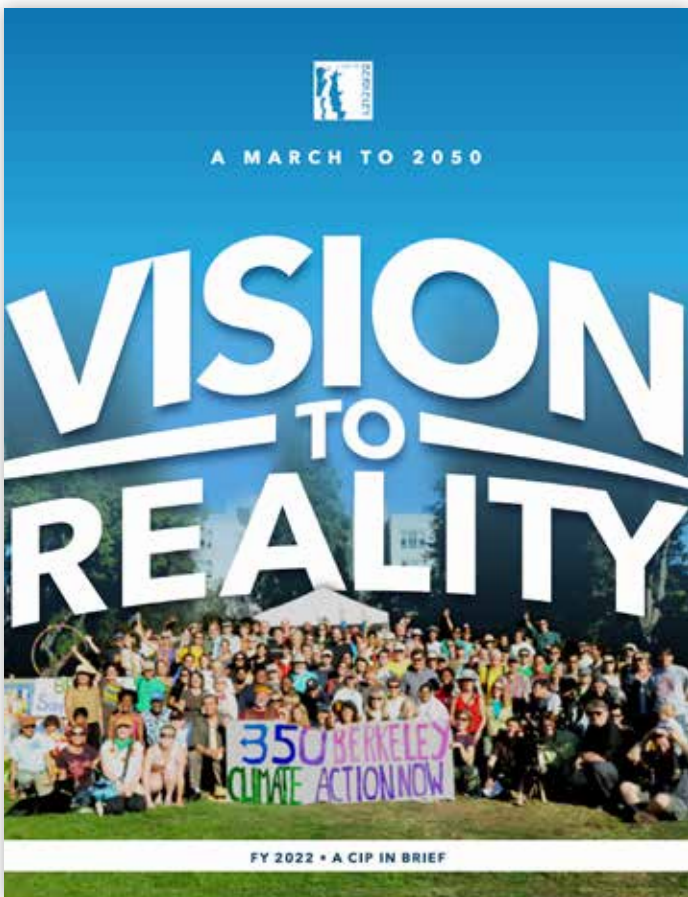
The SAMP conducted an asset-by-asset review of annual infrastructure maintenance funding and found that some asset categories such as streets and city buildings had insufficient maintenance funding by a wide margin, while other assets like sewer and streetlights had adequate maintenance funding. Assets such as stormwater have sufficient maintenance funding now. However, climate change and green infrastructure might make current funding commitments insufficient in future years.



## 6.5 General Fund Support for Infrastructure Maintenance

The level of General Fund contribution for public infrastructure in the last 12 years has remained flat in nominal terms. Given escalating annual costs, this led to a decline in General Fund support for infrastructure. To remedy this, City Council is currently considering two budget referrals to find existing City funding sources that total \$15 million per year for street maintenance, which is the level of investment required to ensure paving condition does not deteriorate. A common theme

from community engagement has been to grow General Fund support for infrastructure and, at the very least, that revenue from any new measures not replace existing General Fund commitments to infrastructure. One approach is to set a “floor” for General Fund support of infrastructure moving forward, akin to the State of California’s requirement that cities demonstrate a maintenance of effort in street funding before allowing cities to use Gas Tax proceeds to maintain a city’s streets.



The FY 2022 CIP in Brief was the beginning of melding Vision 2050 into the City’s capital budget

# APPENDICES

## A. Acknowledgements

### City of Berkeley

Paul Buddenhagen, Deputy City Manager

Liam Garland, Director, Public Works

Scott Ferris, Director, Parks, Recreation and Waterfront

Ray Yep, Vision 2050 Implementation Team Member (volunteer)

Margo Schueler, Vision 2050 Implementation Team Member (volunteer)

Gordon Wozniak, Vision 2050 Implementation Team Member (volunteer)

Andrew Brozyna, Deputy Director, Public Works

Christina Erickson, Deputy Director, Parks, Recreation and Waterfront

Farid Javandel, Deputy Director, Public Works

Joe Enke, Manager of Engineering, Public Works

Input from the Leadership Teams in the Public Works and Parks, Recreation and Waterfront Departments

---

### Consultant Team

V.W. Housen and Associates: Vivian Housen, Project Manager

Morgan DeAngelis, Project Engineer

---

Woodward & Curran: Dave Richardson, Principal

Daniel Windsor

Josh Uecker

Stephanie Hubli

## B. GLOSSARY OF TERMS AND ABBREVIATIONS

| Terminology                    | Definition                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ADA</b>                     | Americans with Disabilities Act                                                                                                                                                                                                                                                                                                                                            |
| <b>AMP</b>                     | Asset Management Program                                                                                                                                                                                                                                                                                                                                                   |
| <b>Asset categories</b>        | A logical grouping of similar assets or equipment types used to categorize, organize, and manage the asset portfolio.                                                                                                                                                                                                                                                      |
| <b>Asset management</b>        | Data driven planning that improves operational, maintenance and capital forecasting of potential needs, and optimization of investments to realize the greatest value from assets while operating over their lifecycle.                                                                                                                                                    |
| <b>CEQA</b>                    | California Environmental Quality Act                                                                                                                                                                                                                                                                                                                                       |
| <b>CIP</b>                     | Capital Improvement Program                                                                                                                                                                                                                                                                                                                                                |
| <b>City</b>                    | City of Berkeley                                                                                                                                                                                                                                                                                                                                                           |
| <b>Council</b>                 | City Council of Berkeley                                                                                                                                                                                                                                                                                                                                                   |
| <b>EBMUD</b>                   | East Bay Municipal Utility District                                                                                                                                                                                                                                                                                                                                        |
| <b>Envision</b>                | Developed by the Institute for Sustainable Infrastructure and Harvard University, Envision provides industry-wide sustainability metrics for all types and sizes of infrastructure to help users assess and measure the extent to which their project contributes to conditions of sustainability across the full range of social, economic, and environmental indicators. |
| <b>KPI</b>                     | Key Performance Indicator                                                                                                                                                                                                                                                                                                                                                  |
| <b>General obligation bond</b> | A General Obligation bond is a common type of municipal bond that is secured by a government's pledge to use legally-available resources, including tax revenues, to repay bondholders.                                                                                                                                                                                    |
| <b>Parcel tax</b>              | The parcel tax is a tax on parcels of real property collected as part of a property tax bill. Unlike the property tax, the parcel tax cannot be based on property value. To impose a parcel tax, governments must win support from two-thirds of voters.                                                                                                                   |
| <b>PCI</b>                     | Pavement Condition Index, which is a scale of 0 to 100 (with 100 being the best) that indicates the condition of an asphalt street surface.                                                                                                                                                                                                                                |
| <b>Program plan</b>            | A structured approach to organizing a long term complex array of subcomponents. The plan typically describes the project components, schedule, outcomes, funding, and reporting.                                                                                                                                                                                           |
| <b>SAMP</b>                    | Strategic Asset Management Plan. This is a high level plan that reviews an organization's policies, assesses its maturity on maintenance, and develops a roadmap to implement a lifecycle maintenance management program.                                                                                                                                                  |
| <b>U.S. EPA</b>                | United States Environmental Protection Agency                                                                                                                                                                                                                                                                                                                              |
| <b>Vision 2050</b>             | An initiative of Berkeley's Mayor Jesse Arreguin to take a long term approach to improving Berkeley's aging infrastructure. The approach incorporates sustainability and resiliency and anticipating a future world with climate impacts.                                                                                                                                  |
| <b>WMP</b>                     | Watershed Management Plan                                                                                                                                                                                                                                                                                                                                                  |

## C. Reference Documents

1. Information on Vision 2050 can be found on its website: [BerkeleyVision2050.org](http://BerkeleyVision2050.org).
2. Reference documents referenced in this program plan can be found on the City of Berkeley website ([BerkeleyCA.gov](http://BerkeleyCA.gov)) using the search feature
3. Information on Berkeley's Measure T1 program can be found on its website: [BerkeleyCA.gov/your-government/our-work/ballot-measures/measure-t1](http://BerkeleyCA.gov/your-government/our-work/ballot-measures/measure-t1).
4. Information on the Envision process can be found on the Institute for Sustainable Infrastructure's website: [SustainableInfrastructure.org](http://SustainableInfrastructure.org).

MEET YOUR COUNCILMEMBERS



**MAYOR**  
**JESSE ARREGUIN**

*Term Expires 11/30/2024*



**DISTRICT 1**  
**RASHI KESARWANI**

*Term Expires 11/30/2022*



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**TERRY TAPLIN**

*Term Expires 11/30/2024*



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**DISTRICT 4**  
**KATE HARRISON**

*Term Expires 11/30/2022*



**DISTRICT 5**  
**SOPHIE HAHN**

*Term Expires 11/30/2024*



**DISTRICT 6**  
**SUSAN WENGRAF**

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**DISTRICT 7**  
**RIGEL ROBINSON**

*Term Expires 11/30/2022*

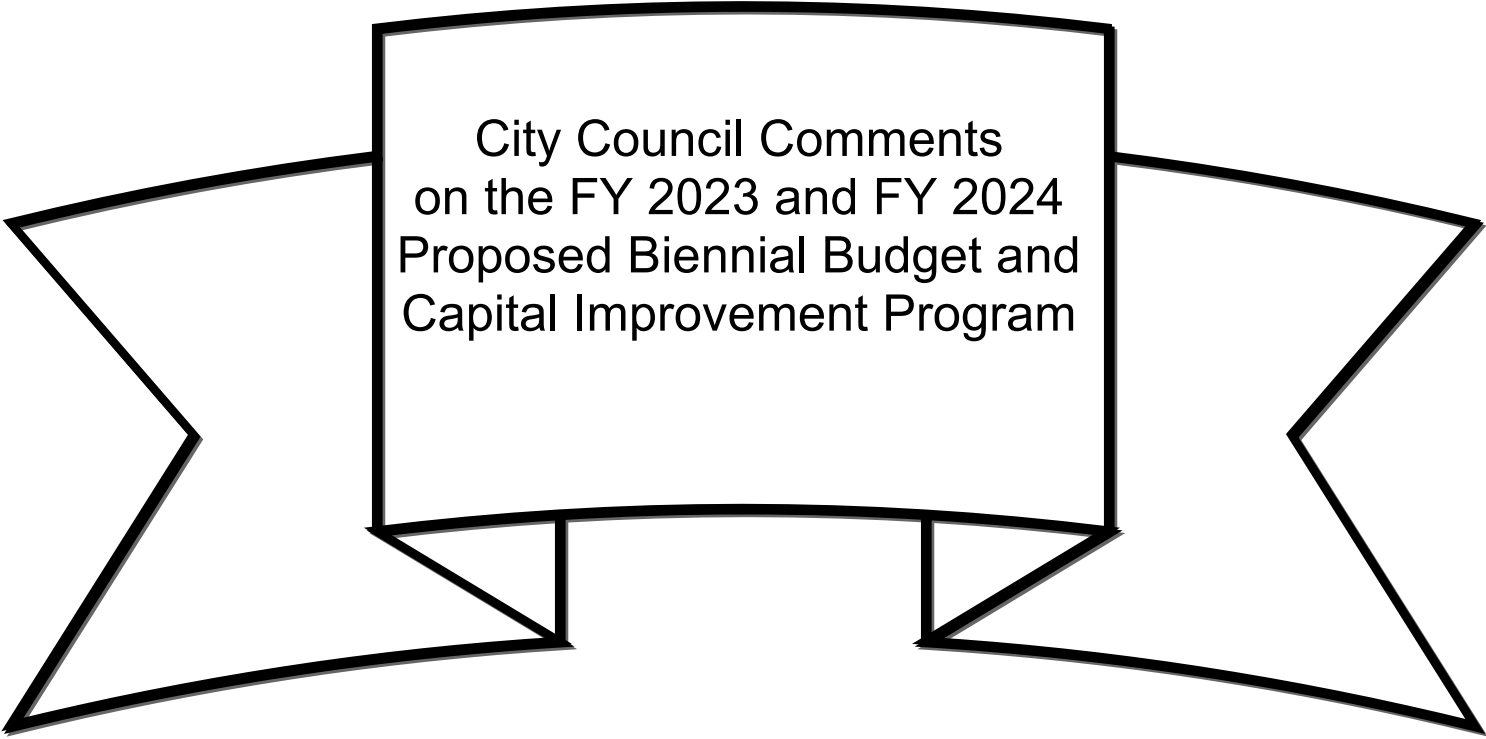


**DISTRICT 8**  
**LORI DROSTE**

*Term Expires 11/30/2022*







City Council Comments  
on the FY 2023 and FY 2024  
Proposed Biennial Budget and  
Capital Improvement Program

Please refer to the following Agenda Packet for the material for this item.

- May 24, 2022 Regular Meeting Agenda Packet  
Item 17: Fiscal Years 2023 and 2024 Proposed Budget  
and Proposed Budget Public Hearing #1

<https://berkeleyca.gov/city-council-regular-meeting-eagenda-may-24-2022>

This material is also on file and available for review from the City Clerk Department, or can be accessed from the City Council Website.

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**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

or from:

**The City of Berkeley, City Council's Web site**  
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>





Kate Harrison  
Vice Mayor, District 4

ACTION CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Harrison

Subject: Referral to the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee Policy Committee to Consider Strategies and Make Recommendations to Council and Staff to Ensure Potential Infrastructure Bond Expenditure Is Consistent With Climate Action Goals and Other Environmental Policies

RECOMMENDATION

Refer to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Policy Committee Policy Committee to consider strategies and make recommendations to the Council and staff to ensure that potential infrastructure bond is consistent with Climate Action goals and other environmental policies.

POLICY COMMITTEE RECOMMENDATION

On May 4, 2022, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Robinson/Taplin) to send the enclosed non-binding recommendations to Council with a qualified positive recommendation and support for Staff's ongoing work to establish public-facing metrics to measure projected and actual outcomes around potential bond projects that support Climate Action goals and other environmental policies. Vote: All Ayes.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

The City is facing a historic crisis of underinvestment in its infrastructure. Perhaps the most visible area is the City's streets, sidewalks, and other infrastructure vulnerable to climate change.

Council agreed at its January 20, 2022 special Council meeting to provide direction to staff to explore and prepare a draft \$300-\$600 million infrastructure bond and/or parcel tax ahead of the November 2022 election.

While the condition of the City's streets is of paramount concern to the Berkeley community, in the spirit of the Vision 2050 report, the Climate Action Plan, Climate Emergency Declaration and various other policies, Berkeley cannot afford to merely rebuild the same infrastructure dating from the past century. Rather, new expenditures on infrastructure should holistically contribute to building a Berkeley of the future, which

is much less carbon intensive, greener, modern, and more equitable. Doing so will require intentional policies and consideration.

To this end, it is in the public interest to refer to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Policy Committee Policy Committee to consider strategies and make recommendations to the Council and staff to ensure that potential infrastructure bond is consistent with Climate Action goals and other environmental policies.

### BACKGROUND

At the Council's direction, the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Policy Committee has spent two years investigating the overall paving situation, paving policies, and multi-faceted paving funding/bonding solutions. As part of its work, the Committee collaborated with staff and the Public Works Commission to update the City's Paving Policy to include certain environmental and green paving considerations. However, the Paving Policy was largely adopted in light of status quo paving funding levels, and was not designed for a potential once in a generation opportunity to envision the City's infrastructure.

If carefully crafted, the Bond could simultaneously stabilize PCI and include critical complimentary upgrades that support health, safety, and the environment/climate.

For example, the Committee should consider investigating and making recommendations with respect to the following concepts:

- **Future-proofing / Curbside EV** Integrate conduit and infrastructure to support public curbside EV charging, fiber optic cables, and electrification infrastructure upgrades (e.g., transformers) with paving work. Work with regional agencies such as EBCE to explore opportunities to leverage capital and other resources;
- **Green Paving Techniques** Explore how the bond expenditures can be structured to maximize durability/lifecycle and minimize greenhouse gasses, to include concrete, pavers and potentially stabilized gravel or hybrid. For example, Marin Avenue has not been substantially paved for nearly a half century because of its design;
- **Efficiency** Consider strategies to pave whole neighborhoods or sections of the City at once to capitalize on equipment and labor economies of scale, reduce greenhouse gas emissions associated with repositioning equipment, and as an opportunity to make projects attractive to unionized labor;
- **Bike/Pedestrian/Transit Upgrades** Explore the maximum amount of mobility goals we can accomplish as part of the Bond and how to best achieve Vision 2050, Vision Zero, and Climate Action goals;

- **Trees and Bio Diversity** Explore how to integrate street trees and plants into upgrades to improve local air quality and urban canopy as well as reduce heat islanding;
- **Road Diets** Explore narrowing certain wider streets by extending curbs and reducing maintenance and paving costs overtime, calming traffic, and reducing embodied greenhouse gases;
- **Car-free Zones** Carefully, strategically, and equitably consider whether and which streets might be made vehicle-free (e.g., Telegraph) except for emergency, certain delivery, and senior/disabled access;
- **Climate Adaptation** Provide feedback and input on climate impacts and resilience aspects of the bond, including identifying areas vulnerable to sea level rise.
- **Tax Equity** Consider applying any parcel taxes to unimproved spaces and garages to broaden base and ensure a more progressive and equitable distribution of potential tax impacts.

#### FISCAL IMPACTS OF RECOMMENDATION

Carefully considering the potential infrastructure bond in the context of existing climate and infrastructure policies could lead to cost savings in terms of lifecycle and upfront expenditures.

#### ENVIRONMENTAL SUSTAINABILITY

FITES recommendations can help guide how potential bond funds are spent to further accelerate mode shifts away from fossil fuel vehicles, reduce embodied carbon, and enhance urban bio diversity.

#### CONTACT PERSON

Vice Mayor Kate Harrison, (510) 981-7140





Office of the City Manager

INFORMATION CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Eleanor Hollander, Economic Development Manager  
 Subject: Referral Response: Further Supporting Worker Cooperatives

INTRODUCTION

This report responds to a referral adopted by City Council on February 9, 2016 to develop policies and programs to support worker cooperatives.<sup>1</sup> This report provides additional information to the previous referral response on the same topic which was provided to the City Council on February 26, 2019, entitled *Referral Response: Supporting Worker Cooperatives*.<sup>2</sup> This report reviews the City's current activities to assist worker cooperatives as outlined in the original 2016 referral and 2019 referral response, and suggests additional strategies to expand efforts for cooperative conversion going forward. The program summary and recommendations for implementation were provided to the Land Use, Housing & Economic Development Policy Committee during the April 21, 2022 Small Business Listening Session (Attachment 1).

SUMMARY

A number of worker cooperatives are located in Berkeley are an integral part of the community's fabric, and many others are demonstrating transition to cooperative ownership's effectiveness as a succession planning approach for local serving businesses. The Office of Economic Development (OED), in coordination with community partners, and other City departments, have developed new programs and analyzed potential policies that support worker cooperatives. These include: providing technical assistance for succession planning and worker cooperatives conversions, revising the Revolving Loan Fund (RLF) lending criteria, reviewing the business tax and land use incentives for cooperative conversion, and developing educational materials for businesses considering conversion to a cooperative model.

Rather than developing a Worker Cooperative Ordinance for Council consideration, this report suggests continuing the work by creating a 'worker cooperative preference' in city

<sup>1</sup> [Supporting Worker Cooperatives and Referral to City Manager to Develop a Worker Cooperative Ordinance](#), Item 27, Berkeley City Council Meeting, February 9, 2016.

<sup>2</sup> [Referral Response: Supporting Worker Cooperatives](#), Item 22, Berkeley City Council Meeting, February 19, 2019.

procurement and contracting, and providing additional loan funds and technical assistance resources for businesses to convert to worker cooperatives, is the most effective strategy to support cooperative conversion in Berkeley at this time.

In January of 2019, OED retained Project Equity, a nonprofit organization that is dedicated to advancing worker cooperatives, to provide technical aid to businesses looking to transition to a worker-ownership model. Project Equity has taken a multi-phased approach to supporting Berkeley businesses interested in the worker cooperative ownership model. In researching the desire for cooperative conversion in Berkeley, Project Equity identified that 1,200 of Berkeley's businesses may need succession planning over the next 15 years. Currently, 23 businesses in Berkeley have explored succession planning in consultation with Project Equity. Of those 23 businesses, 4 firms (17%) have or are currently transitioning to worker ownership. A summary of Project Equity's work to date is included as Attachment 1.

### CURRENT SITUATION AND ITS EFFECTS

This report responds to referral # PRJ-001-3072 that originally appeared on the agenda of the January 12, 2016 Council meeting (continued to February 9, 2016) and was sponsored by then Councilmember (now Mayor) Arreguin. The referral, *Supporting Worker Cooperatives and Referral to City Manager to Develop a Worker Cooperative Ordinance*, adopted a Resolution to support worker cooperatives, and referred to the City Manager to develop a Worker Cooperative Ordinance, that was to include:

1. Revising the City's existing Buy Local contracting preference<sup>3</sup> and adding a worker cooperative preference;
2. Revising the business license permit application to include cooperatives;
3. Incentivizing existing businesses to convert to cooperatives;
4. Creating business tax and land use incentives, and
5. Developing educational materials.

#### *Progress to date:*

#### *1. Revising the existing Buy Local contracting preference and adding a worker cooperative preference*

To better support worker cooperatives with a lack of access to capital, a *Worker Cooperative Preference in Procurement and Contracting* was implemented by the City's Finance Department and Berkeley's local vendor preference program has been revised and expanded. Starting January 1, 2022, the City provides a 5% bidding preference for goods up to \$100,000, for non-professional services up to \$250,000 and up to five additional points for scoring professional services Requests for Qualifications (RFQ) responses. This preference is available to all Berkeley vendors, including worker cooperatives that submit bids to provide goods, equipment, and non-professional services to the City.

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<sup>3</sup> City of Berkeley, [Local Vendor Preferences](#), 2022.



## 2. Revising the business permit application to include cooperatives

Staff has responded to this by revising the business license permit application to allow any new business applicant to register as a worker cooperative.<sup>4</sup>

## 3. Incentivizing existing businesses to convert to cooperatives

Two factors have been shown to increase successful conversion to cooperatives in Berkeley - increased technical assistance and improved access to capital.

OED currently provides technical assistance and support to all types of businesses and organizations, including worker owned cooperatives. As a direct result of this referral, first, OED worked to increase staff capacity and knowledge of issues that specifically impact worker owned cooperatives in order to provide helpful, targeted technical assistance to those curious about cooperative conversion. Second, Project Equity, a non-profit cooperative conversion consultant retained by OED, conducted a business retention data study in the city that provided a better understanding of which Berkeley businesses are at risk of closure and may be candidates for conversion to worker ownership. The team then performed broad outreach and direct engagement to educate business owners about the worker cooperative model. Through OED's partnership and contract with Project Equity, the team was able to subsidize the cost of working with (up to) four Berkeley businesses to transition to worker ownership, including the development of a feasibility study and transition plan for each client. To date, this work has produced impressive results; for example, *The Local Butcher Shop* participated in the Project Equity program and publicly announced their transition to a worker owned cooperative in October of 2021.<sup>5</sup> This allowed the business to continue and offered the chance for loyal employees to become worker-owners.

### *Technical Assistance*

Project Equity also assists with "Individual Action Planning" for business owners, which may include the development of a business plan, securing financing, hiring employees, understanding business taxes, organizational development, marketing, and customer analysis. Project Equity offered their suite of services to prospective clients, through door-to-door outreach (prior to COVID-19), mailings, and email blasts, social media ads, and targeted ads in *Berkeleyside*, online local media. In the first half of 2021, the Project Equity-led *Berkeleyside* display campaign had 488,944 visual impressions and 644 'click-throughs' indicating elevated interest among readers.

### *Access to Capital*

OED administers the federally-funded Revolving Loan Fund (RLF) and worked with the city's Loan Administration Board to revise the RLF's lending criteria to make the fund

<sup>4</sup> City of Berkeley, [New Business License Application](#), revised January 1, 2022.

<sup>5</sup> *Berkeleyside*, [The Local Butcher founders are turning over the successful shop to their workers](#), October 21, 2021.

more accessible to worker cooperatives. The RLF now better supports worker cooperatives by; (1) enabling the use of loan capital for conversion to worker ownership, and (2) allowing a group of principals to produce 10% of the loan collateral equity for an existing cooperative (or a business converting to a cooperative) or 20% for a startup cooperative. The change to the RLF Administrative Plan included the creation or retention of worker-owned jobs as selection criteria and added a new goal of the RLF to allocate a minimum of 10% of the loan portfolio to worker cooperatives or businesses converting to worker ownership. These changes help support worker cooperatives' access to RLF funding by removing the requirement a personal guarantee for the loan application process, thereby lifting a large barrier to capital for worker cooperatives.

#### *4. Creating a business tax and land use incentives*

Based on feedback from clients, stakeholders and new businesses, one of the most effective approaches to incentivize support for worker owned cooperatives involves assisting businesses in navigating the permitting process. For existing businesses interested in conversion to worker owned cooperatives, ongoing technical support from organizations like Project Equity and their technical partner, the Sustainable Economies Law Center, will continue to be effective. At this time, staff doesn't recommend modifications to the business license tax structure or land use incentives as a strategy to support worker owned cooperatives. Instead, staff recommends the continuation of robust technical assistance programs both in house (led by OED's business services team) and with outside consultants, including Project Equity and their partners, to best help cooperative businesses navigate the permitting process successfully.

#### *5. Develop educational materials*

In addition to the targeted outreach and engagement, Project Equity prepared a communications plan, outreach and educational materials for economic development professionals and regulators, and led trainings for City staff on the worker cooperative model. The Sustainable Economies Law Center (SELC), subcontracted through Project Equity, provided legal assistance and lease negotiation expertise for existing cooperative business owners. SELC created videos and printed educational materials to support businesses with legal assistance for cooperative conversion, through the Resilient Communities Legal Café program.<sup>6</sup>

Throughout the pandemic, the team held regular 'Legal Cafes' and online webinars for Berkeley business owners interested in transitioning to worker owned cooperatives. Legal Cafés offer direct legal support to individuals and groups who are working to create new solutions or succession plans and have legal questions about worker cooperatives. Particular attention was paid to succession planning for business owners who are wishing to retire and may want to sell their business to their employees.

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<sup>6</sup> Sustainable Economies Law Center (SELC), [Legal Café Program Schedule](#), 2022.

## BACKGROUND

Worker cooperatives are demonstrated to be valuable assets for local economies and communities. Owned and run by employees, these businesses typically provide higher wages, benefits, professional development, job security, and upward mobility for low to moderate income people.<sup>7</sup> When businesses are owned by workers, they are also demonstrated to increase local reinvestment and have demonstrable positive impact on business retention.<sup>8</sup> Based on the report completed by Project Equity and presented at the LUHED Policy Committee's [Small Business Listening Session](#) of April 21, 2022 continued technical assistance programs are recommended to better assist in supporting worker cooperatives in Berkeley (Attachment 1).<sup>9</sup>

## ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identified environmental costs or opportunities associated with the subject of this report.

## POSSIBLE FUTURE ACTION

Staff recommends that the most effective tool to incentivizing cooperative conversions is to continue to provide high quality technical assistance directly to Berkeley's business owners. To the end, staff will work to use existing resources to augment the technical support and educational programming provided by Project Equity and their partners. In the near future, staff is planning to leverage remaining federal American Rescue Plan Act (ARPA) funding designated to support pandemic impacted small businesses with an augmented contract with Project Equity for technical assistance. Possible additional future actions may also include developing a more tailored local worker cooperative preference in the City's standard procurement and contracting practices.

## FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Staff will continue to implement the programs described above with existing resources.

## CONTACT PERSON

Kieron Slaughter, Office of Economic Development, (510) 981-2490.

### Attachment:

1. Land Use Housing and Economic Development (LUHED) Policy Committee, Small Business Listening Session Presentation, *Business Succession Planning: Providing Technical Assistance for Worker Cooperative Conversions*, April 21, 2022.

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<sup>7</sup> Fast Company, [More U.S. businesses are becoming worker co-ops: Here's why](#), May 21, 2018.

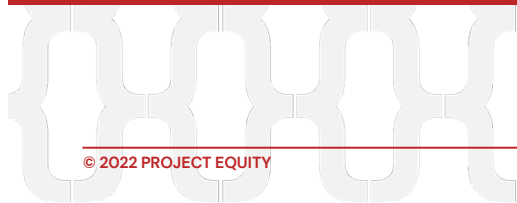
<sup>8</sup> Democracy at Work, [Creating Better Jobs and a Fairer Economy with Worker Cooperatives](#), 2014.

<sup>9</sup> City of Berkeley, [Land Use Housing and Economic Development Policy Committee Agenda & Minutes](#), Item 3, April 21, 2022.

# Berkeley as a national model for business retention through employee ownership

Project Equity presentation to City of Berkeley  
Land Use, Housing & Economic Development Committee

April 21, 2022



{ Project Equity }

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# Agenda



Employee ownership and its benefits



Overview of Project Equity's engagement with City



How our process works & accomplishments



Recommendations & discussion of how to continue the momentum

{ Project Equity }

# What is employee ownership?



© 2022 PROJECT EQUITY

A proven business structure in which a broad base of employees owns the business where they work

# Benefits of employee ownership



## Benefits to businesses

- Higher productivity and growth
- Lower employee turnover
- Improved longevity, lasting legacy



## Benefits to workers

- Better pay and benefits
- Assets and business ownership
- Voice in key decisions



## Benefits to communities

- Increased local spending
- Heightened civic engagement
- Community wealth building

# Overview (more detail on slides to come)

## 2018-19


- One-year contract
- Small business support package
- Data analysis & awareness raising
- National press highlighting Berkeley's investment

## 2020-22

- Two-year contract
- Included subcontract to the Sustainable Economies Law Center for educational events and materials and legal work
- Continued demand for employee ownership technical assistance
- 5 Berkeley businesses completed or on track to transition to employee ownership




# Succession planning is needed to retain Berkeley's independently-owned businesses




**1,200** businesses in **Berkeley** are over **20** years old.

They account for **\$1.6B** or **60%** of small business revenue.



These businesses employ **1** in **3** workers.



**HALF** of all business owners in the US are looking to transition out in the next **5** years, yet, up to **85%** have no succession plan in place. **ONE-THIRD** plan to simply close their doors. As their owners retire, how do we keep these businesses and jobs in Berkeley?

Statistics according to Barlow Research Associates and Securian Research.

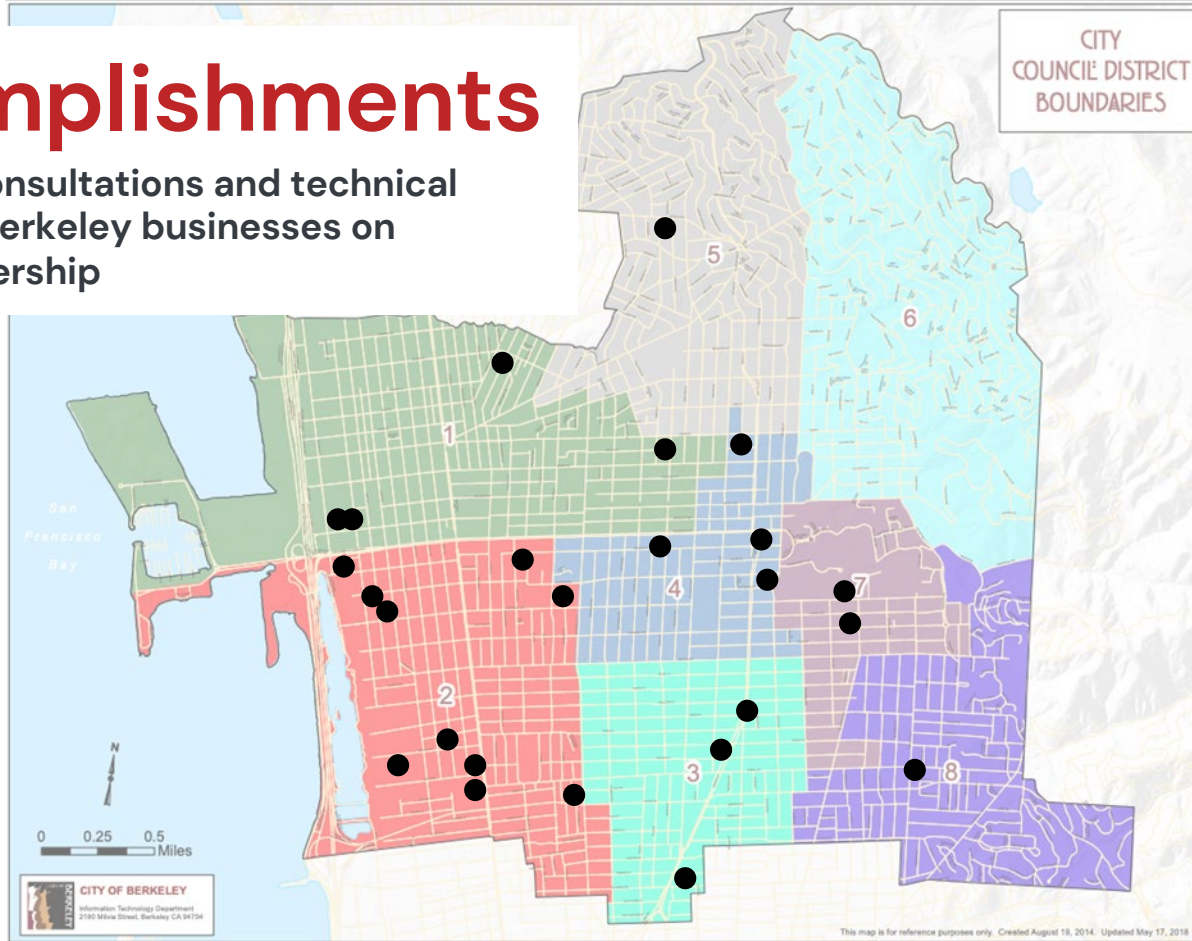


project  
**{EQUITY}**

© 2019 Multiplier on behalf of our program, Project Equity

# Accomplishments

One-on-one consultations and technical assistance to Berkeley businesses on employee ownership



# Accomplishments

One-on-one consultations and technical assistance to Berkeley businesses on employee ownership

## Accommodation and food services

- Restaurant diner
- Butcher shop
- Artisanal chocolate retail business
- Cafe and classical record shop

## Other services

- Window cleaning and gutter-washing business
- Plumbing and heating business
- Inspection and material testing service business

## Manufacturing

- Pasta making business
- Ghee-making business
- Organic nut butter manufacturing business
- Laboratory glassware manufacturing business
- Modular office privacy booth manufacturing business

## Arts, entertainment and recreation

- Gallery and framing business
- Yoga, dance, and movement service business

## Professional services

- Architect and contracting business
- Law firm
- Social and environmentally conscious business consulting
- Landscape architecture firm
- Technology services company
- Translation, interpretation, and transcription service business

## Retail and wholesale trade

- Windchime retail business
- Garden center and nursery
- Guitar retail and repair business
- Men's clothing and shoe retailer
- Urban farm and biodiesel station

{ Project Equity }

## Adams & Chittenden Scientific Glass

“When it came time for us to think about succession, the thought of finding someone to buy us out—given our distinct manufacturing niche—seemed improbable.”



Adams & Chittenden Scientific Glass manufactures laboratory glassware and glass tools for scientific and industrial uses. The business began in Berkeley, CA in 1993.

{ Project Equity }

## The Local Butcher Shop

“Selling to the employees and sustaining the legacy—without having to change our employee structure, change any farmers or ranchers, and continue to keep our community serviced with well-sourced meat—was a no-brainer.”

– *Monica Rocchino, former owner*



The Local Butcher opened in Berkeley, CA in 2011 and provides seasonal, locally-sourced, sustainably-raised, fresh meat from trained chefs and butchers.

# Project Equity's Transition Process

## STEP 1 EXPLORATION

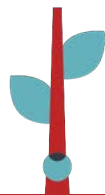
Are you curious to learn how employee ownership can fit your needs?



Free consultations  
Nearly 30 businesses  
across many sectors

## STEP 2 FEASIBILITY

Is employee ownership a solution for you and your business?



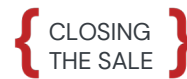
3-4 months  
8 Berkeley  
businesses

## STEP 3 TRANSITION

How will the sale be structured, and the employee-owned business function?



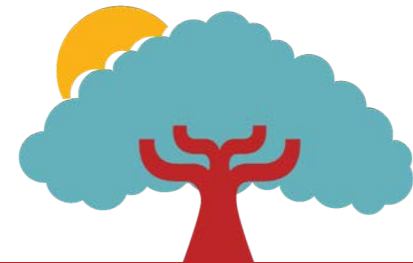
9-15 months  
5 Berkeley  
businesses



Are all the i's dotted and the t's crossed?

## STEP 4 THRIVE

How do the employee-owned business and its owners flourish?



2 years  
5 Berkeley  
businesses

# Accomplishments

Employee ownership transitions



ADAMS & CHITTENDEN  
SCIENTIFIC GLASS COOP



THE LOCAL

BUTCHER & MARKET

**Alternative**  
TECHNOLOGIES

Completing soon



Re-opened as  
Oceanview Diner

Announcing soon  
Local garden center in  
North Berkeley

# Accomplishments

## Webinars & educational events

- Employee ownership 101 for Berkeley small business owners | January 2022
- Employee ownership 101 for Berkeley small business owners | December 2021
- Employee Ownership Strategy: Unlocking the benefits for you and your employees | February 2021
- Berkeley Business Retention Information Session | September 2019
- Berkeley Business Success Forum | June 2019





# Accomplishments

## Webinars & educational events

- Online legal cafes
  - February 2022
  - November 2021
  - February 2021
  - May 2020
- Webinars
  - Subchapter T & how money Flows through a cooperative – March 2021
  - Raising Cooperative Capital – February 2021
  - Teach-in: California Entity Formation Options – Jan 2021
  - Coop Entity Formation for Entrepreneurs – April 2020
- Videos
  - [Subchapter T & How Money Flows Through a Cooperative](#)
  - [Introduction to Cooperative Governance and Management](#)
- Legal representation to worker cooperative clients



Sustainable  
Economies  
Law Center

# Accomplishments

Berkeley local & national press as model for innovation

## San Francisco Chronicle

BIZ & TECH

Employee ownership may help businesses stay open as Boomers retire



Marissa Lang

Feb. 17, 2017 | Updated: Feb. 19, 2017 12:04 p.m.



edible EAST BAY

Berkeleyside

THE DAILY CALIFORNIAN

## HUFFPOST

IMPACT

# This City Has A Radical Plan To Get Rid Of Bosses

As the baby boomers retire, Berkeley, California, wants them to sell their businesses to their workers.



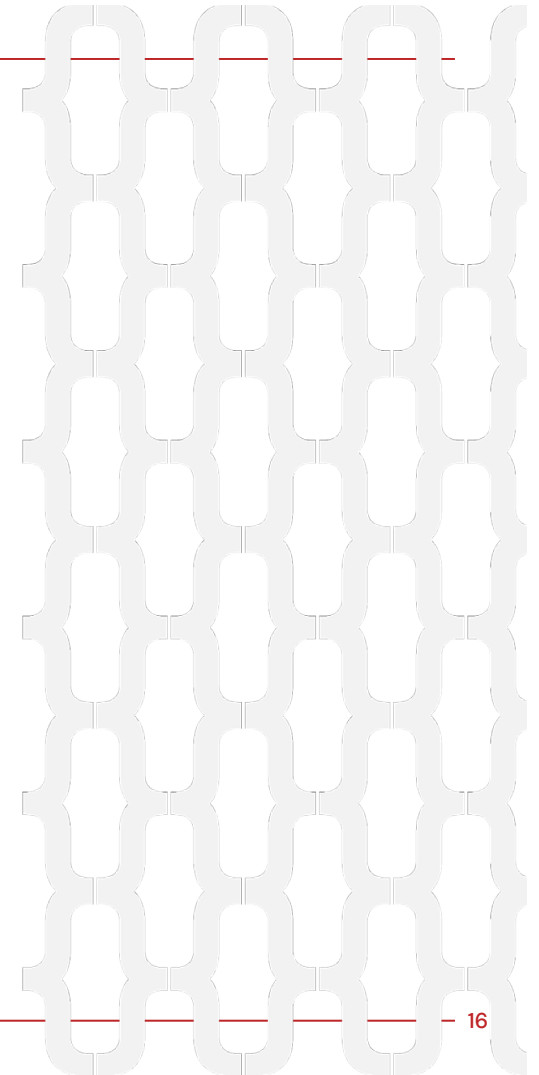
By Robert Raymond

May. 2, 2019, 05:45 AM EDT | Updated May. 3, 2019

## How do we build on this momentum?

We want your feedback on how we can help ensure this work continues. Here are our recommendations:

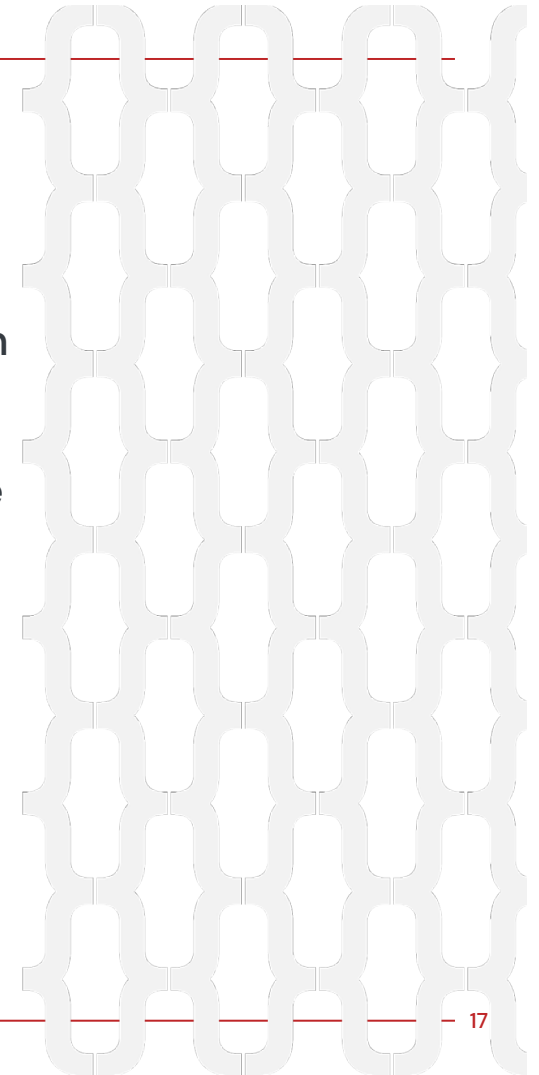
- ✓ Continued engagement with Project Equity for education and technical assistance (2 years, \$50,000 total)
- ✓ Project Equity continues as on-call advisor to businesses in Berkeley that want to transition
- ✓ We also develop and help implement strategies to institutionalize / embed employee ownership within City services (let's hear some ideas on this – next slide!)



## DISCUSSION

### How might we .....

- Measure business retention risk and business retention on an ongoing basis?
- Enable the OED team to find out within 3 clicks of a mouse if a specific business is 20+ years old?
- Ensure that all business-facing City employees know how and when to bring up business succession and employee ownership and who to refer them to speak with?
- Support Berkeley businesses on an ongoing basis to explore, assess, and execute an employee ownership succession?





# Questions & discussion

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# Thank you!

Alison Lingane  
Co-founder  
alison@project-equity.org  
510-684-6665

{ Project Equity }

project-equity.org



Office of the City Manager

INFORMATION CALENDAR  
MAY 31, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Alene Pearson, Acting Director, Planning and Development Department

Subject: On-Call Energy Efficiency Services Contracts through On-Bill Financing

INTRODUCTION

The City is entering into contracts with two energy service providers for on-call services to improve energy efficiency, advance electrification and reduce emissions at municipal facilities, using the Pacific Gas and Electric (PG&E) On-bill Financing (OBF) program. All expenses under these contracts are paid upfront by PG&E, to be repaid by the City through installments on the monthly municipal utility bills to PG&E.

CURRENT SITUATION AND ITS EFFECTS

In order to assess energy efficiency and electrification upgrades at multiple municipal facilities, staff issued a Request for Proposals and selected EverWatt Lighting and Enovity, Inc., two Trade-Pro qualified energy service providers, with previous experience with OBF at other public agencies. Contracting with these energy efficiency service providers for on-call services will accelerate the number of facilities that can be assessed for municipal energy upgrades financed through the OBF program.

Through the On-Bill Financing Program, PG&E will finance all labor and equipment with no-interest loans ranging between \$5,000 and \$250,000 per municipal project, to be repaid on the City's PG&E bills through energy cost savings. Eligible projects must demonstrate modeled savings with a payback of ten years or less and will not require any upfront cost to the City. PG&E verifies the energy savings before authorizing the loan and the monthly loan amount is equal to the projected monthly energy cost savings.

Service providers will evaluate efficiency and electrification opportunities at municipal facilities and determine what measures would result in sufficient savings to qualify for financing. Upgrades to lighting and controls, replacement of gas heating/cooling (HVAC) and water heating systems with high-efficiency electric heat pumps, improved insulation, energy management systems and other energy saving measures will be considered. Once the scope of work and loan amount are determined by the energy service providers, the City and PG&E will enter into a loan agreement for each facility.

The On-Call Energy Efficiency Services contracts for On-Bill Financing projects help advance the City's Strategic Plan Priority Project to develop a Municipal Building Energy Policy. This supports the Strategic Plan goals to:

- help create state-of-the-art, well-maintained infrastructure, amenities, and facilities;
- provide an efficient and financially-healthy City government by saving money on energy costs;
- create a resilient, safe, connected, and prepared City by reducing load on the electric grid, and reducing municipal fossil fuel use and greenhouse gas emissions; and,
- be a global leader in addressing climate change, and protecting the environment.

### BACKGROUND

The City of Berkeley has used PG&E's On-Bill Financing program to finance efficiency projects at the Public Safety Building (approximately \$250,000) and the Spring Animal Shelter (approximately \$20,000). These projects resulted in upgrades to state-of-the-art energy efficient lighting and lighting controls. PG&E paid the contractor directly for all materials and labor. Once the loans are repaid, the energy bills will decrease accordingly.

This program is supported by public purpose funds paid for by all gas and electricity customers, required by the California Public Utilities Commission to advance energy efficiency.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Every approved project will guarantee a reduction in energy use and related emissions. When feasible, equipment that uses natural gas will be replaced with all-electric equipment. Since the City purchases 100% renewable electricity, building electrification supports the elimination of fossil fuels from existing municipal buildings.

### POSSIBLE FUTURE ACTION

These projects will support the transition to municipal buildings to clean electricity. Staff will continue to look for opportunities to integrate this work with other capital improvements such as T1 projects, where energy systems are impacted.

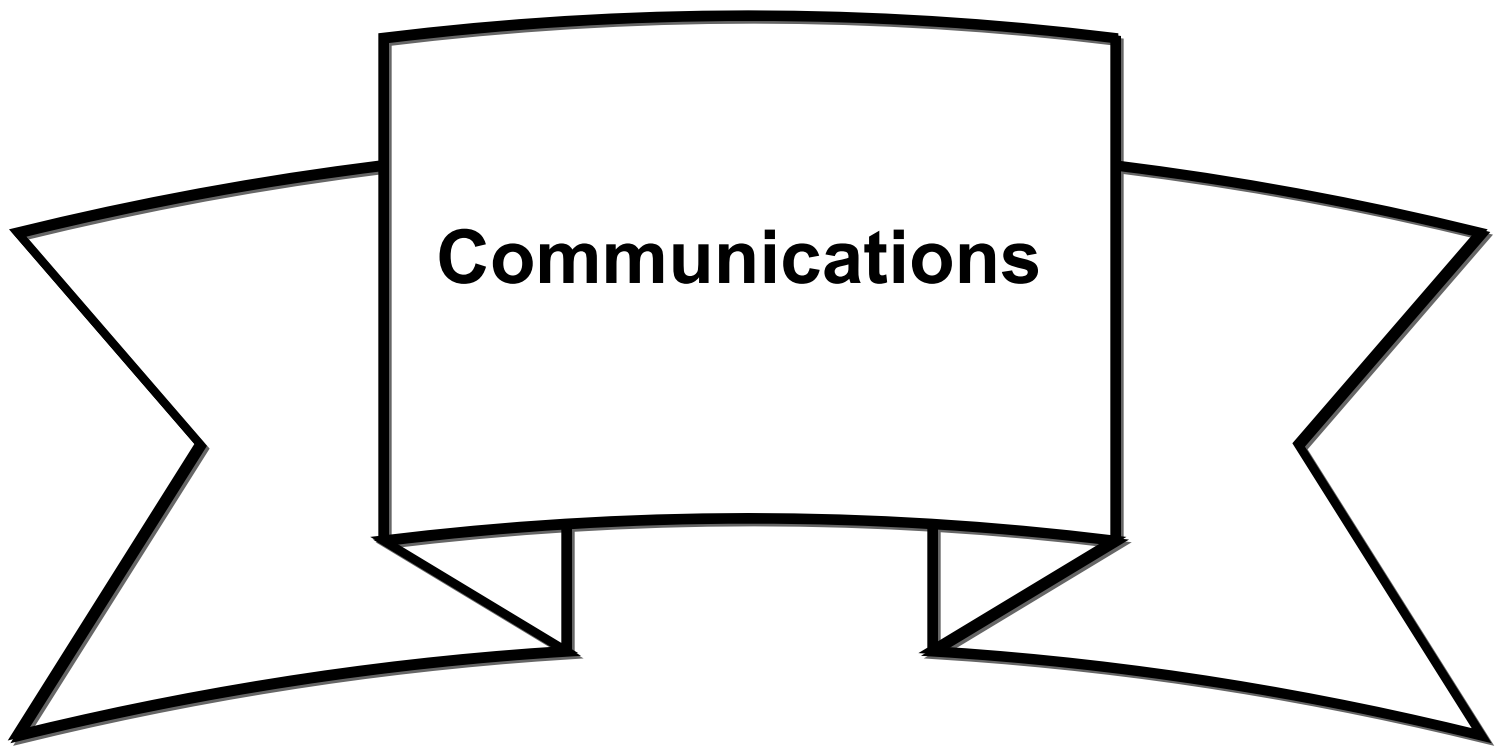
### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

PG&E will finance all upfront costs, which are repaid on monthly bills and covered through savings from increased energy efficiency. There are no additional funds needed from the City. These projects will be coordinated using existing staff resources.

### CONTACT PERSON

Alene Pearson, Acting Director, Planning and Development Department, 510-981-7489  
Billi Romain, Manager, Office of Energy & Sustainable Development, 510-981-7432





All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

**City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**Records Online**

<https://records.cityofberkeley.info/>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF