AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, September 9, 2025
6:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using Zoom. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 154 8622**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

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

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

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

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

Preliminary Matters

Roll Call:

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

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

1. Pledge of Allegiance
2. Adjourn in memory of Chris Peoples, AC Transit Director
3. Adjourn in memory of Malcolm Margolin, Writer, Editor, and Publisher

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

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

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

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

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

Consent Calendar

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

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

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

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

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

Recess Items

1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After City Manager Approval on July 30, 2025
From: City Manager
Recommendation: Ratify the action taken by the City Manager during recess to approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Recess Items

2. Contract: ImageTrend, Inc. for Fire Department Records Management Software
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to enter into a contract with ImageTrend, Inc. for Fire Department Records Management Software (Fire RMS) by piggyback using the Sourcewell Contract No. 030425-IMG for an amount not to exceed $394,736 for the four year base contract period from September 1, 2025 through August 31, 2029 with two (2), three (3) year extensions not to exceed $719,990 from September 1, 2029 through August 31, 2035 with the total contract amount not to exceed $1,114,726.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

3. Contract: Throne Lab Portable Toilet Pilot Program
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess authorizing the City Manager to execute a contract and any amendments with Throne Lab, Inc. to provide a pilot program of portable toilet services for a total amount not to exceed $70,000.
Financial Implications: Various Funds - $70,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

4. Amendment to Contract No. 32100160: Alameda-Contra Costa County Transit District (AC Transit) For EasyPass Program 2021-2025
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 32100160 to cover expenses for the remainder of 2025 for employee transit pass program with an additional $125,086 for a new total amount not to exceed $899,539.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

5. Accessory Dwelling Units (ADUs): Amendments to Title 23 (Zoning) to Comply with State Law and Encourage ADU Development
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,983-N.S. amending Title 23 (Zoning) to bring the City's ADU regulations into compliance with recent changes to State law, to incorporate feedback from the California Department of Housing and Community Development (HCD), and encourage ADU development.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Lunaparra, Humbert, Ishii; Noes – None; Abstain – O'Keefe, Blackaby.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Consent Calendar

6. Establish 2026 City Council Meeting Schedule
From: City Manager
Recommendation: Adopt a Resolution establishing the City Council regular meeting schedule for calendar year 2026, with starting times of 6:00 p.m.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

7. Voting Delegates – League of California Cities Annual Conference
From: City Manager
Recommendation: Designate Councilmember Lunaparra as the voting delegate and Councilmember Humbert as the alternate for the General Assembly of the Annual League of California Cities conference to be held on Friday, October 10, 2025, in Long Beach.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900

8. Contract: African American/Black Professional Community Network for Project Sankofa
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with African American/Black Professional Community Network (AABPN) with Healthy Black Families as the fiscal sponsor for the African American Holistic Resource Center, Project Sankofa, which will be funded through the State of California Mental Health Services Act (MHSA) Community Services and Supports funds, for a not to exceed amount of $300,000, through June 30, 2026.
Financial Implications: State of California Mental Health Services Act Fund - $300,000
Contact: Paul Buddenhagen, City Manager, (510) 981-7000

9. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 9, 2025
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - $1,250,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

10. Authorization to Accept One-Time $10,000 Stipend for Service on the California Local Government Agency Executive Committee
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to accept a $10,000 stipend award, for Fiscal Year 2026, from Santa Cruz County Health Services Agency. This funding will support the City of Berkeley's Health, Housing, and Community Services Department's Medi-Cal Administrative Activities Program.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

11. Reserving Predevelopment Funds for the Development of Affordable Housing on the Ashby BART West Lot
From: City Manager
Recommendation: Adopt a Resolution to: 1. Reserve $2 million for Resources for Community Development (RCD) to support the development of affordable housing at Ashby BART West Lot. 2. Authorize the City Manager or designee to execute all original or amended documents or agreements to effectuate this action.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

12. Contract No. 32400192 Amendment: GovernmentJobs.com (dba NEOGOV) for Online Data Management Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400192 with GovernmentJobs.com (dba NEOGOV) for online data management services including applicant tracking, onboarding, and learning management to increase the contract by $71,115 for a total contract amount not to exceed $180,000.
Financial Implications: Various Funds - $71,115
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

13. Grant Agreement Amendment with State Coastal Conservancy to reallocate $1.7M to a) the Bay Trail Segment at Shorebird Park (design phase) and b) recreation improvements at the Gateway Pier and the J&K Parking Lot
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a grant agreement amendment with the State Coastal Conservancy (SCC) to re-allocate $1.7M in unspent funds from the Cesar Chavez Park Perimeter Trail Project to a) the Bay Trail Segment at Shorebird Park (design phase) and b) recreation improvements at the Gateway Pier and the J&K Parking Lot.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

14. Reject All Bids Associated with Cesar Chavez Park Perimeter Pathway Improvement Project
From: City Manager
Recommendation: Adopt a Resolution rejecting all bids for the work associated with the Cesar Chavez Park Perimeter Pathway Improvement Project (Bid Specification No. 25-11702-C) in order to return bidder proposal guarantees.
Financial Implications: None
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

15. Ordinance Amendment Relating to the Memorandum of Understanding (MOU) Compendium; Amending Berkeley Municipal Code Section 2.04.190
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 2.04.190 to revise the required frequency of City Council approval for agreements, understandings, or policies between the Berkeley Police Department and other law enforcement agencies or private organizations.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

16. Grant Acceptance and Execution for the Codornices Creek Restoration at Ninth Street Bend Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to: 1. Execute a $500,000 funding agreement with the Department of Water Resources and any amendments thereto for the Codornices Creek Restoration at Ninth Street Bend Project. 2. Authorize submission of any required documents, invoices, and reports required to obtain grant funding.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

17. Allocation Request: MTC Safe Routes to Transit and Bay Trail Program: Adeline Street Quick Build
From: City Manager
Recommendation: Adopt a Resolution authorizing the Public Works Department to submit a grant funding allocation request to the Metropolitan Transportation Commission (MTC) for the Adeline Street Quick-Build project.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

18. Contract No. 32500001 Amendment: CESCORP, dba Cal Elite Builders for Corp Yard City Fleet EV Charger Project. Specification No.23-11546-C
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32500001 with CESCORP dba Cal Elite Builders to complete the installation of electric vehicle chargers and related work at the Corporation Yard, increasing the current not to exceed contract amount of $814,680 by $140,000 for a total amount not to exceed $954,680.
Financial Implications: Various Funds - $140,000
Contact: Terrance Davis, Public Works, (510) 981-6300

19. Contract: Mar Con Builders, Inc. for the Corporation Yard Green Room and Building H Improvements Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Corporation Yard Green Room and Building H Improvements Project, Specification No. 25-116706-C; and 2. Accepting the bid of Mar Con Builders, Inc. as the lowest, responsive, and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until the Project is completed in accordance with the approved plans and specifications for an amount not to exceed $2,170,003, which includes a contingency of $283,004.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

20. Contract: Bayview Industrial Services, Inc. for Removal of Transfer Station Underground Storage Tanks Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for Removal of Transfer Station Underground Storage Tanks; and 2. Accepting the bid of Bayview Industrial Services, Inc. as the lowest, responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or change orders until the Project is completed in accordance with the approved plans and specifications for an amount not to exceed $292,200, which includes a contingency of $48,360.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

21. Contract Amendments: On-Call Civil Engineering Services, CSW Stuber-Stroeh Engineering Group, Inc. and SCI Consulting Group Inc.
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute contract amendments for on-call civil engineering, construction management and various assessment related services for capital improvement projects increasing each contract amount and extending the term of the contracts to December 31, 2027.
1. Contract No. 32300080 with CSW Stuber-Stroeh Engineering Group increasing the spending authority by $750,000, for an amount not to exceed $2,2500,000.
2. Contract No. 32300110 with SCI Consulting Group Inc. increasing the spending authority by $100,000 for a total not to exceed $400,000.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Council Consent Items

22. Budget Referral: 9th Street Linear Park Design Phase
From: Councilmember Taplin (Author)
Recommendation: Refer to the November 2025 (FY25) AAO1 Process $75,000 to fund the 9th Street Linear Park Design Phase.
Financial Implications: $75,000 and staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

23. Waterside Workshops: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds
From: Councilmember Taplin (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember, including $500 from Councilmember Taplin, to support the Waterside Workshops in celebration and execution of The Land and Sea Party 2025.
Financial Implications: Councilmember's Discretionary Funds - $500
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action Calendar

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

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

Action Calendar

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

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

Action Calendar – New Business

24. Contract: Flock Safety for Condor Fixed Surveillance Cameras
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Flock Safety to provide Condor fixed surveillance cameras and services for an initial four-year term, in an amount not to exceed $310,000, with an option to extend the contract for one additional three-year term, for a total contract amount not to exceed $600,000.
Financial Implications: General Fund - $600,000
Contact: Jennifer Louis, Police, (510) 981-5900

25. Proposed Sanctuary City Ordinance – Council Referral; Adding Berkeley Municipal Code Chapter 13.114
From: City Attorney
Recommendation: Adopt a Sanctuary City Ordinance (BMC 13.114) to codify the City's sanctuary policy into the Berkeley Municipal Code.
Financial Implications: Staff time
Contact: Farimah Brown, City Attorney, (510) 981-6950

Information Reports

26. Fire Hazard Severity Zone 0 Implementation Plan
From: City Manager
Contact: David Sprague, Fire, (510) 981-3473

27. Update on the 2019 Berkeley Fire Prevention Division City Audit
From: City Manager
Contact: David Sprague, Fire, (510) 981-3473

28. Landmark Preservation Ordinance Notice of Decision: 2328 Channing Way Way/#LMSAP2025-0004
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

29. Landmark Preservation Ordinance Notice of Decision: 2135 Martin Luther King Jr. Way (Civic Center Park)/#LMSAP2025-0005
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Information Reports

30. Update on Implementation Progress of Citygate's Workload Organizational Study of the Police Department
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900

31. Fair Campaign Practices Commission FY 2025-2026 Work Plan
From: Fair Campaign Practices Commission
Contact: Sam Harvey, Commission Secretary, (510) 981-6950

32. Open Government Commission FY 2025-2026 Work Plan
From: Open Government Commission
Contact: Sam Harvey, Commission Secretary, (510) 981-6950

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: berkeleyca.gov/council-agendas.
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

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

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

Agendas, agenda reports, and revised/supplemental material may be accessed via the online agenda for this meeting at: berkeleyca.gov/council-agendas
and may be accessed at reference desks at the following locations:

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

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

COMMUNICATION ACCESS INFORMATION:
This meeting is being held in a wheelchair accessible location.
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at ada@berkeleyca.gov, (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date.

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

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

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

~~~~~~

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 August 28, 2025.

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.

Item #5: Accessory Dwelling Units (ADUs): Amendments to Title 23 (Zoning) to Comply with State Law and Encourage ADU Development

1. James M. Lloyd

School Buses

2. Riti Dhesi

SB79

3. Margots999
~~~~~~

Property Concern
4. Rajendra Sahai

Civic Center Park
5. Moni T. Law
6. Martin Bourque
7. John Caner
8. Erica Wandner
9. Melanie Lawrence

Hayward Fault
10. Richard Schwartz (7)

Short Term Rental Concern
11. Ramona Cavanaugh

EMBER
12. Susan McCutchan (2)
13. Candace Hyde-Wang
14. Erik Fowle
15. Cynthia Sue Larson (2)
16. Alliance for Practical Fire Solutions

Construction Completion Bonds
17. David Lerman

Police Authority Concern
18. Amos Andrews

Property Transfer Concern
19. David Lerman
20. Andrew Browning
21. Zackary Warren Young

Electric Bikes
22. Jim McGrath

Landlines
23. Cindy Sue Larson

Ada & California Street
24. Heath Maddox

Street Sweeping
25. Mark Chekal

RV Parking Concern
26. John Hershberger
27. Shok Saidmuradov
28. Eric Mason
29. Aaron Shores

Train Horn Quiet Zone
30. Brittany Ferrero

Elmwood Corridor Workshop
31. Peter Allen

Road Paving
32. Brendan Madden

Whale Memorial
33. Ben Grundy

Parking Enforcement Concern
34. Tatiana Wiggins

Crime in Berkeley Concern
35. Cecelia Mautner

IGLTA Global Convention
36. Jeffrey Church

Scientific Adventures for Girls
37. Amy Miller

Berkeley Co-Ops
38. Bernard Marszalek

Half Price Books
39. Summer Brenner

Public Service Delivery
40. Tracy Eaves

AI Use
41. Raj Abhyanker

ICE Concerns
42. Andrew Doran
43. Kitt Saginor

44. Marilyn McMahon

Mutual Aid
45. Moni T. Law

Micro-mobility Services
46. David Shere

Large Vehicle Parking
47. Douglas Smith
48. Beth Roessner

Message for Berkeley
49. Glenda (2)

Flock ALPRs
50. Todd Andrew

Encampments
51. John Waters (2)
52. Erin Rosenberg
53. Jennifer Kamenetz and family
54. Miriam Walden
55. Diana Penney
56. Andrew Graham
57. Cynthia Green

9th Street & Grayson Street
58. Tracy Schrider

Supportive Housing
59. Moni T. Law

Noise Pollution
60. Rod Richardson (4)

Advancing Parenting
61. David Dooley

Traffic Safety
62. Mdbcnm
63. Rachel Bradley

Public Safety Concern
64. Varun Paul
65. Jacques Janson

Oxford Elementary
66. Aimee Baldwin
67. Darrell Owens

Affordable Housing
68. S. Entwistle
69. Kaden Nguyen
70. Candace Hyde-Wang

Middle Housing
71. Michael Smartt
72. John J. Parman
73. Tora Spigner (2)
74. Lorenzo Washinton (2)
75. Center for Food, Faith & Justice CCFJ
76. Willie Phillips
77. Moni T. Law

Age-Friendly Action Plan
78. Barbara Anscher

California Housing supply
79. Margots999

City Video
80. Jason Ybarra
81. AKO2 Account (2)
82. Nick Katsenis

2138 Kittredge AB1633
83. Carol Bagshawe

Proclamation Inquiry
84. Aaron Lowe

Woolsey Concern
85. Beatrice Huff

Mayor's Summit
86. Lisa Katz

San Diego's Solution
87. David Freeling

Berkeley Fire Safety
88. Cynthia Sue Larson

Fire & Building Safety
89. Hector91 Phuentes

Summer Break
90. Gael Alcock

Fire Evacuation Planning
91. Matthew Lewis

California Theatre
92. Charlene M. Woodcock

Tilden Botanical Garden
93. Angie

Public Comment
94. Stephen Alpert (2)

Council Decisions
95. S. Entwistle

HWCAC
96. Mary-Claire Katz on behalf of the Human Welfare and Community Action Commission

LPC Decisions
97. Tasha (2)
98. Megan Micco
99. Paul Chapman
100. David Shiver
101. Jeff Lipton

City's Future Plan
102. John J. Parman

Lot Division @ 1650 5th Street
103. Margot Smith

Turtle Island Monument
104. John Curl (2)

Swim Lessons
105. David Lerman

Civil Rights Concern
106. Jonnyruel Holder

Up-zoning
107. Patricia Wilson
108. Maxwell Davis

1231 Addison Street
109. Lisa Bruce

Community Health Day
110. Ashley Campos

Measure W Work Session
111. John Caner

RPP Renewal Concern
112. Barbara Gilbert (2)
113. Chris Grier

Local Affects of Federal Budget
114. Kellie Stoddart

Decorum and Civility
115. Berkeley Neighborhoods Council

Secure Bicycle Parking
116. David Lerman

Sunset Celebration
117. Jeffrey Church

Berkeley's Financial Future
118. John Hitchen

Air Quality
119. Evangeline Poulos
120. Justin L.

Street Safety
121. Todd Andrew (2)

Courtyard Housing
122. John J. Parman

Crosswalk Safety Concern
123. David Lerman

Evacuation Map
124. Margot Smith

Housing Concerns
125. Baiyu Chen Be (2)
126. Vincent Chen
127. Jodi Schiller
128. Hector91 Phuentes (4)
129. Alex S. Merenkov (5)
130. Alesia Williams (3)
131. Margaret Mele
132. Gill Manreet

The Grubb Co.
133. DJ Grubb

Heads Up
134. Boona Cheema

Forwards
135. Eid's TV and Electronics
136. Cheryl Davila

E-Scooters
137. Robert Borghese (12)
138. Robert Byler
139. Sandra Sanchez (3)

Middle East Conflict
140. Ayla Azim
141. Nicoletta Karam (3)
142. Crustyrusty (3)
143. Caterina Newman
144. Russbumper
145. Matt O'Brien

URL's
146. Russbumper (12)
147. Crustyrusty
148. Nicoletta Karam
149. Andrea Pritchett
150. Inetjalopy

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.

01

Office of the City Manager

RECESS ITEM
CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After City Manager Approval on July 30, 2025

RECOMMENDATION

Ratify the action taken by the City Manager during recess to 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.

NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS

Approving this solicitation will allow the Department to establish a new vendor to provide Advanced Firefighter Personal Protective Equipment (PPE) cleaning, repair, and decontamination services. If the solicitation process does not move forward during the recess, the current contract will expire without a replacement in place, creating a gap in this essential service.

Maintaining uninterrupted PPE maintenance is critical for ensuring firefighter safety, health, and regulatory compliance.

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is

Project	Fund	Source	Amount
Advanced PPE Cleaning & Inspections	011-72-742-835-0000-000-422-612990- 147-72-742-835-0000-000-422-612990-	General Fund UC LRDP	$25k $24k

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 goods and/or services.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Roopreet Walia-Soorma, Senior Buyer, Finance, 510-981-7311

Attachments:

1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 30, 2025

a. Advanced PPE Cleaning & Inspections

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
26-11753-C	Advanced PPE Cleaning & Inspections	9/10/2025	10/10/2025	Vendor to conduct advanced cleaning, inspection and repair of firefighter personal protection equipment	$200,000.00	011-72-742-835-0000-000-422-612990 $25k 147-72-742-835-0000-000-422-612990 $24k	Fire	David Sprauge 510-981-3473
TOTAL					**$200,000**			

02

Office of the City Manager

RECESS ITEM
CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David Sprague, Fire Chief

Subject: Contract: ImageTrend, Inc. for Fire Department Records Management Software

RECOMMENDATION

Adopt a Resolution ratifying the action taken by the City Manager during recess to enter into a contract with ImageTrend, Inc. for Fire Department Records Management Software (Fire RMS) by piggyback using the Sourcewell Contract No. 030425-IMG for an amount not to exceed $394,736 for the four year base contract period from September 1, 2025 through August 31, 2029 with two (2), three (3) year extensions not to exceed $719,990 from September 1, 2029 through August 31, 2035 with the total contract amount not to exceed $1,114,726.

NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS

Approval of the contract to implement this Fire Department Records Management Software during the council recess is urgently needed to ensure the department meets the federally mandated transition to the National Emergency Response Information System (NERIS) by January 1, 2026. As outlined by the U.S. Fire Administration, all fire departments nationwide must complete the shift from the legacy NFIRS system to NERIS by that date, as NFIRS will no longer accept incident data for 2026 and beyond. Delaying approval would postpone onboarding, significantly reducing the department's time to implement, test, and train on the new system. Early engagement is essential to ensure a smooth and timely transition, avoid any disruption in incident reporting, and maintain eligibility for federal grants and programs tied to compliance with NERIS reporting standards.

FISCAL IMPACTS OF RECOMMENDATION

All funds required to pay for this contract are in the Department's baseline operating budget. Funding sources may include but are not limited to UC Settlement Agreement, Measure FF and the General Fund.

Description	Qa	Type	Unit Price	Total
CAD Distribution	1	Recurring	$3,280.00	$3,280.00
Onsite Training Session - 8 Hours	3	One Time	$1,476.00	$4,428.00
Travel	1	One Time	$1,435.00	$1,435.00
Staffing Solution Integration	1	Recurring	$2,870.00	$2,870.00
Modules Setup & Implementation	3	One Time	$184.50	$553.50
Elite™ Rescue Premier - SaaS	1	Recurring	$66,420.00	$66,420.00
Elite™ Rescue Premier - Setup & Implementation	1	One Time	$16,605.00	$16,605.00
			One-Time Implementation Cost:	$23,021.50
			FY26 Recurring Cost:	$72,570.00
			FY26 Contingency (15%)	$10,855.50
			Anticipated FY26 Total:	$106,447.00

The annual recurring cost will escalate by five percent (5%) per year. The total contract, inclusive of all extension years, cost escalation and a fifteen percent (15%) contingency shall not exceed $1,114,726.

CURRENT SITUATION AND ITS EFFECTS

The U.S. Fire Administration is mandating a nationwide transition from the legacy National Fire Incident Reporting System (NFIRS) to the National Emergency Response Information System (NERIS), with full implementation required by January 1, 2026. NERIS is a modern, cloud-based platform designed to streamline and enhance national emergency response data collection and provide more actionable insights. As NFIRS will no longer accept incident data beginning in 2026, fire departments must transition their reporting infrastructure and processes to NERIS before that date to remain compliant and avoid service disruptions.

To support the transition to NERIS and improve overall data management, this contract will allow the department to implement a new records management software from ImageTrend. This new RMS will consolidate several currently fragmented data sets; emergency incident reports (NERIS), fire prevention inspections, investigation records, and emergency health records, into a single, integrated platform. In addition to supporting NERIS compliance, ImageTrend will be another key step in the department's ongoing transition toward more effective data analysis and informed decision-making. By consolidating multiple data sources and streamlining reporting, the software will strengthen the department's ability to generate insights, improve operations, and plan strategically for the future.

A working group made up of representatives from each fire department in Alameda County reviewed available vendors and collectively recommended ImageTrend as the best solution. For decades, the Electronic Health Records (EHR) module has been uniform across the county, allowing agencies to align data collection and operational practices. ImageTrend itself has a 25-year history as a leading provider of fire and EMS data management solutions nationwide, with a proven track record of reliability and innovation in the marketplace. In addition to the countywide review, the Fire Department conducted its own internal evaluation process, bringing in representatives from every impacted division to ensure all operational and administrative needs were considered. This included numerous meetings with the vendor, during which staff carefully analyzed each module to confirm functionality, usability, and overall fit for our organization. Berkeley is one of the last departments in Alameda County to complete the process of transitioning to ImageTrend. By aligning with the same vendor, our city benefits from shared expertise, consistent data reporting, and improved interoperability across departments.

BACKGROUND

The department's current RMS vendor will not be making the transition from NFIRS to NERIS, forcing the department to switch platforms. Additionally, maintaining multiple disparate RMS within the Fire Department has created significant inefficiencies across several critical areas. From an operational standpoint, staff must navigate different platforms for incident reporting, fire prevention, investigations, and health records, resulting in duplicated efforts, inconsistent workflows, and increased chances of error.

Managing multiple vendor contracts adds an administrative burden and complicates procurement. Additionally, employee training becomes more time-consuming and fragmented, as personnel must learn and maintain proficiency in several systems. Perhaps most critically, data sharing across platforms is limited or nonexistent, making it difficult to generate comprehensive reports or conduct meaningful analysis to support informed decision-making. A unified RMS addresses all of these challenges by centralizing operations into a single, streamlined platform.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental or climate impacts related to this item.

RATIONALE FOR RECOMMENDATION

1. The department's current RMS vendor will not be making the transition from NFIRS to NERIS, forcing the department to switch platforms.

2. To improve operational efficiency and streamline internal processes by consolidating multiple critical systems into a single, comprehensive Records Management System (RMS). The proposed solution will unify the Department's EMS Electronic Health Records software, Fire Prevention Inspection and Investigation software, National Fire Incident Reporting System (NFIRS), and data analytics tools into one integrated platform. This consolidation will reduce the number of software applications that employees must learn and navigate, enhancing user experience and productivity. It will also decrease reliance on multiple vendors, simplifying vendor management and support processes for staff. Importantly, integrating these systems will enable better transfer of data between modules, allowing for more seamless workflows and improved accuracy. It will also enhance our ability to analyze data across all functional areas, leading to more informed decision-making and improved service delivery.

3. To keep the Department's Electronic Health Records (EHR) module of fire department Records Management Systems uniform with other departments across the county, allowing agencies to align data collection and operational practices.

ALTERNATIVE ACTIONS CONSIDERED
The department must move to a new RMS because the current vendor is not upgrading its software from NFIRS to NERIS.

CONTACT PERSON
David Sprague, Fire Chief, (510) 981-3473,

Attachments:
1: Resolution

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

CONTRACT: IMAGETREND, INC. FOR FIRE DEPARTMENT RECORDS MANAGEMENT SOFTWARE

WHEREAS, the U.S. Fire Administration is requiring all fire departments to transition from the National Fire Incident Reporting System (NFIRS) to the National Emergency Response Information System (NERIS) by January 1, 2026, at which point NFIRS will no longer accept incident data; and

WHEREAS, the Berkeley Fire Department must implement a new Records Management Software (RMS) capable of meeting the NERIS reporting requirements to maintain compliance and ensure continued access to federal funding and programs; and

WHEREAS, the Department must move to a new RMS because the current vendor is not upgrading its software from NFIRS to NERIS; and

WHEREAS, maintaining the Department's current suite of disparate software systems is inefficient, requiring additional staff training, duplicative contract management, and limiting the ability to analyze and share data effectively; and

WHEREAS, all funds required to pay for this contract are in the Department's baseline operating budget including but not limited to UC Settlement Agreement, Measure FF and the General Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council hereby ratifies the action taken by the City Manager during recess to execute a contract with ImageTrend, Inc. for the implementation of a Fire Department Records Management Software by piggyback using the Sourcewell Contract No. 030425-IMG for an amount not to exceed $394,736 for the four year base contract period from September 1, 2025 through August 31, 2029 with two (2), three (3) year extensions not to exceed $719,990 from September 1, 2029 through August 31, 2035 with the total contract amount not to exceed $1,114,726.

03

Office of the City Manager

RECESS ITEM
CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Contract: Throne Lab Portable Toilet Pilot Program

RECOMMENDATION
Adopt a Resolution ratifying the action taken by the City Manager during recess authorizing the City Manager to execute a contract and any amendments with Throne Lab, Inc. to provide a pilot program of portable toilet services for a total amount not to exceed $70,000.

NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS
The portable toilets from Throne Lab, Inc. have technology that provides information to evaluate this service and decide on next steps. A delay would mean that sufficient data will not be collected during the higher-use months of the Fall.

FISCAL IMPACTS OF RECOMMENDATION
Funds for the four-month portable toilet pilot program will be provided by the General Fund (011) ($35,000) and Parks Tax Fund (138) ($35,000).

CURRENT SITUATION AND ITS EFFECTS
In the summer of 2025, after reviewing a range of vendors of portable restrooms, staff found Throne Labs, Inc., a vendor with high quality portable restrooms with electronic access controls and monitoring capabilities already being successfully operated in Los Angeles, Michigan, Washington D.C., and the Bay Area, including Martinez, Palo Alto, Redwood City and Sunnyvale. Sufficient funds have been identified to conduct a four (4) month pilot program to operate two Throne Lab portable restrooms and collect usage data at Cesar Chavez Park and Civic Center Park in Berkeley. Staff will evaluate Throne's restrooms' effectiveness, impact and comparative cost to other temporary and permanent restroom solutions.

BACKGROUND
The Citywide Restroom Study of 2020 performed an evaluation of existing public restrooms, a community input process, and research into ecologically-friendly restrooms

with the goal of providing recommended locations and types and conceptual designs for upgrades of existing and new public restroom solutions in Berkeley.[1] The study recommends monitoring permanent and portable restrooms to provide information about how many people use which restrooms when, and what was their experience. This information can help the City better meet the needs of the public with optimized hours of operation and frequency of cleaning.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Providing public restrooms may help reduce open defecation which impacts stormwater and public health. There are no identifiable climate impacts associated with the recommendation contained in this report.

RATIONALE FOR RECOMMENDATION

Throne Labs, Inc. has been successful in providing effective portable public toilets with electronic access controls and data monitoring capabilities in Los Angeles, Michigan, Washington D.C., and the Bay Area, including Martinez, Palo Alto, Redwood City and Sunnyvale. A four-month pilot program in Berkeley will provide the City with the information needed to evaluate Throne's restrooms' effectiveness and help the City potentially expand cost-effective public restroom amenities that best meet the City's needs in the future.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks, Recreation & Waterfront Department, 981-6700

Attachments:
1: Resolution

[1] https://berkeleyca.gov/sites/default/files/documents/Citywide%20Restroom%20Study%20and%20Executive%20Summary%20-%202020-10-06%20-%20Final.pdf

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

CONTRACT: THRONE LAB PORTABLE TOILET PILOT PROGRAM

WHEREAS, the Citywide Restroom Study of 2020 performed an evaluation of existing public restrooms, a community input process, and research into ecologically-friendly restrooms with the goal of providing recommended locations and types and conceptual designs for upgrades of existing and new public restroom solutions in Berkeley; and

WHEREAS, the study recommends understanding how many people use which restrooms when, and what was their experience. This information can help the City better meet the needs of the public with optimized hours of operation and frequency of cleaning; and

WHEREAS, in the summer of 2025, after reviewing a range of vendors of portable restrooms, staff found Throne Labs, Inc., a vendor with high quality portable restrooms with electronic access controls and data monitoring capabilities already being successfully operated in Los Angeles, Michigan, and Washington D.C., and the Bay Area; and

WHEREAS, sufficient funds are available in the General Fund 011 ($35,000) and the Parks Tax Fund 138 ($35,000) to conduct a four-month pilot program to operate two Throne Lab portable restrooms at Cesar Chavez Park and Civic Center Park.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager during recess to execute a contract and any amendments with Throne Lab, Inc. to provide a pilot program of portable toilet services for a total amount not to exceed $70,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

Office of the City Manager

RECESS ITEM
CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Contract No. 32100160 Amendment: Alameda-Contra Costa County Transit District (AC Transit) For EasyPass Program 2021-2025

RECOMMENDATION

Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 32100160 to cover expenses for the remainder of 2025 for employee transit pass program with an additional $125,086 for a new total amount not to exceed $899,539.

NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS

If delayed until after recess, the required timeline for the City's internal contract execution would exceed the deadline to remit payment to AC Transit to ensure ongoing coverage of employees utilizing this commuter benefit. Non-payment would lead to additional car trips by City staff, additional congestion around City facilities and would impact available public parking in areas surrounding City facilities.

FISCAL IMPACTS OF RECOMMENDATION

Currently, $35,869 is available in Contract No. 32100160 which had an original not to exceed amount of $774,453. The additional $125,086 is available in the General Fund Payroll Deduction Trust Fund. This same fund has historically covered this expense.

CURRENT SITUATION AND ITS EFFECTS

The City and AC Transit formed a partnership to establish an employee transit pass program in 2002 to provide all eligible City employees unlimited rides on all AC Transit buses. Delay in payment may result in program disruption.

By continuing to provide this employee benefit program, the City remains a model employer for Berkeley businesses required to offer a Commuter Benefit Program (Berkeley Municipal Code 9.88) or Trip Reduction Information Program.

The City's contract with AC Transit was previously managed by Public Works, but as it is a benefit provided to City staff, it is moving under the management of the Human

Resources Department. The amount reflected in this Resolution, corresponds to an amount that had been previously billed to the City amid a staffing vacancy in Public Works and serves to close the current contract, prior to execution of a new contract for the next five-year period.

Maintaining funding for AC Transit's Easy Pass for City staff is in alignment with the City's Strategic Plan Priorities, advancing the goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment, while attracting and retaining a talented and diverse City government workforce.

BACKGROUND

Council previously approved extension of the program since its inception in 2002, again in 2015 (Resolution No. 66,888-N.S.) and in 2021 (Resolution 69,663-N.S.). While it is customary for the City to extend Requests for Proposals to manage expenditures of this size and duration, AC Transit is the sole public transit provider able to meet the program requirement and the City must execute a contract directly with the public agency. A new contract will be executed for future years, as this Amendment only covers the remainder of 2025.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By maintaining the AC Transit EasyPass Program, the City is reducing vehicle miles traveled in individual vehicles and reducing associated greenhouse gasses by encouraging staff to utilize public transit.

RATIONALE FOR RECOMMENDATION

Without payment, there may be a disruption in service provided to City staff,

ALTERNATIVE ACTIONS CONSIDERED

There is not another public transit agency that can provide the associated services within this contract. Nonpayment would cause a disruption in service for staff depending on utilizing the EasyPass program for their workday commute. This is an ongoing benefit provided to City staff, which staff rely on to commute to their associated City workplaces.

CONTACT PERSON

Amanda Montez, Senior Management Analyst, Public Works, (510) 981-6317

Attachments:
1: Resolution

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

CONTRACT NO. 32100160 AMENDMENT: ALAMEDA-CONTRA COSTA COUNTY TRANSIT DISTRICT (AC TRANSIT) FOR EASYPASS PROGRAM 2021 TO 2025

WHEREAS, in January 2002 the City and AC Transit formed a partnership to establish an employee transit pass program to provide all eligible City employees unlimited rides on all AC Transit buses; and

WHEREAS, the concentration of public bus service in Berkeley and the size of the City's workforce support an employee pass program with the Alameda-Contra Costa Transit District (AC Transit); and

WHEREAS, the EasyPass program is a proven and popular benefit encouraging use of public transit for City employees, and contributing to reduction in the use of single occupancy vehicles for work and recreational travel; and

WHEREAS, by continuing to provide this employee benefit program, the City remains a model employer for Berkeley businesses required to offer a Commuter Benefit Program (Berkeley Municipal Code 9.88) or Trip Reduction Information Program; and

WHEREAS, since forming a partnership in 2002 to establish the EasyPass (then EcoPass) Program, the City of Berkeley and AC Transit has offered employees unlimited usage passes for all AC Transit local and Transbay buses; and

WHEREAS, the Council has approved extension of the program since its inception in 2002, again in 2015 (Resolution No. 66,888-N.S.) and most recently in 2021 (Resolution 69,663-N.S.); and

WHEREAS, the funding for the contract period beginning in 2021 and ending in 2025 was not sufficient to cover staff needs, which require an amendment to add $125,086 for a new total amount not to exceed $899,539; and

WHEREAS, $35,869 is available in contract #32100160 which had an original not to exceed amount of $774,453. An additional $125,086 is available in the General Fund Payroll Deduction Trust Fund to cover the amount needed to remit full payment for the 2025 calendar year.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council ratifies the action taken by the City Manager to execute an amendment to Contract No. 32100160 with the Alameda- Contra Costa County Transit District (AC Transit) for the continuation of the EasyPass annual bus transit pass program for City of Berkeley employees adding $125,086 for a new amount not to exceed $899,539 for the 5-year period January 1, 2021 through December 31, 2025.

05

ORDINANCE NO. 7,983-N.S.

AMENDMENTS TO BERKELEY MUNICIPAL CODE TITLE 23 (ZONING) RELATED TO ADUS

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

Section 1. That Berkeley Municipal Code Section 23.306.010(A) is amended to read as follows:

A. Implement California Government Code Sections 66314 through 66339.

Section 2. That Berkeley Municipal Code Section 23.306.020(C) is amended to read as follows:

C. *Density Exemption and Growth Limits*. ADUs are considered an accessory use consistent with the parcel's General Plan and zoning designation, shall not count toward the allowable density, and shall not be subject to any local ordinance, policy, or program that limits residential growth.

Section 3. Specific Findings:

A. The intent of Berkeley's Hillside Overlay zone, as set forth in BMC 23.210.020, is to protect the safety and health of residents in an area comprised of Berkeley's Very-High Fire Hazard Severity Zones and Wildland-Urban Interface (WUI) Fire Areas. The Hillside Overlay has unique conditions, including limited transit access, steep topography, proximity to forested wild land, and vegetation that create a high risk of wildfires, earthquakes, and landslides. These hazards put residents of the Hillside Overlay at greater risk than residents of other parts of the City.

1. On March 18, 2025 the City adopted a Local Hazard Mitigation Plan that identifies Earthquake and Wildland-Urban Interface Fire as "Likely" and "Catastrophic" events.
2. The earthquake risk in the Hillside Overlay is exceptionally high because the Hayward Fault bisects the Hillside Overlay, traversing the full length of these zones, with violent (Level 9 of 10) shaking predicted in the US Geologic Services Hayward Fault earthquake scenario (HayWired).
3. The 2014 Working Group on California Earthquake Probabilities calculated that there is a 33 percent likelihood of a large (magnitude 6.7 or greater) earthquake occurring on the Hayward Fault within three decades. On March 9, 2015, a report published by the U.S. Geological Survey found that the

Bay Area has a 72 percent chance of having at least a magnitude 6.7 earthquake in the same time period.

4. The risk of a wind-driven wildfire is also very high within the Hillside Overlay because of the City's unique topography, which is flat along the San Francisco Bay in the west but turns into steeper, sloped terrain approaching 1,000 feet in elevation along the City's eastern edge, as well as strong winds that develop in the late spring and early fall. Vegetation/wildland fires tend to burn more intensely and spread faster when burning uphill and up-canyon, unless they are wind-driven, which can then cause intense and rapid burning downhill.

5. The high fire risk within the Hillside Overlay is demonstrated by Berkeley's history of catastrophic wildfires. Wildfires that occurred in Berkeley in 1905, 1923, 1946, 1970 and 1991 resulted in loss of injury, loss of life, extensive damage and destruction of property and enormous economic impacts. The two most notable are:

    a) In 1923, a wildfire swept out of Tilden Park through Berkeley, ultimately destroying approximately 600 homes, as well as churches, schools, libraries, and student living quarters. At that time, the population of Berkeley was 52,000. One thousand residents were displaced or left homeless. The fire traveled across the then sparsely populated ridge line to what is now Tunnel Road and down to the intersection of Shattuck and Hearst in the downtown.

    b) In 1991, the Tunnel Fire burned over 1,500 acres, claiming 25 lives and destroying approximately 3,000 structures in southeast Berkeley and Oakland. Had the wind direction not shifted, many more people could have died, and more of Berkeley would have been destroyed.

6. The number of large wind-driven wildfires will only continue to grow as the climate changes. According to CalFIRE, 15 of the 20 most destructive California wildfires ever recorded have occurred in the past 10 years. In the 67 years between 1932 and 1999, 572,000 acres burned in California. In the 20 years from 2000 to 2020, over 4,000,000 acres have burned.

B. Structure Separation Distance (SSD) is related to the number of structures per acre. These are two measurements that play a key role in affecting the speed of a fire's spread. According to recognized industry models from the National Institute of Standards and Technology (NIST), California Department of Forestry and Fire Protection (CAL FIRE), and Insurance Institute for Business & Home Safety (IBHS), the closer together two structures are situated, and the higher the number of structures per acre, the higher the likelihood that a fire will rapidly spread between structures, creating a risk of a large-scale urban conflagration.

    1. SSD is categorized into three risk profiles; Low Density with an SSD of greater than 50 feet, Moderate Density with an SSD of 25 feet to 50 feet, and High Density with an SSD of less than 25 feet.

2. The majority of the Hillside Overlay in in the highest risk category with less than 25 feet SSD between structures. Over 3,000 structures in the Hillside Overlay have less than 11 feet of separation and over 1,700 structures have less than 5.5 feet SSD. High-density communities with closely spaced structures create a high risk of rapid, uncontrolled fire spread.

3. The structural density of a Wildland Urban Interface is categorized into one of seven risk profiles with the highest-density communities having 8 housing units per acre (HU/ac), and being 320 times denser than the lowest-density WUI areas, which have 0.02 HU/ac (1 HU on 40 acres). Almost the entire Hillside Overlay is in one of the two highest risk categories with between 4 and 6 structures per acre.

4. As more open space on a parcel is filled with structures, fire can spread along features including primary structures, auxiliary structures, fences, wood piles, decks, and vehicles. This fuel agglomeration may have an impact on structure-to-structure fire spread during an urban, wind-driven conflagration.

5. On June 10, 2021, a study published by UC Berkeley researchers concluded that continued development in the wildland-urban interface will make California's supply of housing more vulnerable, undermine state efforts to curb carbon emissions, further degrade the state's wildland habitats, and create fiscal challenges for state and local governments in the event of post-disaster recovery.

C. Due to the risk of earthquakes, fires, and other hazards, it is essential that emergency responders have ready accessibility to injured persons and damaged property, and that residents be able to evacuate quickly and efficiently. Nonetheless, conditions within the Hillside Overlay combine to compromise emergency access egress and accessibility for emergency responders.

1. A majority of streets in the Hillside Overlay are less than 26 feet in width, and include conditions such as steep slopes, sharp curves and acute-angled corners. This increases the chance that, in the event that a large-scale evacuation is initiated, residents will become trapped in clogged exiting traffic and succumb to smoke, heat and fire, as seen in recent wildfires.

2. The majority of transit within the Hillside Overlay does not meet the definition of major transit stops and high quality transit corridors as defined in California Public Resources Code Section 21155. Bus service (AC Transit Lines 7, 65 and 67) runs at headways of 45 minutes or longer, with limited or no service on evenings, weekends and holidays. The lack of available transit exacerbates the hazardous conditions that currently exist with respect to traffic flow and public safety in the likely event of a catastrophic wildfire or earthquake.

3. Increased vehicle density will add to these risks, as the Hillside Overlay does not have the capacity to have additional vehicles parked on the street

without jeopardizing access and ingress during emergencies. On August 10, 2021, a study published by UC Berkeley researchers concluded that in the best-case scenario, if each household evacuated from the Berkeley hills with one vehicle, estimated evacuation time would be two hours and 245 vehicles would be exposed to immediate fire danger. However, if each household evacuated with 1.7 vehicles, evacuation time would increase to three hours and 782 vehicles would be exposed to immediate fire danger. On July 15, 2025, the City of Berkeley published an *Evacuation Time Estimate Study* which found that a scenario of maximum permissible ADU development in the Hillside Overlay zone could increase evacuation times by as much as 102%. It also described how increasing population density in an area, even when the added people do not own vehicles, can increase emergency evacuation times and create public safety impacts. Therefore, the *Study* recommended that the City institute separate, more restrictive ADU/JADU development provisions in the Hillside Overlay.

D. All of these conditions necessitate reasonable limitations on ADUs within the Hillside Overlay in order to reduce exposure to hazardous conditions.

Section 4. That Table 23.306-1 (ADU and Junior ADU Maximum Number of Units per Lot) within Berkeley Municipal Code Section 23.306.020 is amended to read as follows:

Table 23.306-1 ADU AND JUNIOR ADU MAXIMUM NUMBER OF UNITS PER LOT

USE, PRIMARY	ADU AND JADU, MAXIMUM PER LOT
Single Family Dwelling, one unit on lot	1 Conversion ADU, 1 New Construction ADU[1], and 1 Junior ADU. All are permitted.
Single Family Dwelling, more than one unit on lot	1 ADU
Existing Multifamily Dwelling	
Outside Hillside Overlay	8 New Construction ADUs[1], provided that the number of ADUs does not exceed the number of existing units, and at least one interior ADU up to 25% of the total number of existing dwelling units on the lot.
Within Hillside Overlay	8 Detached ADUs, provided that the number of ADUs does not exceed the

	number of existing units, and at least one interior ADU up to 25% of the total number of existing dwelling units on the lot.
Proposed Multifamily Dwelling	
Outside Hillside Overlay	2 New Construction ADUs[1]
Within Hillside Overlay	2 Detached ADUs
Group Living Accommodation	1 ADU
[1.] New Construction ADUs may be either attached or detached from the main building(s) and/or other ADUs, in any configuration.	

Section 5. That Table 23.306-2 (ADU Development Standards) within Berkeley Municipal Code Section 23.306.030 is amended to read as follows:

Table 23.306-2 ADU DEVELOPMENT STANDARDS

BASIC STANDARDS		**SUPPLEMENTAL STANDARDS**
Gross Floor Area, Maximum		
Outside Hillside Overlay	1,200 sf	23.306.030(A)(1) 23.306.030(A)(2) 23.306.030(A)(3)
Within Hillside Overlay	850 sf (studio or 1 bedroom) 1,000 sf (2+ bedrooms)	
Building Height, Maximum, Outside Hillside Overlay		
Conversion	Same as existing structure	23.306.030(A)(1) 23.306.030(A)(3)
Detached or Attached, New Construction	25 ft.	23.306.030(A)(5)

		23.306.030(A)(6)
Building Height, Maximum, Within Hillside Overlay		
Conversion	Same as existing structure	23.306.030(A)(1) 23.306.030(A)(3)
Detached	20 ft	
Attached	25 ft or height limit applicable to the existing building, whichever is lower.	23.306.030(A)(4)
Lot Line Setbacks, Minimum		
Rear	4 ft.	23.306.030(A)(3) 23.306.030(A)(5)
Interior Side	4 ft.	
Street Side	4 ft.	
Required Off-Street Parking Spaces		See 23.322.030 – Required Parking Spaces

Section 6. That Municipal Code Section 23.306.030(A)(2) through (8) is amended to read as follows:

2. *Multi-family Dwelling Conversion.* Interior ADU(s) must be created entirely through non-habitable residential portions of the existing multi-family dwelling structures that are not within the living space of a dwelling unit (e.g. basements, attics, garages, storage rooms, boiler rooms, passageways).

3. *Accessory Building or Accessory Structure Conversion.* An ADU converted from an accessory building or accessory structure is allowed to maintain non-conformity to the same location and dimensions of the existing accessory building

or accessory structure, provided that the ADU meets fire and safety standards set forth in the California Building Standards Code adopted in BMC Title 19. Any physical additions to the existing accessory building or accessory structure shall comply with the development standards in Table 23.306-2 ADU Development Standards.

4. *Attached ADU.* An ADU shall be considered attached if sharing a common wall with a primary dwelling.

5. *Detached ADU Setback Exceptions.* If there is a lesser setback allowed in 23.304.060 -- Accessory Buildings and Enclosed Accessory Structures for a comparable accessory building or accessory structure in the underlying zoning district, that setback shall apply.

6. *Attached ADU, New Construction Height.* Attached ADUs with height up to 25 ft. allowed with a Zoning Certificate.

Section 7. That Municipal Code Section 23.306.030(B) (1) is amended to read as follows:

1. *Basic Standards.* A Junior ADU shall be contained entirely within an existing or proposed single family dwelling (including basements, attics, storage rooms, boiler rooms, and passageways) or its attached garage, and have no more than 500 square feet in floor area.

Section 8. That Municipal Code Section 23.306.030(D) is amended to read as follows:

D. *Rooftop Decks.* Roofs on ADUs may be designed, converted, or used as usable open space with a maximum additional height allowance of nine feet (beyond the height maximum allowed by development standards) only to enable rooftop access and protective railings.

Section 9. That Municipal Code Section 23.306.040(A) is amended to read as follows:

A. *Zoning Certificate.* An application for an ADU or Junior ADU shall be allowed with a Zoning Certificate. The review must be completed, and the application approved or denied, within 60 days of receipt of a completed application. A completed application must include evidence of compliance with this Chapter, including development standards.

1. If an application to create an ADU or Junior ADU is submitted as part of a project that requires discretionary review, a Zoning Certificate for a building permit shall not be issued for the ADU or Junior ADU until the discretionary approval(s) has/have been granted and any applicable appeal periods have expired. See 23.404.060(A) Post-Decision Provisions (Effective Dates).

2. Issuance of a Zoning Certificate shall not be denied for the construction or conversion of an ADU or Junior ADU that complies with the requirements of Government Code Section 66323.

3. Issuance of a Zoning Certificate for the construction or conversion of an ADU or Junior ADU shall not be denied based on the failure of an applicant to correct a nonconforming zoning condition.

4. If the Zoning Officer denies an application, the applicant shall be provided, within the same 60-day period, a written notice identifying all deficiencies in the application and a description of how the application may be corrected.

Section 10. That Municipal Code Section 23.306.040(C)(2) and (3) are amended to read as follows:

2. The ADU shall not be sold separately from the main building unless the conditions of BMC 23.306.040(D) -- ADUs Developed by a Qualified Nonprofit Developer are met, or as otherwise permitted by state law;

3. The ADU shall not be rented for a term that is shorter than 30 days; and

Section 11. That Municipal Code Section 23.306.040(D) is amended to read as follows:

D. *ADUs Developed by a Qualified Nonprofit Developer.* An ADU built or developed by a "qualified nonprofit corporation" may be sold or conveyed separately from the main building to a "qualified buyer," as such terms are defined in subdivision (b) of Section 66340 of the California Government Code. The ADU must be held pursuant to a recorded tenancy in common agreement recorded on or after December 31, 2021 that includes the following elements:

1. Delineation of all areas of the property that are for the exclusive use of a cotenant;

2. Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, and improvements associated with the property;

3. Procedures for dispute resolution among cotenants before resorting to legal action;

4. Allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies;

5. A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the ADU or primary dwelling if the buyer desires to sell or convey the property;

6. A requirement that the qualified buyer occupy the ADU or primary dwelling as the buyer's principal residence; and

7. Affordability restrictions on the sale and conveyance of the ADU or primary dwelling that ensure the ADU and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

8. If requested by a utility providing service to the primary residence, the ADU shall have a separate water, sewer, or electrical connection to that utility.

Section 12. That the row "Accessory Dwelling Units" in Table 23.322-1 (Required Off-street Parking in Residential Districts) within Berkeley Municipal Code Section 23.322.030 is amended to read as follows:

Accessory Dwelling Units	Junior ADU: None required ADU: None required

Section 13. 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.

At a regular meeting of the Council of the City of Berkeley held on July 29, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Humbert, Kesarwani, Lunaparra, Taplin, Tregub, and Ishii.

Noes: None.

Abstain: O'Keefe, Blackaby.

Absent: None.

06

Office of the City Manager

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Establish 2026 City Council Meeting Schedule

RECOMMENDATION
Adopt a Resolution establishing the City Council regular meeting schedule for calendar year 2026, with starting times of 6:00 p.m.

FISCAL IMPACTS OF RECOMMENDATION
None.

BACKGROUND
Pursuant to the Open Government Ordinance, the Council must adopt an annual meeting schedule with at least 24 meetings. The schedule generally consists of either two or three meetings per month and provides for Spring, Summer and Winter recess periods. Meetings have not been scheduled on City holidays, Election Day or days of major religious/cultural observances that have work restrictions pursuant to Council policy.

The Mayor or a majority of the Council may call special meetings as needed. The Council may also amend the regular meeting schedule when necessary.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects or opportunities, or any climate impacts associated with the subject of this report.

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

Attachments:
1: Resolution
Exhibit A: 2026 Council Calendar
2: List of Religious/Cultural Observances for 2026

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

ADOPTING THE CITY COUNCIL 2026 REGULAR MEETING SCHEDULE

WHEREAS, pursuant to the Open Government Ordinance, the Council must adopt an annual meeting schedule with at least 24 meetings; and

WHEREAS, the proposed schedule (Exhibit A) provides for regular meetings to occur with starting times of 6:00 p.m. on specified Tuesdays of each month with exceptions provided for recess periods or when a meeting would fall on a City, religious or cultural holiday with work restrictions or Election Day; and

WHEREAS, the Council desires to establish as part of their schedule a Winter, Spring and Summer recess period for 2026; and

WHEREAS, the Mayor or a majority of the Council may call special meetings or revise the regular meeting schedule when necessary.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council adopts the 2026 regular meeting schedule on specified Tuesdays at 6:00 p.m. as indicated:

Winter Recess: December 3, 2025 – January 19, 2026
January 20 and January 27, 2026
February 10 and February 24, 2026
March 10 and March 24, 2026
Spring Recess: March 25 – April 13, 2026
April 14, April 21, and April 28, 2026
May 12 and May 19, 2026
June 9, June 16 and June 30, 2026
July 7, July 14 and July 28, 2026
Summer Recess: July 29 – September 14, 2026
September 15 and September 29, 2026
October 13 and October 27, 2026
November 17, 2026
December 1 and December 15, 2026
Winter Recess: December 16, 2026 – January 18, 2027

Exhibit A: 2026 Council Calendar

Exhibit A

City Clerk Department 2026 Council Calendar

(Subject to change. For the latest information, please contact the City Clerk Department, 510-981-6900.)

Date	Time
January	
Winter Recess (Dec. 3, 2025 – Jan. 19, 2026)	
Jan 20	6:00 p.m.
Jan 27	6:00 p.m.
February	
Feb 10	6:00 p.m.
Feb 24	6:00 p.m.
March	
Mar 10	6:00 p.m.
Mar 24	6:00 p.m.
April	
Spring Recess (March 25 – April 13, 2026)	
April 14	6:00 p.m.
April 21	6:00 p.m.
April 28	6:00 p.m.
May	
May 12	6:00 p.m.
May 19	6:00 p.m.
June	
June 9	6:00 p.m.
June 16	6:00 p.m.
June 30	6:00 p.m.
July	
July 7	6:00 p.m.
July 14	6:00 p.m.
July 28	6:00 p.m.
Summer Recess (July 29 – Sept. 14, 2026)	
September	
Sept 15	6:00 p.m.
Sept 29	6:00 p.m.
October	
Oct 13	6:00 p.m.
Oct 27	6:00 p.m.
November	
Nov 17	6:00 p.m.
December	
Dec 1	6:00 p.m.
Dec 15	6:00 p.m.
Winter Recess (Dec. 16, 2026 – Jan. 18, 2027)	

City Policy Regarding the Scheduling of City Meetings on All Significant Religious Holidays

Pursuant to Resolution No. 70,066-N.S., it is the policy of the City to avoid scheduling meetings of City Legislative Bodies (City Council, Policy Committees, Commissions, Task Forces) on religious holidays that incorporate significant work restrictions for common observance in the United States. City legislative bodies must avoid scheduling meetings on the religious holidays listed below.

Religion	Holiday	2026 Date(s)
Shinto	New Year	1/1/2026 thru 1/3/2026
Hindu	Makara Sankranti	1/14/2026
Cultural	Chinese New Year (Eve, Day, Lantern Festival)	2/16, 2/17, 3/3
Islam	Ramadan (Eve & First Night)	2/17/2026 thru 2/18/2026
Hindu	Holi	3/3/2026
Islam	Eid al-Fitr	3/19/2026 thru 3/20/2026
Cultural	Nowruz*	3/21/2026
Jewish	Passover Nights 1 & 2 (7*, 8*)	4/1 - 4/2 (4/8, 4/9)
Christian	Good Friday	4/3/2026
Christian	Easter Sunday	4/5/2026
Jewish	Shavuot*	5/21/2026 thru 5/23/2026
Islam	Eid al-Adha	5/26/2026 thru 5/27/2026
Buddhist	Vesak	5/31/2026
Shinto	Obon Ceremony*	8/13/2026 thru 8/15/2026
Jewish	Rosh Hashanah	9/11/2026 thru 9/13/2026
Jewish	Yom Kippur	9/20/2026 thru 9/21/2026
Jewish	Sukkot (1st Day)*	9/25/2026 thru 9/26/2026
Jewish	Shmini Atzeret/ Simchat Torah*	10/2/2026 thru 10/4/2026
Hindu	Dussehra	10/20/2026
Hindu	Diwali	11/8/2026
Baha'i Faith	Birth of Bab	11/10/2026
Baha'i Faith	Birth of Baha'u'llah	11/11/2026
Jewish	Chanukah (1st night)	12/4/2026
Christian	Christmas	12/25/2026
Cultural	Kwanzaa	12/26/2026 thru 1/1/2027
Jewish	Shabbat (Friday sunset to Saturday sunset)*	Weekly

** Meetings not prohibited, but avoid scheduling meetings if possible*

07

Office of the City Manager

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted By: Mark Numainville, City Clerk

Subject: Voting Delegates – League of California Cities Annual Conference

RECOMMENDATION
Designate Councilmember Lunaparra as the voting delegate and Councilmember Humbert as the alternate for the General Assembly of the Annual League of California Cities conference to be held on Friday, October 10, 2025, in Long Beach.

FISCAL IMPACTS OF RECOMMENDATION
Conference fees of approximately $725 for the full conference or $375 for a one-day pass.

BACKGROUND
Cal Cities laws allow for any official of a member city, with the approval of the city council, to be designated the city's voting delegate or alternate at the annual General Assembly meeting.

As designated in Resolution No. 71,655-N.S. Councilmember Lunaparra is the City's representative for the League and Councilmember Humbert is the alternate.

This year's conference is being held in Long Beach from Wednesday, October 8 through Friday, October 10, 2025. Each city is allowed to cast one vote on matters pertaining to Cal Cities policy. The voting delegate or alternate must be registered for the conference.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects or climate impacts associated with the recommendation of this report.

CONTACT PERSON
Mark Numainville, City Clerk, 981-6900

Attachments
1: Voting Delegate Information

LEAGUE OF CALIFORNIA CITIES

Council Action Advised by September 24, 2025

DATE: Wednesday, July 16, 2025

TO: Mayors, Council Members, City Clerks, and City Managers

RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference and Expo, Oct. 8-10, 2025
Long Beach Convention Center

Every year, the League of California Cities convenes a member-driven General Assembly at the Cal Cities Annual Conference and Expo. The General Assembly is an important opportunity where city officials can directly participate in the development of Cal Cities policy.

Taking place on Oct. 10, the General Assembly is comprised of voting delegates appointed by each member city; every city has one voting delegate. Your appointed voting delegate plays an important role during the General Assembly by representing your city and voting on resolutions.

To cast a vote during the General Assembly, your city must designate a voting delegate and up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity. Voting delegates may either be an elected or appointed official.

Action by Council Required. Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.

Following council action, please submit your city's delegates through the online submission portal by Wed., Sept. 24. When completing the Voting Delegate submission form, you will be asked to attest that council action was taken. You will need to be signed in to your My Cal Cities account when submitting the form.

Submitting your voting delegate form by the deadline will allow us time to establish voting delegate/alternate records prior to the conference and provide pre-conference communications with voting delegates.

Conference Registration Required. The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration is open on the Cal Cities website.

LEAGUE OF CALIFORNIA CITIES

For a city to cast a vote, one voter must be present at the General Assembly and in possession of the voting delegate card and voting tool. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the voting delegate desk. This will enable them to receive the special sticker on their name badges that will admit the voting delegate into the voting area during the General Assembly.

Please view Cal Cities' event and meeting policy in advance of the conference.

Transferring Voting Card to Non-Designated Individuals Not Allowed. The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the General Assembly, they may *not* transfer the voting card to another city official.

Seating Protocol during General Assembly. At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.

The voting delegate desk, located in the conference registration area of the Long Beach Convention Center in Long Beach, will be open at the following times: Wednesday, Oct. 16, 8:00 a.m.-6:00 p.m. and Thursday, Oct. 17, 7:30 a.m.-4:00 p.m. On Friday, Oct. 18, the voting delegate desk will be open at the General Assembly, starting at 7:30 a.m., but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for submitting your voting delegate and alternates by Wednesday, Sept. 24. If you have questions, please contact Zach Seals at zseals@calcities.org.

Attachments:

- General Assembly Voting Guidelines
- Information Sheet: Cal Cities Resolutions and the General Assembly

LEAGUE OF CALIFORNIA CITIES

General Assembly Voting Guidelines

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.

2. **Designating a City Voting Representative.** Prior to the Cal Cities Annual Conference and Expo, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the voting delegate form provided to the Cal Cities Credentials Committee.

3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the voting delegate desk in the conference registration area. Voting delegates and alternates must sign in at the voting delegate desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the General Assembly.

4. **Signing Initiated Resolution Petitions**. Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the credentials committee at the voting delegate desk, may sign petitions to initiate a resolution.

5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and voting tool; and be registered with the credentials committee. The voting card may be transferred freely between the voting delegate and alternates but may not be transferred to another city official who is neither a voting delegate nor alternate.

6. **Voting Area at General Assembly.** At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.

7. **Resolving Disputes**. In case of dispute, the credentials committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the General Assembly.

LEAGUE OF CALIFORNIA CITIES

How it works: Cal Cities Resolutions and the General Assembly

Developing League of California Cities policy is a dynamic process that engages a wide range of members to ensure Cal Cities represents cities with one voice. These policies directly guide Cal Cities' advocacy to promote local decision-making, and lobby against statewide policies that erode local control.

The resolutions process and General Assembly is one way that city officials can directly participate in the development of Cal Cities policy. If a resolution is approved at the General Assembly, it becomes official Cal Cities policy. Here's how resolutions and the General Assembly work.

Prior to the Annual Conference and Expo

General Resolutions

Sixty days before the Annual Conference and Expo, Cal Cities members may submit policy proposals on issues of importance to cities. The resolution must have the concurrence of at least five additional member cities or individual members.

Policy Committees

The Cal Cities President assigns general resolutions to policy committees where members review, debate, and recommend positions for each policy proposal. Recommendations are forwarded to the Resolutions Committee.

During the Annual Conference and Expo

Petitioned Resolutions

The petitioned resolution is an alternate method to introduce policy proposals during the annual conference. The petition must be signed by voting delegates from 10% of member cities, and submitted to the Cal Cities President at least 24 hours before the beginning of the General Assembly.

Resolutions Committee

The Resolutions Committee considers all resolutions. General Resolutions approved[1] by either a policy committee or the Resolutions Committee are next considered by the General Assembly. General resolutions not approved, or referred for further study by both a policy committee and the Resolutions Committee do not go to the General Assembly. All Petitioned Resolutions are considered by the General Assembly, unless disqualified.[2]

General Assembly

During the General Assembly, voting delegates debate and consider general and petitioned resolutions forwarded by the Resolutions Committee. Potential Cal Cities bylaws amendments are also considered at this meeting.

Who's who

Cal Cities policy development is a member-informed process, grounded in the voices and experiences of city officials throughout the state.

The **Resolutions Committee** includes representatives from each Cal Cities diversity caucus, regional division, municipal department, and policy committee, as well as individuals appointed by the Cal Cities president.

Voting delegates are appointed by each member city; every city has one voting delegate.

The **General Assembly** is a meeting of the collective body of all voting delegates —one from every member city.

Seven **policy committees** meet throughout the year to review and recommend positions to take on bills and regulatory proposals. Policy committees include members from each Cal Cities diversity caucus, regional division, and municipal department, as well as individuals appointed by the Cal Cities president.

[1] The Resolution Committee can amend a general resolution prior to sending it to the General Assembly.
[2] Petitioned Resolutions may be disqualified by the Resolutions Committee according to Cal Cities Bylaws Article VI. Sec. 5(f).

For more information visit www.calcities.org/general-assembly

08

Office of the City Manager

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Tasha Tervalon, Assistant to the City Manger

Subject: Contract: African American/Black Professional Community Network for Project Sankofa

RECOMMENDATION

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

FISCAL IMPACTS OF RECOMMENDATION

Funding in the amount of $300,000 provided from the State of California Mental Health Services Act Fund 315 is available in the Adopted FY26 budget.

CURRENT SITUATION AND ITS EFFECTS

Per the City Council approved Mental Health Services Act (MHSA) FY24-FY26 Three Year Program and Expenditure Plan, funding in the amount of $300,000 was allocated to support the African American Holistic Resource Center (AAHRC), Project Sankofa. The AABPN is the community organization that will implement Project Sankofa, which will provide the following with this funding:

- Culturally relevant consultation and outreach in Berkeley schools and youth programs with a goal of 50 students receiving at least 2 sessions.
- Training & Capacity Building providing culturally grounded sessions for youth, caregivers, and educators that will deliver monthly training to a group of 20 youth.
- Digital Media Campaign & Civic Engagement for Youth to shift perceptions on mental health through relevant social media and an online magazine. Three (3) youth and young adult interns will be tasked to create bi-weekly posts, 1 virtual town hall and additional online articles.

- Healing Circles & Forums providing community healing spaces with meals, storytelling, and resource-sharing that will deliver community-based healing spaces with meals, storytelling, and resource-sharing including an in-person Juneteenth event and online forum for Black History month.

- Community Print & Digital Distribution providing the development of culturally specific wellness materials for the community with input from the youth. Flyers, brochures, and a website for the community with dedicated input and engagement from youth will be developed and made available.

Project Sankofa will leverage community partnerships to assist with implementation, training, content development, and direct community engagement. These partners include Berkeley City College Wellness Program, Association of Black Psychologists, National Association of Black Social Workers (NABSW), Local Universities and Community Colleges, Faith-based networks and clergy, and Parent-teacher associations and community elders. The City has designated Healthy Black Families, a local 501(c)(3) non-profit organization, as the fiscal sponsor of Project Sankofa. In this role, Healthy Black Families will oversee the financial operations and fiduciary administrative tasks for this project. The project will be managed through the City Manager's Office.

BACKGROUND

The State of California provides MHSA funding for local mental health services and supports. One of the annually occurring MHSA funding components is Community Services & Supports (CSS). MHSA CSS funds are primarily to be utilized for treatment services and supports for Severely Mentally Ill Adults and Seriously Emotionally Disturbed Children and Youth, and for general system development.

To utilize MHSA funds, stakeholder informed Three Year Plans and Annual Updates that outline how funds are to be utilized are required to be developed and locally approved. Per Resolution No. 70,990-N.S., the City Council approved the MHSA FY24-FY26 Three Year Program and Expenditure Plan, which allocated funding for the AAHRC Project Sankofa.

The AAHRC will be a state-of-the-art resource center where culturally congruent services will be provided for African Americans to obtain the support they need to decrease inequities and disparities and build community. The AAHRC will be comprised of various service components. Project Sankofa is one of the services that is being introduced before the official opening of the AAHRC in Berkeley.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION
The execution of this contract will ensure that once opened, the AAHRC will be home to new mental health and wellness services for the African American community in Berkeley.

ALTERNATIVE ACTIONS CONSIDERED
As funding for the AAHRC Project Sankofa was included in the City Council approved MHSA FY24-26 Three Year Plan, and Healthy Black Families has been designated as the fiscal sponsor of this project, there were no other alternative actions considered.

CONTACT PERSON
Tasha Tervalon, Assistant to the City Manager, (510) 981-5347

Attachments:
1: Resolution

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

CONTRACT: AFRICAN AMERICAN/BLACK PROFESSIONAL COMMUNITY NETWORK FOR PROJECT SANKOFA

WHEREAS, the City's Department of Health, Housing and Community Services, Mental Health Division, receives Mental Health Services Act (MHSA) Community Services and Supports (CSS) funding on an annual basis to provide services and supports for Severely Mentally Ill Adults and Seriously Emotionally Disturbed Children and Youth, and for general system development; and

WHEREAS, in order to utilize MHSA CSS Funds, the Mental Health Division must have a stakeholder informed, locally approved Three Year Plan or Annual Update outlining how funds will be allocated in place; and

WHEREAS, per Resolution No. 70,990-N.S., City Council approved the MHSA FY24-FY26 Three Year Program and Expenditure Plan; and

WHEREAS, the City Council approved MHSA FY24-FY26 Three Year Program and Expenditure Plan included funding for the African American Holistic Resource Center for the City to work with the African American/Black Professional Community Network to implement Project Sankofa; and

WHEREAS, Project Sankofa will provide mental health and wellness services, workshops, healing circles, community engagement activities, and an online social media campaign for African Americans in Berkeley; and

WHEREAS, the African American Holistic Resource Center community-led steering committee has designated Healthy Black Families as the fiscal sponsor for Project Sankofa; and

WHEREAS, the City Manager's Office will execute and monitor this contract; and

WHEREAS, funding in the amount of $300,000 is available in the Adopted FY26 Budget in the Mental Health Services Act Fund 315; and

WHEREAS, MHSA CSS funds in the amount of $300,000 will be transferred to the City Manager's Office to execute and provide oversight of this contract.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is hereby authorized to execute a contract and any amendments with African American/Black Professional Community Network (AABPN) with Healthy Black Families, as the fiscal sponsor of the African American Holistic Resource Center's Project Sankofa, for a total contract amount not to exceed $300,000 through June 30, 2026.

09

Office of the City Manager

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 9, 2025

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.

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is **$1,250,000**

PROJECT	Fund	Source	Amount
Specialized Recruitment Services for the City of Berkeley	N/A	Various	$250,000 for a three-year contract
Mobile Fueling	672	Equipment Maintenance	$500,000
Digital Experience Platform	102	Library	$250,000
Total:			**$1,250,000**

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 goods and/or services.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Roopreet Walia-Soorma, Senior Buyer, Finance, 510-981-7311

Attachments:
1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 9, 2025

a. Specialized Recruitment Services for the City of Berkeley.
b. Mobile Fueling
c. Digital Experience Platform

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

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
26-11750-C	Specialized Recruitment Services for the City of Berkeley	9/10/25	10/10/2025	The City is looking for a vendor that will assist the Human Resources department with specialized recruitments.	$250,000 for a three-year contract.	TBD	Human Resources/ Recruitment	Benita Torres 510-981-6809
Dept Total					**$250,000**			
26-11752-C	Mobile Fueling	9/10/25	10/10/2025	Direct fuel delivery of renewable diesel to City of Berkeley fleet vehicles primarily garbage trucks and long haul 18 wheelers at the Zero Waste Transfer Station (1201 2nd Street). This is needed until the Above Ground Storage Tank is installed.	$500,000 over six months	*672*-54-626-722-0000-000-473-642130-	Public Works / Equipment Maintenance	Don Colbert 510-981-6468 Sarita Rubio 510-981-5372
Dept Total					**$500,000**			
26-11754-C	Digital Experience Platform	9/10/25	10/10/2025	A Digital Experience Platform consisting of a Website Redesign with a Content Management System, and a Discovery Layer for the Berkeley Public Library's online catalog. Expected to be a 3 year contract.	$100,000 (year 1/FY26) $75,000 (year 2) $75,000 (year 3) Total = $250,000	102-22-247-271-0000-000-463-613130	Library	Alicia Abramson aabramson@berkeleyca.gov 510-981-6131
Dept Total					**$250,000**			
TOTAL					**$1,250,000**			

10

Office of the City Manager

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing & Community Services

Subject: Authorization to Accept One-Time $10,000 Stipend for Service on the California Local Government Agency Executive Committee

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to accept a $10,000 stipend award, for Fiscal Year 2026, from Santa Cruz County Health Services Agency. This funding will support the City of Berkeley's Health, Housing, and Community Services Department's Medi-Cal Administrative Activities Program.

FISCAL IMPACTS OF RECOMMENDATION

The City is eligible to receive a one-time $10,000 stipend as a result of the Local Government Agency ("LGA") Coordinator's service on the California Local Government Agency Executive Committee. The stipend will be deposited into Fund 313 (Targeted Case Management). The LGA Coordinator is responsible for oversight of the City's Medi-Cal Administrative Activities programs.

BACKGROUND

The Medi-Cal Administrative Activities ("MAA") program, established on January 1, 1995, pursuant to Welfare and Institutions ("W&I") Code § 14132.47, allows participating Local Governmental Agencies ("LGAs") to receive federal reimbursement for administrative activities that directly support efforts to identify and enroll potentially eligible individuals into Medi-Cal.

MAA activities aim to promote healthcare access within the county public health system, reduce long-term health care costs for at-risk populations, and coordinate client care across various health providers. Eligible activities include, but are not limited to, conducting Medi-Cal outreach, facilitating eligibility determinations, participating in Medi-Cal program planning, and contract management.

The City of Berkeley has actively participated in the MAA program for over a decade, allowing the City to claim federal reimbursement for administrative activities that support Medi-Cal outreach, enrollment, and coordination. These reimbursements help offset the cost of services staff are already providing—such as referrals, care coordination, and

program planning—across key Health, Housing, and Community Services ("HHCS") divisions.

In Fiscal Year 2024–2025, Quarter 4, the City expanded its participation in the MAA program by adding Neighborhood Services in the City Manager's Office as a new claiming unit. This expansion will further maximize eligible reimbursements and reinforce the City's commitment to resource efficiency.

Additionally, the City's LGA Coordinator was selected to serve as a Member-at-Large on the California LGA Executive Committee, which brought a $10,000 stipend to the City and enhanced our visibility and leadership in statewide MAA policy and implementation.

Participation in the MAA program supports the City's strategic goal to provide an efficient and financially healthy City government by leveraging federal resources to sustain and enhance essential services at the local level.

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
Accepting this funding will allow the department to continue supporting the MAA program and sustain activities that generate federal reimbursement for critical Medi-Cal covered services.

ALTERNATIVE ACTIONS CONSIDERED
No alternative actions were identified.

CONTACT PERSON
Tamiko Huey, Senior Management Analyst, HHCS, (510) 725-2243

Attachments:

1: Resolution

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

ACCEPTANCE OF STIPEND FOR SERVICE ON CALIFORNIA LOCAL GOVERNMENT AGENCY EXECUTIVE COMMITTEE

WHEREAS, the City of Berkeley has participated in the Medi-Cal Administrative Activities ("MAA") program for over a decade, enabling the City to claim federal reimbursement for administrative activities that support Medi-Cal outreach, enrollment, and coordination; and

WHEREAS, the MAA program supports the City's goal to provide an efficient and financially healthy government by leveraging federal resources to sustain essential public health and human services; and

WHEREAS, the City's designated MAA Coordinator was selected to serve as a Member-at-Large on the California Local Government Agency Executive Committee, for Fiscal Year 2025–2026; and

WHEREAS, this statewide leadership service entitles the City to receive a one-time $10,000 stipend.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to accept the one-time $10,000 stipend from the County of Santa Cruz for the MAA Coordinator's service on the California Local Government Agency Executive Committee and deposit the stipend into Fund 313.

BE IT FURTHER RESOLVED that the accepted funds shall be allocated to support the department's ongoing participation in the MAA program.

11

Office of the City Manager

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing, and Community Services

Subject: Reserving Predevelopment Funds for the Development of Affordable Housing on the Ashby BART West Lot

RECOMMENDATION

Adopt a Resolution to:

1. Reserve $2 million for Resources for Community Development (RCD) to support the development of affordable housing at Ashby BART West Lot.

2. Authorize the City Manager or designee to execute all original or amended documents or agreements to effectuate this action.

FISCAL IMPACTS OF RECOMMENDATION

On April 27, 2021, the Berkeley City Council unanimously adopted Resolution 69,833-N.S. which, in part, provisionally reserved $53 million of City controlled funds as the subsidy needed to achieve at least 35% affordable housing at the North Berkeley and Ashby BART Station sites and allowed for a portion of the funding to be allocated to predevelopment uses. In accordance with Resolution No. 69,833-N.S., the $53 million reserve fund is or shall be funded with $40 million in bond funds pursuant to Measure O passed by Berkeley voters on November 6, 2018, and $13 million in Affordable Housing Mitigation Fees. $18.5 million of the total BART funds are available to support affordable housing on the Ashby BART West Lot. This current request for $2 million will come from Affordable Housing Mitigation Fees (Fund 120) and will be recommended for approval through the annual appropriations ordinance process.

CURRENT SITUATION AND ITS EFFECTS

BART issued a Request for Proposals (RFP) on December 3rd, 2024 to select a team to develop housing at the Ashby BART station's West Lot. Through the RFP, the City offered up to $1M in predevelopment funding to encourage nonprofit participation.

Two development teams responded to the RFP, including Adeline Alliance Partners, a team comprised of RCD, Strategic Urban Development Alliance, Relequity Enterprises, and The Pacific Companies. RCD applied in May 2025 for the predevelopment funding, requesting that the City enter into a loan for up to $1 million to support West Lot

predevelopment activities. These funds would be used to pay for the cost of the RCD-planned affordable housing developments which represent two of the planned developments on the site, as well as RCD's share of master planning costs. RCD has subsequently increased their request to $2 million to support predevelopment activities as they anticipate needing approximately $2.7 million. RCD is committed to pursuing other funding sources to fill the remaining gap of $700,000. Although this request is higher than the parties' expectations as articulated in Section 7.1.1 of the exchange agreement, staff support the higher request, and will work with RCD to identify milestones for disbursement of the City predevelopment funding, which will be incorporated into the City's loan agreement.

A selection panel with representatives from the City and BART reviewed the qualifications of both teams, interviewed the team leads, and attended the public presentations on May 30, 2025. Based on their cumulative score, the panel selected the Adeline Alliance Partners, and the BART Board of Supervisors authorized entering into an Exclusive Negotiating Agreement (ENA) with that team on July 10, 2025.

Adeline Alliance Partners' project is proposed as a mixed income project, with a total of 618 units proposed. 50% (309) of these units are proposed to be deed-restricted affordable housing serving extremely low, very low, and low-income households ranging from 30-80% AMI. RCD proposes developing two of the buildings that are deed restricted affordable; a 132-unit rental project serving large families and a 77-unit senior affordable housing rental project.

RCD is currently planning to pursue Affordable Housing and Sustainable Communities funding, CalHFA Mixed Income Program funding, and tax credits for their projects. Because the planned projects are Transit Oriented Developments (TODs) serving large families and seniors and will be 100% affordable, they would also be strong contenders for these funding sources. RCD is very early in the planning stages for these projects, and the project specifics may change as RCD refines its designs and financing plan to ensure the projects are feasible and competitive for state funding. RCD's request for development funding from the City will be brought to Council at a later date, and will include more information about the proposed projects.

BACKGROUND

For the past few years, the City has been working closely with BART on the development of the North Berkeley and Ashby BART sites. The two entities entered into a Memorandum of Understanding in March 2020 that provided a framework for the collaboration, including processes for public participation and an estimated timeline for selecting developers. The MOU was amended in December 2020 to reflect schedule delays due to the pandemic. The City created a BART Community Advisory Group (CAG), made up of 15 members of the public to develop a vision for affordable housing, land use, station access, building form, and new public spaces. The CAG met throughout 2020 and 2021 at public meetings and community workshops, and provided

feedback on the new zoning regulations impacting the BART sites. The City and BART entered into a Memorandum of Agreement (MOA) in June 2022 to address additional aspects of the collaboration.

The CAG was instrumental in shaping the City - BART Joint Vision and Priorities for Transit-Oriented Development for Ashby and North Berkeley Stations (JVP). The JVP articulates the shared goals of the City and BART, including the goal of achieving at least 35% affordability at each site.

In 2024, BART and the City approved an exchange agreement, agreeing to exchange the City's air rights over the West Lot for ownership of the East Lot. This agreement was based on the JVP, the CAG, additional community input, and extensive economic and technical analysis. The City and BART signed a real estate agreement for Ashby BART outlining project requirements for affordable housing and other community benefits.

The City typically provides two types of loans through the Housing Trust Fund: 1) predevelopment loans that are short-term (five years) and allow developers to assess project feasibility to better position the project to pursue competitive funding at the state level; and 2) development loans that are longer term (55 years), and are closed after all other funding is secured, just prior to construction start.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Creating new affordable housing in Berkeley that allows lower income individuals and families to live closer to transit will advance the goal of making the City more economically and racially equitable, and reduces greenhouse gas emissions by reducing vehicle-miles-traveled and decreasing reliance on personal vehicles. New affordable housing developments are typically built to third-party green building standards (either GreenPoint or LEED Gold).

RATIONALE FOR RECOMMENDATION

There are early and significant costs associated with transforming the current parking lot at the Ashby BART station to a vibrant residential community serving a mix of incomes and household types. RCD will need to pay its share of BART's ENA fees, station access fees, and other costs related to master planning, infrastructure, and predevelopment work. There are few sources of predevelopment funding available, and most come with interest rates higher than what the City offers. Staff recommend increasing the amount from $1 million to $2 million, with conditions of disbursement outlined in the predevelopment loan agreement to ensure that RCD is meeting specific milestones before the City funds are disbursed. This increase shifts $1 million from the development to predevelopment phase, but the total commitment to the project remains the same.

ALTERNATIVE ACTIONS CONSIDERED

Since the City agreed in the Ashby West Lot RFP to make this funding available for the selected nonprofit developer, and since RCD qualifies for this funding under the City's

Housing Trust Fund criteria, staff did not consider any alternative actions. If the City chooses not to support a predevelopment loan, or to support a loan for the originally requested amount of $1 million, the RCD team would need to secure other sources of financing, which may have less favorable loan terms than the City's predevelopment loan. This would add costs to the project, and make it more expensive to deliver new affordable housing units.

CONTACT PERSON
Kelly deWolfe, Community Development Project Coordinator, HHCS, 510-981-5424

Attachments:
1: Resolution

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

RESERVING AFFORDABLE HOUSING MITIGATION FEES FOR PREDEVELOPMENT AT THE ASHBY WEST BART SITE

WHEREAS, the City Council established a Housing Trust Fund Program (HTF) to guide the City's work to assist in the development and expansion of housing affordable to low- and moderate-income persons who either work or reside within the City of Berkeley (City), and authorized the City Manager to implement the Program; and

WHEREAS, there is a great need for affordable and special needs housing in the City of Berkeley as stated in the General Plan Housing Element and the City of Berkeley's Consolidated plan; and

WHEREAS, the City and BART are collaborating on the development of the Ashby BART West Lot Site, and articulated shared goals in a Memorandum of Understanding, Memorandum of Agreement, Joint Vision and Priorities for Transit-Oriented Development, and Exchange Agreement for Ashby and North Berkeley Stations; and

WHEREAS, the City and BART are committed to achieving a minimum of 35% affordable housing at each BART site; and

WHEREAS, on April 27, 2021, with Resolution 69,883-N.S., the City Council reserved $53 million, to be divided between the two BART sites, as the subsidy needed to achieve 35% affordability, and allowed for a portion of that funding to be considered for predevelopment costs associated with affordable housing; and

WHEREAS, the $53 million includes $40 million in Measure O funds, and $13 million in Affordable Housing Mitigation Fees; and

WHEREAS, in December 2024, BART issued a Request for Proposals (RFP) to select a team to develop new housing at the Ashby West BART site and created an RFP selection panel with representation from the City and BART; and

WHEREAS, two teams responded to the RFP, including Adeline Alliance Partners, a team made up of Resources for Community Development, Strategic Urban Development Alliance, Relequity Enterprises, and The Pacific Companies; and

WHEREAS, after a competitive process during which the RFP selection panel scored teams on their qualifications, an interview, and a public presentation, the RFP selection panel chose the Adeline Alliance Partners; and

WHEREAS, the BART Board of Supervisors confirmed that selection on July 10, 2025; and

WHEREAS, Resources for Community Development requested $2 million in predevelopment funding from the City's set-aside of Affordable Housing Mitigation Fee funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it approves the reservation of $2 million of Affordable Housing Mitigation Fees (Fund 120) to Resources for Community Development to support master planning and predevelopment activities related to the development of affordable housing at the Ashby West BART site.

BE IT FURTHER RESOLVED that the City's Housing Trust Fund program guidelines will apply to the use of these funds.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to execute all original or amended documents or agreements in accordance with the intent of this Resolution; a signed copy of said documents, agreements, and any amendments will be kept on file in the Office of the City Clerk.

12

Human Resources

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Janelle Rodrigues, Director of Human Resources

Subject: Contract No. 32400192 Amendment: GovernmentJobs.com (dba NEOGOV) for Online Data Management Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400192 with GovernmentJobs.com (dba NEOGOV) for online data management services including applicant tracking, onboarding, and learning management to increase the contract by $71,115 for a total contract amount not to exceed $180,000.

FISCAL IMPACTS OF RECOMMENDATION

The total cost of the contract amendment is $71,115 that results in a total contract amount not to exceed $180,000, which will be funded through the General Fund (Fund 011) and Training Fund (Fund 146).

CURRENT SITUATION AND ITS EFFECTS

The Human Resources Department is responsible for recruiting, receiving, and processing job applications; administering candidate assessments and examinations; establishing eligible lists; referring lists of eligible candidates to City departments to fill vacancies; and providing mandatory and developmental training. The Recruitment, Exam, and Selection division received and processed a total of 19,826 applications in 2024; 564 applicants were hired and completed their onboarding paperwork electronically while also completing mandatory trainings. In addition to the Applicant Tracking System, the City of Berkeley contracted NEOGOV's Course Management Import and Position Import systems to assign mandatory training for new hires in 2024. In 2025, mandatory training has been rolled out for all City of Berkeley employees to comply with city policies, as well as state and federal laws.

The Department of Human Resources has moved away from paper applications, onboarding materials, training materials and personnel files with the help of NEOGOV. NEOGOV's state-of-the-art, web-based applicant tracking system has allowed the Human Resources department to quickly and effectively deliver services to both internal departments and external customers by automating the recruitment and selection process and improving its efficiency and effectiveness.

Resolution No. 71,753-N.S. authorized the contracting of these services. However, upon processing and execution of the contract it was discovered that prior services rendered related to the software's training module was inadvertently omitted from the original quote for the current and previous year. This contract amendment will bring the City current and provide continued and uninterrupted service and access to the NEOGOV training module through May 15, 2026.

BACKGROUND

The Human Resources Department issued a request for proposal (RFP), Specification No. 08-10275-C, on September 12, 2007, for a new job applicant tracking system and service. A selection committee made up of staff from the Human Resources and the Information Technology departments evaluated responses, conducted interviews and heard presentations from four vendors. NEOGOV was selected and has provided excellent services to the city. On June 3, 2024, the contracts held under NEOGOV were combined into a single contract, Contract No. 32400192.. Resolution No. 71,753-N.S. authorized an extension of the contract beginning on May 16, 2025, and is capped at $108,884. An amendment of the contract and an increase to its cap are necessary to resolve the inadvertent omission of the training module from the prior contract total and to continue using NEOGOV through May 2026.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

NEOGOV provides software services which enable paperless processing of applications, new hire documents, and training materials.

RATIONALE FOR RECOMMENDATION

Services through NEOGOV are essential for recruitment operations which include processing job applications, administering candidate assessments and examinations, establishing eligible lists, certifying lists to City departments to fill vacancies, and conducting mandatory and developmental training. If this contract amendment is not approved, the City will not have the systems in place to perform essential human resource functions.

ALTERNATIVE ACTIONS CONSIDERED

No alternative action has been identified.

CONTACT PERSON

Janelle Rodrigues, Director of Human Resources, 510-981-6807

Attachment:
1. Resolution

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

CONTRACT NO. 32400192 AMENDMENT: GOVERNMENTJOBS.COM (DBA NEOGOV) FOR ONLINE DATA MANAGEMENT SERVICES

WHEREAS, the Human Resources Department is responsible for recruiting, receiving and processing job applications, administering candidate assessments and examinations, establishing employment eligible lists, certifying lists to City departments and conducting mandatory training; and

WHEREAS, the City issued a request for proposal (RFP) for an integrated web-based job applicant tracking system and service and responses were evaluated by a selection committee from the Human Resources department and Information Technology Department; and

WHEREAS, the selection committee selected NEOGOV from the nine respondents as the most qualified vendor capable of providing the system and services to manage the hiring process lifecycle and manage mandatory training; and

WHEREAS, the work is still in progress and essential to keep up with the City's hiring and training needs; and

WHEREAS, on May 6, 2025 Resolution 71,753-N.S. was adopted authorizing the City Manager to execute a contract and any amendments with NEOGOV for a job applicant tracking system and service with training modules in an amount not to exceed $108,884; and

WHEREAS, the funds in an amount not to exceed $180,000 will be needed under budget codes 011-34-342-000-0000-000-412-612990 (General Fund) and 146-34-345-000-0000-000-412-634110 (Training Fund) to maintain the necessary services with NEOGOV through May 2026.

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. 32400192 with NEOGOV for a job applicant tracking system and service with training modules in an amount not to exceed $180,000.

13

Office of the City Manager

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation Waterfront

Subject: Grant Agreement Amendment with State Coastal Conservancy to re-allocate $1.7M to: a) the Bay Trail Segment at Shorebird Park (design phase); and b) recreation improvements at the Gateway Pier and the J&K Parking Lot

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a grant agreement amendment with the State Coastal Conservancy (SCC) to re-allocate $1.7M in unspent funds from the Cesar Chavez Park Perimeter Trail Project to a) the Bay Trail Segment at Shorebird Park (design phase) and b) recreation improvements at the Gateway Pier and the J&K Parking Lot.

FISCAL IMPACTS OF RECOMMENDATION

In 2022, the City allocated $2M of the $15M State Coastal Conservancy FY2022 surplus funds grant for the design and construction of the Cesar Chavez Perimeter Pathway. Due to ongoing environmental monitoring and compliance activities at Cesar Chavez Park, the Cesar Chavez Park Perimeter Pathway Project is paused at the design phase. The remaining project funds in the amount of $1.7M will be re-allocated by a grant amendment to a) the Bay Trail Segment at Shorebird Park (design phase) and b) recreation improvements at the Gateway Pier and the J&K Parking Lot.

CURRENT SITUATION AND ITS EFFECTS

In FY2022, the State of California allocated a one-time distribution of state surplus funds to cities and counties throughout California. Berkeley received a one-time allocation of $15M for Berkeley Waterfront improvement projects and the State Coastal Conservancy (SCC) was selected to administer these funds. On December 13, 2022, the City Council approved the execution of five grant contracts with SCC for five improvement projects at the Berkeley Waterfront and began the design and construction phases (Resolution No. 70,629-N.S.) The five projects included: 1) Dredging of the Marina Main Channel (completion by December 2025); 2) Replacement of D and E Dock system (completion in early 2026); 3) Improvements to Cesar Chavez Park Pathways (design completed); 4) Improvements to the South Cove West Parking Lot (completion by December 2025); and 5) Environmental Review and Design of the Pier-Ferry Project (completion in 2027).

In the spring of 2025, the Cesar Chavez Park Perimeter Pathway Project was paused at the design phase due to ongoing environmental monitoring and compliance activities, leaving $1.7M in remaining SCC funds. In order to identify a new project that can be completed within the grant deadline (2029), City and SCC staff identified the following two related projects that enhance Bay Trail connectivity that can be completed with this re-allocated funding: a) the Bay Trail Segment at Shorebird Park (design phase), and b) recreation improvements at the Gateway Pier and the J&K Parking Lot.

The Bay Trail Segment at Shorebird Park (design phase) involves enhancing the existing pathway to meet current Bay Trail standards for enhanced durability and ADA accessibility. There is sufficient funding for this design project that will involve community engagement and environmental review. Construction funding will be identified in future years. The design of the remainder of the unconstructed Bay Trail at the Waterfront is already funded by existing grants.

The Gateway Pier Project involves the renovation of the existing Old Pier Wharf platform to enhance public recreation at the Waterfront. Possible recreation enhancements for the Gateway Pier include pickleball courts, basketball courts, youth bike area, exercise equipment area, and other recreation amenities such as table tennis tables, corn hole, etc. The J&K Parking Lot, which serves the public launch area at K Dock, will also serve the Gateway Pier area and renovation. The project will also improve the inner harbor pathway adjacent to the Gateway Pier and J&K Parking Lot for enhanced durability and ADA accessibility. This project will involve a community process and environmental review in the design phase, as well as a construction phase.

It should be noted that the design for the Cesar Chavez Perimeter Pathway has been completed, and could potentially be constructed at a later date when funds have been identified and the issues at Cesar Chavez Park have been resolved.

This funding agreement amendment will be presented to the SCC Board on September 18, 2025 for approval.

BACKGROUND

In the past 15 years, Council has funded over $40.2 million in important improvement projects at the Berkeley Waterfront.[1] The following projects have been completed or are currently in-process:

Current and Recently Completed Construction Projects

- South Cove East Parking Lot and Restroom and Bay Trail Project – Completed.
- South Cove Dock Float Pile Replacement Project – Completed.
- South Cove East and West Docks Replacement Project – Completed.
- Marina Streets Project (University Ave / Marina Blvd / Spinnaker Way) – Completed.
- Finger Dock Replacement, Phases 1-4 – Completed.

[1] See Off Agenda Memo to Council on February 16, 2022: https://berkeleyca.gov/sites/default/files/2022-04/Waterfront%20CIP%20Projects%20021622.pdf

- Piling Replacement Project – Completed.
- O and K Dock Electrical System Renovation – currently in construction.
- K Dock Restroom Renovation – currently in construction.
- Dredging of Marina Main Channel and Inner Harbor – currently in construction.
- South Cove West Parking Lot – currently construction.
- South Cove East Dock Pier Pile Repair – currently in construction.
- South Cove Middle Dock ADA Float Replacement – currently in construction.
- D&E Dock Replacement Project – currently in construction.
- N Dock Parking Lot Renovation – in-process.

Current Planning-only Projects

- Cesar Chavez Park Restroom – in-process.
- Cesar Chavez Perimeter Trail – design completed.
- Dredging of the South Sailing Basin – in-process.
- Waterfront Specific Plan – in-process.
- Pier-Ferry Project – in-process.
- South Cove Seawall Replacement – in-process.
- Bay Trail - Marina Blvd Segment – in-process.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Berkeley Waterfront improvement projects identified in this report will help the City to further advance the City's Strategic Plan Goal 1 – to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

RATIONALE FOR RECOMMENDATION

In the spring of 2025, due to ongoing environmental monitoring and compliance activities at Cesar Chavez Park, the Cesar Chavez Park Perimeter Pathway Project was paused, leaving $1.7M in remaining SCC funds. Working with SCC staff, the City has identified two related projects in need of funding that enhance Bay Trail connectivity: a) the Bay Trail Segment at Shorebird Park and b) recreation improvements at the Gateway Pier and the J&K Parking Lot and associated Inner Harbor Pathway.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation Waterfront, (510) 981-6700

Attachments:
1: Resolution

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

GRANT AGREEMENT AMENDMENT WITH STATE COASTAL CONSERVANCY TO RE-ALLOCATE $1.7M TO THE BAY TRAIL SEGMENT AT SHOREBIRD PARK AND RECREATION IMPROVEMENTS AT THE GATEWAY PIER AND J&K PARKING LOT AT THE BERKELEY WATERFRONT

WHEREAS, in FY2022, the State of California allocated a one-time distribution of state surplus funds to cities and counties throughout California; and

WHEREAS, Berkeley received a one-time FY2022 state budget allocation of $15 million for Berkeley Waterfront improvement projects; and

WHEREAS, the State Coastal Conservancy (SCC) was designated to administer these funds via their grants and contracts program; and

WHEREAS, on December 13, 2022, the City Council approved the execution of five grant contracts with SCC for five improvement projects and began the design and construction phases (Resolution No. 70,629-N.S.); and

WHEREAS, in the spring of 2025, due to ongoing environmental monitoring and compliance activities at Cesar Chavez Park, the Cesar Chavez Park Perimeter Pathway Project was paused at the design phase, leaving $1.7M in unspent SCC funds; and

WHEREAS, working with SCC staff, the City has identified two related projects that enhance Bay Trail connectivity that can be completed with this re-allocated funding: a) the Bay Trail Segment at Shorebird Park (design phase) and b) recreation improvements at the Gateway Pier and the J&K Parking Lot.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that $1.7M in unspent SCC funds from the FY2022 $15M allocation to the Berkeley Waterfront will now be re-allocated to a) the Bay Trail Segment at Shorebird Park (design phase) and b) recreation improvements at the Gateway Pier and the J&K Parking Lot; and that the City Manager or their designee is authorized to execute all grant submittal packages, grant contracts and amendments, grant reimbursement submittals, and all other grant project-related documents with the State Coastal Conservancy (SCC) in order to complete these projects. A record signature copy of contracts and any amendments will be on file in the Office of the City Clerk.

14

Office of the City Manager

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Ferris, Director, Department of Parks, Recreation, and Waterfront

Subject: Reject All Bids Associated with Cesar Chavez Park Perimeter Pathway Improvement Project

RECOMMENDATION
Adopt a Resolution rejecting all bids for the work associated with the Cesar Chavez Park Perimeter Pathway Improvement Project (Bid Specification No. 25-11702-C) in order to return bidder proposal guarantees.

FISCAL IMPACTS OF RECOMMENDATION
None

CURRENT SITUATION AND ITS EFFECTS
The City conducted a competitive Invitation For Bid (IFB) process in March, 2025, and opened bids on April 17, 2025. The City received 5 bids from a low bid of $742,980.79 to a high bid $1,143,708.00 for the base bid work. Bay Cities Paving & Grading was the apparent low bidder.

An Off-Agenda Memo to Council was issued on June 5, 2025[1] related to the environmental compliance updates at former landfill at Cesar Chavez Park. As a result, the construction phase of the Cesar Chavez Park Perimeter Pathway Improvement Project is paused.

BACKGROUND
In FY2022, the State of California allocated a one-time distribution of surplus state funds to cities and counties throughout California. Berkeley received a one-time allocation of $15 million for Berkeley Waterfront improvement projects and the State Coastal Conservancy (SCC) was selected to administer these funds. On December 13, 2022, the City Council approved the execution of five grant contracts with SCC for five

[1] See Off Agenda Memo to Council on June 5, 2025: https://berkeleyca.gov/sites/default/files/documents/2025-06-05%20%20%20Environmental%20Compliance%20Updates%20at%20former%20Landfill%20at%20C%C3%A9sar%20Ch%C3%A1vez%20Park.pdf.

improvement projects at the Berkeley Waterfront and began the design and construction phases (Resolution No. 70,629-N.S.). The Cesar Chavez Park Perimeter Pathway improvement project was one of the five projects.

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

Due to ongoing environmental monitoring and compliance activities at Cesar Chavez Park, the Project is paused at the design phase.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700
Nelson Lam, Supervising Civil Engineer, PRW, 981-6395

Attachments:
1: Resolution

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

REJECT ALL BIDS FOR WORK ASSOCIATED WITH THE CESAR CHAVEZ PARK PERIMETER PATHWAY PROJECT

WHEREAS, the Cesar Chavez Perimeter Pathway is a popular recreational trail for the Berkeley Waterfront, serving the general public, and the amenities at Cesar Chavez Park; and

WHEREAS, the pavement condition at the perimeter has deteriorated over recent years, causing undesirable trail surface for users; and

WHEREAS, the City conducted a competitive Invitation For Bid (IFB) process in March, 2025, and opened bids on April 17, 2025. The City received five bids, the lowest being from Bay Cities Paving and Grading; and

WHEREAS, due to ongoing environmental monitoring and compliance activities at Cesar Chavez Park, the Project is paused at the design phase.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that all bids are rejected for the work associated with the Cesar Chavez Park Perimeter Pathway Improvement Project (Bid Specification No. 25-11702-C) in order to return bidder proposal guarantees.

15

Office of the City Manager

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jennifer Louis, Chief of Police

Subject: Ordinance Amendment Relating to the Memorandum of Understanding (MOU) Compendium; Amending Berkeley Municipal Code Section 2.04.190

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 2.04.190 to revise the required frequency of City Council approval for agreements, understandings, or policies between the Berkeley Police Department and other law enforcement agencies or private organizations.

FISCAL IMPACTS OF RECOMMENDATION

The proposed amendment would reduce the administrative burden and staff time currently required by the ordinance's annual reporting and public hearing process. By shifting to a triennial (every three years) approval cycle, staff will be better able to provide clear, concise and updated information to the Council, improving both efficiency and transparency.

CURRENT SITUATION AND ITS EFFECTS

Most agreements between the Berkeley Police Department and external agencies have been in place for several years and are periodically updated to ensure continued operational effectiveness. This allows daily law enforcement operations to proceed smoothly. Challenges that may arise are addressed through mutual cooperation and strong working relationships between agencies. Without these agreements or memoranda of understanding (MOUs), the Department's ability to operate efficiently would be significantly impaired.

Currently, BMC §2.04.190 provides:

"No such agreement, understanding or policy shall be valid or effective for more than one year following City Council approval, but each may be renewed or extended following the disclosure, public hearing and documentation procedures provided for in Sections 2.04.170 and 2.04.180 of this article."
(Ord. 4640-NS § 5, 1973)

In compliance with this Ordinance, public hearings have been held on the following dates:

March 12, 1974 (Resolution No. 46,409 N.S.)
March 11, 1975 (Resolution Nos. 47,103 N.S.; 47,104 N.S.; 47,105 N.S.)
March 30, 1976 (Resolution No. 47,873 N.S.)
March 22, 1977 (Resolution No. 48,630 N.S.)
July 27, 1982 (Resolution No. 51,445 N.S.)
October 16, 1984 (Resolution No. 52,458 N.S.)
April 29, 1986 (Resolution No. 53,207 N.S.)
September 19, 2006 (Resolution No. 63,432 N.S.)
April 20, 2010 (Resolution No. 64,847 N.S.)
November 8, 2011 (Resolution No. 65,505 N.S.)
September 18, 2012 (Resolution No. 65,901 N.S.)
September 18, 2012 (Resolution No. 65,902 N.S.)
October 15, 2013 (Resolution No. 66,344 N.S.)
October 28, 2014 (Resolution No. 66,836 N.S.)
December 15, 2015 (Resolution No. 67,327 N.S.)
March 14, 2017 (Resolution No. 67,870 N.S.)
June 20, 2017 (Resolution Nos. 68,050 N.S, 68-051 N.S., 68-052 N.S., 68-053 N.S)
July 23, 2018 (Resolution No. 68,517 N.S.)
July 22, 2025 (Resolution No. 71,902-N.S.)

As evidenced by the list above, there have been inconsistent intervals between hearings, with gaps in reporting by the Department. These gaps reflect the challenges of adhering to annual reporting requirements, particularly during times of resource constraints or competing operational priorities.

BACKGROUND

Berkeley Municipal Code (BMC) §§2.04.150 – 2.04.210 require City Council approval of agreements involving mutual aid, information sharing, or operational cooperation between the Berkeley Police Department and local, state or federal law enforcement agencies, military or private security organizations. Enacted in 1973 under Ordinance No. 4640-NS, these provisions mandate annual Council review.

The most recent Council approval occurred on July 22, 2025. That update was significantly delayed due to factors that included the COVID-19 pandemic, staffing limitations, the transition from legacy General Orders to updated Lexipol policy management, and protracted legal reviews.

While annual review was originally intended to ensure transparency and oversight, the administrative burden of annually reviewing over two dozen complex agreements, many requiring input from multiple agencies, has become impractical. Most agreements do not materially change from year to year and are already subject to periodic review.

To maintain accountability while easing the administrative burden, the Department has established an internal review process and now respectfully requests that the City Council amend BMC 2.04.190 to require review and approval every three years, rather than annually. This change maintains the goals of transparency and oversight while allowing staff to allocate time and resources more effectively.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or sustainability opportunities related to this recommendation.

RATIONALE FOR RECOMMENDATION

The proposed amendment preserves the intent of the original 1973 ordinance by ensuring regular oversight while introducing a more manageable reporting cycle. A triennial review process would promote efficient use of City resources without compromising transparency or accountability.

ALTERNATIVE ACTIONS CONSIDERED

The Council could choose to not amend the ordinance, in which case the existing annual reporting and approval requirements would remain unchanged.

CONTACT PERSON

Jennifer Louis, Chief of Police, 510-981-5900

Attachments:
1: Ordinance

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 2.04.190 RELATING TO THE MEMORANDUM OF UNDERSTANDING (MOU) COMPENDIUM

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

Section 1. That Berkeley Municipal Code 2.04.190 is amended to read as follows:

2.04.190 Period of validity--Renewal.

No such agreement, understanding or policy shall be valid or effective for more than three years~~one year~~ following City Council approval, but each may be renewed or extended following the disclosure, public hearing and documentation procedures provided for in Sections 2.04.170 and 2.04.180 of this Article.

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 fifteen (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.

16

Office of the City Manager

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works Department

Subject: Grant Acceptance and Execution for the Codornices Creek Restoration at Ninth Street Bend Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to:

1. Execute a $500,000 funding agreement with the Department of Water Resources and any amendments thereto for the Codornices Creek Restoration at Ninth Street Bend Project.
2. Authorize submission of any required documents, invoices, and reports required to obtain grant funding.

FISCAL IMPACTS OF RECOMMENDATION

The Codornices Creek Restoration at Ninth Street Bend Project (Project) is estimated to cost $780,000. The funding amount payable by the State under the Agreement would not exceed $500,000. Supplemental local funding required for execution of the Project is available in adopted FY2026 budget in the Capital Improvement Fund (501) as detailed below.

Estimated Total Project Cost	**$780,000**
Current FY 2026 Funding	
Department of Water Resources Funding	$500,000
Capital Improvement Fund (501)	$280,000
Total Project Funding	**$780,000**

CURRENT SITUATION AND ITS EFFECTS

In November 2024, City staff and co-sponsor Friends of Five Creeks submitted a grant proposal to the Department of Water Resources (DWR) Riverine Stewardship Program for the restoration of Codornices Creek at the Ninth Street Bend. This project aims to restore a vital section of Codornices Creek, a stream that has been the focal point of extensive restoration efforts spanning over two decades.

On May 30, 2025, the DWR Riverine Steward Program, which funds creek, stream, and river restoration projects across California, which enhance riparian ecosystems, notified the City that the submitted proposal had been conditionally awarded a $500,000 grant. The grant would fund the construction and post-project monitoring and adaptive management phase of the project. Local funds have been used to bring the design to a 60 percent completion and additional local funding would be used to finalize the design and secure all environmental permits. Acceptance of grant funding would allow the City to proceed with the construction phase of the project in 2026.

Accepting the grant funding and implementing the Codornices Creek Restoration at Ninth Street Bend Project supports the City's Strategic Plan goals of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities and being a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

BACKGROUND

The Project aims to restore a failed section of the historic cutbank along Codornices Creek, improving creek function and stabilizing the bank using natural materials and native vegetation. The restoration will enhance habitat quality and channel complexity, providing immediate and long-term benefits for native wildlife. In particular, the project is expected to support the native steelhead population by restoring critical in-stream and riparian habitat.

The DWR Riverine Stewardship Program would provide funding for the Project from the Costa-Machado Water Act of 2000 (Proposition 13; Wat. Code, § 79000 et seq.).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Project promotes environmental sustainability by using natural materials and native vegetation to restore creek bank stability and riparian habitat, reducing the need for future structural interventions. By enhancing channel complexity and allowing the creek to adapt to changing flows, the restoration improves the creek's resilience to climate change impacts such as increased storm intensity and variable water levels. These nature-based solutions help maintain ecological function while supporting long-term habitat for the native steelhead population.

RATIONALE FOR RECOMMENDATION

Accepting the grant funding would allow the City to leverage significant state funding to complete a high-priority restoration project avoiding further delays, higher future costs, and further degradation of habitat. No local funding sources have been identified to carry out the construction that would be covered by this state grant.

CONTACT PERSON
Wahid Amiri, Deputy Director, Department of Public Works, (510) 981-6396
Ronald Nevels, Manager of Engineering, Public Works, (510) 981-6439
Ricardo Salcedo, Acting Supervising Civil Engineer, Public Works, (510) 981-6407

Attachments:
1: Resolution

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

GRANT ACCEPTANCE AND EXECUTION FOR THE CODORNICES CREEK RESTORATION AT NINTH STREET BEND PROJECT

WHEREAS, City staff propose to implement the Codornices Creek Restoration at Ninth Street Bend Project (Project) to restore a vital section of Codornices Creek; and

WHEREAS, City staff and co-sponsor Friends of Five Creeks submitted a grant proposal to the California Department of Water Resources for construction and post-construction monitoring for the Project; and

WHEREAS, the Department of Water Resources conditionally awarded $500,000 to the City to fund the Project; and

WHEREAS, funding for the grant comes from the Costa-Machado Water Act of 2000 (Proposition 13; Wat. Code, § 79000 et seq.); and

WHEREAS, the City of Berkeley has the legal authority and is authorized to enter into a funding agreement with the State of California; and

WHEREAS, based on latest Project estimates, $280,000 of local funds would be required to supplement the grant award to complete the project; and

WHEREAS, $280,000 in Capital Improvements Funds (501) are in the adopted budget for FY2026 for the Project.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley, pursuant to all of the terms and provisions of the Costa-Machado Water Act of 2000 (Wat. Code, § 79000 et seq.), authorizes the City Manager to execute the funding agreement with the Department of Water Resources and any amendments thereto.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes and directs the City Manager, or designee, to submit any required documents, invoices, and reports required to obtain grant funding.

17

Office of the City Manager

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Allocation Request: MTC Safe Routes to Transit and Bay Trail Program: Adeline Street Quick Build

RECOMMENDATION

Adopt a Resolution authorizing the Public Works Department to submit a grant funding allocation request to the Metropolitan Transportation Commission (MTC) for the Adeline Street Quick-Build project.

FISCAL IMPACTS OF RECOMMENDATION

The estimated total cost of the Adeline Street Quick-Build Project (Project) is $1,041,000. To access $922,000 in funding from the Regional Measure 3: 2025 Safe Routes to Transit and Bay Trail Program (SR2TBT), the proposed allocation request must be adopted by Council. This Metropolitan Transportation Commission (MTC) program requires that the City provide a minimum 11.47% of the total funding in matching funds. The City will provide a $119,000 match to meet MTC's 11.47% requirement, available in fiscal year 2027 from Measure BB Fund 134 (Bicycle and Pedestrian).

CURRENT SITUATION AND ITS EFFECTS

On October 1, 2024, Council adopted Resolution No. 71,523-N.S., authorizing the filing of an application for funding for the Adeline Quick Build to the MTC's Safe Routes to Transit and Bay Trail program. On February 26, 2025, MTC recommended funding the project for the full $922,000 requested.

The Council must adopt a resolution authorizing the allocation request to be submitted to MTC to be able to access these funds and begin the project. MTC's Resolution No. 4404 Regional Measure 3 Policies and Procedures requires that project sponsors submit a Resolution adopted by the City Council supporting the allocation request. The allocation process for Regional Measure 3 capital projects is required for executing funding agreements.

This project addresses bicyclist and pedestrian safety concerns in one of MTC's Equity Priority Communities (EPC) by combining recommendations from several Council approved plans. The EPC designation helps provide funding and assistance to census

tracts that have a significant concentration of traditionally underserved populations, such as households with low incomes, limited English proficiency, zero-vehicle households, seniors 75 years and over, people with disability, single-parent families, severely rent burdened households, and people of color.

The safety countermeasures and traffic calming improvements in the Project were identified in the following Council approved plans:

- 2017 Berkeley Bike Plan,
- 2020 Vision Zero Plan,
- 2020 Berkeley Pedestrian Plan, and
- the 2020 Adeline Corridor Specific Plan.

The Project is situated on Adeline Street from Ashby Avenue to the City limit at approximately 61st Street. The project reduces the number of through lanes from six to four lanes, to accommodate construction of a one-way protected bike lane ("cycle track") on each side of Adeline Street. Once completed, this will represent a 1.75-mile-long corridor of continuous low-stress Class IV separated bikeways from Oakland to downtown Berkeley, closing the existing gap between the Adeline cycle tracks north of Ashby and the Oakland border.

The SR2TBT grant funding is for the construction phase of the project. The environmental, public engagement, and engineering design phases of the project will be completed by approved on-call engineering design firm Alta Planning and Design. A contract for construction has yet to be awarded and will be selected through competitive invitation to bid per City procurement policies.

Adeline Street Quick Build is in alignment with the City's Strategic Plan Priorities, advancing our goal to be a global leader in addressing climate change, advancing environmental justice and protecting the environment.

BACKGROUND

The Adeline Street Quick Build project will complement planned improvements on the City of Oakland's side of the border. The City of Oakland is currently developing the Martin Luther King Jr. Way Complete Streets and Paving Project, which includes proposed pedestrian, bicycle, and transit improvements that will ultimately connect to the City of Berkeley's Adeline Street Quick Build facilities.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Increasing cycling and walking in Berkeley will help the City achieve the Berkeley Climate Action Plan greenhouse gas emission reduction targets of 80% below year 2000 levels by 2050. The project is exempt from the California Environmental Quality Act under Public Resources Code section 21080.25(b)(1) because it consists of pedestrian and bicycle facilities that improve safety, access, or mobility within the public right-of-way. The project does not induce single-occupancy vehicle trips, add additional

highway lanes, widen highways, or add physical infrastructure or striping to highways except for minor modifications needed for the efficient and safe movement of transit vehicles, bicycles, or high-occupancy vehicles. The project will not include the addition of any auxiliary lanes and will not require the demolition of affordable housing units. Pursuant to Public Resources Code section 21080.25(f), Council certifies that the project will be completed by a skilled and trained workforce.

RATIONALE FOR RECOMMENDATION

This project implements planned improvements that have already been approved by Council in the following plans:

- 2017 Berkeley Bike Plan,
- 2020 Vision Zero Plan,
- 2020 Berkeley Pedestrian Plan, and the
- 2020 Adeline Corridor Specific Plan

The grant application for the project was previously adopted by Council Resolution No. 71,523-N.S. Adoption of this Resolution ensures the project can be implemented within the planned schedule, bringing improvements to a high injury corridor. Additionally, these MTC funds are vitally important to ensuring that the City has adequate budget to move forward with planned improvements, despite anticipated future fiscal year deficits.

ALTERNATIVE ACTIONS CONSIDERED

Not submitting this grant funding allocation request to MTC is an alternative that would leave the allocated funding for the City unclaimed. The City would be financially responsible for the full cost of all improvements to this corridor. This option was deemed inadvisable, as it would directly delay the implementation of critical bicyclist and pedestrian safety measures along Adeline Street—a high-injury corridor identified in the 2020 Vision Zero Plan. Additionally, it would result in forfeiture of $922,000 in Regional Measure 3 funding, thereby missing a significant opportunity to advance Council-approved transportation safety and climate action goals.

CONTACT PERSON

Wahid Amiri, Deputy Director, Public Works, 510-981-6396
Mark Helmbrecht, Transportation Manager, Public Works, 510-981-6403
Babak Dorji, Senior Planner, Public Works, 510-981-7073

Attachments:

1. Resolution
   - Exhibit 1: Resolution No. 71,523-N.S. Authorizing Grant Application for Funding (adopted October 1, 2024)
   - Exhibit 2: Initial Project Report (IPR)
   - Exhibit 3: Allocation Request Form
   - Exhibit 4: Cash Flow Plan

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

REGIONAL MEASURE 3 ALLOCATION REQUEST FOR THE ADELINE STREET QUICK BUILD PROJECT

Implementing Agency: City of Berkeley
Sponsor Agency: Metropolitan Transportation Commission
Project Title: Adeline Street Quick Build

WHEREAS, SB 595 (Chapter 650, Statutes 2017), commonly referred as Regional Measure 3, identified projects eligible to receive funding under the Regional Measure 3 Expenditure Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 3 funds, pursuant to Streets and Highways Code Section 30914.7(a) and (c); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 3 funding; and

WHEREAS, allocation requests to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 3 Policies and Procedures (MTC Resolution No. 4404; and

WHEREAS, *Metropolitan Transportation Commission* is the sponsor of Project 4.3 Adeline Street Quick Build in the Regional Measure 3 Expenditure Plan; and

WHEREAS, the 4.3 *Adeline Street Quick Build* is eligible for consideration in the Regional Measure 3 Expenditure Plan, as identified in California Streets and Highways Code Section 30914.7(a); and

WHEREAS, *Metropolitan Transportation Commission* designated *City of Berkeley* as an entity that is eligible to request Regional Measure 3 funds for the 4.3 Adeline Street Quick Build project; and

WHEREAS, the Regional Measure 3 updated Initial Project Report (IPR) and allocation request, attached hereto and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which *City of Berkeley* is requesting that MTC allocate Regional Measure 3 funds.

NOW THEREFORE BE IT RESOLVED, that *City of Berkeley* accepts *Metropolitan Transportation Commission's* designation as implementing agency for the project: and

BE IT FURTHER RESOLVED, that *City of Berkeley* accepts *Metropolitan Transportation Commission's* delegation of responsibility for certifying the project and allocation request(s) comply with the requirements of the Metropolitan Transportation Commission's Regional Measure 3 Policies and Procedures; and

BE IT FURTHER RESOLVED, that *City of Berkeley,* and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 3 Policies and Procedures; and

BE IT FURTHER RESOLVED, that *City of Berkeley* certifies that 4.3 *Adeline Street Quick Build* is consistent with the Regional Transportation Plan (RTP); and

BE IT FURTHER RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and

BE IT FURTHER RESOLVED, that the Regional Measure 3 phase or segment is fully funded, and results in an operable and useable segment; and

BE IT FURTHER RESOLVED, that *City of Berkeley* approves the allocation request and updated IPR, attached to this resolution; and

BE IT FURTHER RESOLVED, that *City of Berkeley* approves the cash flow plan, attached to this resolution; and

BE IT FURTHER RESOLVED, that *City of Berkeley* has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the allocation request and updated IPR, attached to this resolution; and

BE IT FURTHER RESOLVED, that *City of Berkeley* is authorized to submit an allocation request for Regional Measure 3 funds for *Adeline Street Quick Build* in accordance with California Streets and Highways Code 30914.7(a); and

BE IT FURTHER RESOLVED, that *City of Berkeley* certifies that the projects and purposes for which Regional Measure 3 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 2l000 et seq.), and with the State Environmental Impact Report Guidelines (l4 California Code of Regulations Section l5000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations thereunder; and

BE IT FURTHER RESOLVED, that there is no legal impediment to *City of Berkeley* making allocation requests for Regional Measure 3 funds; and

BE IT FURTHER RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of *City of Berkeley* to deliver such project; and

BE IT FURTHER RESOLVED, that *City of Berkeley* indemnifies and holds harmless MTC, BATA, and their Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of *City of Berkeley*, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of Regional Measure 3 funds. *City of Berkeley* agrees at its own cost, expense, and risk, to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against MTC, BATA, and their Commissioners, officers, agents, and employees, or any of them, arising out of such act or omission, and to pay and satisfy any resulting judgments. In addition to any other remedy authorized by law, so much of the funding due under this allocation of Regional Measure 3 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and

BE IT FURTHER RESOLVED, that *City of Berkeley* shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the project(s); and

BE IT FURTHER RESOLVED, that assets purchased with Regional Measure 3 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 3 funds were originally used; and

BE IT FURTHER RESOLVED, that *City of Berkeley* shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 3 Toll Revenues; and

BE IT FURTHER RESOLVED, that *City of Berkeley* authorizes its *City Manager, or his/her designee* to execute and submit an allocation request for the *construction* phase with MTC for Regional Measure 3 funds in the amount of $922,000, for the project, purposes and amounts included in the allocation request attached to this resolution; and

BE IT FURTHER RESOLVED, that the *City Manager, or their designee* is hereby delegated the authority to make non-substantive changes or minor amendments to the allocation request or IPR as he/she deems appropriate; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the *City of Berkeley* allocation request referenced herein.

RESOLUTION NO. 71,523-N.S.

AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDING ASSIGNED TO MTC AND COMMITTING ANY NECESSARY MATCHING FUNDS AND STATING ASSURANCE TO COMPLETE THE PROJECT

WHEREAS, CITY OF BERKELEY (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for $1,041,000 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Carbon Reduction Program (CRP) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Adeline Street Quick-Build (herein referred to as PROJECT) for Regional Measure 3: 2025 Safe Routes to Transit and Bay Trail Program (herein referred to as PROGRAM); and

WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the FEDERAL TRANSPORTATION ACT) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149), the Carbon Reduction Program (CRP) (23 U.S.C. § 175), and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to the FEDERAL TRANSPORTATION ACT, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- that the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
- that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- that APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective County Transportation Agency (CTA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and
- in the case of a transit project, the PROJECT will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region; and
- in the case of a highway project, the PROJECT will comply with MTC Resolution No. 4104, which sets forth MTC's Traffic Operations System (TOS) Policy to install and activate TOS elements on new major freeway projects; and
- in the case of an RTIP project, state law requires PROJECT be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the County Transportation Agency (CTA); and

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

WHEREAS, APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding; and

BE IT FURTHER RESOLVED that APPLICANT will provide any required matching funds; and

BE IT FURTHER RESOLVED that APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and

BE IT FURTHER RESOLVED that APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective County Transportation Agency (CTA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and

BE IT FURTHER RESOLVED that PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and

BE IT FURTHER RESOLVED that APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and

BE IT FURTHER RESOLVED that PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and

BE IT FURTHER RESOLVED that, in the case of a transit project, APPLICANT agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised; and

BE IT FURTHER RESOLVED that, in the case of a highway project, APPLICANT agrees to comply with the requirements of MTC's Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104; and

BE IT FURTHER RESOLVED that, in the case of an RTIP project, PROJECT is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the County Transportation Agency (CTA); and

BE IT FURTHER RESOLVED that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and

BE IT FURTHER RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

BE IT FURTHER RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and

BE IT FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

BE IT FURTHER RESOLVED that APPLICANT authorizes its Executive Director, General Manager, City Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and

BE IT FURTHER RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project RESOLUTION NO. 71,523-N.S.

The foregoing Resolution was adopted by the Berkeley City Council on October 1, 2024 by the following vote:

Ayes: Bartlett, Hahn, Humbert, Kesarwani, Lunaparra, Taplin, Tregub, Wengraf, and Arreguin.

Noes: None.

Absent: None.

Jesse Arreguin, Mayor

Attest:
Mark Numainville, City Clerk

Regional Measure 3

Initial Project Report

Project/Subproject Details

Basic Project Information

Project Number	N/A
Project Title	Adeline Street Quick Build
RM3 Funding Amount	$922,000

Subproject Information

Subproject Number	
Subproject Title	
RM3 Funding Amount	

I. Overall Subproject Information

a. Project Sponsor / Co-sponsor(s) / Implementing Agency

City of Berkeley

b. Detailed Project Description *(include definition of deliverable segment if different from overall project/subproject)*

This project runs on Adeline Street from Ashby Avenue to the Berkeley city limit at approximately 61st Street. There are currently six lanes of traffic on Adeline Street (three lanes in each direction). This project would reduce the number of through lanes from six to four lanes (two in each direction) and accommodate construction of a one-way protected bike lane ("cycle track") on each side of Adeline Street. The project also constructs bus boarding islands at several stops along Adeline St. to minimize conflicts between bicyclists, buses and pedestrians. Upgraded Class II bike lanes will be implemented along the Ashby BART station and the adjacent Ed Roberts Campus to retain frequent curbside loading and disability access. The project makes an important connection in the regional bike network, bridging the gap from where the Adeline Street cycle track ends at Ashby Avenue in Berkeley to where it resumes on Adeline at the Oakland border. It will also connect to the cycle track that the City of Oakland is planning for Martin Luther King Jr Way. The low cost of project materials will create a cost-effective means of constructing safe infrastructure while offering the City of Berkeley design flexibility to respond to community input.

c. Impediments to Project Completion

d. Risk Management *(describe risk management process for project budget and schedule, levels of contingency and how they were determined, and risk assessment tools used)*

A construction contingency cost of 10% of the overall construction cost was applied to the budget.

e. Operability *(describe entities responsible for operating and maintaining project once completed/implemented)*

The project area is operated and maintained by the Public Works department of the City of Berkeley.

f. Project Graphic(s) *(include below or attach)*

Attached project map and conceptual designs.

II. Project Phase Description and Status

a. **Environmental/Planning** Does NEPA apply? Yes ☐ No ☒

b. Design

c. Right-of-Way Activities / Acquisition

d. Construction / Vehicle Acquisition / Operating

The Project will install a Class IV separated bikeway, using temporary and replaceable materials. Where Class IV separated bikeways are not feasible within the constraints of a quick-build, Class II lanes with green thermoplastic will be implemented. In addition to Class IV separated bikeways, the project will include 2 doweled-in concrete floating bus islands and pedestrian refuge islands at 3 unsignalized crosswalks. The project will include community engagement on design details and data collection before

and after project implementation to further inform design modifications. Due to the nature of quick-build projects and the small project budget, all design activities will take place during the construction phase. The Environmental (ENV), Project Approval and Environmental Document (PA&ED) and Plans, Specifications, and Estimate (PS&E) phases will be done by an existing on-call contracted engineering design firm; construction will be delivered via competitive invitation to bid.

III. Project Schedule

Phase-Milestone	**Planned**	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)		
Final Design - Plans, Specs. & Estimates (PS&E)		
Right-of-Way Activities /Acquisition (R/W)		
Construction (Begin – Open for Use) / Acquisition (CON)	4/1/2026	8/1/2026

IV. Project Budget

Capital

Project Budget	**Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)**
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	
Design - Plans, Specifications and Estimates (PS&E)	
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	$1,041,000
Total Project Budget (in thousands)	$1,041,000

Deliverable Segment Budget (if different from Project budget)	**Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)**

Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	
Design - Plans, Specifications and Estimates (PS&E)	
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	
Total Project Budget (in thousands)	

Operating	**Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)**
Annual Operating Budget	

V. Project Funding

Please provide a detailed funding plan in the Excel portion of the IPR. Use this section for additional detail or narrative as needed and to describe plans for any "To Be Determined" funding sources, including phase and year needed.

VI. Contact/Preparation Information

Contact for Project Sponsor
Name: Eric Anderson
Title: Principal Planner
Phone: 510-981-7062
Email: eanderson@berkeleyca.gov
Mailing Address: 1947 Center St. 4th Floor, Berkeley, CA 94704

Person Preparing Initial Project Report (if different from above)
Name: Dani Dynes
Title: Associate Planner
Phone: 510-981-7053
Email: ddynes@berkeleyca.gov
Mailing Address: 1947 Center St. 4th Floor, Berkeley, CA 94704

Regional Measure 3
Allocation Request

RM3 Project Information

Project Number	N/A
Project Title	Adeline Street Quick Build
Project Funding Amount	$922,000

Subproject Information (if different from overall RM3 project)

Subproject Number	
Subproject Title	
Subproject Funding Amount	

RM3 Allocation History (Add lines as necessary)

	MTC Approval Date	Amount	Phase
#1:			
#2			
#3			

Total: $

Current Allocation Request:

Request submittal date	Amount	Phase
6/30/2025	$922,000	Construction

I. RM3 Allocation Request Information

a. **Describe the current status of the project, including any progress since the last allocation request or IPR update, if applicable.**

The project has not started yet. Due to the quick build nature of the project the City will complete final design during the construction phase. Public engagement will be conducted before and after implementation.

b. **Describe the scope of the allocation request. Provide background and other details as necessary. The scope must be consistent with the RM3 statute. If the scope differs from the most recent IPR for this project, please describe the reason for any changes here; a revised IPR may be necessary.**

The allocation request will provide funding for the quick build project to construct 0.6 mi of class IV protected bikeways (some sections of class II where class IV is not feasible) on Adeline Street from Ashby Ave to the Berkeley-Oakland border. During construction of the bikeways several doweled-in concrete bus boarding islands will be constructed along Adeline Street, and pedestrian refuge islands will be added at three unsignalized crosswalks to improve conditions for transit riders and pedestrians.

c. Deliverable segment budget – please fill out attached Excel file. If the budget differs from the most recent IPR for this project, please describe the reason for any changes here; a revised IPR may be necessary.

Budget form is attached. The total project budget is $1,040,666.

d. Schedule – what is the expected completion date of the phase for this allocation? Describe any significant milestones.

The estimated completion date is August 1, 2026.

e. If the project received an RM3 Letter of No Prejudice, how much has been spent against the approved RM3 LONP amount? (Note: the scope and RM3 amount for this allocation request should match the approved LONP)

Not applicable.

f. Request Details

Amount being requested	$922,000
Project phase being requested	Construction
Are there other fund sources involved in this phase?	☒ Yes ☐ No
Date of anticipated Implementing Agency Board approval of RM3 Allocation Request resolution for the allocation being requested	July 29, 2025
Month/year being requested for MTC commission approval of allocation	October 2025

Note: Allocation requests are recommended to be submitted to MTC staff for review sixty (60) days prior to action by the Implementing Agency Board

g. **List any other planned bridge toll allocation requests in the next 12 months**

Regional Measure 3
Allocation Request
Funding Plan - Deliverable Segment - Fully funded phase or segment of total project

Project Title:	Adeline Street Quick Build
Subproject Title	
Project/Subproject Number:	
Total RM3 Funding:	$ 922,000

(add rows as necessary)

RM3 Deliverable Segment Funding Plan - Funding by planned year of allocation

Funding Source	Phase	Prior	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	Future committed	Total Amount ($ thousands)	Amount Expended ($ thousands)	Amount Remaining ($ thousands)
RM3	ENV										$ -		$ -
	ENV										$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
ENV Subtotal		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
RM 3	PSE										$ -		$ -
	PSE										$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
PSE Subtotal		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
RM 3	ROW										$ -		$ -
	ROW										$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
ROW Subtotal		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
RM 3	CON			$ 922,000							$ 922,000		$ 922,000
Measure BB	CON			$ 119,000							$ 119,000		$ 119,000
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
CON Subtotal		$ -	$ -	$ 1,041,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,041,000	$ -	$ 1,041,000
RM 3 Funding Subtotal		$ -	$ -	$ 922,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 922,000	$ -	$ 922,000
Capital Funding Total		$ -	$ -	$ 1,041,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,041,000	$ -	$ 1,041,000

Regional Measure 3
Allocation Request
Cash Flow Plan

Project Title: Adeline Street Quick Build
Subproject Title 0
Project/Subproject Number: 0
Total RM3 Funding: $ 922,000

(please include all planned funding, add rows as necessary)
Please update the columns below based on your allocation month. The first six months of cash flow are monthly, followed by quarterly, then annually as long as you can reasonably estimate projected expenditures

RM3 Cash Flow Plan for Deliverable Segment - Funding by requested expenditure period

Funding Source(s) List all funding sources besides RM3	Phase	Prior	Dec-24	Jan-25	Feb-25	Mar-25	2025 Q4 (April - June 2025)	2026 Q1 (July- Sept 2025)	2026 Q2 (Oct - Dec 2025)	2026 Q3 (Jan - March 2026)	2026 Q4 (April - June 2026)	2027 Q1 (July- Sept 2026)	2027 Q2 (Oct - Dec 2026)	2027 Q3 (Jan - March 2027)	2027 Q4 (April - June 2027)	2028 Q1 (July- Sept 2027)	2028 Q2 (Oct - Dec 2027)	2028 Q3 (Jan - March 2028)	Future committed (if applicable)	Total Amount ($ millions)	Amount Expended ($ millions)	Amount Remaining ($ millions)
RM 3	ENV																			$ -		$ -
Other																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
ENV Subtotal		$ -								$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
RM 3	PSE																			$ -		$ -
																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
PSE Subtotal		$ -								$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
RM 3	ROW																			$ -		$ -
																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
ROW Subtotal		$ -								$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
RM 3	CON										$ 461,000	$ 461,000								$ 922,000		$ 922,000
Measure BB	CON										$ 59,500	$ 59,500								$ 119,000		$ 119,000
																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
																				$ -		$ -
CON Subtotal		$ -					$ -	$ -		$ -	$ 520,500	$ 520,500	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,041,000	$ -	$ 1,041,000
RM 3 Funding Subtotal		$ -					$ -	$ -		$ -	$ 461,000	$ 461,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 922,000	$ -	$ 922,000
Capital Funding Total		$ -					$ -	$ -		$ -	$ 520,500	$ 520,500	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,041,000	$ -	$ 1,041,000

Notes: RM3 funds should be drawn down approximately propotionately with other funding sources in the same phase. The allocation expiration date will be the end of the final fiscal year in which RM3 funds are planned to be expended for the requested phase.

Regional Measure 3
Allocation Request
Estimated Budget Plan

Project Title:	Adeline Street Quick Build
Subproject Title	0
Project/Subproject Number:	0
Total RM3 Funding:	$ 922,000

1. Direct Labor of Implementing Agency (specify by name and job function)	**Estimated Hours**	**Rate/Hour**	**Total Estimated cost**
Supervising Civil Engineer (Kenneth Jung)	1,006.29	87	$ 87,547
			$ -
			$ -
			$ -
			$ -
			$ -
Direct Labor Subtotal			$ 87,547
2. Overhead and direct benefits (specify)	**Rate**	**x Base**	
Supervising Civil Engineer (Kenneth Jung)	72		
Overhead and Benefit Subtotal			$ 72,453
3. Direct Capital Costs (include engineer's estiamte on construction, right-of-way, or vehicle acquisition	**Unit (if applicable)**	**Cost per unit**	**Total Estimated cost**
Remove pavement striping and marking	6850	3	$ 20,550
Install bike lane marking w/ green thermoplastic	34	1100	$ 37,400
Install Thermo. 4" White Line	290	4	$ 1,160
Install 6" bike lane line	7544	5	$ 37,720
Install Thermo. Bike Lane Buffer	629	10	$ 6,290
Install Thermo Green Bike Lane	4063	19	$ 77,197
Install Tan Thermoplastic	501	19	$ 9,519
Install Flexible Post	97	110	$ 10,670
Install pavement traffic arrow	8	150	$ 1,200
Install pavement marking (parking ticks)	265	10	$ 2,650
Construct Doweled-In Concrete Bus Island w/ Bike Ramps	4	45000	$ 180,000
Construct Doweled-In Concrete Pedestrian Refuge Island	384	40	$ 15,360
Install Slurry Seal	775	60	$ 46,500
Install Bike Intersection Green Boxes with White Dash Markings	162	200	$ 32,400
Install Bike Lane Legend	11	550	$ 6,050
Dashed Traffic Line	1160	4	$ 4,640
BUS ONLY Pavement Markings	240	14	$ 3,360
Direct Capital Costs Stubtotal			$ 492,666
4. Consultants (Identify purpose and/or consultant)			**Total Estimated cost**
Construction Engineering			$ 91,000
Constultants Subtotal			$ 91,000
5. Other direct costs			**Total Estimated cost**
Overhead			$ -
Mobilization/Demobilization			$ 90,000.00
Traffic Control			$ 102,000.00
Stormwater Protection Plan			$ 55,000.00
Construction Survey and Staking			$ 50,000

Other Direct Costs Subtotal			$ 297,000
Total Estimated Costs			$ 1,040,666

Comments:

18

Office of the City Manager

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Contract No. 32500001 Amendment: CESCORP, dba Cal Elite Builders for Corp Yard City Fleet EV Charger Project. Specification No.23-11546-C

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32500001 with CESCORP dba Cal Elite Builders to complete the installation of electric vehicle chargers and related work at the Corporation Yard, increasing the current not to exceed contract amount of $814,680 by $140,000 for a total amount not to exceed $954,680.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment is available in the General Fund (011) in the Public Works budget. The $140,000 requested for this amendment is within the project budget.

No other funding is required.

Original Contract……	$678,900.00
Original Contingency……	$135,780.00
Original (NTE)	$814,680.00
This Amendment……	$140,000.00
Amended Contract Amount (NTE)	$954,680.00

The original project contingency of 20% is expected to be expended due to change orders resulting from various unforeseen site conditions. The amended contract NTE amount will address pending change orders and provide additional contingency to address any additional unforeseen conditions necessary to complete the project.

CURRENT SITUATION AND ITS EFFECTS

The Corporation Yard City Fleet EV Charger project, one of the City's Capital Improvement Projects, is the initial step towards establishing the necessary infrastructure to support electric vehicle charging at the Corporation Yard, in alignment to meet the City's 2030 electrification goal. Through a competitive bidding process, CESCORP dba Cal Elite Builders was selected as the lowest, responsive bidder for this Capital Improvement Project, which supports the City's initiative to electrify its fleet by

providing the necessary charging infrastructure. On September 16, 2024, Cal Elite Builders commenced construction on the Corporation Yard City Fleet EV Charger project. During the demolition phase, unforeseen site conditions were encountered, adding complexity to the project that had not been anticipated. Although these conditions were not visible prior to construction, the design team—including City staff, Interface Engineering, Inc., and Harrison Engineering, Inc.—conducted thorough due diligence during the planning and design phase to assess and anticipate site conditions as accurately as possible.

In addition, the site has undergone multiple previous projects over the years, many of which were not documented in available City drawings. As construction progressed, the contractor was able to begin quantifying these unforeseen conditions, which included;

- Elevated underground water levels, requiring the acquisition of a water discharge permit from East Bay Municipal Utility District
- An abandoned monitoring well needing to be grouted to stop the influx of ground water
- Concrete beneath the asphalt, necessitating additional excavation, labor, and specialized disposal
- Relocating existing utilities to meet PG&E requirements
- Additional excavation due to PG&E design changes
- Potholing for high pressure gas line and backfill
- Previously undocumented underground utilities, complicating excavation and installation efforts
- Tracing of underground fiber optic conduit
- Soil sampling and testing

While the contract included a contingency $135,780 (20%), project management staff anticipates to deplete the contingency. Given the site's history, size, and complexity, additional unforeseen conditions continue to emerge.

To date, $129,213.99 of the original $135,780.00 contingency has been encumbered, with the remaining balance expected to be consumed by pending change orders.

The provided services will support the Strategic Plan goals of creating a resilient, safe, connected, and prepared City and providing state-of-the art, well-maintained facilities.

BACKGROUND

In July of 2020, the Department presented its 2020 Municipal Fleet Electrification Assessment to the Council. This assessment, developed in response to a 2019 referral requested by the Council, details the department's action plan for the pursuit of a full electrification of the City's municipal vehicle fleet by the year 2030. The assessment and

this recommendation are primarily focused on servicing the electrification of the remaining 40% of the City's fleet that are light duty vehicles.

While the pursuit of full electrification of the City's light, medium, and heavy-vehicles remains limited by existing technologies, the portion of the fleet that is ready to be electrified can be prioritized. In order to meet its 2030 electrification goal and its broader climate goal to reach greenhouse gas emission 80% below 2000 levels by 2050, the City has committed to steady investments into the work of electrification.

The Department is on track to complete conversion of the light duty fleet to Electric Vehicles (EVs) by 2028, two years ahead of assessment's schedule. The Corporation Yard is an especially important location because much of the City's light duty fleet resides there, and without this charging infrastructure, EV conversion will slow dramatically.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The use of electric vehicles for Berkeley's municipal fleet will significantly reduce the City's greenhouse gas emissions. While the production of electric vehicles still results in some emissions, shifting away from fossil fuel-powered vehicles will nonetheless drastically advance the City's climate goals.

RATIONALE FOR RECOMMENDATION

The additional funding is necessary for the completion of code complaint EV Charger infrastructure. As the City continues to electrify its fleet, a reliable and scalable charging network is critical to support the growing demand.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered because the Contractor encountered unforeseen conditions, and the work is necessary for the completion of the project.

CONTACT PERSON

Wahid Amiri, Deputy Director, Department of Public Works, 510-981-6396
Ronald Nevels, City Engineer, Department of Public Works, 510-981-6439
Elmar Kapfer, Supervising Civil Engineer, Department of Public Works, 510-981-6435
Uriel Gonzalez, Assistant PW Engineer, Department of Public Works, 510-981-6627

Attachments:
1: Resolution

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

CONTRACT NO. 32500001 AMENDMENT: CESCORP, DBA CAL ELITE BUILDERS FOR CORP YARD CITY FLEET EV CHARGER PROJECT SPECIFICATION NO.23-11546-C

WHEREAS, the project consists of site and electrical upgrades for the installation of City fleet EV chargers per Plans and Specifications No.23-11552-C; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this project; and

WHEREAS, an invitation for bids (Plans and Specifications No.23-11546-C) was duly advertised, and CESCORP, dba Cal Elite Builders was determined to be the lowest responsive and responsible bidder; and

WHEREAS, Resolution No. 71-195-N.S. adopted by Council on January 30, 2024 authorized 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 CESCORP, dba Cal Elite Builders for the Corp Yard City Fleet EV Charger Project in an amount not to exceed $814,680, which included a contingency of $135,780; and

WHEREAS, due to unforeseen conditions an increase of $140,000 to the not to exceed amount is required for the completion of the city fleet electric vehicle charger project; and

WHEREAS, funds are available in the FY 2026 budget in the General Fund (011).

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. 32500001 with CESCORP dba Cal Elite Builders for the Corp Yard City Fleet EV Charger Project increasing the current not to exceed contract amount of $814,680 by $140,000 for a total amount not to exceed $954,680.

19

Office of the City Manager

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Contract: Mar Con Builders, Inc. for the Corporation Yard Green Room and Building H Improvements Project

RECOMMENDATION

Adopt a Resolution:

1. Approving plans and specifications for the Corporation Yard Green Room and Building H Improvements Project, Specification No. 25-116706-C; and
2. Accepting the bid of Mar Con Builders, Inc. as the lowest, responsive, and responsible bidder; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until the Project is completed in accordance with the approved plans and specifications for an amount not to exceed $2,170,003, which includes a contingency of $283,004.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this project is available in the Fiscal Year 2026 budget in Measure T1 Phase 2 Funds.

Low bid by Mar Con Builders, Inc (Base Bid)……	...$1,471,253
Additive Alternate #1: All work of Building H…….……..	$415,706
15% Contingency	$283,044
Total Construction Cost NTE	**$2,170,003**

Fiscal Year 2026 Funding:
Measure T1 Phase 2 Fund: ……. $2,170,003

CURRENT SITUATION AND ITS EFFECTS

The Green Room and Building H are located in the City's Corporation Yard at 1326 Allston Way. Both buildings have numerous deficiencies, and multiple systems are at the end of their useful life, including roofing, flooring, restrooms, furnishings, electrical systems, lighting, plumbing, and HVAC.

The project will consist of renovations to the Green Room, including new roofing, flooring, lockers, restroom renovations, lighting, audiovisual equipment, electrical,

HVAC, and plumbing upgrades, and other related improvements. The Building H improvements include partial re-roofing, new gates and hardware, structural improvements, exterior lighting, and electrical upgrades.

The project was advertised for bids on January 21, 2025, and no bids were received by the submission deadline on February 27, 2025. The project was re-issued for bids on April 8, 2025, and on May 6, 2025, the City received four (4) bids ranging from $1,471,253 to $2,252,001.53 for the base bid. The determination of lowest responsive and responsible bidder was based on the price for the base bid work, as indicated in the bid documents. The engineer's estimate for the base bid work was $1,450,000.

On May 13, 2025, the City received two bid protests. One protest was from the second apparent lowest bidder, Mark Lee and Yong Kay Inc., dba Bay Construction Co. (Bay) against the bid from the apparent low bidder Mar Con Builders, Inc. (Mar Con). The other protest was received from the apparent third lowest bidder, One Workplace Construction LLC, dba Vantis (Vantis) against bids of the apparent lowest bidder Mar Con and the second apparent lowest bidder Bay.

The general basis for the bid protests from Vantis and Bay against Mar Con was that Mar Con was non-responsive due to 1) failure to submit their bid in two envelopes per instructions to bidders, and 2) failure to list subcontractors for various scopes of work including design-build awning, metal lockers, architectural sheet metal, doors and hardware, and shower pans.

The general basis of Vantis' protest against Bay was that Bay was non-responsive due to 1) failure to list a hazardous materials abatement subcontractor, and 2) inclusion of a steel subcontractor without an accreditation required in the contract documents.

Copies of the bid protests were provided to Mar Con and Bay to provide them an opportunity to respond to the protest issues. City staff and the City Attorney's office carefully reviewed the bids, protests, and responses. Subsequently, City staff concluded that:

1) Mar Con's failure to submit their bid in two envelopes was an immaterial defect and did not affect the bid price or give a competitive advantage to Mar Con;
2) The trade crafts contended to be missing from Mar Con's subcontractor list will either be self-performed, valued at less than one-half of one percent (0.5%) of the total contract value, or already included in the bid of their listed subcontractors; and
3) Bay's failure to list an abatement subcontractor and properly accredited steel subcontractor are material defects, and is thus deemed non-responsive and ineligible to protest.

Following review by the City Attorney's Office and staff, the lowest responsive and responsible bidder was determined to be Mar Con. References for Mar Con were provided and were satisfactory. Staff recommend that a construction contract for the

Project be awarded to Mar Con Builders, Inc. to renovate the Green Room and Building H at the City's Corporation Yard at 1326 Allston Way.

The Corporation Yard Green Room and Building H Improvements Project is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

The Corporation Yard is located at 1326 Allston Way and has been owned by the City and operated as a part of its facilities for over a century. Public Works operates multiple staffing groups from this location, including Facilities Maintenance, Electrical, Communication, Janitorial, Equipment Maintenance and Streets and Utilities. Additionally, the Parks Recreation and Waterfront Department operates the following staffing groups: Forestry, Building Maintenance, and Landscape.

The Green Room serves as an assembly and training space and break room, and houses locker rooms and restrooms for staff. Building H is a materials and equipment storage building for the Streets and Utilities Division, has been in continual use since the Corporation Yard was first established.

In December 2020, Council adopted a list of projects for implementation in Phase 2 of the Measure T1 infrastructure bond program. Various facility improvements at the City Corporation Yard were among the list of adopted projects, including to the Green Room and Building H.

In June 2021, Public Works engaged the services of a consultant to perform condition assessment reports at numerous City-owned facilities for deficiencies, including at the Corporation Yard. Following the results of the assessment, the City engaged the services of an architectural consultant to begin design of improvements to the Green Room and Building H. Construction documents were completed and advertised for public bid in January 2025.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no anticipated negative environmental effects of this action. The installation of new energy efficient HVAC equipment, insulation, LED lighting, and low-flow plumbing fixtures will comply with the latest energy efficiency and water conservation standards, reducing energy use overall.

RATIONALE FOR RECOMMENDATION

Contracted services are required for this project as the City does not have the in-house expertise to complete this specialized work.

ALTERNATIVE ACTIONS CONSIDERED

None. The City determined that it was necessary to move forward with the project. Deferring the work will lead to continued deterioration of the buildings and potential increased costs for additional repairs and maintenance.

CONTACT PERSON

Wahid Amiri, Deputy Director, Public Works (510) 981-6396
Ronald Nevels, Manager of Engineer, Public Works (510) 981-6439
Elmar Kapfer, Supervising Civil Engineer, Public Works (510) 981-6435

Attachments:
1: Resolution
2: Abstract of Bids

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

CONTRACT: MAR CON BUILDERS, INC. FOR THE CORPORATION YARD GREEN ROOM AND BUILDING H IMPROVEMENTS PROJECT

WHEREAS, the Corporation Yard Green Room and Building H buildings have numerous deficiencies and need renovation; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this project; and

WHEREAS, an invitation for bids (Plans and Specifications No. 25-11706-C) was duly advertised, on January 21, 2025, and no bids were received by the deadline on February 27, 2025; and

WHEREAS, the invitation for bids was re-issued on April 8, 2025, bids were opened on May 6, 2025, and the City received 4 bids; and

WHEREAS, upon receipt of two bid protests, review of the submitted bids, and careful consideration, the basis of the protests were found to not be material and would not significantly impact the bid; and

WHEREAS, Mar Con Builders, Inc. was determined to be the lowest responsive and responsible bidder; and

WHEREAS, funds are programmed into the FY 2026 budget in the Measure T1 Phase 2 Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Plans and Specifications No. 25-11706-C for the Corporation Yard Green Room and Building H Improvements Project are approved, and that the Mar Con Builders, Inc. is determined to be the lowest responsive and responsible bidder; and

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 Mar Con Builders, Inc. for the Corporation Yard Green Room and Building H Improvements Project at 1326 Allston Way, in an amount not to exceed $2,170,003, which includes a 15% contingency for unforeseen conditions. A record signature copy of the agreement and any amendments will be on file in the Office of the City Clerk.

Finance Department
General Services Division

City of Berkeley
Abstract of Bid Worksheet

Bid Date: 5/6/2025
Spec. # 25-11706-C

FOR: Corporation Yard Green Room and Building H Improvements

required w/ bid

	Bidders	Base Bid	Addenda (1)	Bid Bond	Reg / Exp	Subcontractors	Non-Collusion	CERTS	Qualifications (Envelope B)
1	Mar con Builders	$1,471,253.00	x	x	x	x	x	x	
2	CWS Construction Group INC.	2,252,001.53	x	x	x	x	x	x	x
3	Bay Construction Co.	1,792,940.00	x	x	x	x	x	x	x
4	Vantis	2,000,000.00	x	x	x	x	x	x	x
5									
6									
7									
8									
9									
10									

Bid Recorder: Tanisha Gaines Date 5/7/2025

Bid Opener: TALIA STEWART Date 5/7/2025

Project Manager: Titus Chen Date 5/7/25

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD: 510.981.6903
finance@cityofberkeley.info

20

Office of the City Manager

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works Department

Subject: Contract: Bayview Industrial Services, Inc. for Removal of Transfer Station Underground Storage Tanks Project

RECOMMENDATION

Adopt a Resolution:

1. Approving plans and specifications for Removal of Transfer Station Underground Storage Tanks; and
2. Accepting the bid of Bayview Industrial Services, Inc. as the lowest, responsive and responsible bidder; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions, or change orders until the Project is completed in accordance with the approved plans and specifications for an amount not to exceed $292,200, which includes a contingency of $48,360.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this project is available in the Fiscal Year 2026 budget in the Zero Waste Fund.

Low bid by Bayview Industrial Services, Inc.	$241,840
20% Contingency	$48,360
Total Construction Cost NTE	**$290,200**

Fiscal Year 2026 Funding:

- Zero Waste Fund: …… $290,200

CURRENT SITUATION AND ITS EFFECTS

The Transfer Station provides on-site fueling for City vehicles. Currently, there are two (2) single-walled 10,000-gallon underground storage tanks (UST) for diesel on site. The California Water Board, under the authority of Senate Bill 445 signed on September 25, 2014, mandated that all single-walled underground storage tanks (USTs) and non-exempt single-walled piping be permanently closed by December 31, 2025. Systems not closed by the deadline will be considered out of compliance and will be subject to enforcement. Enforcement actions include civil penalties of $500 to $5,000 per day per

tank for ongoing non-compliance beginning January 1, 2026. The scope of this Removal of Transfer Station Underground Storage Tanks Project (project) includes removing two single-walled 10,000-gallon underground storage tanks at the transfer station to comply with the state law.

Requests for informal bids were sent to a list of qualified contractors on July 17, 2025. Since the engineer's estimate was under $200,000, the project was not advertised with a formal RFP. Bids were opened on August 13, 2025. The City received three bids ranging from $241,840 to $427,892.63. The lowest responsive and responsible bidder was determined to be Bayview Industrial Services, Inc. Staff recommends that a construction contract for the Project be awarded to Bayview Industrial Services, Inc.

The Transfer Station is located at 1201 Second Street. The Transfer Station serves multiple waste management and resource recovery functions for residents and some commercial users. Core functions of the Transfer Station include: accepting refuse for landfill, recycling, and composting organic material.

BACKGROUND

The Transfer Station was constructed and began operation in 1983. It replaced the previous City landfill and has since served as the City's primary location for solid waste transfer and recycling operations. There are two 10,000 gallon, single-walled underground diesel storage tanks on site that need to be removed per Water Board regulation.

Public Works engaged with the services of an architectural consultant, structural engineer, and environmental consultant in 2024 to create the bid documents for this project.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project will address the City's sustainability and climate goals by reducing the risk of tank leaks into the surrounding soil/groundwater. There are no anticipated negative environmental effects of this action.

RATIONALE FOR RECOMMENDATION

Although Bayview Industrial Services, Inc.'s bid exceeded the engineer's estimate, the contractor was still selected. If the City rebid the project, the schedule would be jeopardized such that the tank would not be removed by the January 1, 2026 deadline. As a result, the City would be responsible for paying fines imposed by the Regional Water Quality Control Board in addition to being responsible for removing the tanks. The City does not have the in-house expertise to perform this highly specialized work. In addition to addressing regulatory compliance concerns, contracting this work is necessary to meet state-mandated requirements under the applicable Senate Bill, which requires timely removal and replacement of non-compliant underground storage tanks.

ALTERNATIVE ACTIONS CONSIDERED

The City may choose not to proceed with removal and replacement of the mandated double-walled tanks. However, deferring the work could expose the City to significant daily fines, ranging from $500 to $5,000, imposed by local enforcement agencies or the Regional Water Quality Control Board. In addition, postponement would place the City out of compliance with state water quality regulations and could lead to increased regulatory scrutiny and potential enforcement actions.

CONTACT PERSON

Wahid Amiri, Deputy Director, Department of Public Works (510) 981-6396
Ronald Nevels, Manager of Engineering, Department of Public Works (510) 981-6439
Elmar Kapfer, Supervising Civil Engineer, Department of Public Works (510) 981-6435
Priya Chopra, Associate Civil Engineer, Department of Public Works (510) 981-6338

Attachments:
1: Resolution
2: Abstract of Bids

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

CONTRACT: BAYVIEW INDUSTRIAL SERVICES, INC. FOR REMOVAL OF TRANSFER STATION UNDERGROUND STORAGE TANKS; 1201 SECOND STREET

WHEREAS, to meet the California Water Quality Control Board requirements, the City requires the removal two 10,000-gallon undergrounds storage tanks (USTs), associated piping, and fueling equipment per Plans and Specifications; and

WHEREAS, the California Water Quality Control Board requires that all single-walled USTs and associated single-walled piping must be permanently closed and removed from service by December 31, 2025, or be subject to enforcement actions including civil penalties; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this project; and

WHEREAS, informal bids (Plans and Specifications) were duly requested, and Bayview Industrial Services, Inc. was determined to be the lowest responsive and responsible bidder.

WHEREAS, funds are available in the FY 2026 budget in the Zero Waste Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications for Removal of Transfer Station Underground Storage Tanks Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley accepts the bid of Bayview Industrial Services, Inc. as the lowest responsive and responsible bidder.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager, or designee, 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 (Bayview Industrial Services, Inc.) for the Removal of Transfer Station Underground Storage Tanks Project in an amount not to exceed $292,200, which includes a contingency in the amount of $48,360. A record signature copy of the agreement and any amendments will be on file in the Office of the City Clerk.

Docusign Envelope ID: BA70B85A-85F7-4649-99D8-B48DFA285D0B

City of Berkeley
Abstract of Bid Worksheet

Finance Department
General Services Division

Bid Date: 8/13/2025
Spec. # NA

FOR: Removal of Underground Storage Tanks

required w/ bid

	Bidders	Base Bid	Addenda (1)
1	Bayview	$ 241,840.00	1
2	ERRG	$ 427,892.63	1
3	Golden Gate Tank Removal	$ 267,000.00	1
4			
5			
6			
7			
8			
9			
10			

Priya Chopra
Signed by: Priya Chopra BF0234C23BCF4D7...
8/26/2025

Elmar Kapfer
Signed by: Elmar Kapfer 44252F058E744DD...
8/26/2025

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD: 510.981.6903
finance@cityofberkeley.info

21

Office of the City Manager

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen City Manager

Submitted by: Terrance Davis, Director, Department of Public Works

Subject: Contract Amendments: On-Call Civil Engineering Services, CSW Stuber-Stroeh Engineering Group, Inc. and SCI Consulting Group Inc.

RECOMMENDATION

Adopt two Resolutions authorizing the City Manager to execute contract amendments for on-call civil engineering, construction management and various assessment related services for capital improvement projects increasing each contract amount and extending the term of the contracts to December 31, 2027.

1. Contract No. 32300080 with CSW Stuber-Stroeh Engineering Group increasing the spending authority by $750,000, for an amount not to exceed $2,2500,000.
2. Contract No. 32300110 with SCI Consulting Group Inc. increasing the spending authority by $100,000 for a total not to exceed $400,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding for these contract amendments to increase the spending authority is available in the Fiscal Year (FY) 2026 adopted budget for the Sanitary Sewer Fund 611, Capital Improvement Program, Fund 501 and for the Clean Storm Water Fund 616. Additional funding for these on-call contracts is subject to appropriation in FY 2026 through FY 2027 based on the department's needs for civil engineering services.

CURRENT SITUATION AND ITS EFFECTS

In order for specific capital improvement programs to move forward, City resources must be supplemented with outside civil engineering consultants. Civil engineering services are needed to design sanitary sewer rehabilitation projects, streets, storm drains, green infrastructure, sidewalk projects, retaining walls, conduct assessments and construction management for these projects.

On September 20, 2022, Council authorized a contract with CSW Stuber-Stroeh Engineering Group, Inc. (CSWST2) for a not to exceed amount of $750,000 by Resolution No. 70,535-N.S. (Specification No. 22-11507-C) to provide on-call civil engineering services from FY 2023 through FY 2025. On May 14, 2024, Council authorized a contract amendment to increase the contract amount to a not to exceed the amount of $1,500,000 by Resolution No. 71,331-N.S.

From November 1, 2022, to July 31, 2025, task orders for civil engineering services have been authorized to CSWST2 for approximately 88% of their total contract amount. The scope of work has included design, bidding, and construction support for green infrastructure, sanitary sewer, storm drains, creeks, retaining walls, sidewalks, and other capital improvements. Projects supported by this contract include but are not limited to Wildcat Canyon Drainage Improvements, Strawberry Creek Culvert Maintenance, various sanitary sewer rehabilitation projects, and the EPA grant funded West Berkeley Aquatic Park Drainage Improvements project. In order to ensure capital improvement programs, continue to have needed civil-engineering support, staff proposes amending the contract for CSWST2 to increase expenditure authority by $750,000 for a total not to exceed amount of $2,250,000.

On September 20, 2022, Council authorized a contract with SCI Consulting Group (SCI) for a not to exceed amount of $150,000 by Resolution No. 70,541-N.S. On December 12, 2023, Council authorized a contract amendment to increase the contract amount to a not to exceed the amount of $300,000 by Resolution No.71,145-N.S.

From November 1, 2022, to July 31, 2025, task orders for on-call assessment engineering services have been authorized to SCI for approximately 82% of the total contract amount. The authorized work included Street Light Assessment District and Clean Storm Fee administration; an impact fee nexus study for Berkeley Fire; and review and analysis of the November 2024 infrastructure-related ballot Initiatives. There is a continuing need for assessment and fee levy administration over the next two years. In order to remain compliant with levy administration procedures and successfully levy City Street lighting assessment and the Clean Storm Fee, staff proposes amending the contract with SCI to increased expenditure authority by $100,000 for a total not to exceed amount of $400,000.

The provided services support the Strategic Plan goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

The Engineering Division of the Department is experiencing significantly increased workloads resulting from staff vacancies, deferred maintenance, ongoing capital projects, T1 projects, and a ramp-up in the City's paving program to prepare for Measure FF implementation. The City has used civil engineering consultants to design and manage projects to supplement City staff and provide support with specialized projects for which City staff do not have the required expertise.

On September 22, 2014, East Bay Municipal Utility District (EBMUD), the City of Berkeley, and EBMUD’s other satellite agencies entered into a Consent Decree (CD) with the United States Environmental Protect Agency (EPA), the Regional Water Board, and the State Water Board. The mandate of this consent decree is to eliminate sanitary

sewer overflows and reduce wet weather inflow and infiltration into the sanitary sewer system. The ultimate goal is to eliminate EBMUD facility discharges of untreated or partially treated wastewater into the San Francisco Bay during storm events. Under the CD, the City agreed to replace its sanitary sewer mains at an average annual rate of no less than 4.2 miles based on a three-fiscal-year rolling average. In order to meet this requirement, the City needs design and construction support from on-call consultants.

On-call contracts provide professional design, engineering, assessments and construction management services when needed and reduce the urgency and need for hiring additional staff.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no negative environmental effects of this action. These contracts will help ensure the successful completion of capital improvement projects, including green infrastructure projects, which will result in the removal of pollutants from storm runoff, an increase in green space, and a reduction of the urban heat island effect.

The CSWST2 on-call contract also supports the design of improvements to the City's sanitary sewer system which help minimize the frequency of Sanitary Sewer Overflows and reduce infiltration and inflow into the City's sanitary sewer system, which in turn will minimize impacts of untreated sewer discharge into the San Francisco Bay and protect water quality.

RATIONALE FOR RECOMMENDATION

CSWST2 has expertise in civil engineering and can support the City in various capital projects including sanitary sewer rehabilitation and green infrastructure projects. The City does not have the staffing resources or expertise to complete these projects in-house. Amending this contract will assist the City in proceeding with planned capital improvement projects.

SCI has expertise in administration of assessments, fees and special taxes for public agencies. The City has insufficient staffing and resources to administer the annual levy of street lighting assessments and the clean storm fee. Amending this contract will assist the City in proceeding with required annual administration.

ALTERNATIVE ACTIONS CONSIDERED

Council could choose not to amend these contracts, which would delay the progress of planned capital improvement projects and result in a reduction in the department's level of service.

CONTACT PERSON

Wahid Amiri, Deputy Director, Public Works, (510) 981-6396
Ronald A. Nevels, Manager of Engineering, Public Works, (510) 981-6439
Adadu Yemane, Associate Civil Engineer, Public Works, (510) 981-6413

Attachments:
1: Resolution – Contract No. 32300080 with CSW Stuber-Stroeh Engineering Group, Inc.
2. Resolution – Contract No. 32300110 with SCI Consulting Group Inc.

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

CONTRACT NO. 32300080 AMENDMENT: CSW STUBER-STROEH ENGINEERING GROUP INC. FOR ON-CALL CIVIL ENGINEERING SERVICES

WHEREAS, on September 20, 2022, by Resolution No. 70,535-N.S., the City Council authorized Contract No. 32300080 with CSW Stuber-Stroeh Engineering Group, Inc. for on-call civil engineering services, in an amount not to exceed $750,000 for a three-year period expiring December 31, 2025; and

WHEREAS, on In FY 2025, the contract was amended, increasing the amount by $750,000 for a total not to exceed $1,500,000 and extending the term of the contract to June 30, 2027; and

WHEREAS, the City does not have sufficient in-house resources to perform the volume of necessary civil engineering work expected over the next two years; and

WHEREAS the City desires to retain on-call civil engineering services for various Public Works projects, including Consent Decree mandated sewer rehabilitation and grant funded green infrastructure projects; and

WHEREAS, funding is available in the FY 2026 adopted budget Sanitary Sewer Fund 611, Capital Improvement Program fund 501, and the Clean Storm Fund 611, and funding for future years will be identified and requested for appropriation as project needs arise.

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. 32300080 with CSW Stuber-Stroeh Engineering Group, Inc. for on-call civil engineering services, increasing the amount by $750,000 for a total not to exceed $2,250,000 and extending the term of the contract to December 31, 2027. A record signature copy of said contract and any amendments will be on file in the Office of the City Clerk.

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

CONTRACT NO. 32300110 AMENDMENT: SCI CONSULTING GROUP FOR ON-CALL CIVIL ENGINEERING SERVICES

WHEREAS, on September 20, 2022, by Resolution No. 70,541-N.S., the City Council authorized Contract No. 32300110 with SCI Consulting Group for on-call civil engineering services, in an amount not to exceed $150,000 for a three-year period expiring December 31, 2025.

WHEREAS, on December 12, 2023, by Resolution No. 71,145-N.S., the City Council authorized a contract amendment increasing the contract amount by $150,000 for a not to exceed amount of $300,000; and

WHEREAS, the City does not have sufficient in-house resources to perform the volume of necessary civil engineering and assessment engineering work for the next two years; and

WHEREAS, SCI Consulting Group has expertise in assessment engineering including administration of assessments, fees and special taxes for public agencies and there is a continuing need for these services; and

WHEREAS funds are available in the Clean Stormwater Fund (616) and Street Lighting Assessment Fund (142) in the FY 2026 budget and will be allocated from each program's fiscal year capital budget based on each project or program.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to the Contract No. 32300110 with SCI Consulting Group for on-call civil engineering services increasing the amount by $100,000 for a total not to exceed $400,000 and extending the term of the contract to December 31, 2027. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

22

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

CONSENT CALENDAR
September 9th, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral: 9th Street Linear Park Design Phase

RECOMMENDATION
Refer to the November 2025 (FY25) AAO1 Process $75,000 to fund the 9th Street Linear Park Design Phase.

FISCAL IMPACTS OF RECOMMENDATION
$75,000 and staff time.

CURRENT SITUATION AND ITS EFFECTS
The bikeway currently starts as a lateral offset in line with the alignment of 9th Street before the street curves through the Berkeley Bowl West Parking lot. It runs south, crossing Ashby - Highway 13 and continues past Murray St., connecting to the Emeryville Greenway, running about 0.2 miles in total.

Running along either side of the linear park are plots of dirt, gravel, and woodchips between the streetlights that illuminate the path when dark. The open space leaves the opportunity city investment. Activating public spaces leads to the enhancement of residents' experience using the space[1].

This project moves the city towards its goal of being a global leader in addressing climate change, advancing environmental justice, and protecting the environment. Creating well-maintained and beautiful spaces to encourage residents to support these goals is essential to meeting them.

BACKGROUND
In 1911, Southern Pacific's "Ninth Street Line" Was constructed as an interurban rail route. It ran from the ferry terminal in West Oakland through Emeryville, West Berkeley, and Albany, terminating at the top of Solano. Transit service ended in 1941, Southern Pacific turned the line into freight-only only servicing the local industries in Emeryville and West Berkeley.[2] In 2001, the tract was closed, and the Cities of Berkeley and Emeryville took control over the strips of land.

[1] https://journals.prz.edu.pl/jceea/article/view/1621/1209
[2] https://www.hmdb.org/m.asp?m=238893

In 2009, Berkeley Bowl West opened on the plot of land on Ninth St. just north of the Berkeley-Emeryville border. This allowed the city to begin a redesign process for the area. Phase I of the Ninth Street Greenway was completed in 2012. This created the two-block section of "Class 1"[3] pathway from Murray Street, extending the Emeryville Greenway into the Berkeley border. Phase I also created a temporary "Class 3" bike path along Ninth Street proper.

In March of 2020 the construction began on a dedicated "Class 1"[3] bike lane. The bike lane runs from the start of the reverse curve on Ninth St and continues across Ashby Ave, connecting with the path from Phase I. This closed the last gap in the North-South Bicycle corridor and connects the West Berkeley Neighborhood to the Emeryville Greenway.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
Maintaining and investing in dedicated bike ways encourages more transportation by bicycle instead of more environmentally impactful transportation options.

CONTACT PERSON
Councilmember Terry Taplin, District 2, 510-981-7120

[3] https://lvbikecoalition.org/wp-content/uploads/2017/12/caltrans-d4-bike-plan_bikeway-classification-brochure_072517.pdf

Internal

23

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

CONSENT CALENDAR
September 9th, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Waterside Workshops: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember, including $500 from Councilmember Taplin, to support the Waterside Workshops in celebration and execution of The Land and Sea Party 2025.

FISCAL IMPACTS OF RECOMMENDATION

$500 is available from contributing Councilmember's Council Office Budget discretionary accounts.

BACKGROUND

Waterside Workshops was established in 2007 with the goal to address the loss of hands-on wood shop, metal shop, and other vocational programs from schools in the area. These losses did not cause for decreased interest in the fields they focused on. There became very few places for young people to learn the trades while supervised from experienced professionals. Waterside Workshops have continued to expand their offering to the community. They opened a Boathouse allowing for boat rentals and youth camps on building boats. Additionally, Waterside Workshops opened a bike repair shop in 2015, both fixing bikes to earn income for the non-profit and educating community members on how to fix and maintain their bicycles.

Waterside Workshops has continued to support such endeavors and serves as a vital resource of the community. The Land and Sea Party fundraiser supports the organization and ensures it can continue to offer programs to the community. This event serves as an excellent opportunity to support the groups that support the city and its residents.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No environmental impacts.

RATIONALE FOR RECOMMENDATION

CONTACT PERSON
Terry Taplin, Councilmember, Council District 2, (510) 981-7120

Attachments:
1: Resolution

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

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

WHEREAS, Councilmember Taplin has surplus funds in his office expenditure account (budget code 011-11-102-100-0000-000-411); and

WHEREAS, a California non-profit tax-exempt corporation Waterside Workshop seeks funds in the amount of $500 to provide the following public services: engages youth and the community through hands-on learning in bicycle mechanics, wooden boatbuilding, and outdoor education; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: supporting the organizations that offer essential youth and community opportunities not found elsewhere in the city;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to $500 amount per office shall be granted to Waterside Workshop to support The Land and Sea Party 2025.

24

Office of the City Manager

ACTION CALENDAR

September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jen Louis, Chief of Police

Subject: Contract: Flock Safety for Condor Fixed Surveillance Cameras

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Flock Safety to provide Condor fixed surveillance cameras and services for an initial four-year term, in an amount not to exceed $310,000, with an option to extend the contract for one additional three-year term, for a total contract amount not to exceed $600,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract is available in the General Fund allocation to Public Works previously designated for surveillance cameras. The initial four-year contract term will be funded in an amount not to exceed $310,000. Should the option to extend be exercised, the total contract amount for the full seven-year period will not exceed $600,000.

CURRENT SITUATION AND ITS EFFECTS

On July 22, 2025, the City Council accepted the Surveillance Acquisition Report for the Flock Safety Condor video cameras and re-affirmed the associated Use Policies. This action completed the requirements of the Surveillance Technology Ordinance (STO) and authorized the Police Department to proceed with implementation. With the Council-requested changes to these policies now scheduled for issuance, this contract is the final administrative step required to deploy the camera system. Executing this contract will allow the City to install and operate the fixed surveillance cameras to enhance public safety and support criminal investigations.

BACKGROUND

The City Council has on multiple occasions directed staff to deploy a network of fixed surveillance cameras to deter crime and provide investigative support. The initial vendor

was unable to proceed due to significant technical and logistical challenges related to power supply and right-of-way access.

On March 18, 2025, Council approved a transition to Flock Safety, whose solar-powered Condor cameras overcome the previous installation barriers. On July 22, 2025, Council formally accepted the Surveillance Acquisition Report for the Flock technology. Flock Safety's services are available through a competitively bid cooperative purchasing agreement with the NASPO consortium, which satisfies the City's competitive procurement requirements and ensures fair pricing.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Transitioning to solar-powered cameras will reduce the carbon footprint of this project.

RATIONALE FOR RECOMMENDATION

Authorizing this contract allows the City to implement the Council-approved fixed surveillance camera program efficiently. Flock Safety's technology meets the City's operational needs, integrates with the existing Automated License Plate Reader (ALPR) network, and adheres to the strict privacy and data security safeguards outlined in the Surveillance Acquisition Report and departmental policies. The contract terms are consistent with the fiscal planning for this project and provide a long-term solution for this public safety initiative.

In line with Council's direction on July 22nd, 2025 "to approve contracts that are in full compliance with Berkeley City Law", the proposed Master Services Agreement with Flock has been amended to incorporate revisions from the City Attorney's Office, including to Sections 4.3 and 5.3:

4.3 Anonymized Data. Flock shall have the right to collect, analyze, and anonymize Customer Data and Customer Generated Data in order to create Anonymized Data. Customer hereby grants Flock a limited, non-exclusive, worldwide, perpetual, royalty-free right to use Anonymized Data to improve and enhance the Flock Services and for other development, diagnostic or corrective purposes for other Flock offerings. Parties understand that the aforementioned license is required for continuity of Services. Flock does not own and shall not use, sell, or share Anonymized Data except as provided herein or as authorized in writing by Customer.

5.3 Disclosure of Footage. Subject to and during the Retention Period, Flock may access, use, preserve and/or disclose the Footage to law enforcement authorities, government officials, and/or third parties, if legally required to do so (e.g., by court order). Flock shall not otherwise share or disclose any Footage to any third party without the written consent of Customer. If Flock receives a legal request or demand (including subpoenas, court orders, or other legal process) seeking access to Footage or other Customer Data, Flock shall, to the extent legally permitted, promptly notify Customer of such request and obtain the written consent of Customer prior to disclosing any such Footage or Customer Data.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered continuing with other products; however, technical challenges have rendered this alternative unworkable.

CONTACT PERSON

Jen Louis, Chief of Police, (510) 981-5700

ATTACHMENTS

1. Resolution

RESOLUTION NO. XX,XXX-N.S.

CONTRACT: FLOCK SAFETY FOR CONDOR FIXED SURVEILLANCE CAMERAS

WHEREAS, the City Council has authorized the implementation of an External Fixed Video Surveillance Camera program to enhance public safety, deter crime, and support criminal investigations; and

WHEREAS, technical challenges prevented the previously selected vendor from implementing the program; and

WHEREAS, on March 18, 2025, the City Council authorized a transition to Flock Safety as the new vendor and, on July 22, 2025, accepted the Surveillance Acquisition Report for the Flock Safety Condor Video Cameras in accordance with Berkeley Municipal Code Chapter 2.99; and

WHEREAS, Flock Safety's services are available through a competitively bid NASPO consortium purchasing agreement, satisfying the City's requirements for competitive procurement; and

WHEREAS, funds are available in the General Fund for this purpose.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Flock Safety to provide Condor fixed surveillance cameras and associated services. The contract will have an initial term of four years in an amount not to exceed $310,000, with an option to extend for one additional three-year term, for a total contract amount not to exceed $600,000.

25

Office of the City Attorney

ACTION CALENDAR
September 9, 2025

To: Honorable Members of the City Council

From: Farimah Brown, City Attorney (Author)

Subject: Proposed Sanctuary City Ordinance – Council Referral; Adding Berkeley Municipal Code Chapter 13.114

RECOMMENDATION

Adopt a Sanctuary City Ordinance (BMC 13.114) to codify the City's sanctuary policy into the Berkeley Municipal Code.

BACKGROUND

Over the last ten years, the City of Berkeley has repeatedly reaffirmed its longstanding sanctuary policy and status as a City of Refuge for immigrants within the City. The City's policy generally prohibits the City from assisting or cooperating with federal immigration enforcement in various respects. (See Resolution No. 67,325-N.S. (2015), Resolution No. 67,598-N.S. & No. 67,763-N.S. (2016), Resolution No. 68,131-N.S. (2017), and Resolution No. 71,658-N.S. (2025).)

In January 2025, the Mayor convened a Sanctuary City Task Force that recommended codifying these sanctuary policies in an ordinance, in order to ensure the continuation of the City's sanctuary status. On April 15, 2025, based on the Task Force's recommendation, the City Council referred to the City Attorney a proposal to return to Council with "an analysis and recommendation regarding the codification" of the policy.

Accordingly, the City Attorney's Office reviewed the City's existing sanctuary resolutions, ordinances from comparable jurisdictions, and legal developments relating to the City's sanctuary policy in order to develop a draft ordinance for review and potential adoption by City Council. The City Attorney's Office also consulted with the Mayor, City Manager, and members of the Task Force for direction on desired policy outcomes.

After conducting this review and consultation, the City Attorney's Office drafted a proposed Sanctuary City Ordinance (BMC 13.114) for Council's consideration, which is attached to this report as **Attachment 1**. The proposed ordinance would codify the City's current policy into the Berkeley Municipal Code, and would also expand upon the City's current policy in several ways, including by (1) prohibiting City personnel from disclosing "protected personal information," as defined, to federal immigration enforcement; and (2) creating a new procedure for public reporting of certain requests for information or assistance made to or from federal immigration enforcement.

RATIONALE FOR RECOMMENDATION
The City Attorney's Office makes this recommendation at the request of the City Council per its referral on April 15, 2025.

FINANCIAL IMPLICATIONS
The proposed ordinance, if adopted, could require the use of City resources in the form of staff time by requiring staff to publicly report certain requests for information or assistance made to or from federal immigration enforcement officials. Such staff time is not anticipated to be extensive given that such contacts are not expected to be frequent.

ENVIRONMENTAL SUSTAINABILITY
There are no identifiable environmental effects from taking this action.

CONTACT PERSON
Farimah Brown 510-981-6998

Attachments:

1. Ordinance No. -N.S.: ADOPTING BERKELEY MUNICIPAL CODE CHAPTER 13.114 TO CODIFY THE CITY'S LONGSTANDING SANCTUARY POLICY

ORDINANCE NO. -N.S.

ADDING BERKELEY MUNICIPAL CODE CHAPTER 13.114 TO CODIFY THE CITY'S LONGSTANDING SANCTUARY POLICY

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

Section 1: That the Berkeley Municipal Code shall be amended to add Section 13.114 to read as follows:

Chapter 13.114

SANCTUARY CITY ORDINANCE

Sections:

13.114.010 - Findings and Declarations
13.114.020 - Definitions
13.114.030 - Prohibition on Use of City Resources
13.114.040 - Reporting and Transparency
13.114.050 - Exceptions to Prohibitions; Ordinance Not to Conflict with Federal Law.
13.114.060 - Enforcement; No Private Right of Action
13.114.070 - Severability
13.114.080 - Superseding of Prior Resolutions
13.114.090 - Effective Date

13.114.010 City Council Findings and Declarations

A. The City of Berkeley is home to people of diverse racial, ethnic, and national backgrounds, including a large immigrant population.
B. Immigrants are valuable and essential members of the City of Berkeley community.
C. A relationship of trust between the City of Berkeley's immigrant community and the City of Berkeley, its departments, programs, and personnel is central to the public safety of Berkeley residents.

D. This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members may fear approaching police when they are victims of or witnesses to crimes, or may fear seeking basic health services or attending school, to the detriment of public safety and the well-being of all Berkeley residents.

E. Entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments.

F. Multiple studies have proven that jurisdictions that do not assist in immigration enforcement are safer and economically more prosperous compared to other jurisdictions – including a 2017 report by the Center for American Progress that shows on average there are 35.5 fewer crimes committed per 10,000 people in sanctuary jurisdictions, the average annual income is $4,353 higher, the poverty rate is 2.3% lower, and unemployment is 1.1% lower.

G. The City of Berkeley was the first City in the Nation to declare itself a City of Refuge in 1971 for Vietnam War conscientious objectors (Resolution 44,784-N.S.). In 1986, the City became a City of Refuge for immigrants who sought sanctuary in Berkeley religious institutions (Resolution No. 52,596-N.S.). The City reaffirmed its City of Refuge status in 2007 (Resolution No. 63,711-N.S.), 2015 (Resolution No. 67,325-N.S.), 2016 (Resolution No. 67,598-N.S. & No. 67,763-N.S.), 2017 (Resolution No. 68,131-N.S.), and most recently, 2025 (Resolution No. 71,658-N.S.). Berkeley was also the first City to support the "New Border Vision," in 2020, to encourage Congress to expand public safety, protect human rights, and welcome people to our communities.

H. The City now wishes to enact an ordinance consistent with Resolution No. 71,658 and its longstanding sanctuary policy and status as a City of Refuge.

13.114.020 Definitions.

For purposes of this Chapter, the following words and phrases are defined as follows:

A. "Citizenship or Immigration Status" means all information regarding citizenship of the United States or any other country, the authority to reside in or otherwise be present in

the United States, including visa status, and/or the time or manner of a person's entry into the United States.

B. "City" means the City of Berkeley.

C. "City Agency" means every City department, agency, division, commission, council, committee, board, other body, or person established by authority of voter initiative, ordinance, Charter, executive order, or City Council order.

D. "City Personnel" means all persons employed by, appointed by, or serving any City Agency, including through a contract for services.

E. "City Resources" means City funds, facilities, property, equipment, or personnel.

F. "Immigration Authority" means any person or agency engaging in "Immigration Enforcement," including but not limited to the U.S. Department of Homeland Security or its component agencies, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or U.S. Citizenship and Immigration Services.

G. "Immigration Enforcement" means (1) any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law against natural persons, including but not limited to efforts to require the registration of individuals based on their Citizenship or Immigration Status; or (2) any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a natural person's presence in, entry to, reentry to, or employment in, the United States or failure to register based on their Citizenship or Immigration Status.

H. "Protected Personal Information" means any information that identifies, relates to, describes, or is capable of being associated with a particular individual, including but not limited to a person's name, birthdate, Social Security Number or Individual Taxpayer Identification Number, telephone number, home or work address, driver's license number, place of birth, or biometric information.

13.114.030 Prohibition on Use of City Resources.

The following restrictions on the use of City Resources shall apply relating to Immigration Enforcement:

A. No City Agency or Personnel shall use any City Resources to assist any Immigration Authority with Immigration Enforcement.

B. No City Agency or Personnel shall deny access to any City services or benefits to residents based on Citizenship or Immigration Status.

C. The prohibitions set forth in 13.114.030 (A) and (B) shall include but not be limited to:

1. Assisting or cooperating with any Immigration Authority's investigation, detention, or arrest relating to Immigration Enforcement, including but not limited to any such actions in schools, after-school programs, hospitals, health centers, places of worship, non-profits, or city vendors, whether such actions are public or clandestine;
2. Identifying, investigating, interrogating, arresting, transferring, detaining, or continuing to detain a person for a purpose relating to Immigration Enforcement;
3. Inquiring into, requesting, or collecting information about the Citizenship or Immigration Status, country of origin, nationality, or place of birth of any individual, unless that information is required (i) to provide a City service or (ii) for City employment verification;
4. Disseminating or disclosing Protected Personal Information to Immigration Authorities in connection with Immigration Enforcement without a valid judicial warrant or subpoena issued by a court of competent jurisdiction;
5. Complying with any civil immigration warrant or request to detain, transfer, or notify any federal authority about the release of any individual;
6. Making individuals in City custody available to Immigration Authorities for interviews;
7. Performing any functions of an immigration officer pursuant to Section 1357(g) of Title 8 of the United States Code;
8. Consenting to an Immigration Authority's search of non-public areas of City property or non-public records, absent a valid judicial warrant or judicial subpoena issued by a court of competent jurisdiction.
    a. City Agency or Personnel shall immediately notify their supervisor of any request by an Immigration Authority to access any non-public City property or records.

D. No City Agency or Personnel shall refer a person asking questions about their own Citizenship or Immigration Status to an Immigration Authority or any other government agency. Instead, the City Agency or Personnel shall refer such individuals to local non-

profit immigration law organizations. A list of such organizations shall be compiled and disseminated at City buildings and on the City's website.

13.114.040 Reporting and Transparency.

A. City Agencies shall document in writing all requests for information or assistance (1) made by a City Agency or Personnel to an Immigration Authority; or (2) received by a City Agency or Personnel from an Immigration Authority, if the City Agency or Personnel responded to the request. The requests that must be documented under this section include, but are not limited to, requests for immigration detainers, transfers, interviews, interrogations, notifications, Protected Personal Information, or the Citizenship or Immigration Status of any individual.

B. The documentation shall include but not be limited to the date, job title of requester or person to whom request was made, agency of requester or to which request was made, nature of the information disclosed or sought, a copy of a warrant, if any, and the response to the request, if any.

C. City Agencies shall maintain these records for two years and make them available to the City Manager or City Attorney upon request.

D. All City Agencies shall report in writing to the City Council any request described in subsection A within ten (10) business days of the request, with instruction to report such request as an Information Item on the next available agenda for a regular meeting of the City Council.

E. The Information Item described in subsection D shall include all the information listed in subsection B; however, it shall be redacted as necessary to avoid compromising an active investigation or invading the privacy of any individual, consistent with the California Public Records Act.

13.114.050 Exceptions to Prohibitions; Ordinance Not to Conflict with Federal Law.

The prohibitions in Section 13.114.030 of this Ordinance shall not apply where the individual to whom such information pertains provides his or her consent (or if such individual is a minor, the consent of that person's parent or guardian), where the information or disclosure is necessary to provide a City service, or where otherwise required by state or federal law, including but not limited to Section 1373 of Title 8 of the U.S. Code.

13.114.060 Enforcement; No Private Right of Action.

A. This Chapter does not create or form the basis of liability on the part of the City or City Agencies or City Personnel. It is not intended to create any new rights for breach of which the City is liable for money or any other damages to any person who claims that such breach proximately caused injury.
B. This Chapter shall be implemented and overseen through existing administrative policies and procedures applicable to City operations and services.
C. The City Manager may establish rules and regulations governing the implementation of this Chapter, including but not limited to rules governing the reporting of violations of Section 13.114.030.

13.114.070 Severability.

If any part or provision of this Chapter, or the application of this Chapter to any person or circumstance, is held invalid, the remainder of this Chapter, including the application of such part or provision to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

13.114.080 Superseding of Prior Resolutions.

This Chapter shall supersede Resolution Nos. 44,784-N.S., 52,596-N.S., 63,711-N.S., 67,325-N.S., 67,598-N.S., 67,763-N.S., 68,131-N.S., and 71,658-N.S., to the extent there is a conflict between the provisions of these Resolutions and the provisions of this Chapter.

13.114.090 Effective Date.

This ordinance shall become effective thirty (30) days after its adoption.

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

26

Office of the City Manager

INFORMATION CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David Sprague, Fire Chief

Subject: Fire Hazard Severity Zone 0 Implementation Plan

INTRODUCTION

This report provides an update on the progress of implementing the Zone 0 component of the Effective Measures for Berkeley's Ember Resilience (EMBER) initiative, adopted by the City Council on June 17, 2025. EMBER is a comprehensive strategy aimed at reducing ignition risk within the community during a wildfire through vegetation management, resident engagement, home hardening incentives, and interagency partnerships. Council adopted the portion of EMBER that added Zone 0 defensible space principals to the Berkeley Municipal Code.

CURRENT SITUATION AND ITS EFFECTS

While the implementation plan is designed and launched, the Department has already taken meaningful action by narrowing the annual Defensible Space Inspection area from the former Very High Fire Hazard Severity Zone (over 9,000 parcels) to the Grizzly Peak and Panoramic Mitigation areas; just under 1,400 properties.

The smaller inspection area allows residents to make individual, scheduled appointments – a long sought after enhancement to the program. Inspectors are spending up to an hour with each resident discussing compliance, mitigation strategies, and upcoming code changes, compared to minimal engagement during past annual inspections due to the volume.

During this transition period, inspectors have been following a two-step approach:

1. Perform one property walkthrough using the existing legacy code.
2. Perform a second walkthrough explaining the 2026 code requirements and working with residents to create phased work plans that guide them towards improving resilience without requiring immediate completion of all the work.

Note: Residents are only required to comply with the legacy code, but many are choosing to move ahead with efforts to begin alignment of their properties with the forthcoming Zone 0 code, which will be rolled out in 2026.

Resident Engagement
The Department has been tracking a significant increase in resident participation and in-person engagement with inspectors, including:

- **Full 360° inspections have increased from 36.3% to 55.6% (+19.3%),** a considerable improvement. Each full 360° inspection yields a more comprehensive recommendation for how a resident can reduce ignition risk and build resilience.
- **Residents walking with inspectors rose from 12.7% to 47% (+34.3%),** which results in a better understanding of the work that needs to occur.
- **Defensible space violations identified more than doubled** from the same period last year, from 244 to 571, indicating deeper and more thorough inspections.
- **Defensible space report engagement improved,** with 67.7% of residents opening their reports within 15 days, up from 59.7% last year.

Vegetation Management – Chipping Services
The chipping program, which provides removal of more substantial vegetation that does not fit in a green bin, at no charge to residents, provides additional data points that support the effectiveness of the new approach.

- Through July 2025 crews have performed 673 pickups, removing 2,384 cubic yards of material, that's **17% more pickups and 44% more volume than the same period in 2024.**
- Strong growth in new participants via word-of-mouth and neighborhood outreach.

BACKGROUND
The Department has developed a phased implementation plan to roll out the new Zone 0 requirements within the City's highest wildfire risk areas. This plan outlines the sequence of administrative, operational, and community engagement activities necessary to ensure a smooth transition. While the core milestones are established, the Department recognizes that implementation will require flexibility; adjustments will be made as needed based on lessons learned during each phase, particularly as the organization moves through the Fall and Winter of 2025.

Phase I – Administrative & Structural Changes (July 2025 – October 2025)

- **July 2025:**
    - Update maps on public facing GIS portal. Visit https://berkeleyca.gov and then search "GIS". Select the "Community GIS Portal" link.

        - Scroll down to find the “Fire and Emergency Services” link.

    - Select members for the resident working group and create the administrative and logistical structure to support it.

    - Design, build and launch digital Right of Entry form to allow residents to provide advance written permission for 360° inspections without owner present.

    - Design and launch the new workflow for the Resident Assistance Program (RAP). RAP provides city support to bring a parcel into compliance with the Fire Code.

    - Design and launch a solicitation for professional fire-wise landscape planning services.

    - Reconfigure inspection software (pending any additional changes to the municipal code approved by Council in December 2025). The process of refining language in the software will continue through 2025 as feedback from inspections and resident interactions is used to improve the platform.

- **August 2025:**

    - Coordinate schedules with community members and launch the resident working group.

    - Run the first tranche of eligible properties through the RAP as a beta test and design, prepare and advertise a webinar for all eligible properties in September.

    - Begin a complete redesign of the Berkeley Fire Safe website to provide a more sophisticated and intuitive user interface, making it easier for residents to find and act on critical information. Key improvements will include targeted, parcel-specific guidance based on geographic location; a clearly organized, step-by-step approach that breaks requirements and best practices into manageable actions; and streamlined navigation to connect users quickly with resources, checklists, and compliance tools.

- **September 2025:**

    - Testing and final modifications to the Berkeley Fire Safe webpage.

    - Begin procurement for a communications consultant to assist in designing and running a multi-channel Zone 0 outreach program with a goal to have a consultant selected and onboarded by November 2025.

- **October 2025:**
    - Launch new Berkeley Fire Safe webpage with updated user interface, branding and messaging.
    - Update all existing public-facing information (websites, printed guides, FAQs).

Outreach & Engagement Rollout (November 2025 – March 2026)

- **November 2025:**
    - Finalize and launch outreach campaign with selected communications vendor. Potential components are outlined in the following months and are subject to change once a vendor is selected.
    - Potential Step 1: Begin coordinated digital outreach (City email newsletters, social media, online ads).
- **December 2025 – January 2026:**
    - Potential Step 2: Mail brochures and postcards to all affected parcels.
    - Potential Step 3: Conduct public workshops, neighborhood Q&A sessions, and tabling at community events.
- **February – March 2026:**
    - Begin inspector and staff training (classroom + field sessions).
    - Potential Step 4: Partner with Home Owner Associations, neighborhood associations, FireWise groups, FireSafe Councils and local organizations for targeted outreach.
    - Potential Step 5: Release short educational videos and “how-to” guides featuring local inspectors and subject matter experts.

Phase II – Beta Inspections (March 2025 – April 2026)

- **March 2026:**
    - Conduct pilot inspections in selected neighborhoods.
    - Analyze findings and make necessary program improvements.
- **March – April 2026:**

- Make final adjustments to program including staff training, messaging, policy and procedures.

Phase III – Full Implementation (May 2026 – Ongoing)

- **May 2026:**
  - Begin Zone 0 inspection cycle across mitigation areas.
  - Review data annually to refine outreach and enforcement.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
Reducing flammable vegetation and promoting fire-resistant landscaping supports climate adaptation goals, decreases wildfire-related greenhouse gas emissions, enhances preparedness, and preserves healthy mature trees.

POSSIBLE FUTURE ACTION

1. Continue low-volume, high-engagement inspection model.
2. Expand Resident Assistance Program scope and eligibility.
3. Increase nonprofit-managed home hardening funding.
4. Develop additional partnerships with regional Fire Safe Councils and grant-makers.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
All fiscal impacts are currently projected to be covered through the Department's baseline budget allocations or grant funding.

CONTACT PERSON
David Sprague, Fire Chief, Berkeley Fire Department, (510) 981-3473

ATTACHMENTS:
1: Current Coaching Guide for Residents. Note: Will be integrated into the Defensible Space Inspection software by the time of this Council meeting.

WILDFIRE HOME PROTECTION PLAN WORKSHEET

A PERSONALIZED GUIDE TO MEETING THE 2026 FIRE CODE

Property Address:_____ Resident Name:_____

Inspector(s):_____ Date:_____

Resources you Qualify for:

- ☐ Resident Assistance Program
- ☐ Home Hardening Mesh Program
- ☐ Eucalyptus Understory Program

Visit berkeleyfiresafe.org/programs, or email firesafe@berkeleyca.gov

Plan to address hazards in Ignition Zone 0 (0-5 ft. from a structure)

Priority items to be completed by May, 2026 (From structure out and ground up):

- ☐ Ground Cover
- ☐ Shrub Removal
- ☐ Limb Trees/Hedges within 5'
- ☐ Limb Trees (10' of roof)
- ☐ Remove Hedges
- ☐ Move combustible storage
- ☐ Re-pot plants into 5 gal. Containers
- ☐ Replace/Remove combustible gates/fences within 5'

Other: _____

_____

Items to be addressed in the next phase of work (After 2026):

- ✓ _____
- ✓ _____

(continued on next page)

Plan to address hazards in Ignition Zone 1 (5-30 ft. from a structure)

Priority items to be completed by May, 2026 (From structure out and ground up):

☐ Shrub Spacing:	☐ Remove Ladder Fuels:	☐ Separate Contiguous Fuels (Hedges, etc):
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	

Other:

_____

_____

_____

Items to be addressed in the next phase of work (After 2026):

- ✓ _____
- ✓ _____
- ✓ _____

Other notes:

FOLLOW UP FORM (IF NEEDED)

Date:

Inspector Name:

Resident Name:

Best Form of Resident Contact:

Information Needed:

Office Response:

27

Office of the City Manager

INFORMATION CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David Sprague, Fire Chief

Subject: Update on the 2019 Berkeley Fire Prevention Division City Audit

INTRODUCTION

In May 2019, the City Auditor submitted a report to the City Council evaluating the Berkeley Fire Department's Fire Prevention Division (FP). The audit aimed to improve the Division's inspection program, enhance customer service, and reduce the risk of fire and related emergencies. A total of eleven recommendations were issued.

As of a status update in November 2022, two of the eleven recommendations had been dropped, seven were either started or partially implemented, and two had not yet been initiated.

The City Auditor's standard practice is to close all audits after five years. Delays in implementation stemmed primarily from the COVID-19 pandemic, which redirected Fire Prevention personnel to pandemic-related response duties.

CURRENT SITUATION AND ITS EFFECTS

While the official audit was closed, Council requested that the City Manager report back with updates on the remaining feasible recommendations within the audit.

This work supports the City's Strategic Plan goal to create a resilient, safe, connected, and prepared city.

BACKGROUND

The Fire Prevention Division reports to the Deputy Fire Chief of Support Services, who in turn reports to the Fire Chief. The Division's scope includes planning, organizing, and executing fire prevention programs; conducting fire and arson investigations; enforcing codes; abating hazards; offering public fire safety education; and reviewing development plans.

The Division is staffed by:

- 1 Fire Marshal
- 1 Deputy Fire Marshal

- 2 Plans Examiners
- 5 Fire Inspector/Investigators
- 1 Management Analyst

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
This item does not directly affect environmental sustainability or climate goals. However, fire prevention efforts align with the broader objective of community resilience and environmental safety.

POSSIBLE FUTURE ACTION
No Council action is required at this time. The Fire Department will continue implementing the audit recommendations where feasible.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
There are no immediate fiscal impacts from this report. Any future resource needs related to audit recommendation implementation will be brought forward through the appropriate budget processes.

CONTACT PERSON
David Sprague, Fire Chief (510) 981-3473

Attachments:
1: Fire Prevention Audit Update Detail

This is an overview of each audit recommendation. While the Audit may be closed and the auditor has not reviewed the information below, the Department is working to continue evaluation and implementation of many of the items.

Finding 1: Fire Not Meeting Inspection Mandates Due to Extensive Code Requirements		
1.1	**Recommendation:**	Fire analyze the short- and long-term impact of putting forth a change to the Berkeley Municipal Code to reduce the types or frequency of fire prevention inspections. (On Going)
	Status as of June 11, 2025	**BLUF: (Started) In the next code adoption cycle (Fall/Winter 2025), the Department is planning to bring a proposal to amend Berkeley Municipal Code to be in alignment with the California Health & Safety requirements which do not require all occupancies to be inspected on an annual basis.** Detail: In the next code adoption cycle (Fall/Winter 2025), the Department is planning to bring a proposal to amend Berkeley Municipal Code Section 12.50.040 – Applicability [of Fire Inspection Program] – "The provisions of this chapter shall apply to all commercial, industrial and institutional buildings and properties in the City of Berkeley and to residential structures of three units or more. (Ord. 5462-NS § 4, 1982)" to be in alignment with the California Health & Safety requirements which do not require all occupancies to be inspected on an annual basis. The Fire Prevention Division (FP) has been tracking new construction on an annual basis since 2019. In 2019, there were 47 projects with 3000 projected dwelling units under construction or in plan review. In 2024, there are 83 projects with 6,400 projected dwelling units. Despite two additional FTE added to FP and creating a new Wildland Urban Interface Division (WUI) that completes vegetation management inspections, this increased construction inspection workload has reduced the available time for annual fire prevention. The division is currently analyzing the list of annual inspections and determining which businesses need to be inspected by which resources. This analysis is on-going with the strategy of redistributing the most complex State mandated inspections amongst the full time sworn Fire Inspectors and away from Fire Suppression personnel who lack the time and level of training to ensure their completion at a high level of expertise. Further, the Division has reorganized its inspection districts by assigning an individual Sworn Fire Inspector to each Suppression

Finding 1: Fire Not Meeting Inspection Mandates Due to Extensive Code Requirements		
		response district. This change will allow for Sworn Suppression personnel to have a direct point of contact within their first due fire response district when in need of a coordinated effort or a referral to the FP Division based upon an atypical circumstance that is outside of their bandwidth. This also will directly increase the efficiency of each Sworn Fire Inspector as they will now have most if not all of their Mandated Annual inspections within a single fire station's first due. This will allow for a better knowledge of their first due area and ability to get work done without extended travel in between inspection sites. Lastly, all "H" (Hazardous Materials) occupancies have been assigned to a Sworn Fire Inspector who has vast knowledge and experience in this highly specialized area. This change has already begun to pay dividends as some incredibly dangerous conditions have been discovered during routine inspections and facility after facility has been identified without having proper fire protection coverage and the appropriate permits per the CFC. The hope is to complete this strategic migration throughout the remainder of the calendar year.

1.2	**Recommendation:**	Fire perform a workload analysis to quantify the staff needed now, and in the future, to comply with the local requirements. (On Going)
	Status as of June 11, 2025	**BLUF: (Completed) Two additional FTE have been added, but an additional workload analysis may be conducted if the pace of construction/development sustains or increases.** Detail: An internal analysis was completed and the Council approved the re-organization of the Fire Prevention Division in 2022. Fire Prevention staffing has increased from One Sworn and Two Civilian Inspectors to Five Sworn Inspectors. Additionally, the Department launched the Wildland Urban Interface Division that has taken over all the vegetation management work and over 9,200 inspections that was previously the responsibility of Fire Prevention. However, the Department may perform another workload analysis due to the volume at which construction/development has increased. In 2019 there were approximately **47 projects** with 3000 projected dwelling units under construction or in plan review. In 2024, there are approximately **83 projects** with 6,400 projected dwelling units. With the implementation of a new Developmental systems software and Fire Record Management System (FRMS) in the coming year, the Department will have the ability to have a more streamlined and organized data collection process to quantify both workload and work hours which we will cross reference with the current budget and new fee schedule being adopted this summer 2025 to drive a further need to conduct an additional workload analysis.

Finding 2: Fire Replies on Incomplete Data to Manage Inspections		
2.1	**Recommendation:**	Fire, in consultation with Planning and Information Technology Departments, develop a process for sharing information property changes and additions between Fire and Planning's database platforms. (Completion by end of 2025)
	Status as of June 11, 2025	**BLUF: (Dropped) The current Fire Record Management software cannot be configured to improve this process. The Department is planning a procurement process for CY2025-26.** Detail: The Fire Department engaged with Information Technology (IT) and the Fire Record Management System (FRMS) software vendor in an attempt to devise and implement a technology fix or workaround to allow the automated update of property owner database records. Based on feedback from IT and the FRMS software vendor, these efforts have not yielded any positive results and the vendor has indicated they are not making further efforts to implement such a change. The Department is pursuing a procurement process for FRMS software in the 2025-26. This change will pay dividends quickly for both the efficiency of a mobile inspection platform, as well as a streamlined billing platform.
2.2	**Recommendation:**	Fire work with both the database's software vendor and the Information Technology Department to strengthen controls over the database, including: o Assess the needs for required fields for processing an inspection, such as unit, shift, inspector name, address, violation details, and violation location. o Format drop-down menus for inspection status, inspection type, and violation status. Format the options available for the violation code numbers and violation description fields. (Completion by end of 2025)
	Status as of June 11, 2025	**BLUF: (Dropped) The current Fire Record Management software cannot be configured to improve this process. The Department is planning a procurement process for CY2025-26.** Detail: The Fire Department has engaged with the Information Technology Department (IT) and the Fire Record Management System (FRMS) software vendor to explore the implementation of various technology fixes. Based on feedback from IT and the software vendor, implementing other types of changes called for would

Finding 2: Fire Replies on Incomplete Data to Manage Inspections		
		constitute extensive customization of the software. While it may be feasible to customize the software package in some instances, these customizations often negatively impact the software's stability, the ability of the software vendor to support the software, and requires extensive staff support to maintain the software package after customization. Based on the potential pitfalls and limitations associated with further customizing the software, the Department has determined that the benefits of the Recommendation do no outweigh the risks and limitations imposed by those Recommendations. The Fire Department understands the spirit and intent of the Recommendations. Assessments of potential future Fire Record Management System software packages can use the contents of the Recommendations to help inform the City's assessment of candidate software packages.

Finding 3: Fire Staff Do Not Have Enough Support to Get Inspections Done		
3.1	**Recommendation:**	Fire Prevention coordinate work plans with Suppression for all mandated prevention inspections. These should take into consideration the volume and nature of the other work Suppression performs. (Completed)
	Status as of June 11, 2025	**BLUF: (Started) An analysis of annual fire prevention inspections completed by each engine company on each shift during Fiscal Year 2024 was delivered to the Deputy Fire Chiefs and Fire Chief in August 2024.** **The Department has also assigned a senior member of the FP team to work on updating policies and procedures that will be completed by the end of 2025.** These policies and procedures are a work in progress but a significant amount of work has been completed including updates to the following policies and procedures: • Fire Investigations procedures • Operations Fire Investigations policy • Fire Alarm checklist • Knox Box checklist and requirements • Special Events checklist • Fire Prevention Division Program update • False Alarm policy and procedure • Administrative Citation policy and procedure • Vehicle Procedure • Tool Cache inventory and purchase for Fire Investigations
3.2	**Recommendation:**	Fire create a risk assessment plan to identify those properties that are most at risk of a fire. (Completed)
	Status as of June 11, 2025	**BLUF: (Completed) The Community Wildfire Prevention Plan was completed in April 2023 and the Department is working through the associated action plan.** Detail: The Community Wildfire Prevention Plan was completed in April 2023. Substantial work to rebuild and enhance the City's inspection and enforcement program has been underway all with aim of reducing the risk of wildfire. For fire inspection activities within the built-environment, the State of California's mandates for fire inspection already establishes a fire risk assessment model and establishes fire prevention inspection

Finding 3: Fire Staff Do Not Have Enough Support to Get Inspections Done		
		priorities on a state-wide basis. The State's mandates specify which types of occupancies are required to be inspected, and on what frequency. The State's priorities are the product of many inputs including national and state-wide fire loss history and trends, trends in developing fire hazards and risks, and to some extent societal and political sensitivities.
3.3	**Recommendation:**	The Fire Chief will issue a General Order to the Department on the importance and necessity of performing Fire Prevention Inspections. (Complete by August 2025)
	Status as of June 11, 2025	**BLUF: (Started) The Department has assigned a senior member of the FP team to work on updating policies and procedures that will be completed by the end of 2025.**
3.4	**Recommendation:**	The Fire Marshal and Suppression Management jointly develop a communication plan between Fire Prevention and Suppression. (Completion by July 2026)
	Status as of June 11, 2025	**BLUF: (Started) The Department has been working to streamline communications between Fire Prevention and Suppression. Additional work has yet to be done on developing the role of the Shift Fire Inspectors.** This program will be revamped in the Fall of 2025 with changes projected to take effect in July of 2026 contingent on labor negotiations, training and budget capacity.
3.5	**Recommendation:**	Fire revise the Fire Prevention Inspection training to provide hands-on training, using experienced Suppression staff, on how to conduct inspections and interact with residents and community members during inspections. (On Going)
	Status as of June 11, 2025	**BLUF: (Completed): Fire Prevention staff re-designed the annual fire inspection training for Suppression.** **The Department has assigned a senior member of the FP team to work on updating policies and procedures that will be completed by the end of 2025.**
3.6	**Recommendation:**	Fire develop and distribute educational information to property owners prior to the beginning of the inspection cycle to provide information on the Fire Prevention Inspection program, common violations, and any upcoming inspections for that area of the City. (Completed)

Finding 3: Fire Staff Do Not Have Enough Support to Get Inspections Done		
	Status as of June 11, 2025	**BLUF: (Completed) The Department has hired an FTE Communications Specialist who is working in conjunction with other staff to keep webpages updated and send annual information via email and US Mail to residents about the City's inspection programs.** Detail: In March 2023, the Fire Department, in conjunction with the City Manager's Office, hired a full-time employee as a Communications Specialist. Their duties include the development and delivery of education and outreach materials, including fire inspection, vegetation management, and other fire-related materials. Starting in 2021, the Fire Department began annual direct outreach to and the transmittal of educational materials to the entire population of Berkeley Fire Zones 2 and 3. This outreach was conducted in preparation for the annual defensible space inspections. Revamping of the City's website for the fire department has been substantially completed and is considered a living document to provide access to the community on all facets of fire safety, including the fire inspection program.
3.7	**Recommendation:**	Fire create a process for issuing, tracking, and following up on Administrative Citations for properties with repeat or high-risk violations, including revenue collections and tracking. That process should collaborate with other City work units that perform enforcement activities to provide consistency. (Completed)
	Status as of June 11, 2025	**BLUF: (Completed) The Department has procured and implemented a new digital citation software.** Detail: The Department worked to procure and onboard a new digital citation software that the WUI Division is actively using for the first inspection cycle in FY25. This platform is currently being implemented within FP. The Property Collaborative Review team (PCR) meets once a month to discuss properties on the team's list that are either in need of a notice of violation and order to abate letter or in need of follow-up such as enforcement or re-inspection.

28

Office of the City Manager

INFORMATION CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Landmark Preservation Ordinance Notice of Decision: 2328 Channing Way Way/#LMSAP2025-0004

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240(A), which requires that "a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting."

CURRENT SITUATION AND ITS EFFECTS

The Landmarks Preservation Commission (LPC/Commission) has approved a Structural Alteration Permit (SAP) for the subject Landmark property. This action is subject to a 15-day appeal period, which began after the notice was mailed on August 25, 2025.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to review any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. For Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by September 9, 2025. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the designation within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
Landmark designation and discretionary alteration reviews by staff and LPC provide opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION
The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
There are no known fiscal impacts associated with this action.

CONTACT PERSON
Allison Riemer, Senior Planner, Planning and Development, 510-981-7433

Attachments:
1: Notice of Decision – #LMSAP2025-0004/2328 Channing Way

LANDMARKS PRESERVATION COMMISSION

Notice of Decision

DATE OF BOARD DECISION: July 7, 2025
DATE NOTICE MAILED: August 25, 2025
APPEAL PERIOD EXPIRATION: September 9, 2025
EFFECTIVE DATE (Barring Appeal or Certification): September 10, 2025[1]

2328 Channing Way – The Luttrell House

Structural Alteration Permit (#LMSAP2025-0004) to modify LMSAP2021-0002 to add an above-ground PG&E transformer at the front of a City Landmark property.

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the Structural Alteration Permit request.

- **Applicant** Devi Dutta-Choudhury, AIA
  Devi Dutta Architecture
  928 Carleton Street
  Berkeley, CA 94710

- **Property Owner** Inn June "Allen" Jo
  1398 Trailside Court
  San Jose, CA 95138

ZONING DISTRICT: Residential Southside Mixed Use (R-SMU)

1 Pursuant to BMC Chapter 3.24, the City Council may "certify" any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 15-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

ENVIRONMENTAL REVIEW STATUS: The project is categorically exempt from further environmental review in accordance with CEQA Guidelines Section 15331 for *Historical Resource Restoration/Rehabilitation.*

The application materials for this project is available online at:
https://berkeleyca.gov/construction-development/land-use-development/zoning-projects or
https://permits.cityofberkeley.info/CitizenAccess/Default.aspx

---

FINDINGS AND CONDITIONS OF APPROVAL AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

COMMISSION VOTE: 7-0-0-1

YES: ENCHILL, FINACOM, HALL-MONTGOMERY, LEUSCHNER, PLESE, SCHWARTZ

NO: NONE

ABSTAIN: CRANDALL

ABSENT: ORBUCH

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):
To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
   a. Pursuant to BMC Section 3.24.300(A), an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
   a. The basic fee for persons other than the applicant is $3,000. This fee may be reduced to $1,000 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300(A) may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.

b. The fee for all appeals by Applicants is $6,000.

3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the Structural Alteration Permit will be final on the first business day following expiration of the appeal period.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision 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 Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:

   A. That this belief is a basis of your appeal.

   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.

   C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

   If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

PUBLIC COMMENT:

Communications to Berkeley boards, commissions or committees 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 a City board, commission or committee, 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 secretary of the relevant board, commission or committee. 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 secretary to the relevant board, commission or committee for further information.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Allison Riemer, at (510) 981-7433 or ariemer@berkeleyca.gov. All project application materials may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, 3rd Fl., during regular business hours.

ATTACHMENTS:

1. Findings and Conditions
2. Project Plans

ATTEST: _____
Anne Hersch, Secretary
Landmarks Preservation Commission

cc: City Clerk
Devi Dutta, 928 Carleton Street, Berkeley 94710
Inn June "Allen" Jo, 1398 Trailside Court, San Jose 95138

ATTACHMENT 1, PART 2

FINDINGS AND CONDITIONS

2328 Channing Way

Structural Alteration Permit (#LMSAP2025-0004) to modify LMSAP2021-0002 to add an above-ground PG&E transformer at the front of a City Landmark property.

FINDINGS REQUIRED UNDER CEQA

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15331 of the CEQA Guidelines ("Historic Resource Restoration/Rehabilitation").

FINDINGS RELATED TO THE SECRETARY OF THE INTERIOR'S STANDARDS

Regarding the Secretary of the Interior's Standards (SOI) for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment

   Evidence: The proposed project does not require a change of use. The property will retain the existing residential use.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

   Evidence: The historic character of the property will be retained and preserved. No distinctive materials will be removed or altered to accommodate the transformer.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken

   Evidence: The transformer will not resemble or replicate designs from the property's historic period.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved:

   Evidence: The subject property does not feature changes that have acquired significance in their own right.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

   Evidence: Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize this property will not be affected by the addition of the transformer.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

   Evidence: As conditioned herein, if deteriorated historic features will be affected by this request, then they would be repaired or replaced to match the materials, design, and finishes of the original items.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

   Evidence: The applicant does not propose chemical or physical treatments. However, standard conditions of approval require any chemical or physical treatments to be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

   Evidence: The project does not have the potential to affect any archaeological resources because the applicant proposes no substantial excavation. Standard conditions of approval apply.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

   Evidence: The proposed scope will not destroy historic materials, features, or have lasting impact to the spatial characteristics of the property. The transformer would not be readily visible from vantage points within the public right way.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

    Evidence: If the transformer were removed in the future, it would not permanently impair the integrity or essential form of the site.

FINDINGS REQUIRED UNDER LANDMARKS PRESERVATION ORDINANCE

Pursuant to BMC Section 3.24.260, approval of permit applications pursuant to this section may be granted only upon determination that the proposal conforms to the criteria set forth in paragraphs 1.

1. For permit applications for construction, alteration or repair:

(a) For applications relating to landmark sites, the proposed work shall not adversely affect the exterior architectural features of the landmark and, where specified in the designation for a publicly owned landmark, its major interior architectural features; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting.

> Evidence: The location of an above ground transformer will not impact the historic features of the Luttrell House. The previously approved restoration scope has proceeded per approved plans, consistent with the approved Structural Alteration Permit, LMIN2021-0002. The transformer location and related screening have been designed to include a simple vertical wood slat painted fence, with 2 horizontal cross rails offset from the ends of the fence boards. This style of fencing is one that could have been found in the era the home was built, in 1889.

(b) For applications relating to property in historic districts, the proposed work shall not adversely affect the exterior architectural features of the subject property or the relationship and congruity between the subject structure or feature and its neighboring structures and surroundings, including facade, setback and height; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the district. The proposed work shall also conform to such further standards as may be embodied in the designation of the historic district.

> Evidence: N/A. The subject is not located in a historic district.

(c) For applications relating to structure of merit sites, the proposed work shall not adversely affect the architectural features if architectural merit is the basis for designation; nor shall the proposed work adversely affect the special cultural, educational or historical interest or value if that is the basis for designation.

> Evidence: N/A. The site is a designated City Landmark and not a Structure of Merit.

Exhibit A

Conditions of Approval
July 7, 2025

I. General Administrative Conditions		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1.	**Project Approval**. This Structural Alteration Permit approval is for 2328 Channing Way, as substantially shown and described on the project plans dated April 15, 2025, except as required to be modified by conditions herein and plans as presented to the Landmarks Preservation Commission on June 5, 2025 ("Approval Date."). For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required bythe conditions herein for approval by the City.	City of Berkeley	On-Going	Land Use Planning
2.	**Approval Limited to Proposed Project.** This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.	City of Berkeley BMC Sections 23.404.060	On-Going	Land Use Planning
3.	**Compliance Required.** All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.	City of Berkeley	On-Going	Land Use Planning
4.	**Conformance to Approved Plans.** All work performed under an approved permit shall be in compliance with the approved plans and any Conditions of Approval.	City of Berkeley BMC Section 23.404.060. B.4	On-Going	Land Use Planning
6.	**Permit Revocation.** The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Landmarks Preservation Commission (LPC), or City Council referral.	City of Berkeley BMC Section 23.404.080	On-Going	Land Use Planning

I. General Administrative Conditions		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
8.	**Exercise and Expiration of Permits** A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun. C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification). D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.	City of Berkeley BMC Section 23.404.060 (C) "Time Limits"	On-Going	Land Use Planning
9.	**Hold Harmless.** The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees	City of Berkeley	On-Going	Land Use Planning

I. General Administrative Conditions		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
	and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.			

II. At Building Permit Submittal		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Conditions of Approval on Building Permit Plan Submittal** **Structural Alteration Permit.** The Conditions of Approval for this Structural Alteration Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Structural Alteration Permit, under the title 'Structural Alteration Permit Conditions.'	City of Berkeley	At the Time of Building Permit Submittal	Building & Safety/Land Use Planning
2.	**Project Liaison.** The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:** ☐ **Project Liaison** _____ Name Phone #	City of Berkeley	At the Time of Building Permit Submittal	Building & Safety/Land Use Planning
3.	**Construction and Demolition Diversion.** The applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.	City of Berkeley BMC Chapter 19.37	At Building Permit Submittal	Building & Safety Division
III. During Construction		Regulation Source	Timing/ Implementation	Enforcement/Monitoring

	A. Building & Safety Division			
1	**Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.	City of Berkeley	During Construction	Building & Safety
2.	**Construction Hours- Exceptions**. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.	City of Berkeley	During Construction	Building & Safety
3.	**Construction / No Parking Permits**. Contact the Permit Service Center (PSC) at 1947 Center Street, Third Floor or (510) 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.	City of Berkeley	During Construction	Building & Safety

IV. During Construction B. Land Use Planning	Regulation Source	Timing/ Implementation	Enforcement/Monitoring

1.	**Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.	City of Berkeley	During Construction	Land Use Planning
2.	**Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction,** all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.	City of Berkeley	During Construction	Land Use Planning
3.	**Archaeological Resources (Ongoing throughout demolition, grading, and/or construction**). Pursuant to CEQA Guidelines section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore: **A**. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.	City of Berkeley	During Construction	Land Use Planning

	B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards. **C.** In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations. **D.** If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out. **E.** If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.			

IV. During Construction C. During Construction: Public Works		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1.	**Site Debris.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.	City of Berkeley	During Construction	Public Works
2.	**Street & Sidewalk Damages.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.	City of Berkeley	During Construction	Public Works

3.	**Underground Utilities.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction	City of Berkeley	During Construction	Public Works
4.	**Hauling of Debris.** Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.	City of Berkeley	During Construction	Public Works
V. Structural Alteration Permit Conditions		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1.	**Repair and replacement of character-defining features**. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.	City of Berkeley	On-Going	Land Use Planning
2.	**Chemical Treatments.** With respect to historic resources located on this site or within the propose project area, any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.	City of Berkeley	On-Going	Land Use Planning
3.	**Equipment.** Any above ground or roof equipment, such as transformer(s), utilities, fire apparatus, air conditioning units, compressors, etc. shall be shown to scale on the architectural drawings of the building permit set of drawings in both plan and elevation, in order to determine if additional screening and SAP may be required.	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning
4.	**Glass.** All glass is assumed to be clear glass. Any proposed glass that is not clear glass, shall be indicated on all drawings, and shall be reviewed for approval by staff.	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning

5.	**Exterior Lighting.** Exterior lighting shall be downcast and not cause glare on the public right-of-way and abutting parcels.	City of Berkeley	On-Going	Land Use Planning
6.	**Landscaping.** The applicant shall provide irrigation for all landscaped areas. This shall be called out on Landscape building permit drawings.	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning
7.	**Other Permits.** The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.	City of Berkeley	On-Going	Land Use Planning

Attachment 1, Part 3

LUTTRELL HOUSE RESTORATION & NEW BUILDING

MODIFICATION TO PREVIOUS USE PERMIT/STRUCTURAL ALTERATION PERMIT #ZP2020-0052

2328 CHANNING WAY, BERKELEY, CA

ARCHITECT

DEVI DUTTA ARCHITECTURE
928 CARLETON STREET
BERKELEY, CA 94710
510-705-1937
HELLO@DEVIDUTTA.COM

OWNER

ALLEN JO
1398 TRAILSIDE COURT
SAN JOSE, CA 95138
408-209-1203
JO.ALLEN@GMAIL.COM

DESCRIPTION

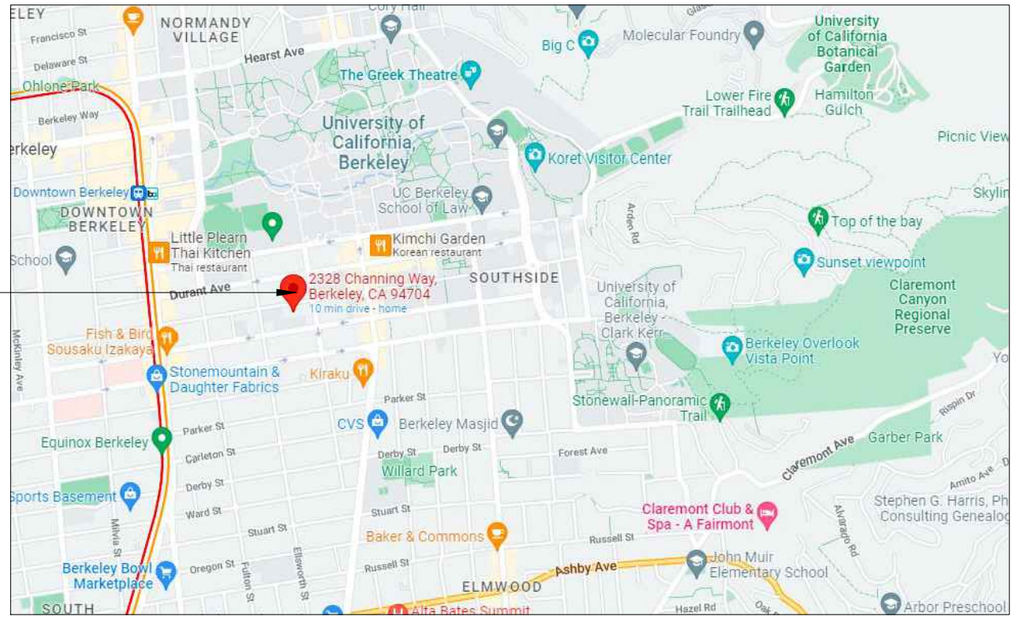
ADDITION OF ABOVE GROUND TRANSFORMER TO PREVIOUSLY APPROVED STRUCTURAL ALTERATION PERMIT; PARTIAL REDUCED SETBACK AT REAR YARD

SHEET LIST:

CO COVER
A0 SITE PLAN
A0.2 REVISED LOT COVERAGE
A0.3 RENDERINGS
A0.4 HISTORIC SIGNAGE CONTENT
A0.7 PHOTOS (FORMER)
A1 BASEMENT/GROUND FLOOR PLAN
A2 1ST FLOOR PLAN
A3 2ND FLOOR PLAN
A4 3RD FLOOR PLAN
A5 4TH FLOOR PLAN
A6 ROOF PLAN
A7 SECTION
A8 WEST ELEVATION
A9 NORTH & SOUTH ELEVATIONS
A10 EAST ELEVATION

SHEET LIST, CONTD:

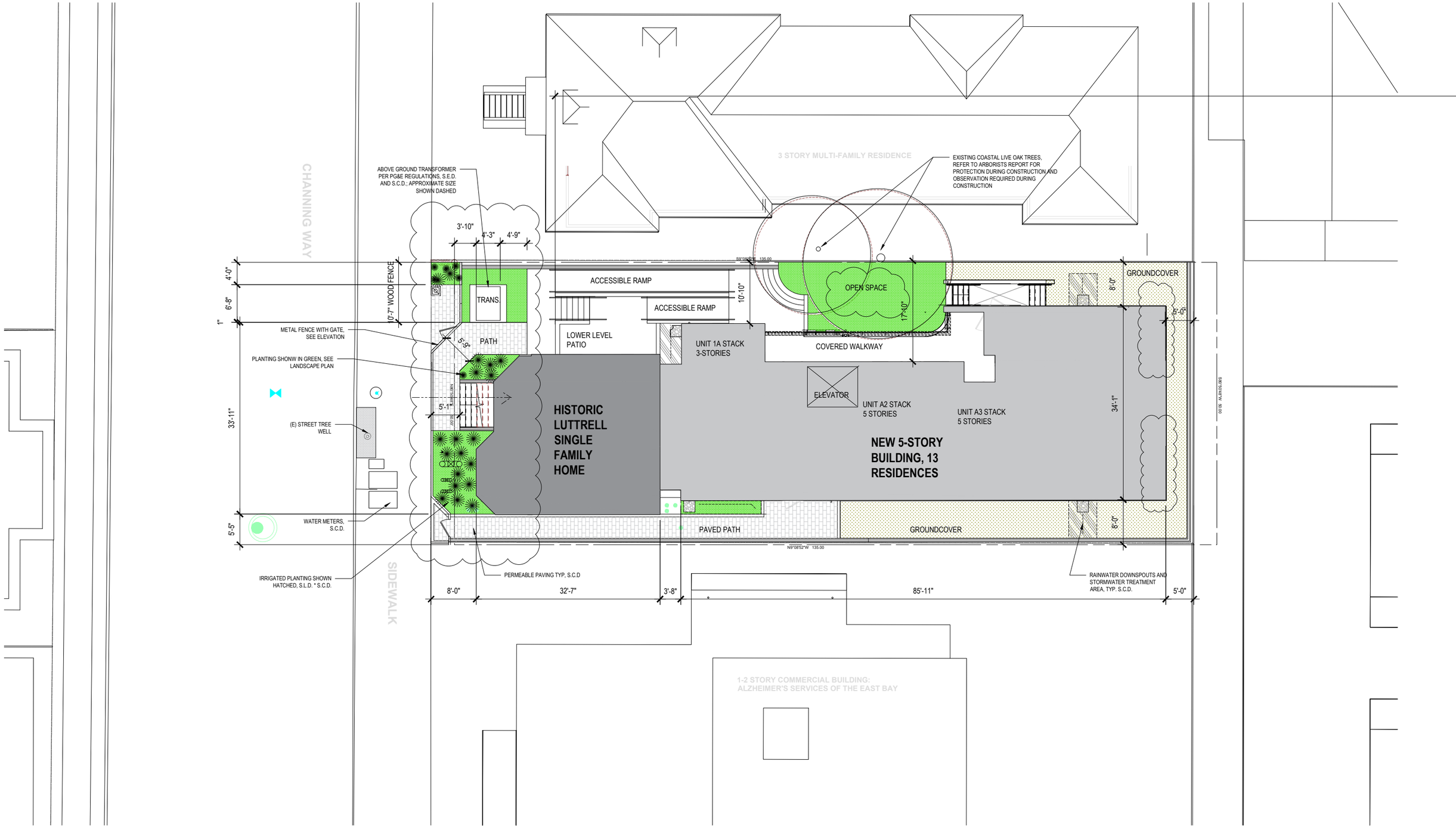
L1 PLANTING PLAN
L2 PLANT LIST
L3 FENCE DETAILS



SITE PLAN & LANDSCAPE

CO

SCALE: 1/16"=1'-0"



A0

SITE PLAN & LANDSCAPE

SCALE: 1/16"=1'-0"

2328 Channing Way

DEVI DUTTA **ARCHITECTURE**

1910
3/7/25

TOTAL SITE	6750 SF	
EXISTING HOUSE	836 SF	3561 SF 52.7%
NEW BUILDING	2391 SF	
EXTERIOR BALCONIES	334 SF	

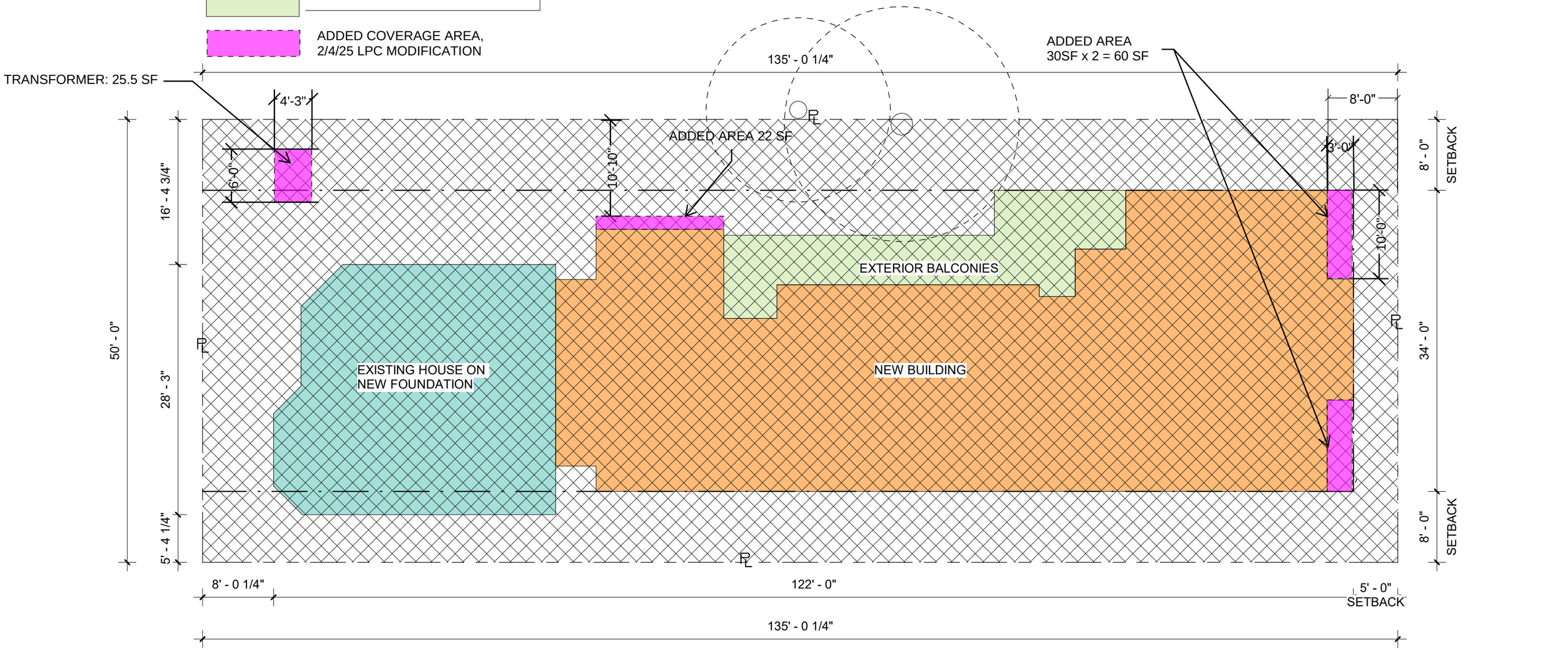
ADDED COVERAGE AREA, 2/4/25 LPC MODIFICATION

MAX 55%

3561 SF ORIGINALLY APPROVED AREA
+ 25.5 SF TRANSFORMER
+ 82 SF BUILDING AREA
= 107.5 SF TOTAL ADDED LOT COVERAGE

TOTAL = 3668.5 SF/ 6750 LOT AREA
= 54.3% LOT COVERAGE

LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2023
STATE OF CALIFORNIA



A0.2 **SITE COVERAGE**

SCALE: **3/32" = 1'-0"** 0 4' 8' 16' 32'

2328 Channing Way

Devi Dutta Architecture Inc.

ZONING SUBMITTAL R2

1/24/22 REV 2/4/25

FRONT VIEW 1, NORTHEAST

WOOD SCREEN AT TRANSFORMER ENCLOSURE

HISTORIC SIGNAGE, SEE A0.4

METAL FENCE, PER ORIGINALLY APPROVED DESIGN

FRONT VIEW 2, NORTHWEST

A0.3 **RENDERINGS**

SCALE: 1/16"=1'-0"

2328 Channing Way

DEVI DUTTA **ARCHITECTURE**

1910

3/7/25

SIGN IMAGE OPTIONS:
CAPTAIN LUTTRELL'S FIRST SHIP

Figure 58. Captain Luttrell's first command, the bark Helen W. Almy

SIGN IMAGE OPTIONS:
HISTORIC AREA MAPS

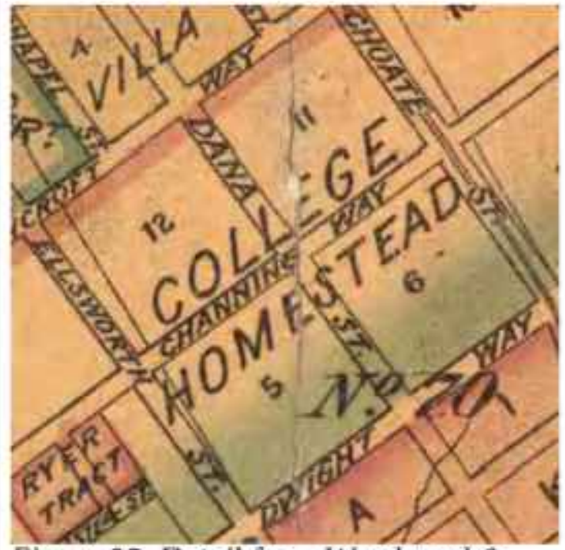


Figure 35. Detail from Woodward & Gamble's Map, 1888

SIGN IMAGE OPTIONS:
IRA BOYNTON, BUILDER

Figure 49. Ira Boynton in his I.O.O.F. regalia
(Boynton-Durgin family album, BAHA archives)

SIGN TEXT:

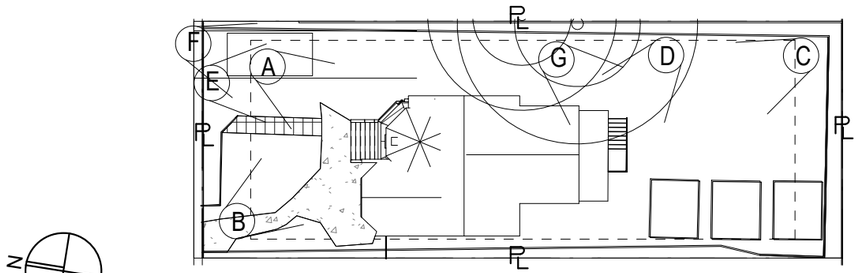
The Luttrell House is one of a handful surviving local buildings attributed to or known to have been designed by Ira A. Boynton (1844–1921), a Maine-born pioneer builder who practiced in Berkeley from 1877 until 1900. In 1889, the year of construction of the Luttrell House, Boynton and his partner, Carlos Reuben Lord, built 29 structures, including the Peralta Park Hotel and six houses in the new Peralta Park subdivision, where the Julius Alfred Lueders House1 and the Anita Fallon House,2 are still standing.

The present house was constructed for Captain James F. Luttrell (1858–1899) and his wife, Cecilia (1856–1934). The captain was a well-known figure in Pacific maritime circles, and his name frequently appeared in the San Francisco newspapers during the 1890s. Commanding trading ships on the South Pacific islands route, Captain Luttrell served as an important source of news about activities in the South Seas islands and reports on other captains and ships plying the Pacific Ocean. Mrs. Luttrell accompanied her husband on some of his voyages.

A,B - EXISTING FRONT OF HOUSE

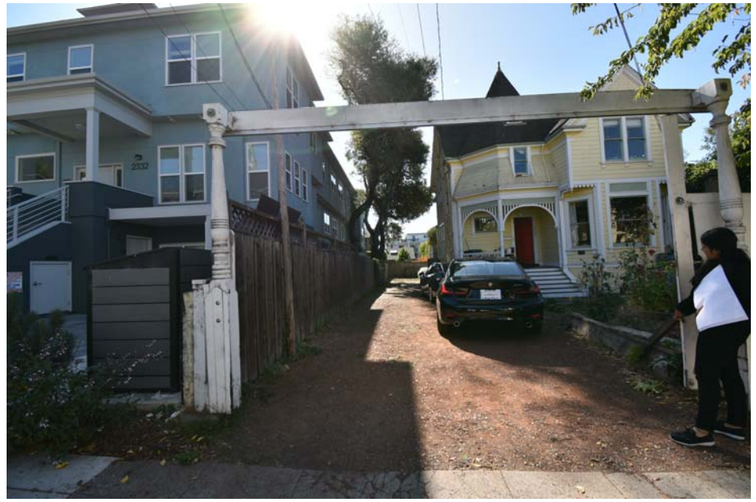
C - EXISTING BACK OF HOUSE

D - EXISTING REAR STAIRWAY



1 **SITE PLAN KEY MAP**

1/32" = 1'-0"



E - EXISTING DRIVEWAY AND ADJACENT BUILDING

F - EXISTING DRIVEWAY

G - EXISTING REAR YARD

A0.7 **SITE PHOTOS**

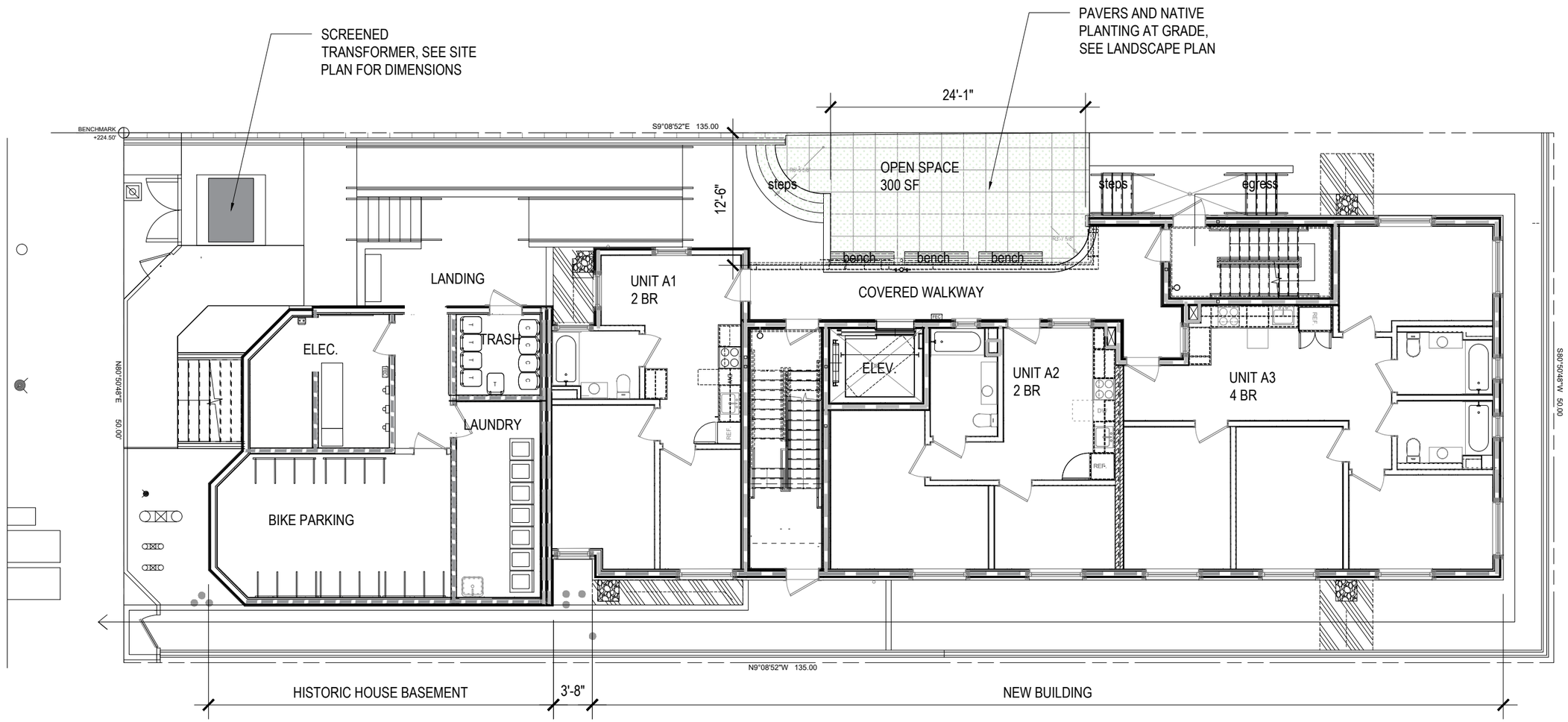
SCALE: **1/32" = 1'-0"** 0 4 8 16 32

2328 CHANNING WAY

Devi Dutta Architecture Inc.

Zoning Submittal

11.14.2019



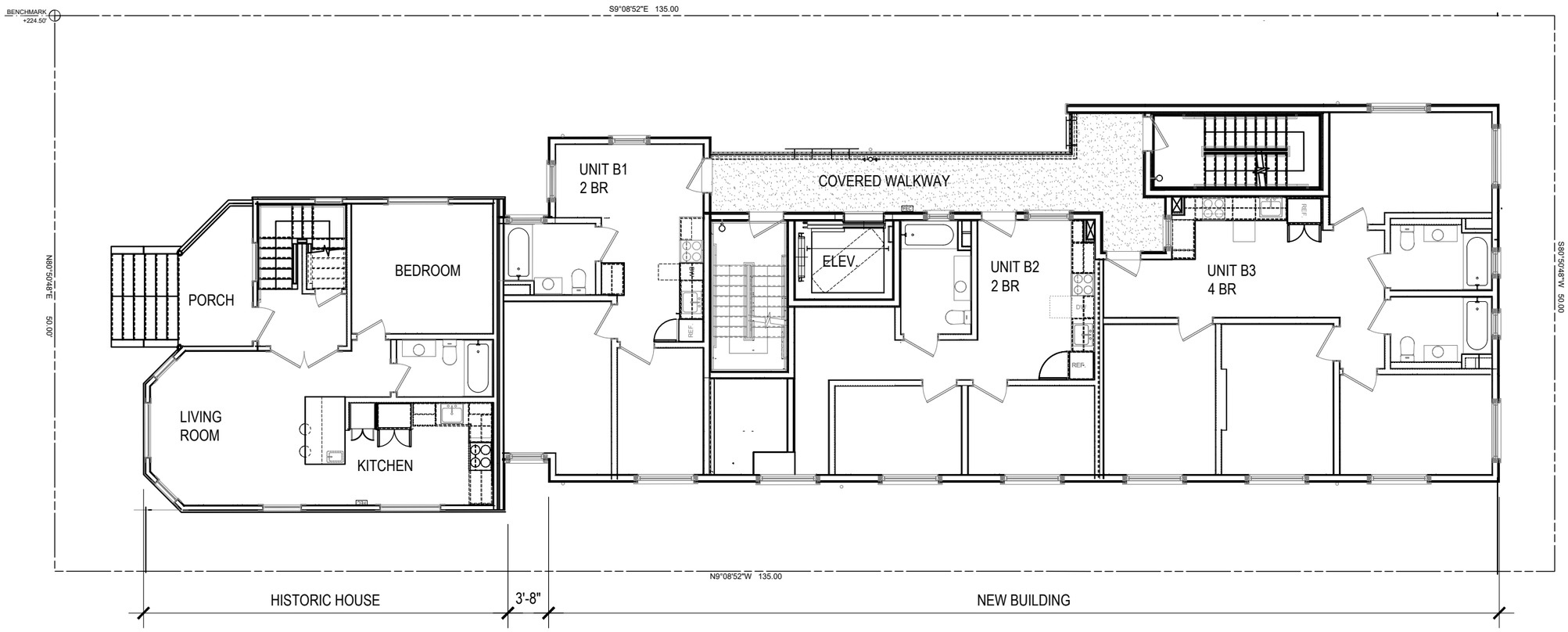
A1 BASEMENT

SCALE: 3/32"=1'-0"

2328 Channing Way

DEVI DUTTA **ARCHITECTURE**

1910
3/7/25



A2 **1ST FLOOR PLAN**

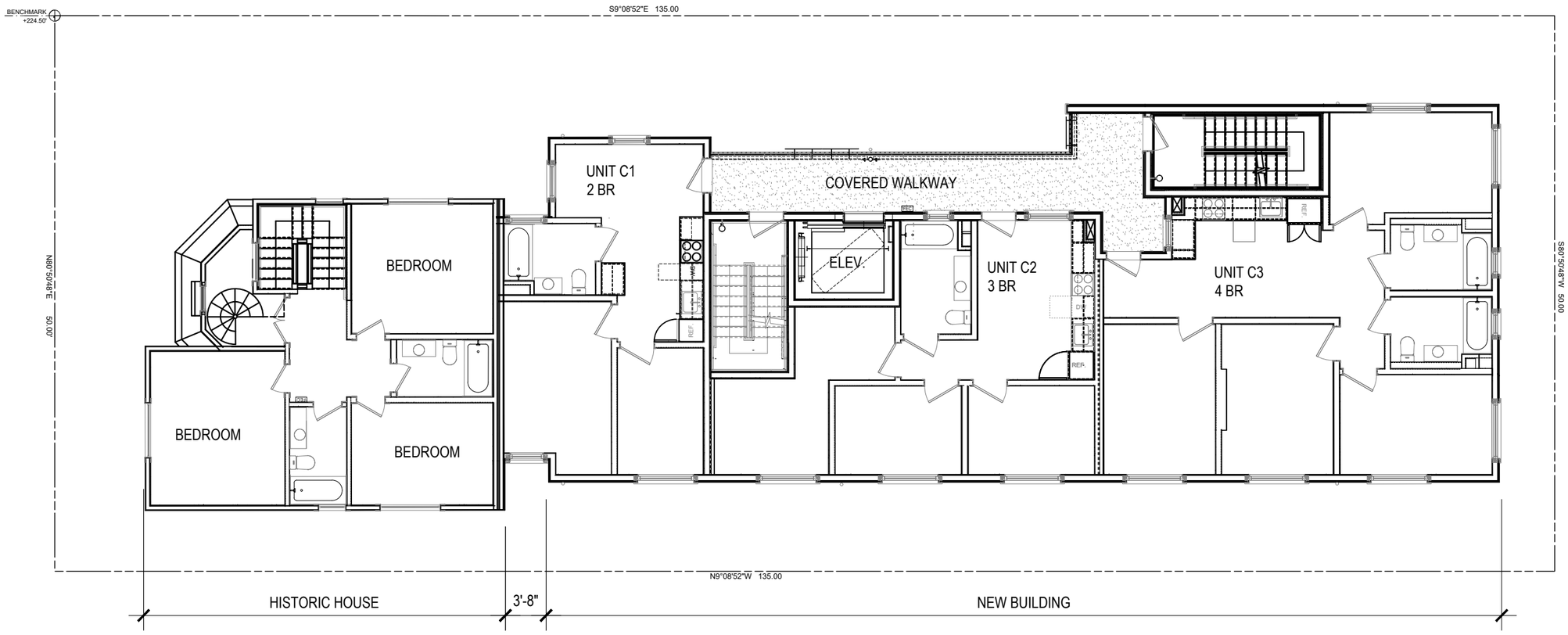
SCALE: 3/32=1'-0"

2328 Channing Way

DEVI DUTTA **ARCHITECTURE**

1910

3/7/25



2ND FLOOR PLAN

A3

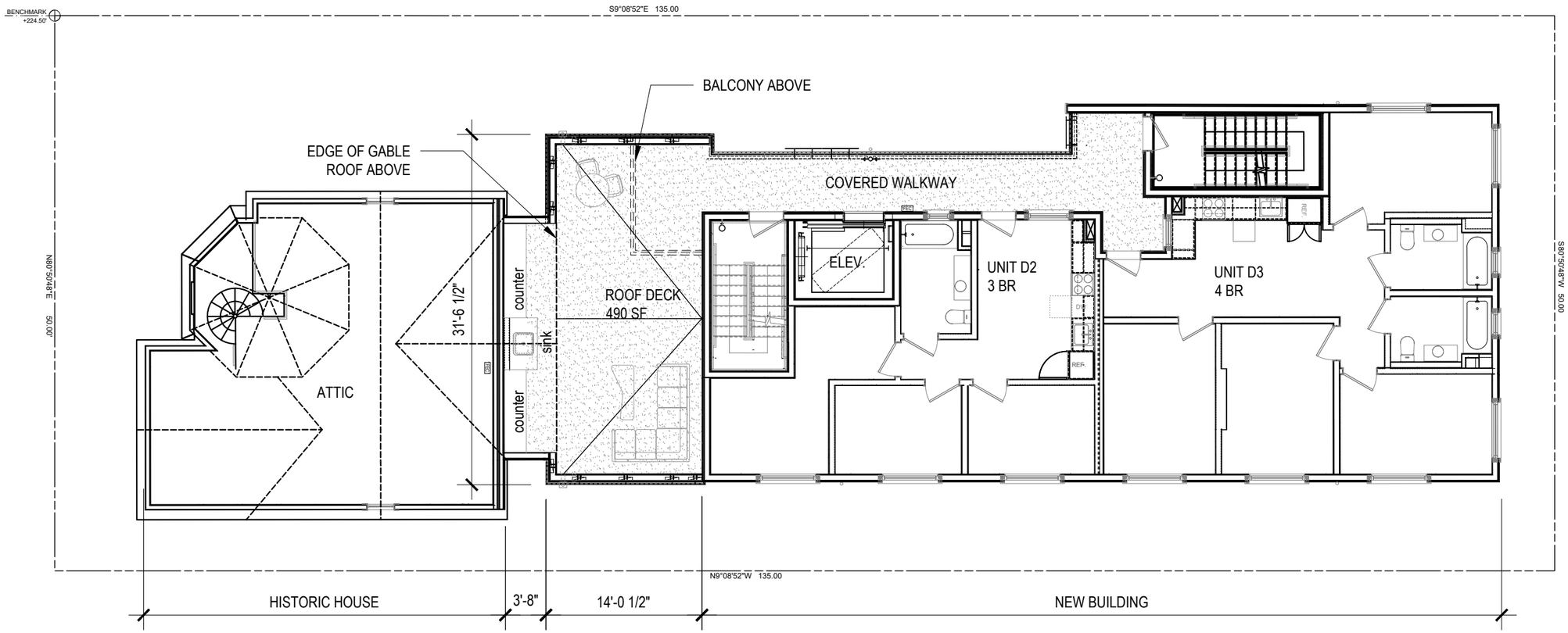
SCALE: 3/32"=1'-0"

2328 Channing Way

DEVI DUTTA **ARCHITECTURE**

1910

3/7/25



A4

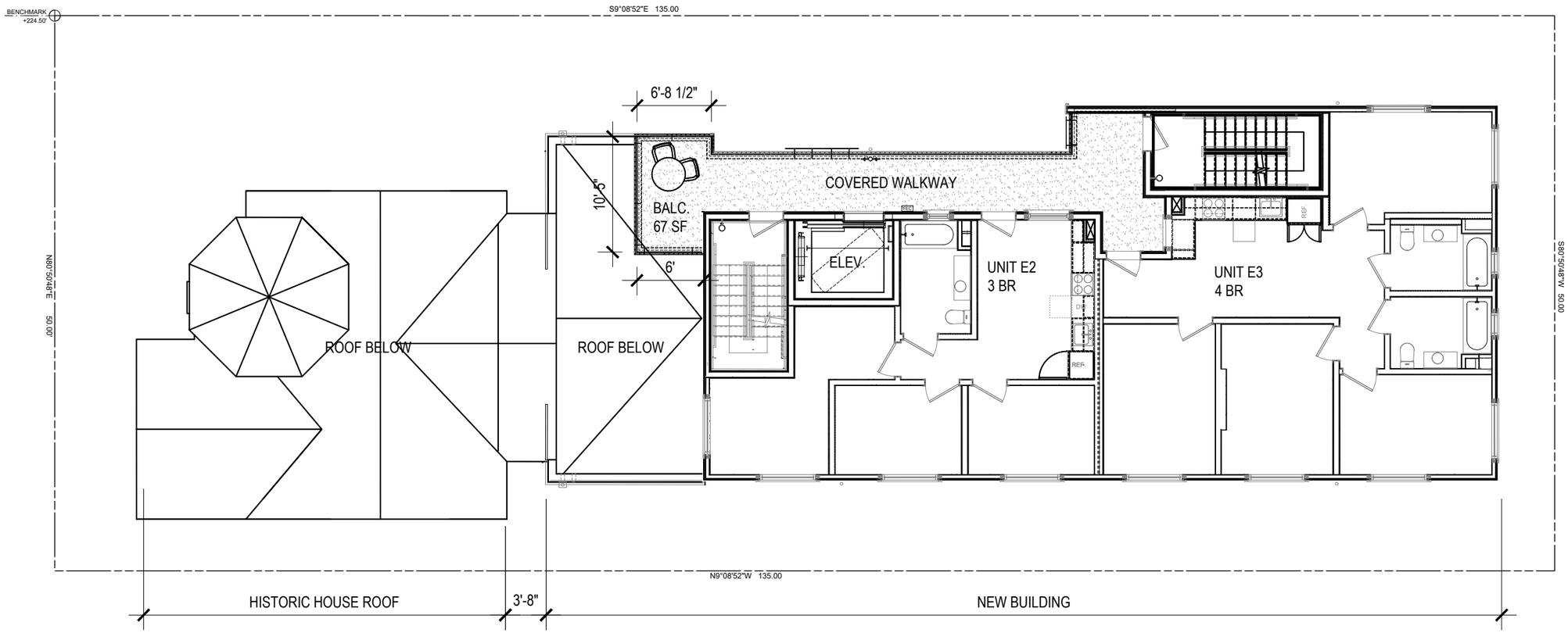
THIRD FLOOR PLAN

SCALE: 3/32"=1'-0"

2328 Channing Way

DEVI DUTTA **ARCHITECTURE**

1910
3/7/25



A5

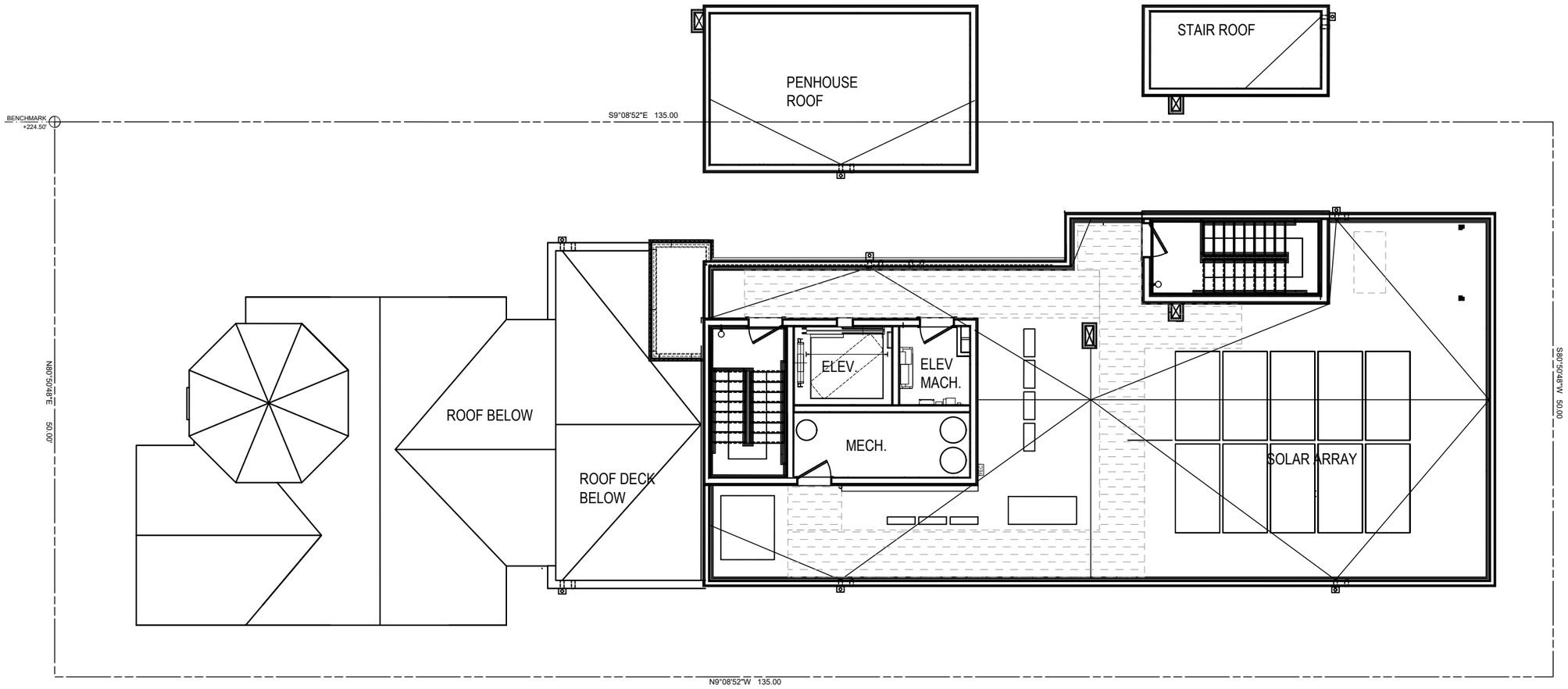
FOURTH FLOOR PLAN

SCALE: 3/32"=1'-0"

2328 Channing Way

DEVI DUTTA **ARCHITECTURE**

1910
3/7/25



ROOF PLAN

A6

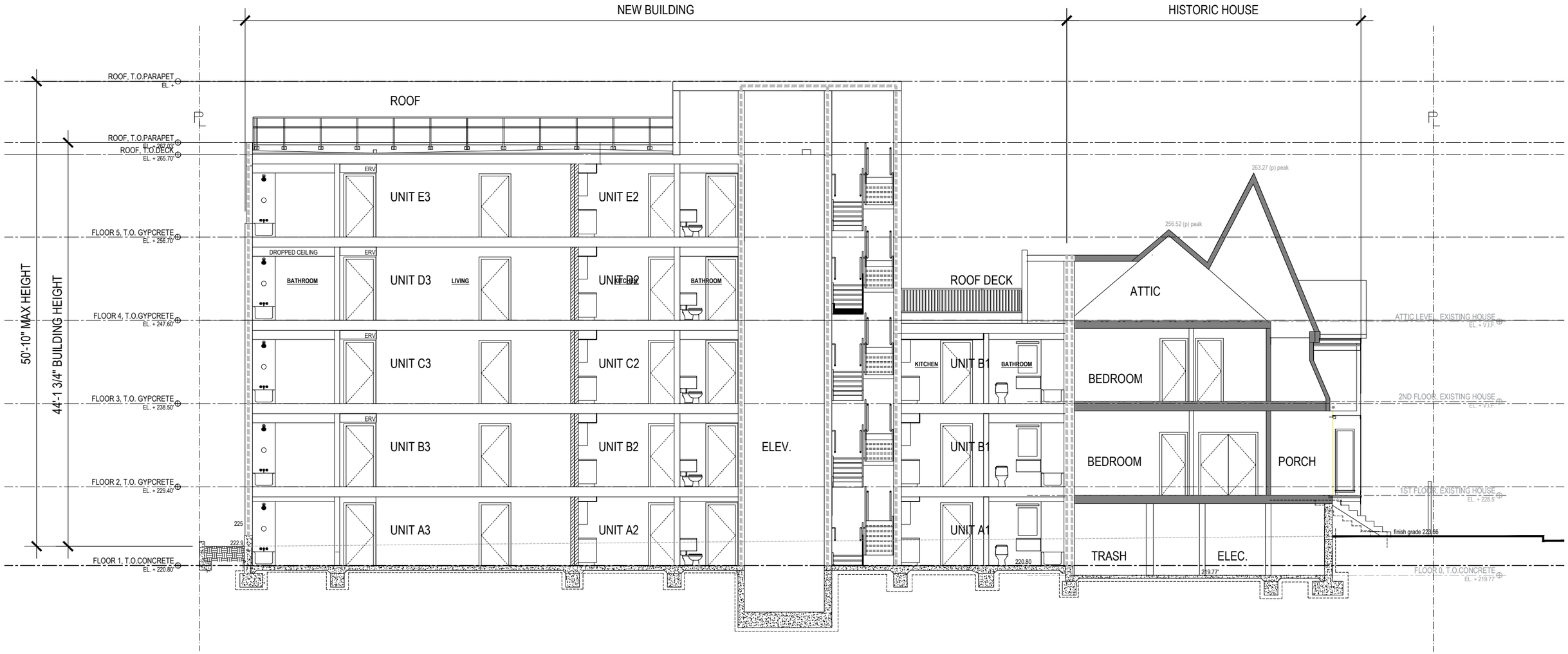
SCALE: 3/32"=1'-0"

project name

DEVI DUTTA **ARCHITECTURE**

PROJECT NUMBER

3/7/25



200

A7 **SECTION**

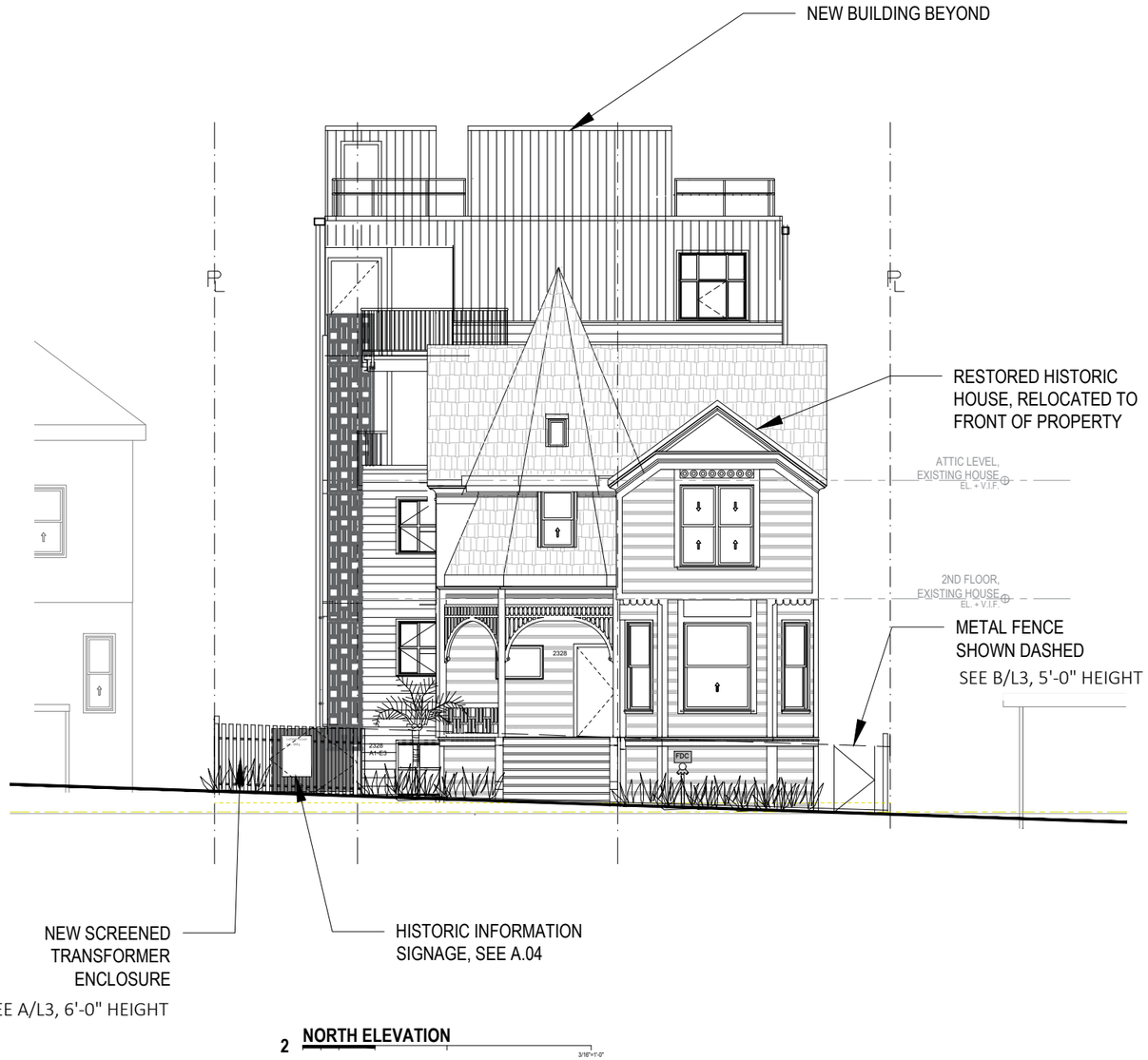
SCALE: 3/32"=1'-0"

2328 Channing Way

DEVI DUTTA **ARCHITECTURE**

1910

3/7/25



2 **NORTH ELEVATION**

1 **SOUTH ELEVATION**

EXTERIOR ELEVATIONS

A9

SCALE: 3/32"=1'-0"

2328 Channing Way

DEVI DUTTA **ARCHITECTURE**

1910

3/7/25

HATCH	DESCRIPTION
	FIBER CEMENT SIDING
	VERTICAL FIBER CEMENT SIDING
	MAINTAIN AND RESTORE EXISTING PAINTED WOOD SIDING, V-GROOVE TO MATCH EXISTING HISTORIC SIDING
	ASPHALT SHINGLE ROOF
	PAINTED METAL RAILING
	CUSTOM FABRICATED METAL SCREEN

A8 **WEST ELEVATION**

SCALE: 3/32"=1'-0"

2328 Channing Way

DEVI DUTTA **ARCHITECTURE**

1910

3/7/25

1 **EAST ELEVATION**

A10 **EAST ELEVATION**

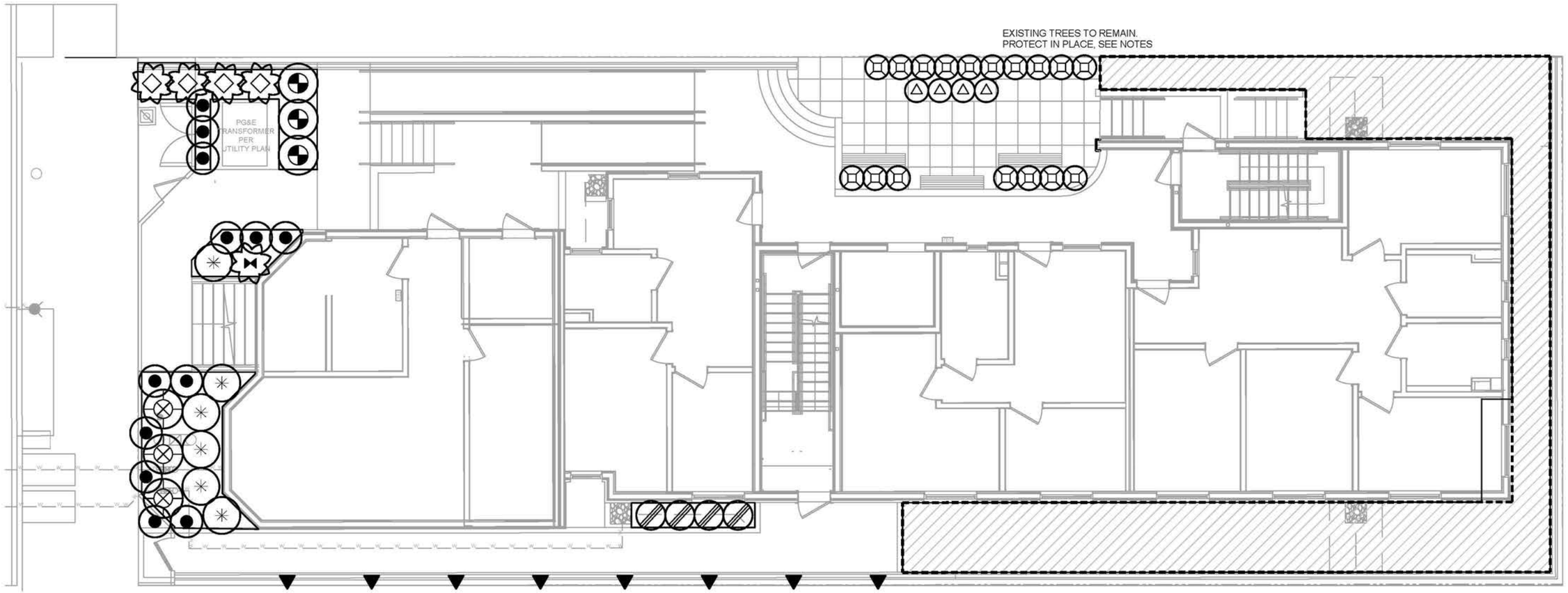
SCALE: 3/32"1'-0"

2328 Channing Way

DEVI DUTTA **ARCHITECTURE**

1910

3/7/25



Planting Plan with Native Open Space Plants

2328 Channing Way
Berkeley, CA

L1 PLANTING PLAN

Jim Burrows
Landscape Architecture

PLANTING PLAN

NORTH

SCALE: 1"=10'-0"

0 10 20 30

PLANTING LEGEND

Documents referenced:
- City of Berkeley, Design Review Basic Submittal Package.
- City of Berkeley Planning and Development Dept., III.D Green Building Requirements.
- City of Berkeley, Water Efficient Landscape Ordinance (WELO) Tool Kit
- Bay-Friendly Basics Landscape Checklist

SHRUBS/PERENNIALS				
SYMBOL	SIZE	BOTANICAL / COMMON NAME	QTY	WUCOLS
	5 GAL	BERBERIS THUNBERGII 'CRIMSON PYGMY'/ CRIMSON PYGMY BARBERRY	3	L
	5 GAL	CALLISTEMON 'LITTLE JOHN' / DWARF BOTTLEBRUSH	3	L
	5 GAL	CORDYLINE AUSTRALIS 'RED SENSATION'/NEW ZEALAND CABBAGE TRE	1	L
	5 GAL	DIETES IRIDIOIDES / FORTNIGHT LILY	4	L
	1 GAL	HEMEROCALLIS 'COMING UP ROSES' / EVERGREEN DAY LILY	12	M
	1 GAL	HEUCHERA MAXIMA / ISLAND ALUM ROOT	4	M
	5 GAL	LOMANDRA LONGIFOLIA 'PLATINUM BEAUTY' / VARIEGATED DWARF MAT RUSH	4	L
	5 GAL	ROSA FLORIBUNDA 'ICEBERG' / ICEBERG ROSE	6	M
	1 GAL	SALVIA SONOMENSIS / CREEPING SAGE	17	M

VINES				
SYMBOL	SIZE	BOTANICAL / COMMON NAME	QTY	WUCOLS
▼	5 GAL	JASMINUM POLYANTHUM / PINK JASMINE	8	M

GROUNDCOVERS				
SYMBOL	SIZE	BOTANICAL / COMMON NAME		
	—	3" MINIMUM LAYER ORGANIC MULCH: 'WALK-ON' BARK, SEE NOTE BELOW.		
	—	3" MINIMUM LAYER COBBLESTONE: NOIYO COBBLE 4" to 6", UNDER DRIPLINE OF EXISTING TREES.		

MULCH
MULCH ALL GROUND COVER AND PLANTER AREAS WITH 3" MINIMUM LAYER 'WALK-ON' BARK, EXCEPT WHERE COBBLE MULCH IS CALLED OUT UNDER EXISTING TREES..

NOTE
PLANT LIST AND QUANTITIES ARE FOR CONVENIENCE ONLY; IN CASE OF DISCREPANCY BETWEEN THE PLAN AND THE PLANTING SCHEDULE, THE PLAN SHALL PREVAIL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PREPARING THEIR OWN QUANTITIES PRIOR TO ORDERING AND INSTALLING PLANT MATERIALS BASED N THESE PLANS. ANY DISCREPANCIES SHALL BE REPORTED TO THE OWNER AND LANDSCAPE ARCHITECT PRIOR TO COMMENCING WORK.

LEGEND
VL = VERY LOW WATER USE
L = LOW WATER USE
M = MEDIUM WATER USE
H = HIGH WATER USE
G = GALLONS
B = BOX
STD. = STANDARD FORMS
L.B. = LOW BRANCHING FORM
DG = DECOMPOSED GRANITE
DRB = DEEP ROOT BARRIER, AS REQUIRED PER PLANTING DETAIL SHEET.

Jim Burrows Landscape Architecture

*WATER-USE EVALUATION OF PLANT MATERIALS
WATER USE OF PROPOSED PLANTS HAVE BEEN EVALUATED USING THE "WATER USE CLASSIFICATION OF LANDSCAPE SPECIES" (WUCOLS IV, UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION.)

Native Ground Covers for Open Space

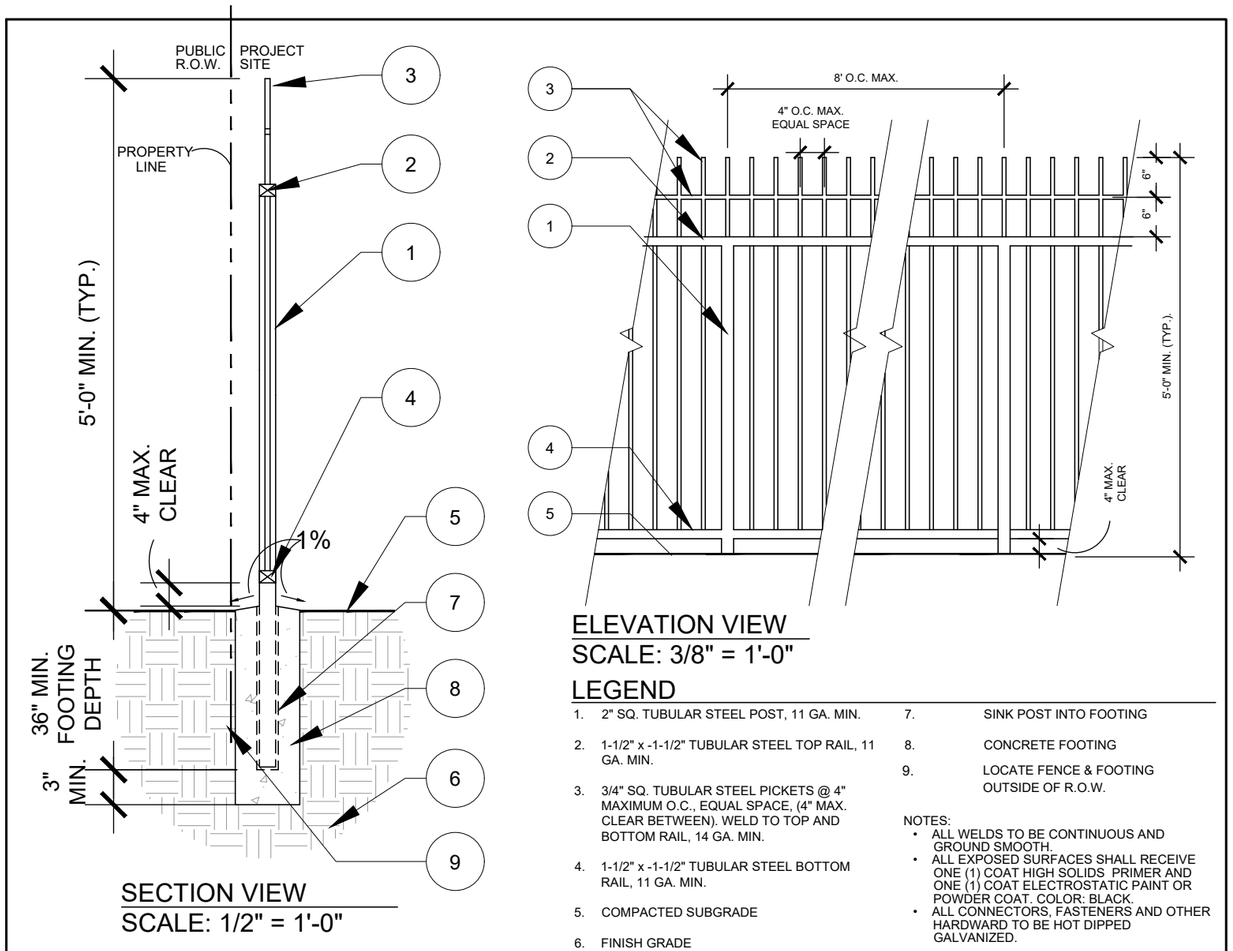
Heuchera maxima

Salvia sonomensis

2328 Channing Way
Berkeley, CA

L2 PLANT LIST

PLANT LIST and NOTES



SECTION VIEW
SCALE: 1/2" = 1'-0"

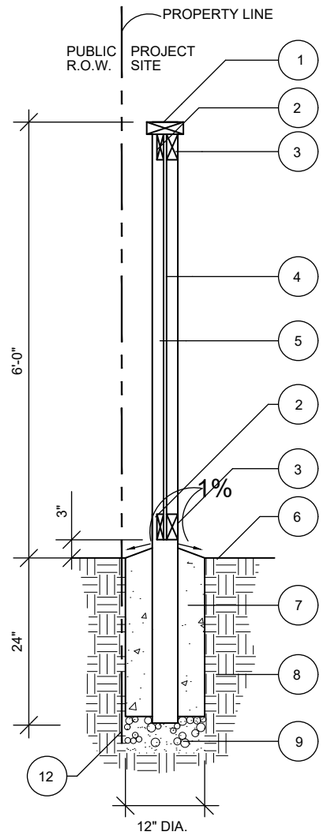
ELEVATION VIEW
SCALE: 3/8" = 1'-0"

LEGEND

1. 2" SQ. TUBULAR STEEL POST, 11 GA. MIN.
2. 1-1/2" x -1-1/2" TUBULAR STEEL TOP RAIL, 11 GA. MIN.
3. 3/4" SQ. TUBULAR STEEL PICKETS @ 4" MAXIMUM O.C., EQUAL SPACE, (4" MAX. CLEAR BETWEEN). WELD TO TOP AND BOTTOM RAIL, 14 GA. MIN.
4. 1-1/2" x -1-1/2" TUBULAR STEEL BOTTOM RAIL, 11 GA. MIN.
5. COMPACTED SUBGRADE
6. FINISH GRADE
7. SINK POST INTO FOOTING
8. CONCRETE FOOTING
9. LOCATE FENCE & FOOTING OUTSIDE OF R.O.W.

NOTES:
- ALL WELDS TO BE CONTINUOUS AND GROUND SMOOTH.
- ALL EXPOSED SURFACES SHALL RECEIVE ONE (1) COAT HIGH SOLIDS PRIMER AND ONE (1) COAT ELECTROSTATIC PAINT OR POWDER COAT. COLOR: BLACK.
- ALL CONNECTORS, FASTENERS AND OTHER HARDWARD TO BE HOT DIPPED GALVANIZED.

B | TUBULAR STEEL FENCE



NOTES:

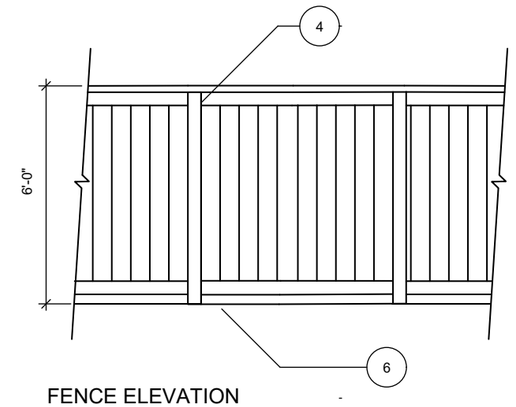
FOR PAINTED FENCE: WOOD SPRUCE WITH PRESSURE TREATED DOUGLAS FIR POSTS.

FOR NATURAL OR STAINED FENCE: WOOD TO BE CEDAR W/ REDWOOD POSTS.

USE 6 X 6 KING POST WHERE WOOD FENCE ABUTS TUBULAR STEEL FENCE, MASONRY WALLS, AND CHANGE IN DIRECTION.

1. 2 X 6 CAP
2. 1 X 4 TRIM (TOP AND BOTTOM)
3. 2 X 4 STRINGER (TOP AND BOTTOM)
4. 4 X 4 POST @ 8'-0" O.C. TO BE LOCATED AT TOP AND TOE OF SLOPE WHERE OCCURS
5. 1 X 6 VERTICAL BOARDS (BUTT JOINTED)
6. FINISH GRADE
7. CONCRETE FOOTING
8. COMPACTED SUBGRADE
9. GRAVEL BASE
10. (3) HEAVY DUTY HINGES SELF-CLOSING
11. GATE LATCH, LOCKABLE SELF-CLOSING
12. LOCATE FENCE & FOOTING OUTSIDE OF R.O.W.

FENCE SECTION
3/4"=1'-0"



FENCE ELEVATION
3/8"=1'-0"

A | WOOD FENCE

L3 FENCE DETAILS

Jim Burrows Landscape Architecture

29

Office of the City Manager

INFORMATION CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Landmark Preservation Ordinance Notice of Decision: 2135 Martin Luther King Jr. Way (Civic Center Park)/#LMSAP2025-0005

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240.A, which requires that "a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting."

CURRENT SITUATION AND ITS EFFECTS

The Landmarks Preservation Commission (LPC/Commission) has approved a Structural Alteration Permit (SAP) for the subject Landmark property. This action is subject to a 15-day appeal period, which began after the notice was mailed on August 25, 2025.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to review any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. For Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by September 9, 2025. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the designation within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
Landmark designation and discretionary alteration reviews by staff and LPC provide opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION
The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
There are no known fiscal impacts associated with this action.

CONTACT PERSON
Marytonae Sanchez, Assistant Planner, Planning and Development, 510-981-7419

Attachments:
1: Notice of Decision – #LMSAP2025-0005/2135 Martin Luther King Jr. Way

Attachment 1, Part 1

LANDMARKS PRESERVATION COMMISSION

Notice of Decision

DATE OF BOARD DECISION: July 7, 2025
DATE NOTICE MAILED: August 25, 2025
APPEAL PERIOD EXPIRATION: September 9, 2025
EFFECTIVE DATE (Barring Appeal or Certification): September 10, 2025[1]

2135 Martin Luther King Jr. Way – Civic Center Park

Structural Alteration Permit (#LMSAP2025-0005) to modify LMSAP2023-0001 at the Civic Center Park to replace six (6) benches at the upper plaza of the park, located on a City Landmark property within the Civic Center Historic District.

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the Structural Alteration Permit request.

- **Applicant** Evelyn Chan, Parks, Recreation & Waterfront Department
  1947 Center Street
  Berkeley, CA 94704

- **Property Owner** City of Berkeley
  2180 Milvia Street
  Berkeley, CA 94704

ZONING DISTRICT: Multiple-Family Residential District (R-3)

ENVIRONMENTAL REVIEW STATUS: The project is categorically exempt from further environmental review in accordance with CEQA Guidelines Section 15331 for *Historical Resource Restoration/Rehabilitation.*

1 Pursuant to BMC Chapter 3.24, the City Council may "certify" any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 15-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2025-0005
2135 Martin Luther King Jr. Way
Mailed: August 25, 2025
Page 2 of 4

The application materials for this project is available online at:
https://berkeleyca.gov/construction-development/land-use-development/zoning-projects or
https://permits.cityofberkeley.info/CitizenAccess/Default.aspx

---

FINDINGS AND CONDITIONS OF APPROVAL AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

COMMISSION VOTE: 7-0-0-1

YES: ENCHILL, PLESE, CRANDALL, FINACOM, SCHWARTZ, LEUSCHNER, HALL-MONTGOMERY

NO: NONE

ABSTAIN: NONE

ABSENT: ORBUCH

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):
To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
   a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
   a. The basic fee for persons other than the applicant is $3,000. This fee may be reduced to $1,000 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.
   b. The fee for all appeals by Applicants is $6,000.

3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the Structural Alteration Permit will be final on the first business day following expiration of the appeal period.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision 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 Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:

   A. That this belief is a basis of your appeal.

   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.

   C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

   If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

PUBLIC COMMENT:

Communications to Berkeley boards, commissions or committees 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 a City board, commission or committee, 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 secretary of the relevant board, commission or committee. 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 secretary to the relevant board, commission or committee for further information.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Marytonae Sanchez, at (510) 981-7419 or MSanchez@berkeleyca.gov. All project application materials may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, 3rd Fl., during regular business hours.

ATTACHMENTS:

1. Findings and Conditions
2. Project Plans

ATTEST: _____
Anne Hersch, Secretary
Landmarks Preservation Commission

cc: City Clerk
Evelyn Chan, Parks, Recreation & Waterfront Department, 1947 Center Street, Berkeley

ATTACHMENT 1, PART 2

FINDINGS AND CONDITIONS

2135 Martin Luther King Jr. Way

Structural Alteration Permit (#LMSAP2025-0005) to modify LMSAP2023-0001 at the Civic Center Park to replace six (6) benches at the upper plaza of the park, located on a City Landmark property within the Civic Center Historic District.

FINDINGS REQUIRED UNDER CEQA

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15331 of the CEQA Guidelines ("Historic Resource Restoration/Rehabilitation").

FINDINGS RELATED TO THE SECRETARY OF THE INTERIOR'S STANDARDS

Regarding the Secretary of the Interior's Standards (SOI) for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

   Evidence: The proposed project does not require a change of use. The property will remain a municipal park.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

   Evidence: The project proposes the removal and replacement of six benches. The installation of benches with a new design and materials are to address compliance with the Americans with Disabilities Act (ADA), including structural and safety hazards. However, replacement is limited to the upper plaza, will not affect any of the other Civic Center Park's character-defining features, including setting, topography and spatial organization, avoiding wholesale alteration of the park with these features intact.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

   Evidence: The proposed benches will not resemble or replicate designs from the park's historic period, and will not result in a false sense of historical development.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

   Evidence: The subject property does not feature changes that have acquired significance in their own right.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

   Evidence: The features of Civic Center Park will be considerably retained and preserved, with the limited-scope of the project affecting the six benches at the upper plaza only.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

   Evidence: As stated under the analysis of SOI Standard 2, six existing benches will be replaced with benches of differing design and materials. However, the project includes salvaging any concrete and wood materials from the existing benches to repair other existing park benches. Thus, the proposal will aid in the City's ability to repair, rather than replace, the remaining benches throughout the Park.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

   Evidence: The project does not propose chemical or physical treatments. Standard conditions of approval would require any chemical or physical treatments to be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

   Evidence: The project will not affect any archaeological resources as it does not require any excavation. Standard conditions of approval include preserving and protecting unexpected discoveries during project construction.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

   Evidence: The proposed scope of work will introduce a new bench design with new and differentiated materials that are not currently or historically present in the park. The new work will be entirely different from the existing benches.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

    Evidence: If the proposed benches were removed in the future, it would not permanently impair the essential form and integrity of Civic Center Park.

FINDINGS REQUIRED UNDER LANDMARKS PRESERVATION ORDINANCE

Pursuant to BMC Section 3.24.260, approval of permit applications pursuant to this section may be granted only upon determination that the proposal conforms to the criteria set forth in paragraphs 1.

1. For permit applications for construction, alteration or repair:

(a) For applications relating to landmark sites, the proposed work shall not adversely affect the exterior architectural features of the landmark and, where specified in the designation for a publicly owned landmark, its major interior architectural features; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting.

> Evidence: The proposal to replace the six benches in the upper plaza of Civic Center Park will not adversely affect the exterior architectural features of the City Landmark because all other character-defining features including setting, topography, and spatial organization, would be retained through the site. With these features preserved, Civic Center Park will retain its historical integrity in use, identity, and form.

(b) For applications relating to property in historic districts, the proposed work shall not adversely affect the exterior architectural features of the subject property or the relationship and congruity between the subject structure or feature and its neighboring structures and surroundings, including facade, setback and height; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the district. The proposed work shall also conform to such further standards as may be embodied in the designation of the historic district.

> Evidence: The effects of the project are limited to the upper plaza in Civic Center Park, which is at the center of the site. Surrounding properties will be unaffected by the proposed replacement, and the project will not adversely affect neighboring structures and surroundings.
>
> The 1997 landmark designation recognizes the benches within the park to possibly have the appearance of the original design and construction of the Civic Center Park, or are replicas of the original design. The special character of features within the park are associated with the City Beautiful movement, Works Progress Administration-era and the Golden Gate International Exposition from 1939 to 1940. As effects of the replacement is limited in scope and much of the park's features are retained, the project will not adversely affect the property's special character overall.

(c) For applications relating to structure of merit sites, the proposed work shall not adversely affect the architectural features if architectural merit is the basis for designation; nor shall the proposed work adversely affect the special cultural, educational or historical interest or value if that is the basis for designation.

Evidence: N/A. The site is a designated City Landmark Park and not a Structure of Merit.

Exhibit A

Conditions of Approval

July 7, 2025

I. General Administrative Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Project Approval**. This Structural Alteration Permit approval is for 2135 Martin Luther King Jr. Way, as substantially shown and described on the project plans dated May 28, 2025, except as required to be modified by conditions herein and plans as presented to the Landmarks Preservation Commission on July 7, 2025 (“Approval Date.”). For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required bythe conditions herein for approval by the City.	City of Berkeley	On-Going	Land Use Planning
2.	**Approval Limited to Proposed Project.** This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.	City of Berkeley BMC Sections 23.404.060	On-Going	Land Use Planning
3.	**Compliance Required.** All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.	City of Berkeley	On-Going	Land Use Planning
4.	**Conformance to Approved Plans.** All work performed under an approved permit shall be in compliance with the approved plans and any Conditions of Approval.	City of Berkeley BMC Section 23.404.060. B.4	On-Going	Land Use Planning

I. General Administrative Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
5.	**Permit Revocation.** The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Landmarks Preservation Commission (LPC), or City Council referral.	City of Berkeley BMC Section 23.404.080	On-Going	Land Use Planning
6.	**Exercise and Expiration of Permits** A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun. C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification). D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.	City of Berkeley BMC Section 23.404.060 (C) "Time Limits"	On-Going	Land Use Planning
7.	**Hold Harmless.** The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively,	City of Berkeley	On-Going	Land Use Planning

I. General Administrative Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
	"Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.			

II. At Building Permit Submittal		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Conditions of Approval on Building Permit Plan Submittal** **Structural Alteration Permit.** The Conditions of Approval for this Structural Alteration Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Structural Alteration Permit, under the title 'Structural Alteration Permit Conditions.'	City of Berkeley	At the Time of Building Permit Submittal	Building & Safety/Land Use Planning

2.	**Project Liaison.** The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:** ☐ **Project Liaison** _____ Name Phone #	City of Berkeley	At the Time of Building Permit Submittal	Building & Safety/Land Use Planning
3.	**Construction and Demolition Diversion.** The applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.	City of Berkeley BMC Chapter 19.37	At Building Permit Submittal	Building & Safety Division

III. During Construction A. Building & Safety Division		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1	**Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.	City of Berkeley	During Construction	Building & Safety
2.	**Construction Hours- Exceptions**. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.	City of Berkeley	During Construction	Building & Safety

3.	**Construction / No Parking Permits**. Contact the Permit Service Center (PSC) at 1947 Center Street, Third Floor or (510) 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.	City of Berkeley	During Construction	Building & Safety

IV. During Construction B. Land Use Planning		Regulation Source	Timing/ Implementation	Enforcement/ Monitoring
1.	**Paleontological Resources (Ongoing throughout demolition, grading, and/or construction)**. In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.	City of Berkeley	During Construction	Land Use Planning

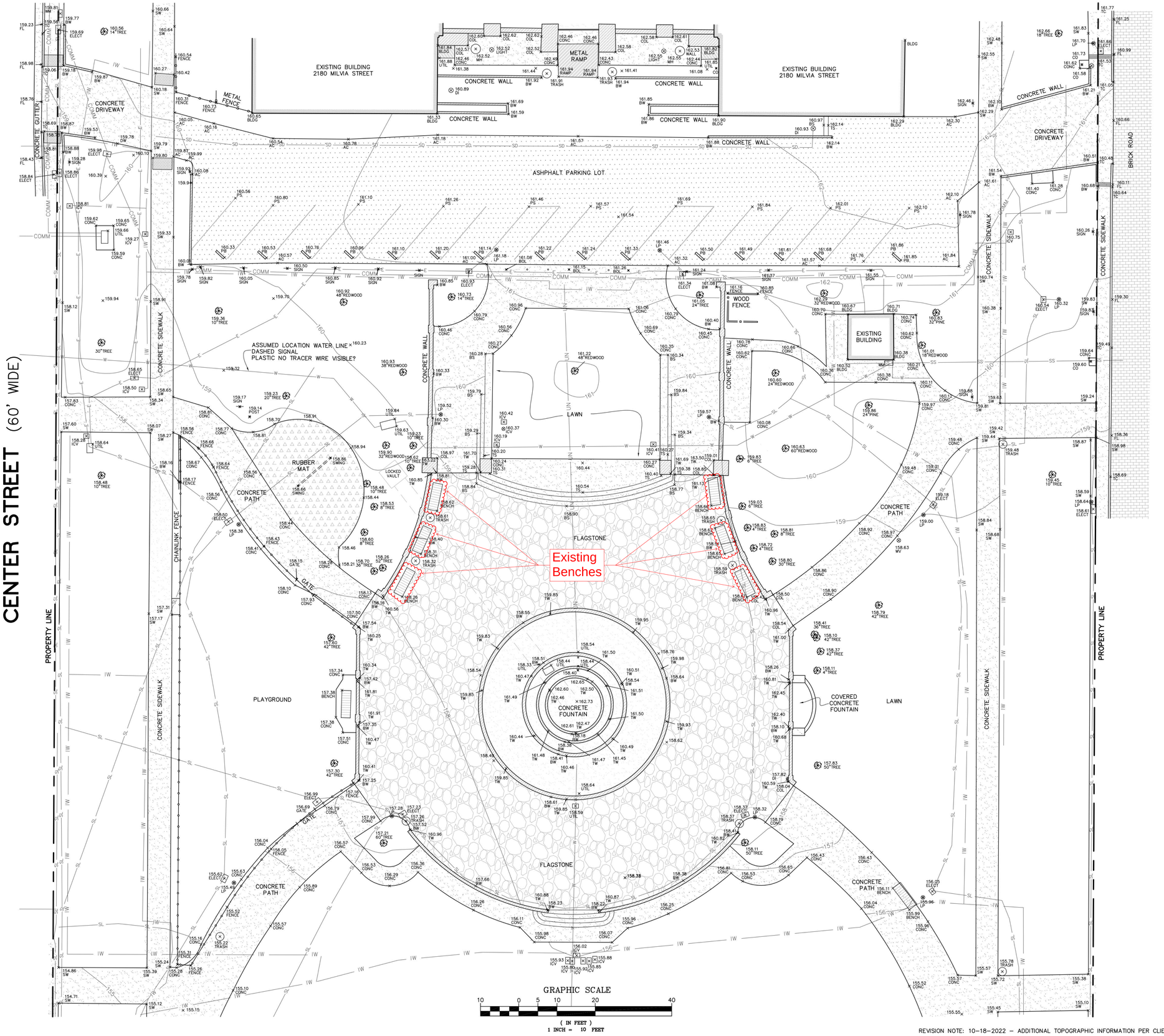
2.	**Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction,** all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.	City of Berkeley	During Construction	Land Use Planning
3.	**Archaeological Resources (Ongoing throughout demolition, grading, and/or construction**). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore: **A**. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find. **B.** If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards. **C.** In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.	City of Berkeley	During Construction	Land Use Planning

	D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out. **E.** If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.			

IV. During Construction **C. During Construction: Public Works**		Regulation Source	Timing/ Implementation	Enforcement/ Monitoring
1.	**Site Debris.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.	City of Berkeley	During Construction	Public Works
2.	**Street & Sidewalk Damages.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.	City of Berkeley	During Construction	Public Works
3.	**Underground Utilities.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction	City of Berkeley	During Construction	Public Works
4.	**Hauling of Debris.** Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.	City of Berkeley	During Construction	Public Works

	V. Structural Alteration Permit Conditions	Regulation Source	Timing/ Implementation	Enforcement/ Monitoring
1.	**Repair and replacement of character-defining features**. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.	City of Berkeley	On-Going	Land Use Planning
2.	**Chemical Treatments.** With respect to historic resources located on this site or within the propose project area, any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.	City of Berkeley	On-Going	Land Use Planning
3.	**Equipment.** Any above ground or roof equipment, such as transformer(s), utilities, fire apparatus, air conditioning units, compressors, etc. shall be shown to scale on the architectural drawings of the building permit set of drawings in both plan and elevation, in order to determine if additional screening and SAP may be required.	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning
4.	**Glass.** All glass is assumed to be clear glass. Any proposed glass that is not clear glass, shall be indicated on all drawings, and shall be reviewed for approval by staff.	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning
5.	**Exterior Lighting.** Exterior lighting shall be downcast and not cause glare on the public right-of-way and abutting parcels.	City of Berkeley	On-Going	Land Use Planning
6.	**Landscaping.** The applicant shall provide irrigation for all landscaped areas. This shall be called out on Landscape building permit drawings.	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning
7.	**Bench Design (added by the LPC).** Develop a custom bench design that: **A.** Meets ADA accessibility and durability standards, and **B**. Reflects the historic character of the original bench, including unpainted concrete and horizontal panel seating.	City of Berkeley	Within 6 months of the July 7, 2025 Landmarks Preservation Commission meeting	Land Use Planning

8.	**Alternatives (added by the LPC).** Applicant to return to the Landmarks Preservation Commission to present the new custom design alternatives alongside alternative benches.	City of Berkeley	Within 6 months of the July 7, 2025 Landmarks Preservation Commission meeting	Land Use Planning
9.	**Other Permits.** The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.	City of Berkeley	On-Going	Land Use Planning



LEGEND

AC	ASPHALT/CONCRETE
BLDG	BUILDING
BOL	BOLLARD
BS	BASE OF STEPS
BW	BASE OF WALL
CO	CLEAN OUT
COL	COLUMN
COMM	COMMUNICATIONS
CONC	CONCRETE
DI	DRAIN INLET
DW	DRIVEWAY
E	ELECTRICAL
ELECT	ELECTRIC BOX
FL	FLOWLINE
ICV	IRRIGATION CONTROL VALVE
IW	IRRIGATION WATER
LP	LAMP POLE
MH	MAINTENANCE HOLE
PB	PARKING BLOCK
PS	PARKING STRIPE
SD	STORM DRAIN
SL	STREET LIGHT
SS	SANITARY SEWER
SW	SIDEWALK
TC	TOP OF CURB
TS	TOP OF STEPS
UN	UNKNOWN UTILITY
UTIL	UTILITY BOX
W	WATER
WM	WATER METER
WV	WATER VALVE
	ASPHALT
	BUILDING LINE
	BRICK
	CONCRETE SURFACE
	CONCRETE WALL
	FLAGSTONE
	METAL
	RUBBER
	TRUNCATED DOME MAT
	WOOD
	CHAIN LINK FENCE
	METAL FENCE
	WOOD FENCE

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

DATE OF FIELD SURVEY: AUGUST 16, 2022

DATUM:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.

UTILITY NOTE:
UNDERGROUND UTILITY LOCATIONS IN THE STREET AND ON SITE SHOWN HEREON ARE BASED UPON SURFACE MARKINGS, SURFACE STRUCTURES AND GEOTECH UTILITY LOCATING FINDINGS. LOCATIONS SHOULD BE CONSIDERED APPROXIMATE AND SHOULD BE VERIFIED, IF NECESSARY, PRIOR TO EXCAVATION.

LICENSED LAND SURVEYOR
JAMES S. MORAN
7881
STATE OF CALIFORNIA
10-18-2022

SITE SURVEY

LOCATED AT CIVIC CENTER PARK
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

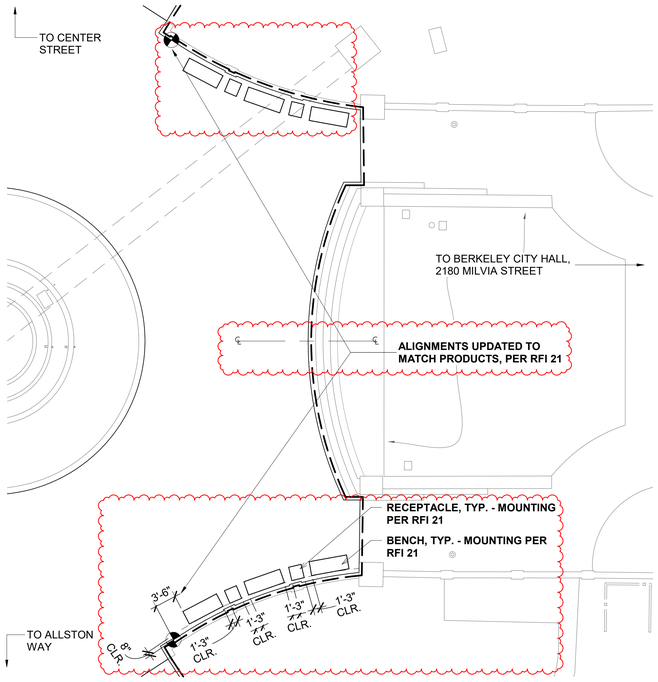
SEPTEMBER 21, 2022 SCALE: 1" = 10'

MORAN ENGINEERING, INC.
CIVIL ENGINEERS \ LAND SURVEYORS
1930 SHATTUCK AVENUE, SUITE A
BERKELEY, CALIFORNIA 94704
(510) 848-1930

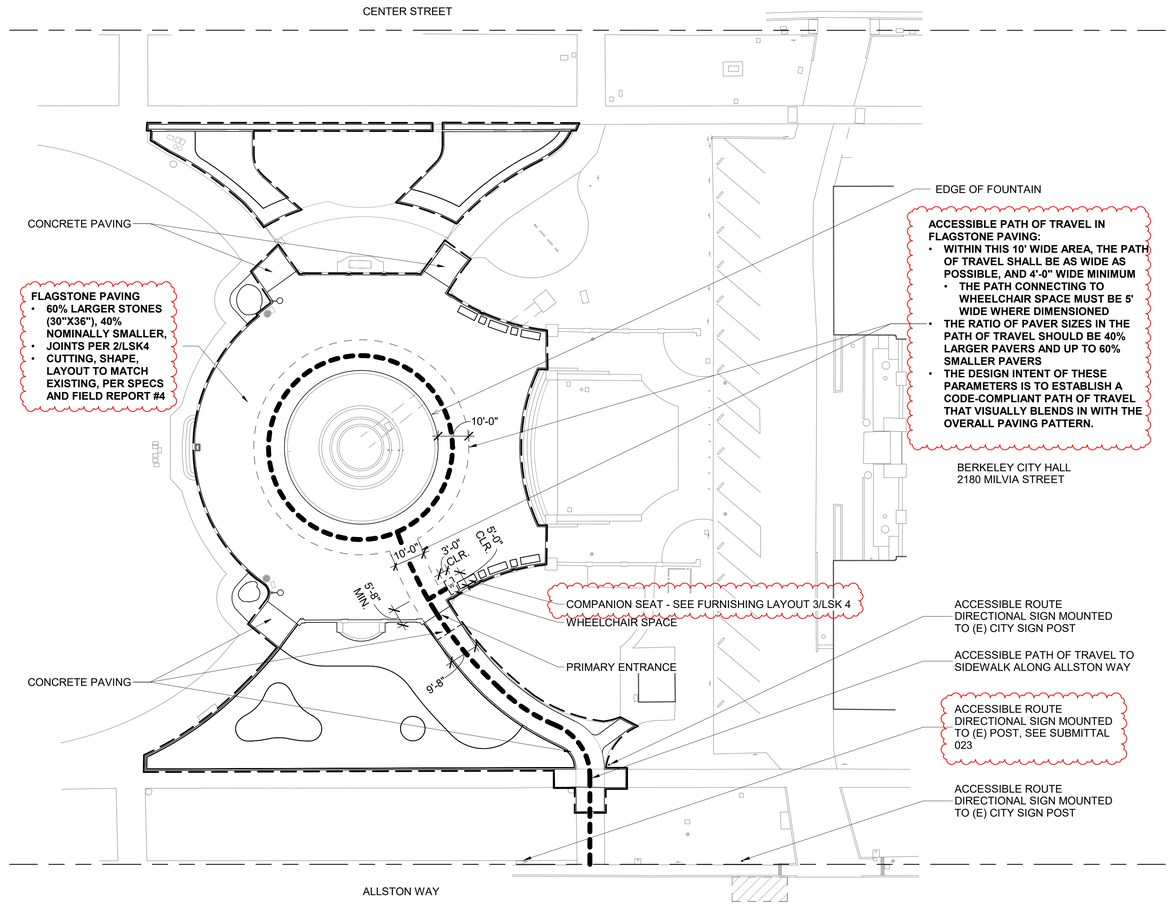
REVISION NOTE: 10-18-2022 - ADDITIONAL TOPOGRAPHIC INFORMATION PER CLIENT REQUEST

F.B. NO. 1907 CIVICCENTER-TOPO.DWG JOB NO. 22-4206.2

G3.00

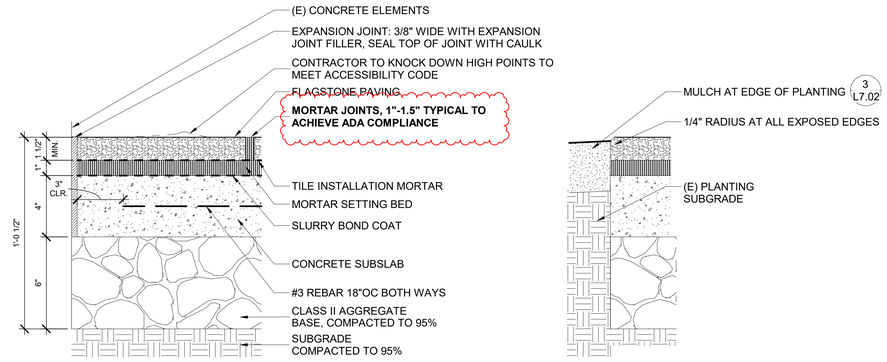


3 LSK4-FURNISHING LAYOUT
LSK4 1" = 10'-0"



SEE G2.00 FOR GENERAL NOTES, ABBREVIATIONS, PATH OF TRAVEL LEGEND

1 LSK-4 SITE PLAN PATH OF TRAVEL
LSK4 1" = 20'-0"



NOTES:
1. WHERE NEW CONCRETE MEETS EXISTING CONCRETE ELEMENTS (INCLUDING BUT NOT LIMITED TO STEPS, PAVING, AND EXISTING VERTICAL SURFACE OF WALLS AND FOUNTAIN), AND WHERE NEW CONCRETE MEETS NEW FLAGSTONE PAVING, USE AN EXPANSION JOINT.
2. FOR PAVER PATTERN, PRODUCTS, AND COLORS, SEE SPECIFICATIONS.
3. LANDSCAPE ARCHITECT TO REVIEW AND APPROVE MOCK-UP IN FIELD, SEE SPECS.
4. INSTALLER TO KNOCK DOWN HIGH POINTS OF FLAGSTONE TO ACHIEVE ADA COMPLIANT SURFACE, NO HIGH POINTS GREATER THAN 1/4" HIGH.
5. NO GAPS, AIR POCKETS, OR VOIDS TO BE PRESENT UNDER FLAGSTONE.
6. IF TREE ROOTS ARE ENCOUNTERED, SEE NOTES ON SHEET L1.00 REGARDING REVIEW OF BED PREPARATION AND PAVING INSTALLATION.

2 LSK4-FLAGSTONE PAVING
LSK4 3" = 1'-0"

PGAdesign
LANDSCAPE ARCHITECTS
tel 510.465.1284 url PGAdesign.com
444 17th Street Oakland CA 94612

STAMP

LICENSED LANDSCAPE ARCHITECT
CATHERINE GARRETT GILL
No. 6065
Last Date DEC. 31, 2024
Renewal Date JULY 16, 2024
Date
STATE OF CALIFORNIA

Martin Luther King Jr. Civic Center Park - Upper Plaza Improvements

Martin Luther King Jr. Civic Center Park
2151 Martin Luther King Jr. Way, Berkeley, CA 94704

City of Berkeley

DRAWING STATUS

Date	Description
2/15/23	Structural Alterations
	Permit Application Set
7/7/23	90% CD Permit Set
7/18/24	CD Permit Resubmittal

REVISION SCHEDULE		
No.	Date	Description
4	5/19/2025	LSK 004

CITY PLAN NUMBER: 8277
CITY FILE NUMBER: 406-220

SHEET TITLE
PATH OF TRAVEL AND PAVER JOINT DETAIL

DATE: 7/18/2024
SCALE: As indicated
DRAWN BY: PM
CHECKED BY: CG

LSK4

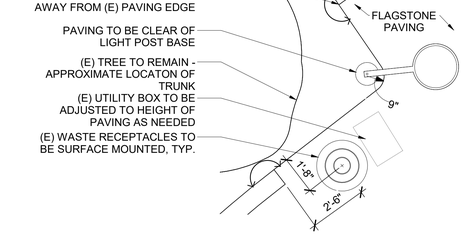
Autodesk Docs://Civic Center Plaza-C928-21-11930/Civic Center Plaza/Plaza Landscape-R23.rvt
5/20/2025 2:28:36 PM

LAYOUT NOTES

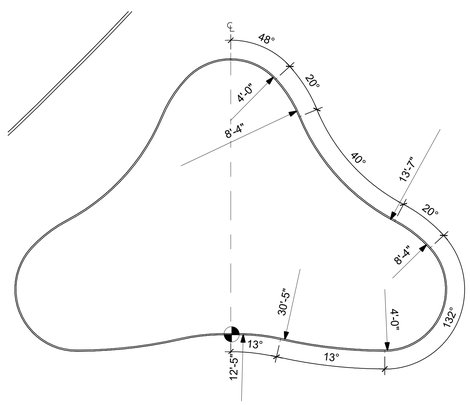
1. DIMENSIONS ARE FROM OUTSIDE FACE OF WALLS, UNLESS OTHERWISE NOTED, AND CONTRACTOR TO VERIFY IN THE FIELD PRIOR TO CONSTRUCTION AND MAJOR EXCAVATION. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALING.
2. UNLESS OTHERWISE NOTED, ANGLES TO BE RIGHT ANGLES, ARCS WHICH APPEAR TANGENT AND UNIFORM ARE TO BE TANGENT AND UNIFORM, LINES WHICH APPEAR PARALLEL ARE TO BE PARALLEL, AND ITEMS WHICH APPEAR CENTERED TO BE CENTERED, MAINTAIN LINES TRUE, LEVEL, PLUMB, AND SQUARE.
3. CONTRACTOR SHALL REFER TO GRADING PLANS FOR GRADING AND DRAINAGE STRUCTURES PRIOR TO INSTALLATION OF WALKS AND OTHER SITE ELEMENTS.
4. LANDSCAPE ARCHITECT TO APPROVE LAYOUT IN THE FIELD PRIOR TO INSTALLATION OF FORMS OR GRADING FOR LANDSCAPE WORK.
5. CONTRACTOR SHALL LOCATE ELECTRICAL JUNCTION BOXES FOR LIGHTS IN PLANTING AREAS UNLESS SHOWN OTHERWISE. LAYOUT TO BE APPROVED BY THE CITY'S REPRESENTATIVE PRIOR TO TRENCHING.
6. CONTRACTOR SHALL CAREFULLY REVIEW LANDSCAPE IRRIGATION PLANS AND NOTES TO IDENTIFY LOCATIONS WHERE PIPE, SLEEVES, SAND BED OR CONDUIT MUST BE PLACED PRIOR TO PLACEMENT OF FORMWORK FOR INSTALLATION OF CONCRETE, OTHER PAVING, OR WALLS.
7. THE DESIGN INTENT ALONG CONCRETE PATHWAYS IS TO NARROW SLIGHTLY WHERE CALLED OUT TO ACCOMMODATE FORMWORK AND REDUCE IMPACT ON EXISTING TREE ROOTS.

LAYOUT LEGEND

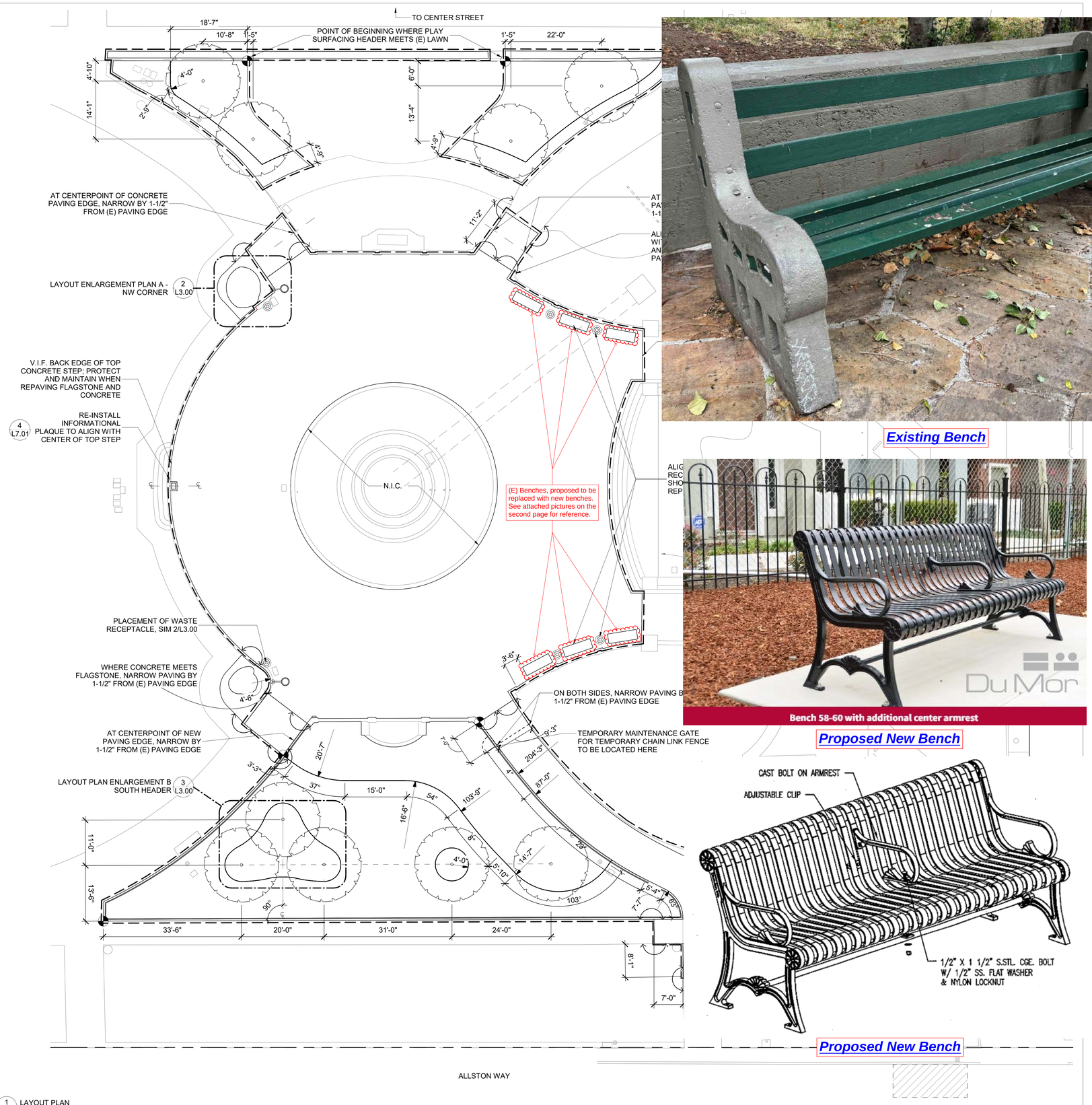
- PROPERTY LINE
- POINT OF BEGINNING
- CENTERLINE
- LIMIT OF WORK
- ALIGN



2 L3.00 LAYOUT PLAN ENLARGEMENT A - NW CORNER
3/8" = 1'-0"



3 L3.00 LAYOUT PLAN ENLARGEMENT B - SOUTH HEADER
1/4" = 1'-0"



1 L3.00 LAYOUT PLAN
1" = 10'-0"

Existing Bench

Bench 58-60 with additional center armrest

Proposed New Bench

Proposed New Bench

SEE SHEET G2.00 FOR GENERAL NOTES AND L1.00 FOR PRESERVATION NOTES.

0 5 10 15 25ft

Martin Luther King Jr. Civic Center Park - Upper P

Martin Luther King Jr. Civic Center Park
2151 Martin Luther King Jr. Way, Berkeley, CA 94704

City of Berkeley

DRAWING STATUS

Date	Description
2/15/23	Structural Alterations
	Permit Application Set
7/7/23	90% CD Permit Set
7/18/24	CD Permit Resubmittal

REVISION SCHEDULE		
No.	Date	Description

CITY PLAN NUMBER: 8277
CITY FILE NUMBER: 406-220

SHEET TITLE
LAYOUT PLAN

DATE: 7/18/2024
SCALE: As indicated
DRAWN BY: PM
CHECKED BY: CG

L3.00

Autodesk Docs://Civic Center Park Phase CIP/8-24-1193/Civic Center/Part/Kara.Landscape-R23.rvt
7/18/2024 4:19:21 PM

Picture 1: Crack in concrete end, concrete spalling, and protrusion hazard

Picture 2: Damaged concrete ends supporting wood slats, failure hazard

Picture 3: Exposed bolt, protrusion and strangulation hazard

Picture 4: Exposed bolt, spalling concrete

Picture 5: Excessively wide gaps in seat and back supports

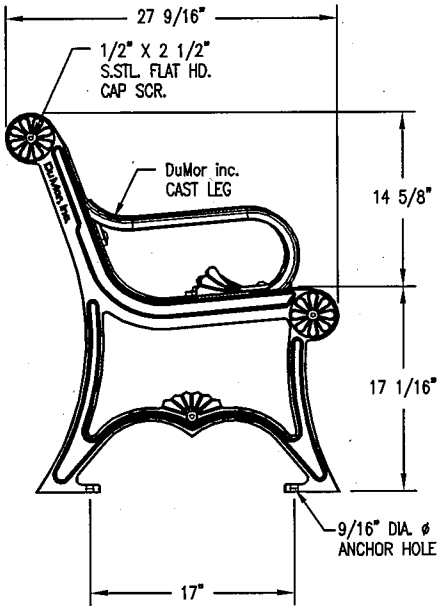
Picture 6: Crack in backrest stem, exposed bolt, protrusion hazard

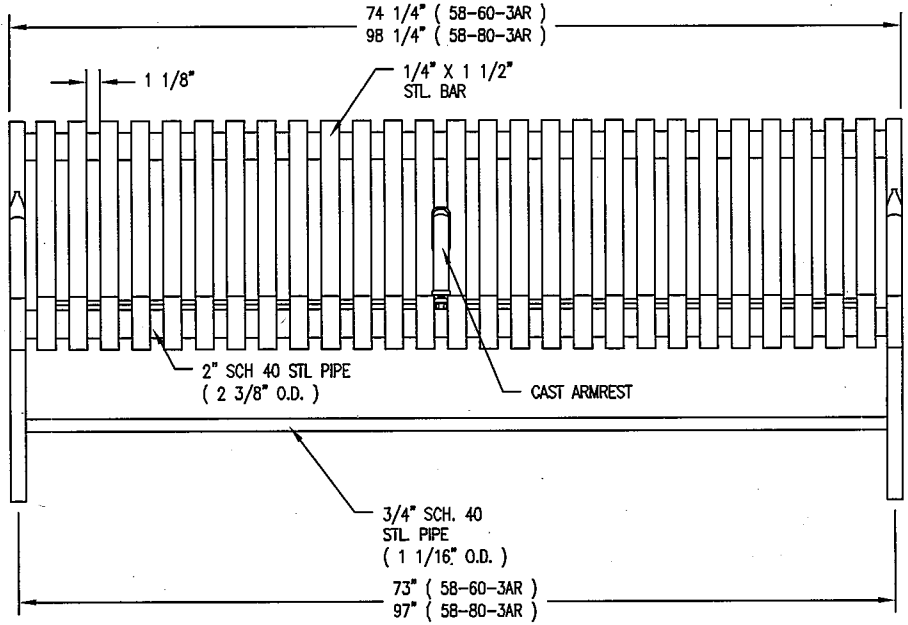
Picture 7: Wood slats, constantly damaged, safety hazard

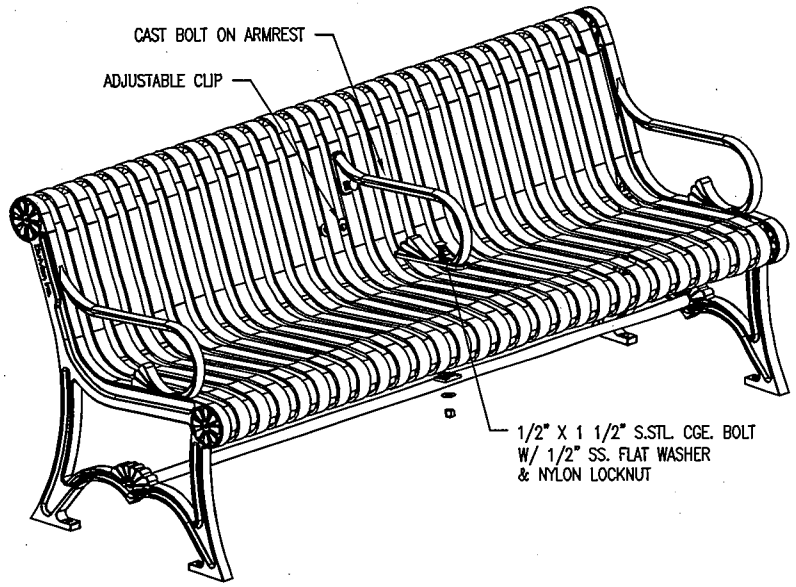
Picture 8: Spalling concrete base, crack in backrest stem, failure hazard

Picture 9: Protruding bolts, spalling concrete end, safety hazard

Picture 10: Shims needed to support/stabilize wood slats, safety hazard







LENGTH OPTIONS

- ☐ 6' BENCH
- ☐ 8' BENCH

NOTES

1.) ALL STL. MEMBERS COATED W/ ZINC RICH EPOXY THEN FINISHED W/ POLYESTER POWDER COATING.

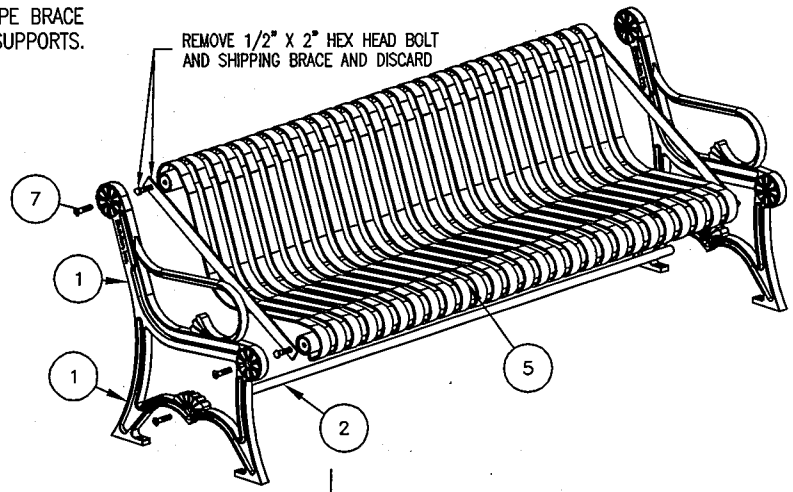
2.) 1/2" X 3 3/4" EXPANSION ANCHOR BOLTS PROVIDED.

3.) CUSTOM LETTERING AVAILABLE FOR RECESSED SIDE PANELS (TOTAL OF 37 SPACES)

☐ CUSTOM LETTERING (37 SPACES) _____

DuMor, inc.	BENCH	DATE DRAWN : 03/22/94 DRAWN BY : AWH DATE REV. : 11/21/99 REV. BY : JSB	REV. D	DRAWING NUMBER 58 SER-3AR	SHEET 1 OF 2

(1) ATTACH STL. SEAT & PIPE BRACE TO CAST IRON BENCH SUPPORTS.



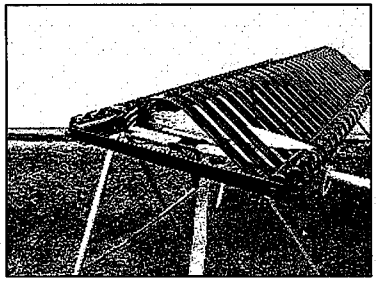
PARTS LIST

ITEM	QTY	PART NO	DESCRIPTION
1	2	0-57-00-02	CAST IRON BENCH SUPPORT
2	1	0-57-60-04	71 3/4" PIPE BRACE
3	1	0-58-00AR-03	CAST IRON BOLT ON ARMREST
4	2	0-58-00AR-04	ARMREST BOLT CLIP MACHINED
5	1	0-58-60-01	6' STL SEAT
6	2	1-11-042	1/2" X 1 1/2" SS CGE BOLT
7	6	1-12-065	1/2" X 2 1/2" FLT SKT HD CAP SCR
8	2	1-20-015	1/2" SS NYLON LOCKNUT
9	2	1-22-015	1/2" SS FLAT WASHER

KITS PROVIDED

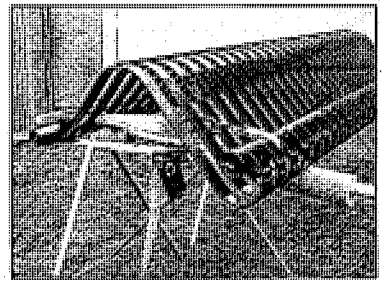
ITEM	QTY	PART NO	DESCRIPTION
10	1	K-ANC0860-4	1/2" X 3 3/4" SS ANCHOR KIT (4PC)
11	1	K-CG0824-2L	1/2" CGE BOLT HARDWARE KIT (2PC)
12	1	K-FC0840-6	1/2" CAP HARDWARE KIT (6PC)

(1A)



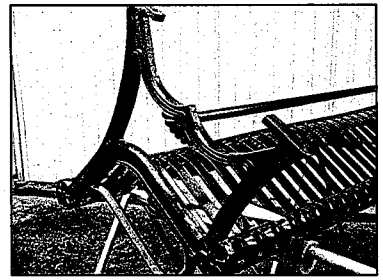
PLACE SEAT ASSEMBLY ON WORK SURFACE ALLOWING ACCESS TO ENDS. PLACE RATCHET STRAP AROUND SEAT ASSEMBLY AS SHOWN ABOVE.

(1B)



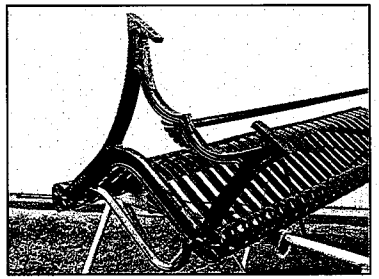
TIGHTEN STRAP UNTIL SHIPPING BRACKET BECOMES LOOSE. THEN REMOVE AND DISCARD BOLTS & SHIPPING BRACKET.

(1C)



ATTACH CAST SUPPORT TO SEAT ASSEMBLY. IF HOLES IN CASTING DO NOT ALIGN WITH THE SEAT ASSEMBLY, ADJUST BY USING THE RATCHET STRAP.

(1D)



TIGHTEN HARDWARE THEN REMOVE RATCHET STRAP AND REPEAT THIS PROCEDURE ON THE OTHER END OF BENCH.

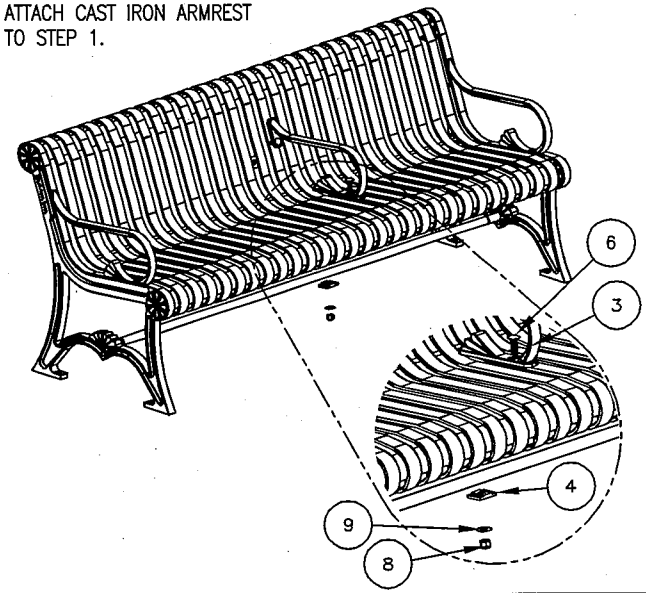
NOTES:

1.) DURING ASSEMBLY PROCEDURE; DO NOT COMPLETELY TIGHTEN HARDWARE.
2.) THE ACTUAL PARTS WILL NOT BE NUMBERED. NUMBERS ONLY APPLY TO DRAWING.
3.) UPON COMPLETION OF ASSEMBLY SQUARE ALL COMPONENTS THEN TIGHTEN ALL HARDWARE.
4.) MOUNT AND ANCHOR AS SPECIFIED.

TOOLS REQ'D

3/4" WRENCH
5/16" ALLEN WRENCH
1/2" MASONRY DRILL BIT
DRILL
RATCHET STRAP (PROVIDED)

(2) ATTACH CAST IRON ARMREST TO STEP 1.



DuMor, inc.

ASSEMBLY INSTRUCTIONS

DATE DRAWN : 11/21/99	
DRAWN BY : JSB	
DATE REV. : 00/00/00	
REV. BY : XXX	

REV. A

DRAWING NUMBER 58 SER-3AR

SHEET 2 OF 2

30

Office of the City Manager

INFORMATION CALENDAR

September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jen Louis, Chief of Police

Subject: Update on Implementation Progress of Citygate's Workload Organizational Study of the Police Department

BACKGROUND

The Citygate Workload and Organizational Study, delivered in September 2024, presented a menu of 54 recommendations and 74 key findings stemming from an in-depth analysis of the department's workload, staffing, organizational structure, and overtime management. The Citygate report has been instrumental in helping the Berkeley Police Department (BPD) set strategic priorities and continues to serve as a valuable guide for the department's ongoing efforts to enhance efficiency, optimize resource deployment, and improve service delivery to the Berkeley community. These recommendations are meant to be used as a suite of options that will inform our operational and strategic decisions over the long term, rather than a prescriptive checklist for immediate full completion. This approach allows the department to remain fiscally responsible and strategically adaptive, particularly in light of the City's structural deficit.

To provide context on the scope of these recommendations and our approach:

- 14 recommendations are either already completed (such as the Bike Team realignment detailed below) or represent ongoing departmental work that aligned with Citygate's findings (e.g., continuous recruitment efforts, ongoing data analysis).
- 18 of the recommendations call for the creation of new staff positions.
- 12 additional recommendations, while not requiring new positions, would necessitate new funding for implementation (e.g., for technology, equipment, or specific programs).
- The remaining 10 recommendations have been identified as low priority, would require significant existing staff time to implement (which is currently constrained), or involve potential long-term labor negotiation considerations.

Outlined below are significant achievements that have been implemented to date in direct response to the Citygate recommendations.

CURRENT SITUATION AND ITS EFFECTS

BPD has made significant progress, with 14 of the 54 recommendations now complete or representing ongoing work that was already aligned with Citygate's findings. These achievements have been accomplished through the strategic reallocation of existing resources.

Select In-Progress & Completed Initiatives:

- **Use of Force Reporting Policy Review**
  - BPD has a comprehensive review and update of our Use of Force reporting policy well underway and hopes to launch new edits soon. This is a critical area highlighted by Citygate, which suggested aligning our reporting thresholds for certain lower-level force incidents with common practices in comparable agencies, while ensuring full compliance with state and federal law and maintaining robust accountability. The Department is committed to a transparent process and will provide the Police Accountability Board (PAB) with advance notice before the implementation date so that their input can be considered on version edits.

- **Realigning Resources for Enhanced Community Engagement**
  - Consistent with Citygate's analysis on optimizing divisional structures, the Bike Team has been realigned under the Community Services Bureau (CSB). This move is intended to increase CSB's capacity to address community concerns and improve operational oversight within that bureau.

- **Implementing Alternative Response Models – Community Service Officers (CSOs)**
  - The Patrol CSO program is now operational, a key step towards addressing varied calls for service more efficiently. The Department is pleased to report that three Community Service Officers have successfully completed their comprehensive training program. These CSOs are now independently responding to appropriate low-risk calls for service in the field, such as taking reports for non-emergency incidents, recovering stolen vehicles and found property, and assisting with traffic control. This initiative directly supports Citygate’s recommendation to utilize CSOs to handle tasks not requiring a sworn police officer, thereby allowing sworn officers to focus on higher priority calls and proactive policing efforts.

- **Establishing a Flex Team**
  - The establishment of a specialized Flex Team, as recommended by Citygate, to address emerging crime trends and specific public safety issues remains a priority. In a key step toward its formation, the

recruitment for the team's Sergeant is now underway. The full deployment of this team is contingent upon achieving the necessary sworn staffing levels to support this initiative without compromising core patrol functions. Until then, the Flex Team sergeant will lead operations in collaboration with Patrol, the Bike Team, and CSB Area Coordinators.

Key Upcoming Initiatives

BPD will be continuously evaluating and implementing additional Citygate recommendations as resources and staffing levels permit. Key upcoming initiatives include:

- **Enhanced Online Reporting System**
  - The Department is preparing for the forthcoming rollout of an enhanced online reporting system. This initiative aims to provide a more convenient and accessible option for the public to report specific non-injury crimes and incidents. This will, in turn, free up patrol officer time for higher priority calls, proactive policing, and community engagement. We are also actively exploring the feasibility of expanding the categories of reports that can be submitted online to further improve efficiency and public service.

- **Real-Time Crime Analyst**
  - In alignment with Citygate's recommendation around crime analysis, BPD will soon be interviewing for a full-time Program Manager to lead the development and implementation of real-time analysis capabilities. This position will support both the Patrol Division and Investigations Division by rapidly operationalizing data to provide actionable intelligence to officers in the field and detectives working active cases.

These initial steps, guided by the Citygate report, are aimed at optimizing resource allocation, enhancing community service, and improving operational efficiency. Moving forward we will continue to refine staffing levels and incorporate the Citygate assessment into future budgetary decision-making processes.

FISCAL IMPLICATIONS

The actions outlined in this update have been implemented through strategic resource reallocation and within existing budgetary frameworks.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

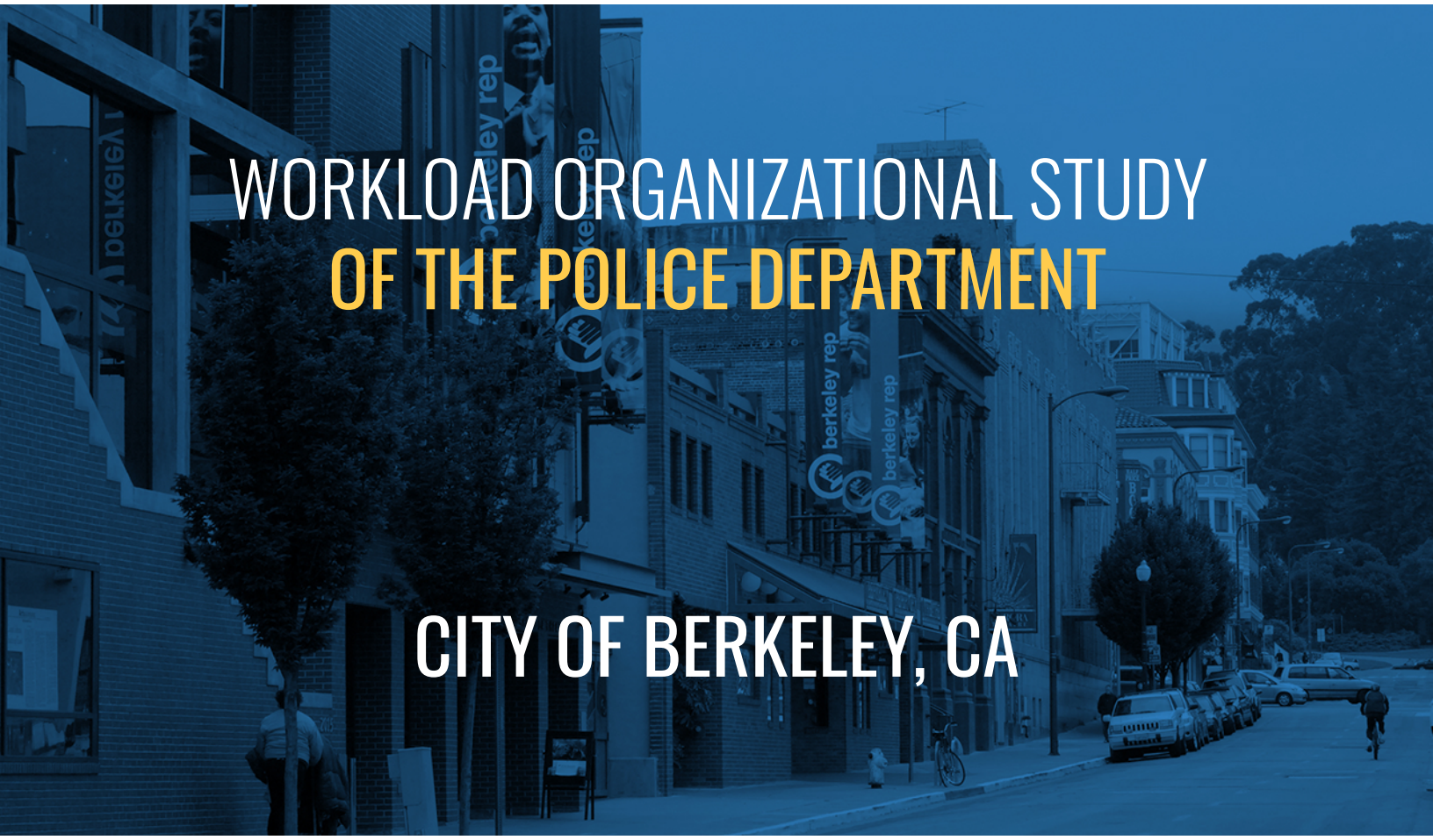
Chief Jen Louis (510) 981-5700

Captain Kevin Schofield (510) 981-5815

ATTACHMENTS

1. Citygate Workload Organizational Study of the Police Department

CITYGATE
POLICE SERVICES



WORKLOAD ORGANIZATIONAL STUDY OF THE POLICE DEPARTMENT

CITY OF BERKELEY, CA

SEPTEMBER 4, 2024

CITYGATE
POLICE SERVICES

WWW.CITYGATEASSOCIATES.COM
600 COOLIDGE DRIVE, SUITE 150
FOLSOM, CA 95630
PHONE: (916) 458-5100
FAX: (916) 983-2090

CITY OF BERKELEY

This page was intentionally left blank

TABLE OF CONTENTS

Section **Page**

Executive Summary **1**
Policy Choices Framework 1
General Summary of Citygate's Assessment 2
Challenge #1 3
Challenge #2 3
Citygate's Recommendations and Goals 4
Organizational Summary 5
Operations Division (Patrol) 6
Support Services Division 6
Investigations Division 7
Professional Standards Division 8
Citygate Recommendations and Funding Priorities 8

Section 1—Introduction **17**
1.1 Report Organization 17
1.2 Project Overview 18
1.2.1 Project Scope 18
1.2.2 Project Methodology 19
1.2.3 Acknowledgements 19
1.3 City of Berkeley Profile 20
1.3.1 Demographics 20
1.3.2 University of California, Berkeley 21
1.3.3 City Crime Data 22

Section 2—Organizational Review **25**
2.1 Mission, Vision, Values, and Priorities 25
2.2 Staffing and Attrition 26
2.3 Employee Survey 27
2.3.1 Employee Survey Key Findings 27
2.3.2 Employee Survey Recommendations 28
2.4 Organizational Structure 28
2.5 Police Beat Analysis 30
2.5.1 Police Beat Structure 30
2.5.2 Police Beat Service Demand 31
2.5.3 Police Beat Findings 33
2.5.4 Police Beat Recommendations 33
2.6 Benchmark Analysis 34
2.6.1 Staffing Benchmark 34
2.6.2 Rank Structure Benchmark 35

2.6.3 Crime Rates and Clearances Benchmark 36
2.6.4 Perspective for Berkeley 38
2.7 Overtime Analysis 38
2.7.1 Sworn Officers 39
2.7.2 Professional (Civilian) Staff 42
2.7.3 Overtime and Policy 44
2.7.4 Overtime Findings 46
2.7.5 Overtime Recommendations 47

Section 3—Office of the Chief of Police Review 49
3.1 Office of Strategic Planning and Accountability 49
3.2 Creation of a new Deputy Chief's Position 49
3.3 Administrative and Fiscal Services 49
3.3.1 Administrative and Fiscal Services Finding 51
3.3.2 Administrative and Fiscal Services Recommendation 51
3.4 Internal Affairs Bureau 51
3.4.1 Police Accountability Board 52
3.4.2 Internal Affairs Bureau Finding 54
3.4.3 Internal Affairs Bureau Recommendation 54

Section 4—Operations Division Review 55
4.1 Patrol Coverage 55
4.2 Bike Team 56
4.3 Community Services Bureau 56
4.4 Patrol Response Time Analysis 57
4.4.1 Understanding Fractile versus Average Measurement 57
4.4.2 Patrol Response Time 59
4.5 Incident Data Review 60
4.5.1 Patrol Utilization 60
4.6 Patrol On-Scene Time 64
4.6.1 Calls for Service 64
4.7 Additional Operational Demands on Patrol 74
4.7.1 Booking/Jail Delays 74
4.7.2 Ancillary Duties/Training 75
4.7.3 Video Retrieval 75
4.7.4 Use of Force Reporting 75
4.7.5 Racial and Identity Profiling Act (RIPA) Reporting 85
4.7.6 Equipment Ordinance Reporting 85
4.7.7 Miscellaneous Service Call Reporting 85
4.8 The ICMA "Rule of 60" 85
4.8.1 Resource Allocation 86
4.8.2 Workload Efficiency 87
4.8.3 Applying the Rule of 60 87

4.9 Operations Division Findings and Recommendations 88
4.9.1 Findings 88
4.9.2 Recommendations 89

Section 5—Investigations Division Review 91
5.1 Division Overview 91
5.1.1 Youth Services Unit 95
5.1.2 School Resource Officer 95
5.1.3 Crime Scene Unit 95
5.1.4 Investigations Division Findings 96
5.1.5 Investigations Division Recommendations 97
5.2 Traffic Bureau 98
5.2.1 Current Staffing and Responsibilities 99
5.2.2 Education Programs 101
5.2.3 Traffic Stops 101
5.2.4 Deployment Locations 102
5.2.5 Enforcement Details and Related Grants 102
5.2.6 Use of Social Media 103
5.2.7 Collision Data 103
5.2.8 Bicycle and Pedestrian Collision Statistics 103
5.2.9 Office of Traffic Safety Review 107
5.2.10 Parking Enforcement 108
5.2.11 Traffic Bureau Findings 109
5.2.12 Traffic Bureau Recommendations 110

Section 6—Professional Standards Division Review 113
6.1 Division Overview 113
6.1.1 Personnel and Training 113
6.1.2 Recruiting 114
6.1.3 Policy and Planning 114
6.1.4 Audit and Inspection 115
6.1.5 Professional Standards Division Findings 116
6.1.6 Professional Standards Division Recommendations 116

Section 7—Support Services Division Review 117
7.1 Division Overview 117
7.2 Berkeley Public Safety Center (Jail) 117
7.2.1 Public Safety Center (Jail) Findings 120
7.2.2 Public Safety Center (Jail) Recommendations 120
7.3 Technology Unit 121
7.3.1 Technology Unit Findings 121
7.3.2 Technology Unit Recommendations 122
7.4 Property Room 122
7.4.1 Property Room Findings 123

7.4.2 Property Room Recommendations 124
7.5 Records Unit 124
7.5.1 Records Unit Findings 125
7.5.2 Records Unit Recommendations 126
7.6 Communications Center 126
7.6.1 Standards and Best Practices 128
7.6.2 Communications Center Findings 130
7.6.3 Communications Center Recommendations 130

Section 8—Summary of Personnel Priorities and Findings and Recommendations 131
8.1 Findings 131
8.1.1 Employee Survey 131
8.1.2 Police Beat 132
8.1.3 Overtime 132
8.1.4 Administrative and Fiscal Services 133
8.1.5 Internal Affairs Bureau 133
8.1.6 Use of Force 133
8.1.7 Operations Division 133
8.1.8 Investigations Division 135
8.1.9 Traffic Bureau 136
8.1.10 Professional Standards Division 136
8.1.11 Public Safety Center (Jail) 137
8.1.12 Technology Unit 137
8.1.13 Property Room 138
8.1.14 Records Unit 138
8.1.15 Communications Center 138
8.2 Recommendations 139
8.2.1 Employee Survey 139
8.2.2 Police Beat 139
8.2.3 Overtime 140
8.2.4 Administrative and Fiscal Services 140
8.2.5 Internal Affairs Bureau 140
8.2.6 Use of Force 140
8.2.7 Operations Division 140
8.2.8 Investigations Division 142
8.2.9 Traffic Bureau 143
8.2.10 Professional Standards Division 144
8.2.11 Public Safety Center (Jail) 144
8.2.12 Technology Unit 145
8.2.13 Property Room 146
8.2.14 Records Unit 146
8.2.15 Communications Center 147

Table of Tables

Table 1—Recommendations and Funding Priorities 9
Table 2—Berkeley Demographic Percentages by Race and Ethnicity 20
Table 3—Berkeley Part I Crime Data (2018–2023) 23
Table 4—Historical Sworn Staffing Levels 26
Table 5—Berkeley Police Department Attrition 26
Table 6—Calls for Service by Beat (2018–2023) 32
Table 7—Benchmark: Agency Staffing 34
Table 8—Benchmark: Rank Structure 35
Table 9—Benchmark: Rank Structure 36
Table 10—Benchmark: Crime Rates 36
Table 11—Benchmark: Violent Crime Clearance Rates 37
Table 12— Benchmark: Property Crime Clearance Rates 37
Table 13—Overtime: Patrol/Operations 39
Table 14—Overtime: Police Court Pay – Patrol/Operations 40
Table 15—Overtime: Hazardous Duty – Patrol/Operations 40
Table 16—Overtime: Investigations – Detectives / Crime Analyst 40
Table 17—Overtime: Investigations – Traffic 40
Table 18—Overtime: Professional Standards – Policy and Audit 41
Table 19—Overtime: Professional Standards – Personnel and Training 41
Table 20—Overtime: Chief's Office – Administrative and Fiscal Services 41
Table 21—Overtime: Chief's Office – Internal Affairs 41
Table 22—Overtime: Support Services – Communications Center 42
Table 23—Overtime: Support Services – Jail 42
Table 24—Overtime: Support Services – Records/Subpoena 42
Table 25—Overtime: Support Services – Communications Center 43
Table 26—Overtime: Support Services – Jail 43
Table 27—Overtime: Investigations – Parking Enforcement 43
Table 28—Overtime: Investigations – Detectives/Crime Analyst 43
Table 29—Overtime: Support Services – Records/Subpoena 44
Table 30—Overtime: Investigations – Traffic 44
Table 31—Overtime: Professional Standards – Personnel and Training 44
Table 32—Patrol Team Coverage of Week 55
Table 33—Utilization by Unit Type: Occupied and Available Hours 61
Table 34—Public-Generated CFS – Incidents and Committed Hours (2021) 62
Table 35—Public-Generated CFS – Incidents and Committed Hours (2022) 63
Table 36—Public-Generated CFS – Incidents and Committed Hours (2023) 64
Table 37—Most Frequent Call Responses by Call Type and Year 65
Table 38—Alarms/Security: 55,327 Total Incidents 66
Table 39—Complaints/Code Violations: 64,754 Total Incidents 67
Table 40—Vehicle Incidents: 30,354 Total Incidents 68

Table 41—Property Incidents: 22,969 Total Incidents 69
Table 42—Public Assistance: 16,370 Total Incidents 69
Table 43—High Risk – Individual Safety: 12,177 Total Incidents 70
Table 44—High Risk – Public Safety: 2,171 Total Incidents 71
Table 45—Welfare: 17,621 Total Incidents 71
Table 46—Categories of Force by Use (2024) 77
Table 47—Berkeley Sworn Personnel Allocation 86
Table 48—Investigations Division and Personnel 91
Table 49—Criminal Case Clearances (2019–2022) 93
Table 50—Case Reports 93
Table 51—Traffic Unit Staffing 99
Table 52—Parking Enforcement Unit Staffing 100
Table 53—Traffic Collision Investigations (2019–2023) 100
Table 54—Traffic Citations (2019–2023) 101
Table 55—Jail Staffing 117
Table 56—Communications Center Overtime Hours 127

Table of Figures

Figure 1—Part I Crimes Categories 22
Figure 2—Berkeley Police Department – Current Organizational Structure 29
Figure 3—Berkeley Police Department – Proposed New Organizational Structure 29
Figure 4—Current Beat Structure (14 Beats) 30
Figure 5—Former Beat Structure (16 Beats) 31
Figure 6—Internal Affairs Bureau Allegations (2023) 53
Figure 7—Fractile versus Average Response Time Measurements 58
Figure 8—Utilization: Total Hours by Starting Task 61
Figure 9—Patrol: Public-Generated Priority 1 Calls for Service (2020–2023) 72
Figure 10—Patrol: Officer-Initiated Calls for Service (2020–2023) 73
Figure 11—Vehicle Incidents (2020–2023) 102
Figure 12—Berkeley Traffic Collisions by Primary Cause (2021–2023) 104
Figure 13—Berkeley Fatal Collisions by Primary Cause (2021–2023) 104
Figure 14—Injury Collisions by Day of Week by Hour (2021–2023) 105
Figure 15—Bicycle Collisions by Hour (2021–2023) 105
Figure 16—Bicycle Collision Location Heat Map (2021–2024) 106
Figure 17—Pedestrian Collisions by Hour (2021–2023) 106
Figure 18—Office of Traffic Safety City Comparison Analysis (2021) 108
Figure 19—Example 12-Hour Shift Schedule 119

EXECUTIVE SUMMARY

The City of Berkeley (City) retained Citygate Associates, LLC (Citygate) to conduct a Workload Organizational Study of the Police Department (Department). This assessment includes a review of the adequacy of current and future deployment systems, staffing levels throughout the Department, sustainable alternatives, beat structure, overtime, and organizational structure. The methodology utilized in this study can be found in Section 1 of this report.

Citygate's review includes a detailed analysis of the data that drives staffing recommendations including data related to police unit response times, crime, calls for service, and overtime. The review also includes a staffing analysis of supervision, management, and support functions within each division of the Department. Our work was combined with a review of the City's ongoing efforts related to alternative response methods to non-police or low-level emergencies and other care needs in the City. This transition is already underway to provide appropriate alternative services to the community when a traditional 9-1-1 police patrol response is not necessary. Citygate's assessment encompasses recommendations to support the Department's success over the next five to seven years.

Overall, **this report contains 74 key findings and 54 specific, actionable recommendations**. Findings and recommendations are presented in their narrative context in Sections 2 through Section 7. A comprehensive list of all findings and recommendations is presented sequentially in Section 8. Recommendations are also presented in Table 1 of this Executive Summary.

POLICY CHOICES FRAMEWORK

Currently, there are no mandatory federal or state regulations directing the level of police field service staffing, response times, and necessary outcomes.

The International Association of Chiefs of Police (IACP) and the International City/County Management Association (ICMA) recommend methods for determining appropriate staffing levels based on local priorities. The National Emergency Number Association (NENA) provides standards for 9-1-1 call answering, and the Association of Public-Safety Communications Officials International (APCO) and the International Academies of Emergency Dispatching (IAED) provide best practices that illuminate staffing needs for communications centers providing dispatch services.

Using a data-driven framework as advocated in this report—and already embraced and practiced by the Department—the City can continue to engage the community in *adapting future public safety services to utilize alternative and community-focused, non-police officer strategies* to address community-wide, neighborhood, and social issues.

Personnel costs are often the most significant cost center in any department budget. One of the City Council's greatest challenges is managing scarce fiscal resources and allocating them wisely across the vast needs of municipal government public safety operations. The recommendations in this Workload Organizational Study are made based on best practices, Citygate's experience, and guidelines established by professional industry organizations. The City's fiscal capabilities and non-9-1-1 alternative services delivery measures must be considered when weighing these recommendations.

GENERAL SUMMARY OF CITYGATE'S ASSESSMENT

Citygate commends the Department and the City for its many innovative, forward-looking, and community-focused programs, including its Transparency Hub; the Mental Health Division's Mobile Crisis Unit; the Specialized Care Unit, which provides crisis service with no police involvement; the prioritization of employee wellness; the Community Services Bureau (CSB) and its community liaisons; and the Bike Team. Residents can call 9-1-1 for life-threatening emergencies and can ask dispatchers for mental health support. All Mobile Crisis Team (MCT) calls may be accompanied by firefighter-paramedics or police officers, who ensure safety at the scene while allowing the MCT to assist. If such calls are made when MCT members are off duty, City police officers have extensive experience helping people through mental health and substance abuse crises, and regularly utilize de-escalation and crisis intervention strategies. Further, the City's Specialized Care Unit (SCU) is a partnership program with Bonita House, Inc. Staff assigned to the SCU will respond to those undergoing a mental health- or substance-use-related crisis without police involvement.

The Chief of Police has also recently created a new Deputy Chief's position and a new unit: the Office of Strategic Planning and Accountability (OSPA). The Office of Strategic Planning and Accountability will report directly to the Chief and will serve as a pivotal entity in enhancing data-driven approaches in policing performance, Departmental accountability, risk management, and oversight—as well as addressing community and external stakeholder needs.

Throughout Citygate's assessment, Citygate found a department with high professionalism at all levels and a staff willing to implement new ideas and technologies to improve policing in the City. The members of the Department are extremely dedicated to the community they serve. No organization is perfect, and many of the findings and recommendations in this report are items the Department is aware of and is already taking steps to implement. Some changes will take time and require resources as part of the Department's normal budgeting process.

> All of the City's work to date and the issues researched for this study present ***two policy challenges*** *for the Council and community to work together on*—not to the exclusion of one or the other. **Both** challenges require resources because, if one set of services falls short, other services and overall public well-being can be negatively impacted.

Challenge #1

Maintain Emergency and Needed Police Services Commensurate to Current Demands

- Citygate found that many sections of the Department—especially Patrol and the Communications Center (Dispatch)—suffer from a **shortage in staffing**, which frequently necessitates overtime or diverting staff from other units to fill vacancies in Patrol.
- Many sworn members, particularly those with supervisory responsibilities, are responsible for several **ancillary duties** and often find themselves spending increasingly more time on administrative tasks apart from their primary duties, which include leadership and supervision in the field.
- The Department also faces hurdles in **recruiting, hiring**, **and training** new staff while keeping pace with attrition as the public perception of the law enforcement profession evolves. To heighten the focus on recruiting, the Chief has recently assigned a full-time Recruitment Officer.
- Overall, from 9-1-1 call receipt to the arrival of the right resource in response to a specific incident—whether Patrol, Investigations, Traffic, Mobile Crisis Team, etc.—there are **multiple current limitations** adversely affecting the Department's efforts to meet the high volume of calls for assistance received every hour.
- Staffing shortages and technical limitations affect **morale**, **overtime**, recruitment, and retention.

Challenge #2

Grow Non-9-1-1 Services to Support Berkeley's Compassionate and Caring Human Services

The City is actively working on reimagining public safety, a process initiated in 2021. City goals emphasize a more holistic, integrated, and community-centered approach to society's needs that do not require an emergent police/fire/ambulance response. The City's goals, and the work the City has already started, aim to address these needs by incorporating a range of professionals and response strategies.

- **Alternatives** to a police patrol response require the programs to be developed and non-sworn personnel to be hired—such as Community Service Officers (CSOs) and specialists for response to people experiencing homelessness-related issues or mental health crisis.
- Building the desired **enhanced programs** requires planning, mid-managers, recruitment, training, and quality of care oversight—all of which the Department is strained to provide currently.

- The **Specialized Care Unit (SCU)** is an innovative partnership program between the City of Berkeley and Bonita House, Inc. The SCU currently operates 24 hours per day Sunday through Wednesday. The SCU also operates from 6:00 am to 4:00 pm Thursday through Saturday. When someone calls 9-1-1, they can ask public safety dispatchers for support related to mental health or substance-use issues, which may also come in the form of the Mental Health Division's **Mobile Crisis Unit**. Firefighter-paramedics or police officers may also accompany all Mobile Crisis Unit calls, while an SCU response is one with no police involvement. The SCU can be reached directly if someone is undergoing a mental health- or substance-use-related crisis and needs assistance.

- The **Vision Zero Action Plan** is a strategy to eliminate all traffic fatalities and severe injuries while increasing safe, healthy, and equitable mobility for all. It is, first and foremost, an engineering strategy that aims to design and build Berkeley streets to eliminate severe and fatal traffic injuries. Equity-driven Vision Zero traffic enforcement utilizes the best possible data and is focused on areas of the City where engineering and education efforts have already been implemented.

- The Berkeley Police Department's online **Transparency Hub** shares Police Department policies, actions, and data with City partners and community stakeholders. This data includes police stop data to ensure fair and impartial policing through an analysis of calls for service, use of force, and current trends.

- The Department's four **Area Coordinators** serve as community liaisons for the Department. They can help with long-term problems such as persistent issues with illegal dumping or abandoned vehicles.

CITYGATE'S RECOMMENDATIONS AND GOALS

Throughout this assessment, Citygate provides recommendations to serve the Department in its efforts to achieve the following **six goals**:

1. Increasing staffing in some areas and deploying and redeploying staff where and when they are most needed based on accurate and timely data and analysis.

2. In the context of employee wellness and accountability, carefully evaluating the various collateral duties many employees are assigned, giving particular attention to supervisors who are often being pulled from their supervisory roles.

3. Continuing efforts to track and manage overtime and limiting its use to when it is necessary.

4. Continuing the Department's strong and creative efforts related to data analysis to drive performance and continuous improvement.

5. Continuing the Department's strong focus on employee wellness. A focus on wellbeing not only benefits individual employees but also promotes a healthier work environment, reducing the risk of fatigue and enhancing Departmental morale.

6. Improving employee retention and prioritizing employee morale. The benefits of improving police morale are many, including better service for the community, more community trust in the Department, and a motivated, purposeful workforce.

Citygate analyzed current capabilities to project future needs for the Department, with actionable recommendations and strategies provided for implementation based on the growth and development of the City. If this study's recommendations are implemented over several fiscal years:

- The Department will be well positioned to deepen its ability to provide ***proactive policing***.
- The community will be able to increase interaction with partners in the Department to foster ***joint crime prevention strategies***.
- The prevention of crime and disorder and the closure of investigations of serious incidents will *increase*.
- When the public interacts with Berkeley police, they will *know them and trust them to be fair*—and will not assume they are representative of what is wrong with policing elsewhere in America.

SUMMARY OF POLICE SERVICES FINDINGS BY TOPIC

Organizational Summary

At the time of Citygate's analysis, the Department was operating with an authorized (budgeted) total staffing level of 313.20 employees, which includes 181 total authorized *sworn* staff. The Department is currently organized into four major divisions—Operations, Investigations, Professional Standards, and Support Services—each commanded by a Police Captain. The Chief of Police recently informed staff of a planned Departmental reorganization that will result in the creation of a new Deputy Chief's position and a new Office of Strategic Planning and Accountability (OSPA). The reorganization will also entail a Captain being promoted to Deputy Chief, and units within the current Professional Standards Division being transferred to other Departmental offices or divisions.

As part of this review, Citygate performed a **benchmark analysis** to contrast Department staffing with that of five selected comparator agencies. The agencies chosen were similarly situated municipal police departments with comparable geographical and population metrics. Citygate also utilized other. One benchmark measure assessed was the City's rate of Part 1 Violent Crime and Part 1 Property Crime, along with the respective case clearance rates of the City and comparator agencies. Citygate noted that the Berkeley's property crime rate was higher than that of the five benchmark agencies. The City's violent crime rate was second highest behind that of the City of Richmond.

The Department's *property* crime clearance rates have remained consistent over the past five years, while incidents of property crime rose between 2018 and 2022. The Department's *violent* crime clearance rates have improved since 2018, with the 2022 rate being 33.3 percent—which was equal to the city of Fremont's but lower than the cities of Hayward (39.6), Concord (35.8), and Santa Clara (51.9).

Citygate also reviewed overtime data for every organizational unit and learned that most Department overtime is spent in Patrol, Communications (Dispatch), and Investigations. The Department realized a 13 percent reduction in overtime in 2023 and can now closely monitor and manage overtime expenditures down to the level of individual employees. The Department's efforts to track, manage, and reduce overtime—along with a reduction in the number of beats from 16 to 14—appear to be effective.

Operations Division (Patrol)

The field Operations Division is organized into seven **Patrol teams** responsible for uniformed police response to the community.

Additionally, the Operations Division includes the **Community Services Bureau (CSB)** and a **Bike Team**. Each of the four CSB officers are assigned to a quadrant of the City where they serve as community liaisons who focus their time on addressing long-term neighborhood concerns. The CSB also houses the Data Analysis Team, which has created an *impressive* Transparency Hub that provides the public and staff access to a wide range of police data. Finally, Bike Team officers spend most of their time focusing on retail areas downtown and south of the university campus. They address qualify-of-life issues, which relieves Patrol officers of many of these responsibilities.

Support Services Division

The Support Services Division includes the City Jail, the Technology Unit, the Property and Evidence Room, the Records Bureau, and the Communications Bureau.

An issue of high concern within the **Communications Center (Dispatch)** of Support Services is dispatcher staffing and overtime. The Department has been successful in recruiting new dispatchers, which should eventually result in a much-needed reduction in overtime.

The City's **Computer-Aided-Dispatch (CAD) system** urgently needs replacement. Its outdated technology, inefficient database schema, and unintuitive interface hinder effective emergency response. This extends to records management, corrections, and mobile field reporting systems. While upgrading will require additional implementation costs, the benefits of a modern, integrated system far outweigh the challenges related to persisting with obsolete technology. Superior alternatives exist, promising enhanced efficiency and effectiveness across emergency services.

The **City Jail** is led by a Sergeant, who is responsible for oversight of three civilian supervisors and 14 Community Service Officer jailers. Between January 2022 and December 2022, Department officers booked 5,902 arrestees—a daily average of 16 arrestees. Recruitment for Community Service Officers (CSOs) is arduous. Citygate sees an opportunity for improvement by forming a Recruitment and Retention Committee. A civilian manager may be a good fit for this all-civilian unit.

A Sergeant leads the **Technology Unit**. The Unit is an ancillary duty for five other members. Citygate sees an opportunity to improve operational efficiency by transferring the Sergeant to a position that requires uniformed supervision and filling the current position with a civilian Information Technology Specialist who can provide long-term technical expertise to the Unit and Department.

Citygate learned that the Department has made **online reporting** available to the public by using Coplogic. Citygate applauds this effort as it provides a viable alternative for those who wish to report certain offenses. Using Coplogic, a victim of a crime can enter their information into an online report form and receive a temporary report/incident number. Reports that do not involve a suspect, or only involve the theft of property, can be performed online and do not require the presence of an officer.

Our review of **Property and Evidence** revealed some areas for improvement, including the need to add temporary staff to relieve backlogs. Citygate also believes Property and Evidence would benefit greatly by measuring its policies, procedures, and practices against those in the Law Enforcement Evidence and Property Management Guide (Fourth Edition, 2022).[1]

Investigations Division

Citygate found several areas where we believe the Investigations Division can be improved. For example, Investigations staff have not made full use of an existing **case management system** that would help to track detective caseloads including open cases, closed cases, and those held in a pending status—which are mostly property crimes cases that lack investigative leads.

[1] https://post.ca.gov/portals/0/post_docs/publications/Evidence_and_Property_Management.pdf

Professional Standards Division

A Lieutenant leads the **Personnel and Training Unit** and oversees a Sergeant, four civilian Police Aides, and two other professional staff (eight personnel total). The Unit is responsible for working closely with the Human Resources Department, assigning and reviewing background investigations, conducting applicant interviews, coordinating academies and recruits, managing the armory, facilitating the Honor Guard, coordinating police aides, managing defensive tactics and firearms units, coordinating chaplains, ordering and accounting for ammunition, coordinating with Bay Alarm for support, coordinating with the recruiting team, and more.

When interviewing staff, Citygate found a theme: many personnel have a difficult time completing their primary responsibilities due to numerous ancillary duties. One of the ancillary duties includes the **recruiting team**. Citygate believes there is room to improve recruiting by removing it as an ancillary duty responsibility and making it a primary duty. A recruitment plan would also help to guide individuals (or a team) and track results. The Chief recently announced the creation of a new officer's role that will be wholly dedicated to recruiting.

The **Audit and Inspection Unit** was formerly staffed by a Sergeant; however, the Sergeant was temporarily reassigned in February of 2024, and the position's duties have since been absorbed into the new Office of Strategic Planning and Accountability (OSPA).

CITYGATE RECOMMENDATIONS AND FUNDING PRIORITIES

The following table lists all recommendations in summary form and identifies the following:

- Recommendations that can be implemented at **no cost** (other than staff time).
- Remaining recommendations that will require a **General Fund expense** to implement.
- The **funding priority level** for any recommendations requiring funding.
- **Staffing additions** associated with the implementation of a recommendation—noted in parentheses immediately next to the "X" in the *Funding Priority* columns to the right of the table—which are totaled at the bottom of the table.

> ***NOTE**: While funding priorities are identified, these recommendations are <u>not</u> presented in a general priority order. Greater context and further content related to each recommendation is provided throughout this report.*
>
> *FTE numbers in the "No Cost" column followed by an **asterisk** indicate positions that are **already authorized/funded.***

Table 1—Recommendations and Funding Priorities

Recommendation	No Cost	Funding Priority 1	Funding Priority 2
Organizational Review			
EMPLOYEE SURVEY			
1. Given the percentage of Employee Survey respondents who indicated a willingness to leave the Department within three years, Citygate believes there is a pressing need for the Department to implement strategic retention strategies to foster a more supportive organizational culture and mitigate potential turnover.	**X**		
POLICE BEATS			
2. Retain the 14-Beat model while continuing to collapse the number of beats to 7 beginning at or about 2:00 am (0200 hours).	**X**		
3. The Department's strong data and predictive analysis should dictate where staff are assigned. Periodically review beat activity and workload demand and adjust as necessary.	**X**		
OVERTIME			
4. Continue to record, analyze, and manage overtime to reduce the likelihood of employee fatigue and burnout.	**X**		
Office of the Chief of Police Review			
ADMINISTRATIVE AND FISCAL SERVICES			
5. By **adding a Senior Management Analyst** and an Associate Management Analyst (which can likely be filled by promoting one of the three existing Assistant Management Analysts), Citygate believes the Unit can keep better pace with work demands while also creating a career ladder, which is critical given that the current Administrative and Fiscal Services Manager will be eligible to retire over the next two years.		**X (1)**	
INTERNAL AFFAIRS BUREAU			
6. Given the number of complaints received by the Internal Affairs Bureau (IAB), the time constraints related to completing investigations, and many other administrative demands—including those required of the Director of Police Accountability and outlined in the City Charter, which often involve significant IAB staff time—Citygate recommends that the Department **add one clerical support staff position** to the IAB.			**X (1)**

Recommendation	No Cost	Funding Priority 1	Funding Priority 2
Operations Division Review			
7. Given the number of reported Level 1 uses of force in Berkeley—in which a subject did not experience more than temporary discomfort—Citygate recommends the City and Department modify use of force reporting requirements to those more in line with the policies of the cities of Fremont, Hayward, Richmond, San Leandro, and Santa Clara, whose Lexipol-created policies comply with both state and federal law.	**X**		
8. Restore Patrol staffing by adding 15 additional officers—four officers each to teams 1, 2, and 3; and three officers to Team 7—bringing the total from the current 58 to 73. It is Citygate's understanding that these additional positions are funded but not currently filled. The added staffing would reduce the need for Patrol overtime, which would reduce the likelihood of fatigue and burnout while affording officers the ability to take time off without the need to "sell" shifts. *[Note: "Selling" a shift occurs when Patrol minimum staffing is reached, and Patrol officers want time off. They are generally allowed such time off only if they can find another officer to fill in for them on an overtime basis.]*	**X (15)***		
9. Add five CSOs (Citygate understands these positions have already been funded) to support Patrol officers on weekday morning and evening shifts. Given existing call demands and committed time, Citygate believes the Department should strategically deploy five Patrol CSOs to match those times of day and days of week where Patrol time is most obligated currently (Day Shift and Swing Shift), which would help to reduce the committed time of Patrol officers, affording them more time for community engagement and to be proactive while also ensuring greater availability to respond to emergencies and cover assignments.	**X (5)***		
10. CSOs should be trained to take many non-emergency calls and write related reports, recover stolen vehicles and found property, tow abandoned vehicles, retrieve and download video evidence, transport witnesses and victims, etc.	**X**		
11. After staffing is added to Patrol, **create a team of five officers led by one Sergeant** that can be flexibly deployed to quickly address most any emerging public safety issue, which might include organized retail theft, robberies, carjackings, etc. Such a team might also serve as a field resource for detectives. This team should also be one that can move rapidly across shifts and days of the week to address issues identified in the Department's strategic analysis of crime.			**X (6)**

Recommendation	No Cost	Funding Priority 1	Funding Priority 2
12. The Department should continue to closely evaluate Patrol spans of control; call patterns, including the number, location, and types of calls; response time; unobligated (available) police time; and call-handling (on-scene) time. These factors are essential in assessing Patrol's staffing needs now and in the future. Further, even though call volume may remain stable in future years, call-handling time—and the nature/type of such calls along with other operational work demands—may suggest the need for more staff and/or the redeployment of existing staff to ensure Patrol can meet the service expectations of City residents.	X		
13. When the Community Services Bureau's PIO and Strategic Analysis Team are transferred to the Chief's Office, the Bike Team should be realigned under the Community Services Bureau, where the Community Services Bureau Lieutenant can provide oversight, thus relieving a Patrol Lieutenant from this responsibility.	X		
Investigations Division Review			
14. If, at full staffing, the recommended Patrol team is found to be overwhelmed and insufficient to manage narcotics investigations, the Department should consider creating a team comprised of detectives and a Sergeant to investigate narcotics offenses.	X		
15. Investigations Division Supervisors and managers should make broader use of the existing case management system within the current records management system to better track cases assigned to detectives. Each unit supervisor should be able to see the caseload carried by each detective in real time, including the number of open, closed, pending, and cleared cases.	X		
16. **Add a full-time, Real-Time Crime Analyst** to support both Patrol and Investigations. This position will focus on rapidly operationalizing data to officers in the field and detectives working active cases.			X (1)
17. Construct a "soft" interview room to help victims and survivors feel safe and at ease when sharing difficult experiences. Such rooms can be used by survivors of crime, domestic abuse, sexual assault, and children in traumatic situations.	X		
18. Develop a training matrix for Investigations. The training matrix should include a formal training program for newly assigned detectives and a list of POST/ICI training courses required for each detective.	X		
19. Create a plan to reduce the number of daily trips detectives make to the crime lab in Richmond. The **addition of a CSO (or a retired annuitant)** could relieve detectives from having to make frequent trips to Richmond for evidence pickup and drop-off	X (1)		

Recommendation	No Cost	Funding Priority 1	Funding Priority 2
20. Purchase software to install on additional computers in the Investigations Division that would allow detectives to review, save, and copy video footage from all available sources within the City—including City-owned street cameras, officer body-worn cameras, and private cameras in situations where the owners have given the Department access.	**X**		
21. Consider **hiring a cold case detective**, potentially a retired annuitant, to investigate cold cases.			**X (1)**
22. Consider **adding a second School Resource Officer** to Berkeley High School given the extensive workload of the current SRO.		**X (1)**	
23**. Add one additional Crime Scene Technician** to the current staff of four.			**X (1)**
TRAFFIC BUREAU			
24. The Department should endeavor to **fully staff the Traffic Bureau** so that it can handle most (if not all) injury collisions, as well as increase education and enforcement efforts in traffic safety. These changes would significantly free Patrol personnel to focus on their primary responsibilities.	**X (4)***		
25. Create a structured plan for targeted enforcement and educational initiatives based on analyzing variables associated with high crash data from the Office of Traffic Safety (OTS) and the Traffic Injury Mapping System (TIMS).	**X**		
26. Continue to expand the use of statistical data for deployment of Traffic Unit personnel.	**X**		
27. Expand the use of social media to inform the public of traffic safety and enforcement efforts to enhance their impact on driving behavior. Use of social media and other approaches to promote bicycle and pedestrian safety and enforcement efforts could also be effective. *[Note: At the time of Citygate's writing of this report, the Public Information Officer was being moved to the Office of the Chief as part of a new Office of Strategic Communications.]*	**X**		
28. **Add a civilian CSO** to conduct or aid in collision investigations and traffic educational/safety presentations. This would be more cost-effective than an additional Traffic Unit officer and would allow for increased traffic enforcement by current Traffic Unit officers.	**X (1)**		
29. Build the Traffic Unit comprising both Motorcycle officers and Patrol cars. Traffic enforcement and collision investigation can be effectively conducted using either a car or a motorcycle.	**X**		
30. Consider working with an OTS Law Enforcement Liaison to acquire an Allied Agency Reporting Service (i.e., Crossroads) via grant.	**X**		
31. The Traffic Bureau should collaborate with the City Traffic Engineer to update outdated traffic surveys.	**X**		

Recommendation	No Cost	Funding Priority 1	Funding Priority 2
32. Consider **appointing an additional supervisor within the Parking Enforcement Unit** to mitigate the current extensive span of control and decrease overtime.			**X (1)**
33. At current (reduced) staffing levels, consider expanding the workload and responsibilities of the Traffic Unit Lieutenant or reallocating the position to a role where it can be more effectively utilized. At full staffing, Citygate believes the Lieutenant's position is justified.	**X**		
Professional Standards Division Review			
34. To reduce unnecessary resignations, the Department should consider establishing a Retention Team with members from several different units to review and evaluate exit interviews. The committee can identify preventable reasons for resignations and make recommendations to improve employee retention.	**X**		
35. When the Policy and Planning Unit is transferred during the Department's planned reorganization, the roles and responsibilities of the Sergeant should be more narrowly focused to allow for the successful completion of all assigned duties. If additional responsibilities are included, consideration should be given to **adding a clerical support position**.			**X (1)**
Support Services Division Review			
BERKELEY PUBLIC SAFETY CENTER (JAIL)			
36. The Department should proceed with securing a contract for an architect to upgrade the control board, add cameras, and potentially expand the size and functionality of the Booking Room at the Jail facility.		**X**	
37. Consider **creating a civilian manager position** and reassigning the sworn supervisor to oversee the Property Room (as per the property recommendation) or reallocating the Sergeant to address a higher-priority need for sworn supervision.			**X (1)**
38. Consider reducing the requirement to always have three CSOs on duty, given that the booking officer is required to remain in the booking area during the processing of an arrestee.	**X**		
39. Consider a change to the current requirement that does not allow CSOs to transport prisoners. Such a change would necessitate additional training for the CSOs but would reduce overtime and the need for two sworn staff members during transportation.	**X**		
40. Consider further study of a four-team, 12-hour shift model for Jail operations. Citygate believes this model could potentially increase the number of CSOs on-duty, providing opportunities for CSOs to aid in prisoner transportation, patrol duties, or other assigned responsibilities.	**X**		

Recommendation	No Cost	Funding Priority 1	Funding Priority 2
TECHNOLOGY UNIT			
41. Evaluate the number of responsibilities managed by Technology Unit staff. Consider reducing service levels or adding more staff.	**X**		
42. Consider **appointing a full-time civilian information technology specialist** to oversee the Technology Unit rather than relying on a sworn Sergeant. This transition will ensure stability, expertise, and continuity in navigating the Department through the ever-evolving technology field.			**X (1)**
43. Consider investigating alternative software solutions for all facets of police operations. Prioritizing the convenience of retaining current software vendors should not overshadow the importance of advancing operational efficiency.	**X**		
44. Consider adding categories such as Non-Injury Traffic Accidents, Non-Injury Hit-and-Run Traffic Accidents, and Non-Injury Single-Vehicle-Property-Damage-Only Traffic Accidents as options within the online reporting system. Software solutions offered by companies like LexisNexis can facilitate this initiative. By diverting or referring more calls for service to online reporting, the Department would likely create more available time for officers in Patrol—which could ultimately help to reduce overtime usage within the Department.	**X**		
PROPERTY ROOM			
45. The Department could enhance its efficiency by establishing a short-term, dedicated task force to address the evidence backlog and improve and streamline the organization of evidence and property rooms. The Unit's ongoing, permanent staffing should consist of one Supervisor, two full-time Specialists, and one part-time staff member capable of providing support for both planned and unplanned absences and conducting periodic audits.	**X**		
46. The Department should conduct a thorough assessment of the current state of property and evidence facilities including the physical infrastructure, storage capacity, security measures, and compliance with current standards. The Department should also consider a POST review of current evidence practices, procedures, and policies.	**X**		
47. Citygate has provided Property and Evidence staff with the POST Property and Evidence Function's Agency Self-Evaluation (revised February 2022) and recommended that the Supervisor and staff review it annually. Given the sensitive nature of evidence, effective risk management requires thorough oversight and rigorous control measures.	**X**		

Recommendation	No Cost	Funding Priority 1	Funding Priority 2
RECORDS UNIT			
48. The Department would benefit from **staffing the Records Unit with an Office Specialist I** to manage the increased volume of CPRA requests. Adding such an entry-level specialist would help existing staff meet their work demands.			**X (1)**
49. Consider enrolling both Office Specialist III positions in the POST 40-hour Records Supervisor Course to support their professional development and to assist in meeting some of the requirements outlined in their job specifications.	**X**		
50. The ergonomic features and capabilities of workstations, along with workstation and workflow analysis, should be assessed and tailored to enhance operational efficiency.	**X**		
51. There are numerous resources available for team building, and one particularly effective resource for fostering team trust and performance is Patrick Lencioni's book, *The Five Dysfunctions of a Team: The Official Guide to Conducting the Five Dysfunctions Workshops for Teams and Team Leaders*. The Department should contemplate appointing a trusted executive team leader to implement some of the facilitated learning outlined in the book.	**X**		
COMMUNICATIONS CENTER			
52. New recruitment and retention efforts for dispatchers should be continued.	**X**		
53. Consider prioritizing the planning and acquisition of additional floor space and workstations to meet current and future needs of the PSAP. The Department should consider utilizing another City-owned facility or reconfiguring the adjoining office space (Bike Unit) for expansion.	**X**		
54. Consider **increasing Supervisory Public Safety Dispatcher staffing from four to six** to ensure proper leadership and supervision for all shifts.		**X (2)**	
Total Recommended Personnel by Priority	**--***	**4**	**15**
Total Recommended Personnel	**19**		

* Indicates positions which have already been authorized by the City; 31 sworn personnel are currently funded but vacant

In total, Citygate recommends **19 new personnel** *in addition* to the Department's 31 currently vacant sworn positions. This report also details where Citygate believes some positions could be transferred or eliminated and replaced by civilian specialists.

This page was intentionally left blank

SECTION 1—INTRODUCTION

Citygate Associates, LLC (Citygate) is pleased to present this Staffing Needs Assessment and Organizational Analysis for the City of Berkeley (City) Police Department (Department). This introductory section will discuss the organization of the assessment, the project scope of work, and the methodology used by Citygate.

1.1 REPORT ORGANIZATION

This report is organized into the following sections.

Executive Summary	A summary of Citygate's general assessment of current services. A table that lists all of Citygate's recommendations and their funding priority levels is also provided.
Section 1	**Introduction:** An introduction to the report's organization; goals, including project scope; and project methodology.
Section 2	**Organizational Review:** A discussion of City and agency background, history, and organization. The City's crime data, overtime, organizational structure, and the internal employee (SWOT) survey are also discussed.
Section 3	**Office of the Chief of Police Review:** A review of the Chief's Office, including Internal Affairs and the Office of Administrative and Fiscal Services.
Section 4	**Operations Division (Patrol) Review:** A review of Patrol services, the Community Services Bureau, and the Bike Team, including staffing, scheduling, and supervision. Workload analysis and an assessment of response times is also included.
Section 5	**Investigations Division Review:** A review of the Investigations Division, including the Investigations Bureau (detectives), the Traffic Bureau, and Youth Services.
Section 6	**Professional Standards Division Review:** A review of the Professional Standards Division, which includes Personnel and Training, Policy and Planning, and Audit and Inspection.
Section 7	**Support Services Division Review:** A review of the Support Services Bureau, which includes Records, Communications (Dispatch), Property and Evidence, the City Jail, and the Technology Unit.
Section 8	**Summary of Personnel Priorities and Findings and Recommendations:** A comprehensive list of all personnel full-time equivalent (FTE) recommendations and their associated priority levels that appear in this report, and a sequential list of all findings and recommendations that appear throughout the report.

1.2 PROJECT OVERVIEW

1.2.1 Project Scope

Citygate was retained to conduct a comprehensive Workload Organizational Study of the Berkeley Police Department. The scope of Citygate's analysis included the following elements.

- Provide a complete review and analysis of organizational structure; staffing levels based on current workload and projected workload.
- Determine whether the allocation of resources of the divisions is efficient and adequate for the Department's needs. Review the current workload data such as: calls for police service, received and dispatched; breakdown of calls for service by type, frequency, distribution, relative priority, and response times.
- Establish performance objectives to include a ratio of calls for service available for proactive/discretionary time.
- Review operations for assessing effectiveness and recommend efficiencies with geographical boundaries of patrol zones based on response times, workload, and resource deployment.
- Evaluate the current beat structure and deployment model; make recommendations on whether a beat, sector or hybrid model best suits the needs of our City.
- Evaluate the Department's current rank structure, the number of managers and supervisors at every level and function, and the authority at each level of the chain of command, with an emphasis on effective strategies for professional development.
- Review and evaluate the impact on existing resources and workload to comply with the new laws (SB 1421) requiring review and disclosure of digital evidence and media.
- Evaluate current building facilities relative to current and future staffing, parking, equipment storage, and training needs.
- Define critical issues facing the Department over the next five years; analyze impact of critical issues on staffing levels and calls for service.
- Project the Department's attrition for the next ten years.
- Analyze current ancillary duty assignments to determine what can and should be outsourced or handled as a regional responsibility.

- Forecast future needs considering both short and long-term objectives, community growth, and any other factors that could change staffing requirements.
- Evaluate the efficiency of the online reporting system and assess any additional services that can be enhanced or handled with technology such as video chat, mobile apps, etc.
- Analyze staff overtime causes and identify alternative solutions.
- Any other organizational improvements that can be made to enhance overall service. This will also include consideration for the morale and well-being of the police staff.

1.2.2 Project Methodology

In preparing this Workload Organizational Study, Citygate consultants engaged in the following processes.

- Reviewed available documents and records relating to the management, operation, staffing, training, and budgeting of the Department.
- Conducted an anonymous online internal employee survey to assess Department strengths, weaknesses, opportunities, and threats (SWOT).
- Interviewed sworn and professional staff throughout the Department along with other City staff and elected officials
- Conducted an on-site visit of Department facilities.
- Reviewed available computer-aided dispatch (CAD) and workload measurement data.
- Conducted a legislative review, interviews, and review of organizational impacts.
- Considered best practices in other agencies and recommended by police professional organizations when applicable to the Department.

1.2.3 Acknowledgements

Citygate would like to thank the members of the Berkeley Police Department for their participation in this assessment and acknowledge the diligent work ethic within the Department. The vast majority of employees made time in their busy schedules for interviews, to acquire requested information, and to provide historical perspective and context related to issues necessary for this assessment.

1.3 CITY OF BERKELEY PROFILE

- The City's 2024 population is estimated to be 127,230.
- The City is growing at an annualized average rate of 3.36 percent and its population has increased by 2.43 percent since the most recent census, which recorded a population of 124,206
- ABAG projects the city will grow to a population of 136,000 by 2030 and to 141,000 by 2040
- The median household income is $95,360
- About 42 percent of the City's households are considered low income
- Seniors ages 65 to 74 are the fastest-growing age group and now comprise 9.2 percent of the population
- Residents ages 15 to 24 comprise the largest age group at 33,051 residents
- The median age in the city is 32.5 years
- The City's total land mass covers 10.5 square miles

1.3.1 Demographics

The following table reflects 2023 data sourced from World Population Review and the City's General Plan (Housing Needs, Section 3).

Table 2—Berkeley Demographic Percentages by Race and Ethnicity

Race/Ethnicity	Percentage of Population
White	55.49
Asian	21
Hispanic/Latinx	11
Two or more races	9.82
Black or African American	7.7
Other race	5.22
Native American	.69
Native Hawaiian or Pacific Islander	.21

According to the City's Housing Element Update: 2023–2031:

- The City's population is anticipated to continue to grow steadily between 2020 and 2040 based on ABAG Plan Bay Area 2040 projections.
- City residents ages 15 to 24 comprised the largest group in both 2010 (29 percent) and 2019 (27.2 percent).
- While the population ages 15 to 24 stayed relatively flat between 2010 and 2019, the population ages 25 to 34 increased by 25 percent, suggesting that students may be choosing to stay in Berkeley after their degree is complete.
- Berkeley's household income increased by 11.4 percent between 2010 and 2019.
- 42 percent of City households are considered lower income, earning less than 80 percent of the median income.
- American Indian / Alaska Native, Asian/API, and Black / African American households are all more likely to fall within one of the lower income categories when compared to City households as a whole.
- The largest employer in the City is the University of California, Berkeley (13,750 employees, or 20.3 percent) followed by the Lawrence Berkeley National Laboratory (3,773 employees, or 5.8 percent).

1.3.2 University of California, Berkeley

The University of California Berkeley's total Fall/Spring Year-Average Headcount (Undergraduate and Graduate) over the past decade is shown in the following table.

Year	Year-Average Headcount
2014–15	37,775
2015–16	37,289
2016–17	39,234
2017–18	40.955
2018–19	41,433
2019–20	42,107
2020–21	41,189
2021–22	43,931
2022–23	44.194

Total Fall 2023 student enrollment was 33,078 undergraduates and 12,621 graduate students (a total of 45,699 students).

Approximately 27 percent (roughly 7,000) of UC Berkeley's undergraduates live in university-owned, operated, or affiliated housing. The remaining 73 percent live off-campus. Popular neighborhoods near campus include North Berkeley and Southside.

The UC Berkeley Campus Master Plan of 2022 includes a long-range development plan population projection, which projects a growth from 39,710 students (2018–2019) to 48,200 students in 2036–2037. The plan also projects a growth of faculty and staff from 15,420 19,000 within the same timeframe.[2]

UC Berkeley currently owns approximately 9,020 beds for students and faculty, which are located in the cities of Berkeley and Albany. The Campus Master Plan has identified a future need for approximately 10,200 to 11,730 net new beds. Most of this net new residential demand is anticipated to be accommodated through undergraduate apartments.[3]

1.3.3 City Crime Data

Part I Crimes

Many crimes are not reported to the police by victims. The FBI's Uniform Crime Reporting (UCR) Program's focus in statistical reporting separates reported crime into two categories, with four crimes in each category. These are referred to as "Part I Violent Crimes" and "Part I Property Crimes," as detailed in the following figure.

Figure 1—Part I Crimes Categories

Part I Violent Crimes	Part I Property Crimes
Homicide	Burglary
Sexual Assault	Motor Vehicle Theft
Robbery	Larceny Theft
Aggravated Assault	Arson

The following table reflects both categories of the City's Part I crimes data over a six-year period analyzed by Citygate.

[2] UC Berkeley's Long Range Development Plan: https://capitalstrategies.berkeley.edu/campus-planning/planning-documents

[3] UC Berkeley Master Plan 2022: https://berkeley.app.box.com/s/nvwnlm1xgivdq8pvmd0g5joys3bhvgcl

Table 3—Berkeley Part I Crime Data (2018–2023)

Crime Type	Number of Incidents					
	2018	2019	2020	2021	2022	2023
VIOLENT CRIME	586	618	537	542	666	**766**
Homicide	1	0	6	1	3	**1**
Sexual Assault	65	74	47	57	89	**97**
Robbery	353	369	274	274	292	**386**
Aggravated Assault	167	175	210	210	282	**282**
PROPERTY CRIME	5,381	6,256	5,535	5,703	6,483	**7,194**
Burglary	820	771	797	814	1,036	**1,228**
Motor Vehicle Theft	548	492	805	1,114	836	**1,350**
Larceny Theft	4,004	4,993	3,933	3,775	4,611	**4,532**
Arson	31	17	52	68	52	**84**

Source: California DOJ, Open Justice, Data Exploration; 2023 data from Department's Annual Crime Report (2023)

The City's five-year average for violent crime was 590 (2018–2022). The property crime average over the same period was 5,872. In 2022, both violent crimes and property crimes reflected increases over the City's five-year average.

The City also experienced significant increases in several Part 1 crime categories in 2023. Overall:

- Part 1 crime rose by 15 percent.
- Robberies rose by 32 percent.
- Overall property crime rose approximately 11 percent, driven largely by increases in burglaries (18.5 percent), and motor vehicle theft (61.5 percent).
- Total violent crime (766) in 2023 was nearly 30 percent above the five-year average of violent crime of 590.
- Property crime (7,194) in 2023 was 22.5 percent above the five-year average of 5,872.

Both overall violent crime and overall property crime have shown consistent increases each of the past three years since 2020.

This page was intentionally left blank

SECTION 2—ORGANIZATIONAL REVIEW

2.1 MISSION, VISION, VALUES, AND PRIORITIES

As detailed in the City's 2022 Law Enforcement Services Manual, the Berkeley Police Department's **mission**, **vision**, **values**, and **current priorities** are as follows.

Mission

United in service, our mission is to safeguard our diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect.

Vision

The Berkeley Police Department will be a team of leaders at every level. We will foster strong relationships with our community, inspiring trust through our service, building on our historic tradition of progressive policing, and dedicated to the safety of all.

Values

Service is our calling. As members of this community, the Berkeley Police Department team is committed to proactive law enforcement and problem solving, holding these as our core values:

Integrity: We are ethical, fair, and trustworthy in all we do.

Safety: We strive to keep our community and each other safe.

Respect: We fulfill our duties with dignity, compassion, and empathy.

Diversity: We value the strength of a diverse workplace and community. We endeavor to reflect the community we serve, promoting inclusion and fairness.

Professionalism: We commit to organizational excellence through progressive training, positive attitude, and superior performance.

Current Priorities

- **Service**
- **Recruiting and Retention**
- **Communication/Collaboration**

2.2 Staffing and Attrition

As of May 2024, Department staffing stands at 150 sworn personnel, while authorized staffing stands at 181 sworn personnel. Additionally, 24 of 150 officers are eligible to retire during 2024.

The following table shows the Department's historic sworn staffing levels.

Table 4—Historical Sworn Staffing Levels

Year	Sworn Staffing
2010	178
2011	172
2012	171
2013	170
2014	169
2015	174
2016	174
2017	172
2018	161
2019	170
2020	174
2021	161
2022	156
2023	153

Citygate's review of attrition within the Department is reflected in the following table.

Table 5—Berkeley Police Department Attrition

Year	Retirements	Resignations	Other	Total
2016	9	7	0	**16**
2017	12	8	0	**20**
2018	5	11	0	**16**
2019	6	5	0	**11**
2020	11	1	1	**13**
2021	11	7	2	**20**
2022	5	7	0	**12**
2023	4	3	0	**7**

As the table shows, the Department is losing an average of 13 employees per year, which is in addition to 31 current vacancies.

One other concern that became prominent during Citygate's assessment of the Department was the frequent use of **"provisional" assignments or promotions**. These are temporary promotions to fill critical supervisory and managerial roles until a permanent candidate is identified and appointed. In response to concerns about these temporary assignments, the Chief has already taken steps to reduce their impact—limiting their duration to six months, timing such transitions around "timesheets," and naming the next permanent promotions as soon as an upcoming vacancy is identified.

2.3 EMPLOYEE SURVEY

With the assistance of Department staff, Citygate conducted an online survey of Department personnel, with a total of 68 employees responding to the survey. Eighteen (18) responses were received from professional staff, and 50 (73.5 percent) were received from sworn staff. Of the Department's four major divisions, there were 39 Operations personnel who responded to the survey (57 percent of all respondents), 13 personnel from Investigations, 12 personnel from Support Services, and 4 personnel assigned to Professional Standards.

Relative to the tenure of respondents:

- 1 had less than a year of service.
- 6 had 1 to 3 years of service.
- 7 had 4 to 5 years of service.
- 14 had 6 to 10 years of service.
- 12 had 10 to 15 years of service.
- 25 had 16 to 25 years of service.
- 3 had more than 25 years of service.

2.3.1 Employee Survey Key Findings

Finding #1: 51 of the 68 respondents to Citygate's Employee Survey indicated that they dedicate at least two hours daily to collateral assignments.

Finding #2: 42 personnel who responded to the Employee Survey self-identified as "engaging in proactive activities." Within this subgroup, 25 respondents indicated that they spend one hour or less on proactive activities daily. This outcome suggests that

Operations staff may have limited capacity to engage in proactive policing, which is supported by narrative comments from some respondents.

Finding #3: Analysis of the data from 68 respondents to the Employee Survey revealed a significant risk of employee attrition, with 60 percent of Department respondents indicating an intent to leave the Department within three years. This outcome suggests multiple concerns related to the retention of personnel.

Finding #4: Respondents to the Employee Survey who indicated a desire to leave the Department within three years also expressed neutral to negative sentiments related to the strengths and opportunities of the Department, suggesting a personal disengagement from the Department's mission.

Finding #5: Another notable revelation related to personnel who indicated an intent to leave the Department in the near future was that when respondents were questioned about their reasons for doing so, 34 respondents (52 percent) cited better job opportunities, while 30 respondents (46 percent) expressed concerns about the work environment or culture. In analysis of survey comments regarding the reasons behind these sentiments, Citygate found that many pointed towards a perceived lack of support from the community and City Council.

2.3.2 Employee Survey Recommendations

Recommendation #1: Given the percentage of Employee Survey respondents who indicated a willingness to leave the Department within three years, Citygate believes there is a pressing need for the Department to implement strategic retention strategies to foster a more supportive organizational culture and mitigate potential turnover.

2.4 ORGANIZATIONAL STRUCTURE

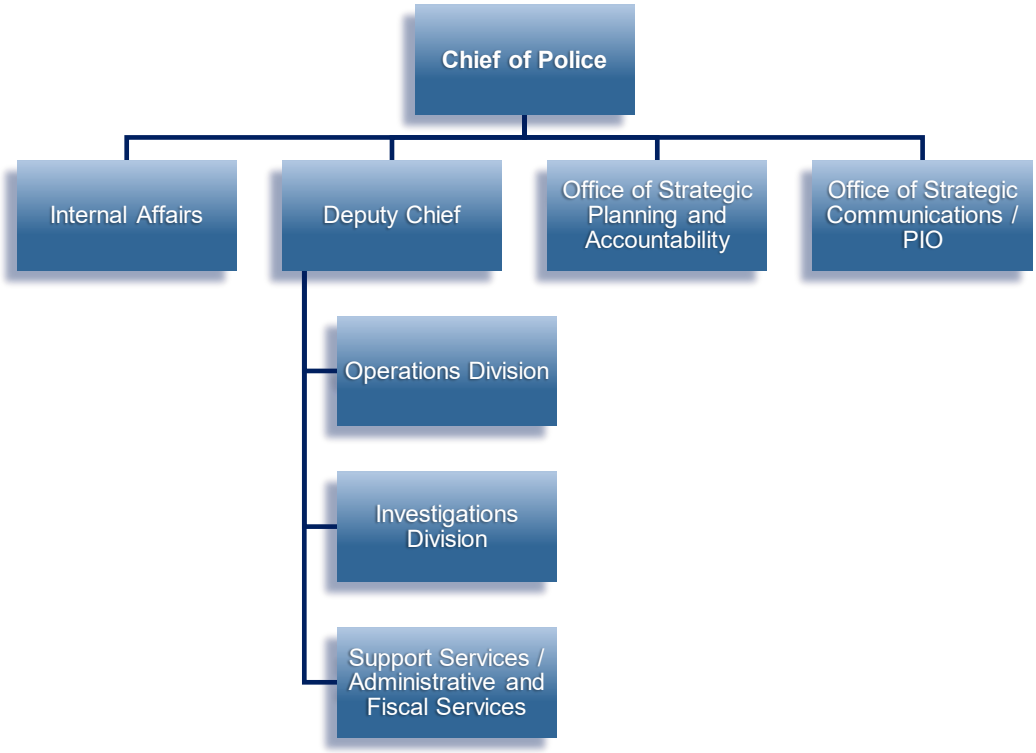
The following figure shows the current organizational structure of the Department. As the figure shows, in the Department's existing organizational structure, the Chief has a large span of control.

Figure 2—Berkeley Police Department – Current Organizational Structure

The Chief's large span of control is especially clear when one considers the breadth of the Chief's role, which involves significant time serving as a public liaison for the Department. The Chief's role may involve meetings with other department heads; law enforcement leaders; the City Manager; members of City Council; members of the Police Accountability Board; relevant employee bargaining groups; and community members, including residents, business owners, and other stakeholder groups.

The following figure shows a proposed organizational structure to maximize the Department's operational efficiency and improve the Chief's span of control.

Figure 3—Berkeley Police Department – Proposed New Organizational Structure



In the Department's new organizational structure, the Chief's span of control is reduced, which should afford the Chief more time and flexibility to meet with staff and others—including members of the City Council and other City staff, community members, business owners and groups, faith-based leaders, parents, students, etc.

2.5 POLICE BEAT ANALYSIS

2.5.1 Police Beat Structure

The following figures show the Department's current, 14-beat configuration in contrast with the former 16-beat configuration. Under the new beat structure, beats collapse from 14 to 7 after 2:00 am, with the number of beats remaining at 7 until 11:00 am.

Figure 4—Current Beat Structure (14 Beats)

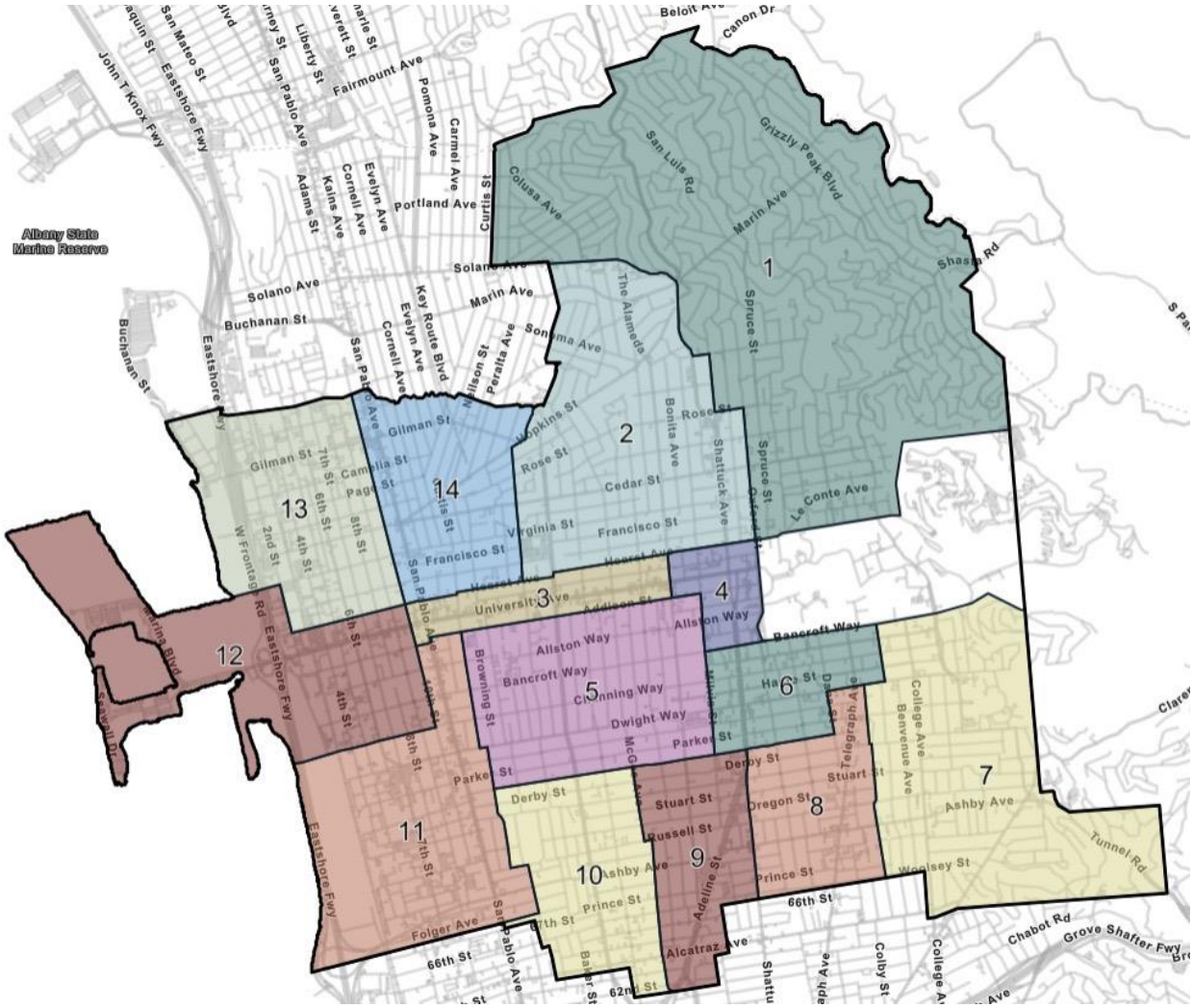
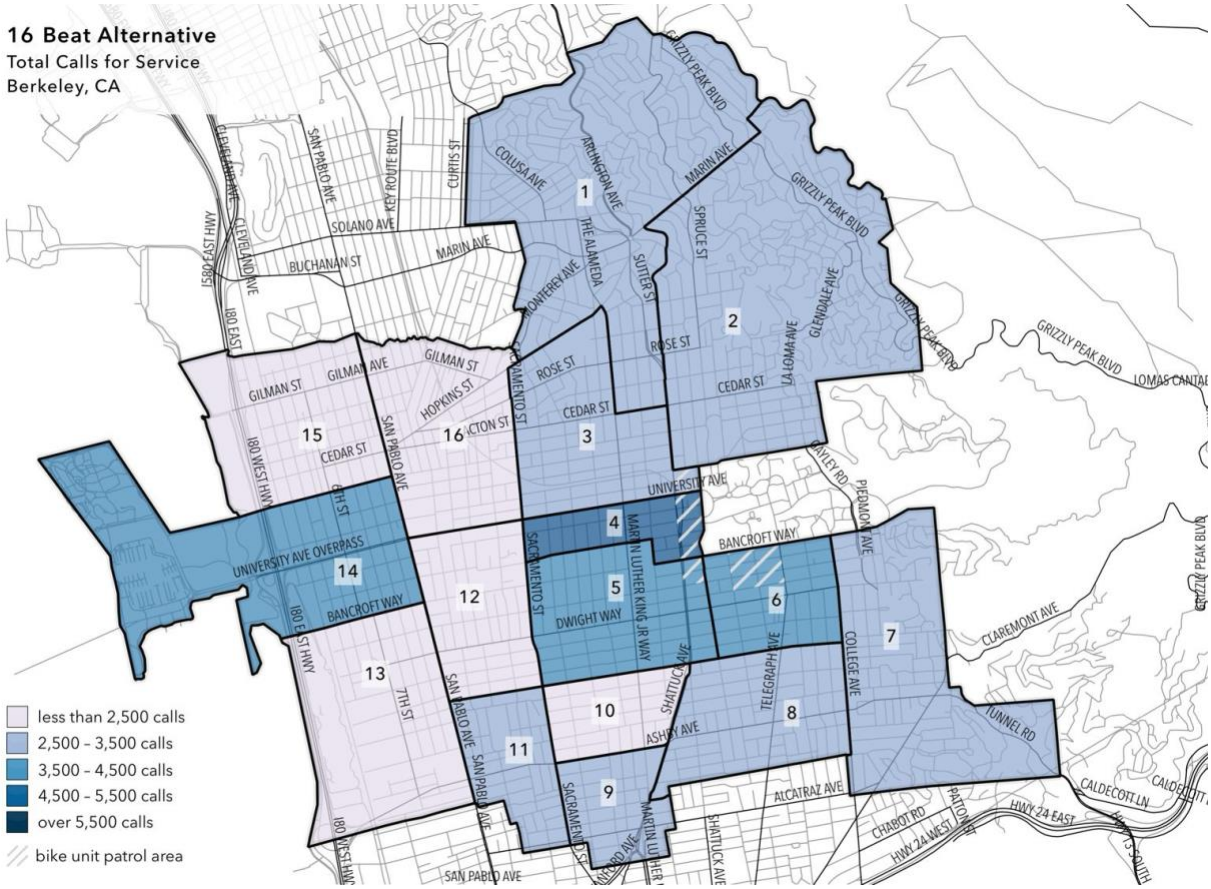


Figure 5—Former Beat Structure (16 Beats)



In the transition from 16 beats to 14, Beats 1 and 2 were combined into Beat 1. Former beats 8, 9, 10, and 11 have been reorganized into beats 8, 9 and 10. Another busy beat, Beat 6, was made smaller while Beat 5 was slightly enlarged.

2.5.2 Police Beat Service Demand

The Department dispatches calls for service (CFS) based on how urgently response is required. The City's Calls are prioritized into **four categories** as described by the City's website:[4]

- **PRIORITY 1**: Calls dispatched immediately. These calls include situations involving threat to life, crime of violence, in-progress felonies, missing juveniles (under 12 years old), and accidents with injuries.
- **PRIORITY 2**: These calls should be dispatched within 20 minutes. They include situations involving business or residential alarms, calls with a threat of violence,

[4] https://berkeleyca.gov/safety-health/police/report-crime

and suspicious circumstances (involving suspicious vehicles, or suspicious persons).

- **PRIORITY 3**: These calls should be dispatched within 60 minutes. These are calls in which a significant amount of time has passed since the crime occurred. These include crimes such as burglary, thefts, and vandalism, with the responsible parties gone.
- **PRIORITY 4** and **PRIORITY 5**: These calls include parking matters and abandoned automobiles.

Citygate's evaluation of calls-by-beat extends from 2018 through August of 2023 as shown in the following table. Thus, the analysis is of the Department's 16-beat configuration, since the 14-beat structure was not implemented until the first quarter of 2023. The table shows data for Priority 1, Priority 2, and Priority 3 CFS only.

Table 6—Calls for Service by Beat (2018–2023)

Beat	Priority 1	Priority 2	Priority 3	Total
1	2,022	5,942	**6,107**	**14,071**
2	2,269	8,083	4,910	**15,262**
3	1,589	5,821	2,754	**10,164**
4	**4,250**	**12,170**	5,623	**22,043**
5	1,529	4,489	2,766	**8,784**
6	2,951	9,417	4,614	**16,982**
7	2,204	7,653	5,589	**15,446**
8	1,772	7,182	3,469	**12,423**
9	2,450	7,140	3,490	**13,080**
10	2,266	5,291	2,857	**10,414**
11	2,169	5,716	4,692	**12,577**
12	2,219	6,058	4,284	**12,561**
13	1,482	3,997	3,786	**9,265**
14	1,049	3,760	2,118	**6,927**
15	654	1,866	1,179	**3,699**
16	664	2,213	1,280	**4,157**

As the table shows, under a 16-Beat configuration, the busiest beat by public-generated call demand over the period of data analyzed by Citygate was Beat 4. Beat 4 is downtown and encompasses both Berkeley High School and Police Headquarters. As such, its disproportionately higher call volume is not surprising. Beyond Patrol officer coverage, both Beat 4 and Beat 6 are also supported by Bike Team officers. There is also a School Resource Officer assigned to Berkeley High School. Beats 14, 15, and 16 combined (excluding an assessment of far fewer calls of lower priority) total 14,783 distinct incidents / CFS, while Beat 4 alone managed 22,043 CFS of the same three levels of highest priority. Beat 4 also had the highest number of Priority 1 incidents (4,250), followed by Beat 6 with 2,951 incidents. Beat 4 had the highest number of Priority 2 incidents (12,170), followed by Beat 6 (9,417) and Beat 2 (8,083). Beat 1 had the highest number of Priority 3 incidents (6,107), followed by 4 (5,623) and Beat 7 (5,589).

For the current, 14-Beat model, Beat 4 was reduced in size, which makes sense given its disproportionate workload. Additional changes in beat size appear to have reduced the inequity in calls demands.

2.5.3 Police Beat Findings

Finding #6: Given the wide disparity in call volume between some of the former 16 beats, the reduction in number from 16 to 14 in 2023 appears reasonable and consistent with the 2014 Patrol Beat study.

Finding #7: Collapsing of beats (from 14 to 7) beginning in the early morning appears to be a reasonable and wise use of limited resources given reduced call demands during such times.

Finding #8: Reducing the size of Beats 4 and 6 appears necessary given their higher call volumes.

Finding #9: The calls for service demand of beats 15 and 16 were much lower than those of other beats, which is consistent with the 2014 study.

2.5.4 Police Beat Recommendations

Recommendation #2: Retain the 14-Beat model while continuing to collapse the number of beats to 7 beginning at or about 2:00 am (0200 hours).

Recommendation #3: The Department's strong data and predictive analysis should dictate where staff are assigned. Periodically review beat activity and workload demand and adjust as necessary.

2.6 BENCHMARK ANALYSIS

As part of this review, Citygate has established several benchmark measurements with similarly situated municipal police agencies. When selecting benchmark agencies, Citygate sought input from the Department as to which agencies the Department typically compares itself with. Citygate also utilized other geographical and population metrics. For the purposes of this assessment, the following municipal police agencies were used for benchmarking.

- City of Fremont Police Department
- City of Hayward Police Department
- City of Richmond Police Department
- City of Concord Police Department
- City of Santa Clara Police Department

It should be noted that Citygate does not make staffing recommendations based on population measures (i.e., one officer per 1,000 residents). Rather, Citygate utilizes a data-informed workload analysis based on calls for service (CFS), which will be discussed later in this report. Nonetheless, population benchmarking does provide a snapshot in time of current, staffing-related ratios for an agency in comparison with other benchmark agencies.

2.6.1 Staffing Benchmark

The following staffing benchmark table compares chosen agencies by population, the ratio of residents per officer, and the number of sworn police officers employed per 1,000 residents. The table is sorted by officers per 1,000 residents.

Table 7—Benchmark: Agency Staffing

Agency	Population	Sworn	Citizens per Officer	Officers per 1,000 Pop.
Berkeley PD	**117,145**	**181**	**647***	**1.55***
Santa Clara PD	121,151	153	792	1.26
Richmond PD	115,639	143	809	1.23
Hayward PD	159,827	195	820	1.22
Concord PD	124,074	138	899	1.12
Fremont PD	221,514	205	1,080	0.92

Data sorted by officers per 1,000 population; population figures for all cities are from 2021; sworn personnel numbers were sourced from the comparator agencies' respective city operational budgets

*** See continued narrative below for context**

The figures in the previous table require qualification. Berkeley figures are based on *authorized* personnel; if adjusting for *actual, current* Department staffing, the ratios would be 781 residents per sworn officer and 1.28 officers per 1,000 population—closer to the ratio of Santa Clara. However, even this measure is potentially lacking in context, as not all agencies are the same or have the same division or unit structure, which are driven by more local concerns. There are a number of variables that basic benchmarking does not account for.

As previously noted, Citygate does not make staffing recommendations based on the per capita ratio of officers to residents, but rather, incorporates this comparison along with several other factors including workload and community priorities.

2.6.2 Rank Structure Benchmark

The following rank structure benchmark table compares the police agencies' number of personnel by rank. For this operational assessment, Citygate considered only sworn positions. The reader should not infer that non-sworn professional staff are not critical to any police agency's operational effectiveness and efficiency; however, as every agency deploys professional staff somewhat differently, Citygate concentrated solely on sworn staff for this assessment. The table is sorted by population.

Table 8—Benchmark: Rank Structure

Agency	Population	Rank/Classification						
		Sworn	Chief	Assistant/ Deputy Chief	Captain	Lieut.	Sgt.	Officer
Fremont PD	221,514	205	1	1	3	9	31	160
Hayward PD	159,827	198	1	1	3	12	27	154
Concord PD	124,074	138	1	0	2	7	19	109
Santa Clara PD	121,151	153	1	2	3	7	29	111
Berkeley PD	**117,145**	**181**	**1**	**1**	**3**	**9**	**32**	**135**
Richmond PD	115,639	143	1	1	3	8	23	107

Berkeley recently created a new Deputy Chief position while eliminating a Captain position. Notably, Berkeley has the most sergeants among the agencies assessed, particularly in relation to the City's population. Santa Clara's staffing includes 44 crossing guards, one probation officer, 160 per diem (by the day allowance) special event police officers, and 75 per diem special event traffic control officers.

Table 9—Benchmark: Rank Structure

Agency	Chief	Assistant/ Deputy Chief	Captain	Lieutenant	Sergeant	Officer
Fremont	1	1	3	9	31	160
Hayward	1	1	3	12	27	154
Concord	1	0	2	7	19	109
Santa Clara	1	2	3	7	29	111
Berkeley	1	1	3	9	32	135
Richmond	1	1	3	8	23	107

2.6.3 Crime Rates and Clearances Benchmark

The following crime rate benchmark table compares the police agencies' rates of property crime and violent crime. In the table, both violent crime and property crime represent the five-year average of 2018 through 2022. To calculate crime rates, Citygate divided the five-year average number of both violent crimes and property crimes by the number of people in the community according to 2021 population figures. Citygate then multiplied the results by 1,000 to reflect the rate of crime per 1,000 people for each measure.

Table 10—Benchmark: Crime Rates

City	Population	Violent Crime	Property Crime	Violent Crime Rate	Property Crime Rate
Fremont	221,514	448	5,401	2.02	24.38
Hayward	159,827	576	4,899	3.60	30.65
Concord	124,074	564	3,869	4.55	31.18
Santa Clara	121,151	262	3,974	2.16	32.8
Berkeley	**117,145**	**590**	**5,872**	**5.03**	**50**
Richmond	115,639	1,010	3,555	8.73	30.74

Data from https://openjustice.doj.ca.gov/exploration/crime-statistics/crimes-clearances; population figures for all cities are from 2021

In Berkeley, *violent* crime rose during the period of data analyzed, with 537 incidents in 2020 and 666 incidents in 2022 indicating a 24 percent increase. Aggravated assaults rose consistently between 2018 and 2022, from 167 incidents to 282. Burglaries increased between 2019 and 2022, from 771 incidents to 1,036. Berkeley's *property* crime rate is higher than any of the other cities shown.

The following violent crime benchmark table compares the police agencies' clearance rates between 2018 and 2022. California's Open Justice website notes that clearance rates represent the percentage of Part 1 violent and property crimes that are considered solved after an arrest. The tables show the number of crimes cleared in a calendar year divided by the number of crimes reported in the same calendar year. It should be noted that some crimes are cleared in subsequent years, so clearance rates may be deflated in periods of increasing crime.

Table 11—Benchmark: Violent Crime Clearance Rates

Agency	2018	2019	2020	2021	2022
Berkeley	**27.6**	**23.6**	**26.1**	**31.3**	**33.3**
Fremont	54.8	63.3	53.6	61.2	33.3
Hayward	42.9	44.9	39.2	42.5	39.6
Richmond	28.2	34.3	24.2	39.4	27.6
Concord	26.8	22.2	55.8	36	35.8
Santa Clara	39.9	46.7	43.2	49.3	51.9

Data from https://openjustice.doj.ca.gov/exploration/crime-statistics/crimes-clearances

Notably, with the exception of Berkeley and Santa Clara, every agency had lower violent crime clearance rates in 2022 when compared to 2021. Fremont had the highest clearance rates in 2018 and 2019. Concord's clearance rate more than doubled in 2020. Fremont once again had the highest clearance rate in 2021 but experienced a significant drop-off in 2022. Berkeley's rate has improved steadily since 2019. Hayward's has remained relatively the same.

The following property crime benchmark table compares the police agencies' clearance rates between 2018 and 2022.

Table 12— Benchmark: Property Crime Clearance Rates

Agency	2018	2019	2020	2021	2022
Berkeley	**6.4**	**6.5**	**7**	**6.3**	**7.3**
Fremont	7.5	5.9	3.8	2.7	2.8
Hayward	13	13.3	8.3	10.9	7.6
Richmond	3.1	4.2	6.5	5.2	2.4
Concord	7.7	3.7	7	3.9	3.8
Santa Clara	5.5	5.1	5.6	4.4	8.5

Data from https://openjustice.doj.ca.gov/exploration/crime-statistics/crimes-clearances

Berkeley's property crime clearance rates have remained largely unchanged in recent years. In 2022, the City's property crime clearance rate was higher than that of three of the five other agencies measured.

2.6.4 Perspective for Berkeley

The City should understand that benchmarking, while informative, has limitations including the sample size and selection bias. The benchmark measures in this report are intended to give the community perspective regarding how the Department measures against other comparable agencies and are just one of many data points that Citygate used to understand the Department's specific context and formulate the recommendations contained within this report.

2.7 Overtime Analysis

For Citygate's assessment of Department overtime, we reviewed a selection of overtime reports from the years 2021 through 2023. We also interviewed several staff members, reviewed relevant Department policy, and read the City Auditor's 2022 Audit Report of Police Department Overtime. Citygate found that overtime is most prevalent in Patrol, Dispatch (Communications), and Investigations. While the bulk of overtime was used to backfill Patrol vacancies, Citygate discovered (as we have with other clients) that there are many other categories of overtime in the Department. For example:

- Staff are also paid overtime to attend court.
- Detectives are paid overtime when they are called back to duty to investigate serious crime that often exceeds the resources and expertise of Patrol.
- Some overtime is grant funded, such as overtime for special traffic enforcement actions.

Citygate also realizes, and staff has confirmed, that the availability of different types of overtime can mean that some types of overtime are more attractive than others. For example, officers expressed to Citygate that working overtime in Patrol to cover weekend nights is probably the least desirable use of overtime. Since specialized units (such as the Bike Team, Investigations, Community Services, etc.) are generally off-duty and not available to fill Patrol beats on weekend nights, adequately staffing these shifts is critically important to ensure sufficient staff are available to ensure Citywide coverage when unanticipated vacancies occur.

Citygate also concurs with the City Auditor that excessive use of overtime can lead to fatigue, burnout, and an increased risk of injury and mistakes. In one summary of research, it was determined that fatigue may do more than affect the way officers perform routine tasks such as maneuvering a Patrol car. Recent evidence suggests it can influence officers' ability to exercise

good judgment.[5] Further, Citygate agrees that some police overtime is necessary and unavoidable, especially when critical events occur at the end of an officer's shift, or when officers are needed for traffic control and pedestrian safety due to protests or other events involving large crowds.

2.7.1 Sworn Officers

Citygate captured data related to most overtime worked over the period between 2021 and 2023, but the tables presented in this subsection do not reflect overtime worked and paid in the form of earned compensatory time off (CTO). Nevertheless, as the City Auditor noted in the 2022 Audit Report, CTO is not costless and has the potential to cause a chain reaction of more backfill, and thus more CTO. The Department does have a policy of limiting sworn officers' accumulation of CTO to 120 hours, which should limit the amount of unfunded liability that comes with accumulated CTO.

The following table shows overtime hours worked in Patrol/Operations between 2021 and 2023.

Table 13—Overtime: Patrol/Operations

Rank	2021	2022	2023
Lieutenant	1,210 hours	1,640 hours	1,627 hours
Sergeant	7,496 hours	7,435 hours	6,734 hours
Police Officer	24,160 hours	30,184 hours	25,725 hours*
Total	**32,913 hours**	**39,443 hours**	**34,111 hours****

* Includes 375 hours of police recruit overtime

** 34,111 hours of overtime worked (as in 2023) represents approximately 20 full-time positions—or 1 Lieutenant, 4 Sergeants and 15 officers—assuming a full work year is 2080 hours, but 20 percent of that time (416 hours) is not worked due to time off, which can include vacation, sick leave, military leave, CTO, etc.

Depending on their number of years of service, officers can accrue 80 to 240 vacation hours a year. Each employee is also credited with one eight-hour workday of sick leave with full pay for each month of service. Employees hired before September 11, 2012, accrue 16 hours of paid sick leave for each month of service after completion of 20 years of service.[6]

In 2023, there was a reduction in Patrol overtime of approximately 13 percent—which can likely be attributed to the reduction in Patrol beats from 16 to 14, which reduced the need to assign an officer to each beat across each day, as well as the Department's heightened focus on overtime management. The Department also routinely transferred staff to Patrol from their regular duties outside of Patrol.

[5] See "The Alarming Consequences of Police Working Overtime" https://www.governing.com/archive/gov-police-officers-overworked-cops.html

[6] See: 2023–2026 Memorandum of Understanding between the City of Berkeley and the Berkeley Police Association.

The following tables show overtime hours worked by type, employee classification, and organizational unit between 2021 and 2023.

Table 14—Overtime: Police Court Pay – Patrol/Operations

Rank	2021	2022	2023
Lieutenant	9 hours	4 hours	---
Sergeant	113 hours	134 hours	129 hours
Police Officer	589 hours	728 hours	584 hours
Total	**711 hours**	**866 hours**	**713 hours**

Table 15—Overtime: Hazardous Duty – Patrol/Operations

Rank	2021	2022	2023
Lieutenant	33 hours	23 hours	29 hours
Sergeant	207 hours	43 hours	104 hours
Police Officer	791 hours	302 hours	785 hours
Total	**1,031 hours**	**371 hours**	**926 hours**

Table 16—Overtime: Investigations – Detectives / Crime Analyst

Rank	2021	2022	2023
Lieutenant	575 hours	779 hours	12 hours
Police Officer	8,092 hours	6,461hours	6,136 hours
Sergeant	1,911 hours	2,632 hours	2,815 hours
Total	**10,578 hours**	**9,872 hours**	**8,963 hours**

Table 17—Overtime: Investigations – Traffic

Rank	2021	2022	2023
Lieutenant	361 hours	779 hours	541 hours
Police Officer	544 hours	1160 hours	1,548 hours
Sergeant	387 hours	396 hours	407 hours
Total	**1,313 hours**	**2,335 hours**	**2,496 hours**

Table 18—Overtime: Professional Standards – Policy and Audit

Rank	2021	2022	2023
Lieutenant	---	---	---
Police Officer	---	27 hours	---
Sergeant	557 hours	863 hours	715 hours
Total	**557 hours**	**890 hours**	**715 hours**

Table 19—Overtime: Professional Standards – Personnel and Training

Rank	2021	2022	2023
Lieutenant	208 hours	44 hours	92 hours
Police Officer	438 hours	511 hours	382 hours
Sergeant	189 hours	190 hours	494 hours
Total	**835 hours**	**745 hours**	**1,105 hours**

Table 20—Overtime: Chief's Office – Administrative and Fiscal Services

Rank	2021	2022	2023
Lieutenant	166 hours	---	---
Police Officer	---	---	10 hours
Sergeant	---	---	
Total	**166 hours**	**---**	**10 hours**

Table 21—Overtime: Chief's Office – Internal Affairs

Rank	2021	2022	2023
Lieutenant	---	---	110 hours
Police Officer	10 hours	10 hours	---
Sergeant	266 hours	176 hours	164 hours
Total	**276 hours**	**186 hours**	**174 hours**

Table 22—Overtime: Support Services – Communications Center

Rank	2021	2022	2023
Lieutenant	239 hours	218	---
Police Officer	---	---	---
Sergeant	---	---	6
Total	**239 hours**	**218 hours**	**6 hours**

Table 23—Overtime: Support Services – Jail

Rank	2021	2022	2023
Lieutenant	---	---	---
Police Officer	10 hours	---	---
Sergeant	131 hours	198 hours	78 hours
Total	**141 hours**	**198 hours**	**78 hours**

Table 24—Overtime: Support Services – Records/Subpoena

Rank	2021	2022	2023
Lieutenant	---	---	---
Police Officer	173 hours	420 hours	419 hours
Sergeant	22 hours	---	260 hours
Total	**195 hours**	**420 hours**	**679 hours**

2.7.2 Professional (Civilian) Staff

Unlike Patrol and Investigations, overtime usage in Communications continued to rise in 2023. It was also not uncommon for supervisory dispatchers to work overtime by filling vacant dispatcher positions.

The following tables show overtime hours worked by type, employee classification, and organizational unit between 2021 and 2023.

Table 25—Overtime: Support Services – Communications Center

Rank	2021	2022	2023
Public Safety Dispatcher (PSD II)	8,202 hours	9,445 hours	9,888 hours
Supervisory PSD	1,967 hours	2,684 hours	2,803 hours
Total	**10,175 hours**	**12,129 hours**	**12,691 hours***

*12,691 hours of overtime (2023) is the equivalent to nearly 8 full-time positions, assuming dispatchers' (and supervisory dispatchers') average leave time is 20 percent (or 1,664 total hours worked in a 2,080-hour work year). The increase in both PSD II and Supervisory PSD overtime hours of 2022 above 2021 was consistent across every month of the year, with the exception being in August 2021 versus August 2022, with 209 hours of Supervisory PSD overtime logged in 2021 and 182 hours logged in 2022.

Table 26—Overtime: Support Services – Jail

Rank	2021	2022	2023
Community Service Officer	1,178 hours	1,374 hours	1,383 hours
CSO Supervisor	559 hours	500 hours	325 hours
Total	**1,737 hours**	**1,874 hours**	**1708 hours**

Table 27—Overtime: Investigations – Parking Enforcement

Rank	2021	2022	2023
Parking Enforcement Officer	1630 hours	2,621 hours	2,559 hours
Parking Enforcement Supervisor	448 hours	298 hours	490 hours
Total	**2,078 hours**	**2,919 hours**	**3,049 hours**

Note: In 2023, disproportionately more hours were worked by Parking Enforcement officers on Saturdays, and disproportionately more hours were worked during the summer months of July, August, and September. The same pattern was found in 2021, when 976 of 1,630 hours of Parking Enforcement officer overtime were worked on Saturdays. The 1,630 hours of overtime almost equals one full-time equivalent employee. In 2022, Parking Enforcement officers worked 1,263 hours on Saturdays. Citygate learned that due to CAL Berkeley football games and other special events such as street fairs and a Farmer's Market, Parking Enforcement overtime is predominately worked on Saturdays.

Table 28—Overtime: Investigations – Detectives/Crime Analyst

Rank	2021	2022	2023
Community Service Officer	123 hours	211 hours	246 hours
Crime Scene Supervisor	19 hours	1 hour	14 hours
Public Safety Dispatcher II	10 hours	---	---
Crime Analyst	---	10 hours	64 hours
Total	**152 hours**	**222 hours**	**324 hours**

Table 29—Overtime: Support Services – Records/Subpoena

Rank	2021	2022	2023
Community Service Officer	50 hours	48 hours	88 hours
CSO Supervisor	112 hours	164 hours	44 hours
Office Specialist II	358 hours	208 hours	158 hours
Office Specialist III	98 hours	238 hours	558 hours
Office Specialist Supervisor	440 hours	338 hours	247 hours
Total	**968 hours**	**996 hours**	**1,095 hours**

Table 30—Overtime: Investigations – Traffic

Rank	2021	2022	2023
Office Specialist II	28 hours	90 hours	362 hours
Total	**28 hours**	**90 hours**	**362 hours**

Table 31—Overtime: Professional Standards – Personnel and Training

Rank	2021	2022	2023
Office Specialist II	12 hours	---	362 hours
Office Specialist III	39 hours	80 hours	---
Administrative Assistant	8 hours	---	---
Total	**59 hours**	**80 hours**	**362 hours**

2.7.3 Overtime and Policy

In Department Policy 1015 (Fitness for Duty), within Section 1015.7 (Limitation on Hours Worked), it is noted that, "Absent emergency operations, members should not work more than:

- 16 hours in a one-day (24-hour) period
- 30 hours in any 2-day (48-hour) period
- 84 hours in any 7-day (168-hour) period
- 7 consecutive days in a row."

The policy further makes clear that, "Except in very limited circumstances, members should have a minimum of 8 hours off between shifts." Moreover, the policy notes that supervisors are

authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

To ensure enforcement of these policies, the Department has implemented new CareWare staffing software and now has the means to track overtime across all organizational units, including overtime worked by individuals. The Department generates a monthly "Scheduling Rules Violation Report" detailing policy exceptions that have been necessary to maintain minimum staffing levels. In one such report, dated November 1 – November 30, 2023, 244 violations were documented, covering virtually every organizational unit, including Communications, Patrol, Community Services, Homicide, Motors, Parking Enforcement, Personnel and Training, Property Crimes, Police Technology, Records Management, and Youth and Family. The violations included every category outlined in Policy 1015.

In the City Auditor's report, it was noted that in fiscal year (FY) 2020, backfilling for officer vacancies and absences was the most common and costly reason for overtime, accounting for 21 percent of sworn officer's overtime hours and costing nearly $1.3 million. This same pattern was apparent in the years Citygate reviewed.

In *Police Overtime: An Examination of Key Issues* published by the National Institute of Justice (NIJ), David Bayley and Robert Worden note that supervision of overtime is often seen as the first line of defense against overtime abuses. Nevertheless, they add, "Most of the factors that determine overtime are beyond the control of any middle-rank manager, such as contract regulations, calls for service, crime emergencies, vacations, injuries, retirements, and approval for special events."[7]

To control overtime in policing, Bayley and Worden make clear that the answer lies in recording, analyzing, managing, and supervising its use. Of these, they argue that managing is the key, and that it comes in two forms: (1) creating an infrastructure for recording and analyzing the use of overtime, and (2) making policies related to overtime based on an understanding of what is happening.

Bayley and Worden add that police managers must continually ask **questions** in their efforts to control overtime:

1. Are overtime expenditures justified in terms of the work being done, or can the same work be performed at less cost on straight time?

2. Do the police and the local government have the capacity to pay for overtime? Answering this question requires police managers to know whether they are "on budget" throughout the year to avoid cost overruns.

[7] National Institute of Justice, Research in Brief, *Police Overtime: An Examination of Key Issues* by David H. Bayley and Robert E. Worden, May 1998; https://www.ojp.gov/pdffiles/167572.pdf.

3. Is overtime being abused or used in ways that cannot be justified? To avoid embarrassment, police departments need to analyze patterns of overtime expenditure—both as time and as money—by individuals, by units, and by the nature of the work performed.

Bailey and Worden explain that exemplary departments have developed protocols for recording and analyzing data, and programs that automatically provide managers with perspective on overtime.

2.7.4 Overtime Findings

Finding #10: As noted by the City Auditor, the number of filled positions is not the same as the number of officers available to work. New hires, for example, although counted as filling a position, are not available for solo officer duties for nearly a year, and authorized positions differ from those actually filled. An officer position might be "filled," but the officer may not be available due to a long-term injury or military leave.

Finding #11: To ensure enforcement of overtime rules, the Department now generates a monthly Scheduling Rules Violation Report which details policy exceptions that have been necessary to maintain minimum staffing levels.

Finding #12: Persistent backfilling to fill necessary positions indicates a chronic shortage of personnel in relation to work needing to be completed.

Finding #13: Overreliance on overtime can increase fatigue and burnout and decrease productivity.

Finding #14: Overtime availability outside of Patrol may make overtime availability in Patrol less attractive, which could result in the same limited number of officers taking these assignments.

Finding #15: The Department has implemented new staffing software ("CareWare") and develops regular management reports that provide timely, accurate, and complete information regarding overtime, hours worked, and time off taken.

Finding #16: The Department now has the means to track overtime across all organizational units, including that worked by individuals.

Finding #17: Reducing the number of beats from 16 to 14 appears to have contributed to the reduction in overtime in 2023.

Finding #18: Policy 1015 requires that supervisors verify all overtime worked before approving overtime requests.

2.7.5 Overtime Recommendations

Recommendation #4: Continue to record, analyze, and manage overtime to reduce the likelihood of employee fatigue and burnout.

This page was intentionally left blank

SECTION 3—OFFICE OF THE CHIEF OF POLICE REVIEW

3.1 OFFICE OF STRATEGIC PLANNING AND ACCOUNTABILITY

Citygate has reviewed the Chief's January 12, 2024 proposal to create an Office of Strategic Planning and Accountability (OSPA), which will report directly to the Chief. The proposal notes that OSPA *"...will serve as a pivotal entity in enhancing data-driven approaches in police performance and Departmental accountability, risk management, and oversight, as well as addressing community and external stakeholder needs."*

OSPA will be headed by a dedicated civilian manager who will lead a team of technical analysts. The manager will be responsible for coordinating with command staff, engaging with the community, and ensuring alignment with the Department's goals and vision.

Finally, the Chief indicated that the OSPA will work closely with an external consultant to improve and enhance the Early Warning System (EWS) and overall risk management strategies, and then manage that system into the future.

> Citygate supports the Chief's proposal as we believe that **equitable, ethical, and data-driven approaches** can improve public safety while promoting police accountability.

3.2 CREATION OF A NEW DEPUTY CHIEF'S POSITION

Citygate also reviewed the Chief's June 5, 2023 recommendation to establish a new Deputy Police Chief job class. The Chief describes the new Deputy Chief's role as one which will provide professional and administrative support and oversight of the Department's day-to-day operations.

Citygate supports the proposal to create a new Deputy Chief position and sees it as an opportunity to provide the Chief of Police with more time (both internally and externally) to meet with and engage staff and external stakeholders.

3.3 ADMINISTRATIVE AND FISCAL SERVICES

The Administrative and Fiscal Services Manager currently supervises three Assistant Management Analysts. The role is one that is responsible for planning, organizing, directing, and supervising the overall administrative, business service, and fiscal activities of a Berkeley City department.

For the Police Department, the Administrative and Fiscal Services Manager prepares, monitors, and oversees the Department's budget, grants, contracts, and overtime. Under the Department's new structure, the Administrative and Fiscal Services Unit will report directly to the Deputy Chief.

Citygate learned that the Unit is finding it difficult to keep up with changes with the City's new finance system. Under the City's new financial system, many responsibilities were pushed out to City departments, which are now responsible for receiving invoices, putting them into the system, and scheduling payments. Checks to vendors are then issued by City Finance. The system allows a limited time (three to five days) to process invoices. If invoices are not reviewed within this window of time, checks to vendors can be delayed an additional two weeks.

Further, relative to other large City departments (Public Works and Health, Housing and Community Services [HHCS]), the Police Department has significantly less administrative support to manage its budget, grants, and contracts. When the Administrative and Fiscal Services Manager is off work, the Chief or a police Captain must approve invoices. And when the Administrative and Fiscal Services Manager retires, there is currently no internal subordinate who has the knowledge and experience to fill the role.

To secure a smooth transition, Citygate believes that by adding a Senior Management Analyst sooner rather than later, the Department can ensure that oversight related to the budget, grants, and contracts will continue seamlessly—which should be the goal of any quality succession plan.

Further, there is currently no career path for any existing internal employee to reach the level of Administrative and Fiscal Services Manager. While subordinate staff understand contracts and perform well in this regard, only the Administrative and Fiscal Services Manager possesses the necessary budgeting experience. Citygate also discovered that the Unit receives a significant number of public records act requests.

A Senior Management Analyst could also serve in an acting capacity, unlike any of the current Assistant Management Analysts. According to the job specifications, Senior Management Analysts:

- Perform complex administrative, systems, statistical, budget development, and other management analyses in support of activities and functions in a major department or division or on a program management basis.
- Make recommendations for action and assist in policy, procedure, and budget development and management.
- May be assigned to supervise the work of professional, paraprofessional, and office support or other technical staff.
- Perform related work as assigned.

3.3.1 Administrative and Fiscal Services Finding

Finding #19: Creating and filling a Senior Management Analyst position would complete the career ladder necessary to prepare current Assistant Management Analysts for more demanding work.

3.3.2 Administrative and Fiscal Services Recommendation

Recommendation #5: By adding a Senior Management Analyst and an Associate Management Analyst (which can likely be filled by promoting one of the three existing Assistant Management Analysts), Citygate believes the Unit can keep better pace with work demands while also creating a career ladder, which is critical given that the current Administrative and Fiscal Services Manager will be eligible to retire over the next two years.

3.4 Internal Affairs Bureau

The Internal Affairs Bureau (IAB) consists of two Investigative Sergeants who report directly to the Chief of Police. It is Citygate's understanding that this reporting relationship will remain after the Chief's announced Departmental reorganization takes effect.

Police Department Policy 1010 (Personnel Complaints) sets forth the following responsibilities of Sergeants assigned to the IAB:

1. Investigating all externally received complaints alleging employee misconduct.
2. Investigating internally initiated complaints of misconduct as may be assigned by the Chief of Police.
3. Preparing investigations and reports on inquiries into employee conduct as may be required by the Chief of Police.
4. Preparing letters, documents and memoranda associated with the disciplinary process in complaint matters.
5. Preparing letters and correspondence on other matters as may be required by the Chief of Police.
6. Maintaining liaison with the District Attorney's office during investigations involving alleged criminal conduct on the part of an employee.
7. Coordinating the Department's Complaint Review Board process.

8. Assisting the City Attorney's Office with investigation of civil claims against BPD and/or its employees.

9. Assisting the City Attorney's Office in the preparation and presentation of Pitchess Motions.

10. Acting as liaison with the City Attorney, the Police Accountability Board and legal defense attorneys.

11. Advising the Chief of Police on matters relating to discipline, liability, and training issues.

The two Sergeants assigned to IAB serve in an important advisory role to the Chief, support the City Attorney, and serve as liaisons to the District Attorney. Due to recent changes in the Department, their work has grown more complex as they now investigate complaints made to the Department as well as complaints made to the PAB. Citygate sees an opportunity for the Department to add one clerical support staff position to the IAB given the number of complaints received, the time constraints related to completing investigations, and many other administrative demands placed on personnel.

IAB staff utilize case management software known as "IAPro." The software provides real-time case information to supervisors and managers, allowing them to initiate and track all IAB investigations. The BlueTeam component of IAPro also allows supervisory and command staff to identify staff performance issues in real time.

The Department's webpage provides links for those who wish to make a commendation or personnel complaint. It also provides a link for those who prefer to make commendations or complaints with the Director of Police Accountability.

Police Department Policy 1010 makes clear that complaints made to the Police Accountability Board shall also be investigated by IAB as "external complaints."

3.4.1 Police Accountability Board

The Police Accountability Board (PAB) and Director of the Police Accountability Board were created with the passage of Measure II, which amended the City Charter in November of 2020 and became operational in July of 2021.

Section 125 of the City Charter sets forth the role and purpose of the PAB and the Director. The PAB's purpose is to promote public trust through independent, objective civilian oversight of the Berkeley Police Department; to provide community participation in setting and reviewing Police Department policies, practices, and procedures; and to provide a means for prompt, impartial, and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department. The purpose of the Director is to investigate complaints filed against

sworn members, to reach an independent finding as to the facts, and recommend corrective action where warranted.

The Berkeley City Charter also authorizes the PAB to receive and consider findings and recommendations from the Director regarding complaints filed by members of the public against sworn employees of the Department, and to recommend whether disciplinary action is warranted.

Further, the PAB is required to provide an annual report to the public, which will include (but not be limited to) a discussion of the PAB's activities, and the Department's/PAB's processes and procedures for investigating alleged misconduct.

Subsection 16 of Section 125 of the City Charter describes the statistical data PAB is to include in its annual report. Such data shall include but is not limited to trends and patterns in vehicle and pedestrian stops, citations, arrests, searches and seizures, other patterns by the Department; trends and patterns regarding use of force and officer-involved shootings, etc.

In 2023, 238 allegations (a single complaint may include several different allegations) were investigated by the IAB as shown in the following table. Of these, many were initiated by the PAB. Under the "Admin Closed" column of the table are cases in which a complainant does not cooperate with the IAB, fails to appear for an interview, or other circumstances occur that render investigators unable to complete investigations.

Figure 6—Internal Affairs Bureau Allegations (2023)

2023 Allegations	Received	Sustained	Not Sustained	Exonerated	Unfounded	Admin Closed	Active
Improper Use of Force	25	0	0	0	8	5	12
Discourtesy	45	0	1	0	16	9	19
Improper Stop/Search/Seizure/Arrest	26	0	0	0	5	3	18
Inadequate Investigation	49	1	1	0	10	6	31
Improper Detention (Jail)	0	0	0	0	0	0	0
Discrimination	31	0	0	0	7	4	20
Harassment	14	0	0	0	1	5	8
Improper Procedure	39	3	0	0	6	4	26
Improper Cite/Tow	2	0	0	0	0	1	1
Other	5	0	0	0	0	5	0
Dishonesty	2	0	1	0	0	0	1
Total	**238**	**4**	**3**	**0**	**53**	**42**	**136**

3.4.2 Internal Affairs Bureau Finding

Finding #20: The work of the two Sergeants assigned to Internal Affairs Bureau (IAB) has grown more complex. Not only must they investigate complaints made to the Department, but they now also investigate complaints made to the Police Accountability Board (PAB). Further, they serve an important advisory role to the Chief, support the City Attorney, and serve as liaisons to the District Attorney and the PAB.

3.4.3 Internal Affairs Bureau Recommendation

Recommendation #6: Given the number of complaints received by the Internal Affairs Bureau (IAB), the time constraints related to completing investigations, and many other administrative demands—including those required of the Director of Police Accountability and outlined in the City Charter, which often involve significant IAB staff time—Citygate recommends that the Department add one clerical support staff position to the IAB.

3.5 Strategic Communications / Public Information Officer

Media and public relations are critical in policing because they help shape perception, build trust, share public safety information, and foster community partnerships. Since a Public Information officer (PIO) often speaks for the Chief and always represents the Department when speaking to the media, it is essential that such a person has a direct line to the Chief and does not have to go through someone else to obtain access.

Where possible, Citygate believes the Department's PIO should be included in all appropriate meetings and briefings, with an understanding that having a fully informed perspective and knowing the totality of circumstances is a vital component in the PIO's ability to communicate with the community and the media effectively.

SECTION 4—OPERATIONS DIVISION REVIEW

The Operations Division of the Department encompasses Patrol Operations, the Bike Team, and the Community Services Bureau.

Patrol Operations is the largest bureau of the Department and includes the following allotted positions: one Captain, four Lieutenants, 14 Sergeants, and 58 Patrol officers (as of the most recent "timesheet" from May 2024). These personnel provide continuous delivery of police services to the community through numerous and varied functions, which include responding to calls for service, proactive patrol (officer-initiated activity), maintenance of public order, discovery of hazards, investigation of crimes and incidents, arresting offenders, traffic enforcement and control, emergency services, and the reporting of information to other appropriate organizational units.

Recently, Patrol has tried to maintain at least 60 sworn officers (58 sworn officers were reflected in Patrol's most recent May 2024 "timesheet"), broken into seven teams of seven to ten officers based on their beat and shift allocations. Some teams may be staffed with more officers above the minimum level to absorb absences.

4.1 PATROL COVERAGE

The following table shows Patrol coverage of the week by team.

Table 32—Patrol Team Coverage of Week

Team #	Personnel	Days of Week	Shift Times
Team 1	2 Sergeants, 8 officers	M/T/W/Th	6:00 am to 4:00 pm
Team 2	2 Sergeants, 7 officers	M/T/W/Th	11:00 am to 9:00 pm
Team 3	2 Sergeants, 8 officers	M/T/W/Th	3:30 pm to 1:30 am
Team 4	2 Sergeants, 8 officers	M/T/W/Th	8:30 pm to 6: 30 am
Team 5	2 Sergeants, 8 officers	F/S/S	6:00 am to 6:30 pm
Team 6	2 Sergeants, 10 officers	F/S/S	12:30 pm to 1:00 am
Team 7	2 Sergeants, 9 officers	F/S/S	6:00 pm to 6:30 am

Patrol's coverage of 14 beats appears to align with current demand for service:

- The overlap between Team 2 and Team 3 occurs during the period of peak call demand from 4:00 pm to 9:00 pm, Monday through Thursday.
- Team 2's overlap with Team 1 adds staffing during the period from 11:00 am to 4:00 pm, when Team 1 goes off duty.

- Team 4 overlaps with Team 3 between the hours of 8:30 pm and 1:30 am.
- Team 7 overlaps with Team 6 between 6:00 pm and 1:00 am on Friday through Sunday, when Team 6 goes off duty.

Patrol's timesheet and minimum staffing levels are a starting point for each shift which is assessed every six months. Overtime to backfill officer vacancies is typically triggered when a Patrol team's staffing drops below 7 or 8, depending on the team and any other immediate needs (crimes, emergencies, protests, etc.).

4.2 Bike Team

The Bike Team has an authorized staffing of one sergeant and five police officers—a change from the previous staffing of two sergeants and six officers. In the past, the Unit has been staffed with as many as 12 officers. The Team is currently managed by a Patrol Lieutenant, who also manages two Patrol teams.

The Bike Team primarily focuses on commercial shopping districts in the downtown Shattuck Avenue and Telegraph Avenue areas.

Citygate learned that when Patrol overtime cannot be filled voluntarily, it is not uncommon for police commanders to pull Bike Team officers from their primary duties to fill Patrol vacancies.

4.3 Community Services Bureau

A Police Lieutenant manages the Community Services Bureau (CSB), which includes four area coordinators who are police officers, each of whom are assigned to a quadrant of the City. A Sergeant supervises the coordinators, who serve as community liaisons and assist in addressing long-term, persistent public safety concerns in their respective quadrants. Residents are encouraged to contact their area coordinators about ongoing neighborhood issues.

Prior to the Department's reorganization, staffing within the CSB also included the Department's Strategic Analysis Team, which included a police officer and a civilian Data Analyst, who is often called upon to provide information and analysis to other Department units and the PAB. The Strategic Analysis Team also created and regularly updates the Department's online Transparency Hub and internal Executive Dashboard.

The Transparency Hub represents an abundant resource to supply police data available to the public. Such data include calls for service, crime, current public safety trends, police stop data, use of force, community engagement activity, and traffic safety—including information on collisions and their locations.

The Department's Public Information Officer (PIO) had also been assigned to the CSB, although this position, along with the Strategic Analysis Team, will soon be transferred to the Chief's Office. Among other duties, the PIO's workload includes monitoring the Department's broad social media presence on sites including Facebook, Instagram, TikTok, X (formerly Twitter), YouTube, and Nextdoor.

4.4 PATROL RESPONSE TIME ANALYSIS

In Citygate's assessment of the Department's response time to calls for service (CFS), Citygate assessed the police response to both Priority 1 CFS (the highest-priority calls) and Priority 2 CFS. We also determined median police response time, which is the amount of time it takes for the police to arrive at the scene of an incident after receiving a call for assistance.

4.4.1 Understanding Fractile versus Average Measurement

Police response time has historically been presented as an *average*, which is measured by adding the total response times of a given set of incidents and dividing that total by the number of incidents. The shortcoming of the average response time measurement is that it only identifies a single point on a continuum, and thus cannot show how widely the data is spread across that same continuum.

A more descriptive best practice in many fields—including not only police services, but fire and EMS—is the transition to measuring the *percent completion* of a specified response goal. Citygate often uses this measure to provide insight into response times, with *90 percent* as the standard.

The best way to illustrate this concept can be seen in the following two statements:

- "The community can expect a response of X minutes or less, 90 percent of the time," or
- "Nine times out of ten, the public can expect a response in X minutes or less."

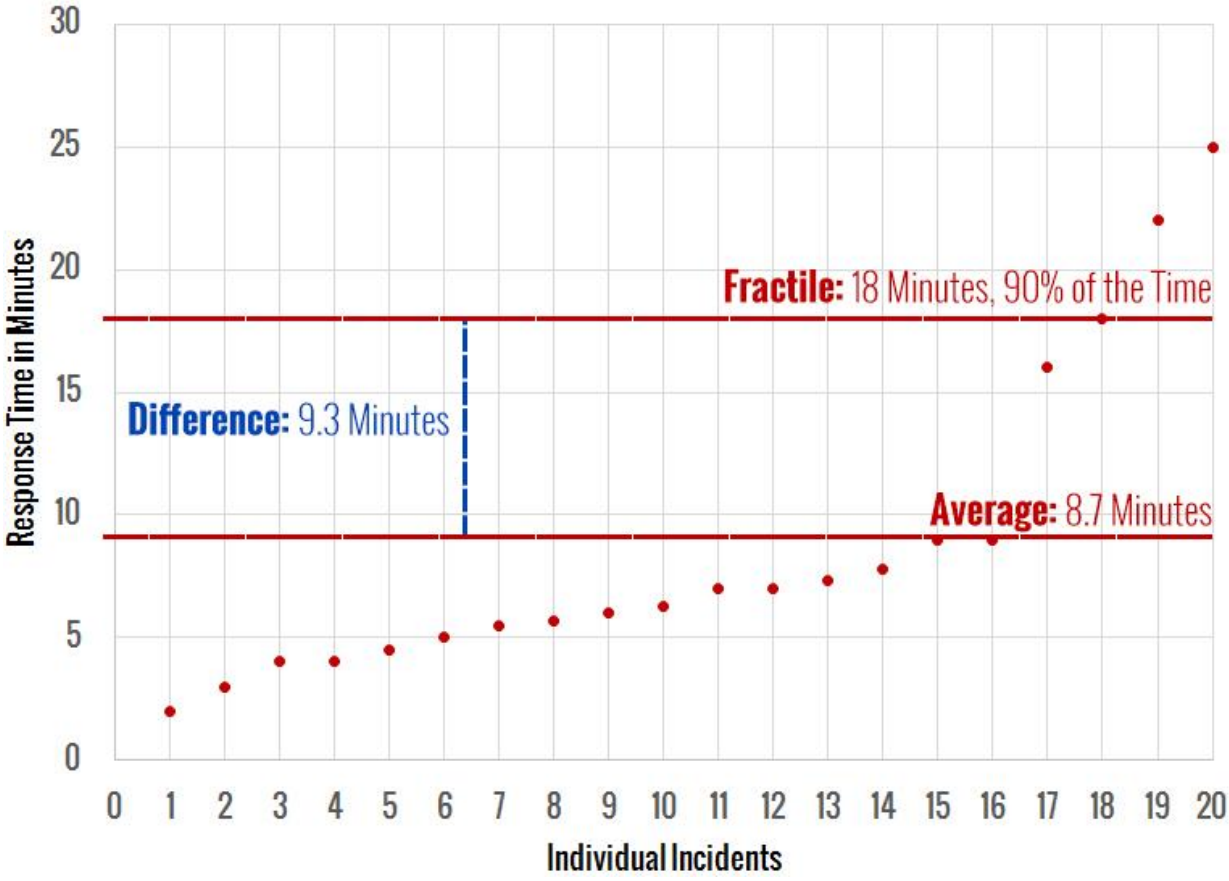
Mathematically, this is referred to as a "fractile" measure.[8]

To illustrate the difference between the ***fractile*** and ***average*** response time measurements, the following figure shows the response time for a fictitious police department in the United States. This department is small and received 20 calls for service during the period reviewed. Each response time for the calls for service has been plotted on the graph, in order from the shortest response time to the longest response time.

[8] A fractile is that point *below* which a stated fraction of values lie. The fraction is often given as a percent value; the term "percentile" may then be used. See: https://www.lawinsider.com/dictionary/fractile-response

The figure shows that the *average* response time is 8.7 minutes. However, the average response time does not properly account for four calls with response times far exceeding the threshold in which positive outcomes could be expected.

Figure 7—Fractile versus Average Response Time Measurements



As the figure shows, 20 percent of responses from this hypothetical department could be considered too slow, and an *average* time measurement would not reveal this important aspect of the data that a *fractile* measurement would. Citygate believes the *fractile* measurement is a more accurate reflection of the service delivery situation of this hypothetical department.

Citygate assessed response time data in the City utilizing the fractile measurement. With this 90th percentile response time standard employed, Citygate found that 90 percent of the applicable calls in the City were responded to by the Department in less than 19:00 minutes.

4.4.2 Patrol Response Time

Key Factors

There are a number of elements which drive an agency's overall response times beyond the physical movement of any unit (or units) travelling to a public-generated CFS. The following key factors are each important as part of an analysis of response time data, determining trends and trajectories related to the data, etc.

- Number of officers on duty
- Location of the call
- Severity of call
- Police discretion
- Dispatcher call-handling time
- Patrol officer travel time

Patrol Response Time to Priority 1 Calls

Citygate's analysis of 31,814 Priority 1 CFS revealed the following.

- The median response time to Priority 1 CFS was approximately 7:00 minutes.
- 55 percent of the time, the first-responding unit arrived in less than 8:00 minutes.
- 90 percent of the time, the first-responding unit arrived in less than 19:00 minutes.
- Since 2019, median response time to Priority 1 CFS has remained steady at 6:00 or 7:00 minutes.

Patrol Response Time to Priority 2 Calls

Citygate's analysis of 97,570 Priority 2 CFS revealed the following.

- The Department's 2023 Annual Report shows that since 2020, the median response time to Priority 2 CFS has increased—from 12:00 minutes in 2020 to 18:00 minutes in 2023.
- Our analysis of 97,570 Priority 2 incidents revealed an average response time to Priority 2 CFS of 14:30 minutes.

4.5 INCIDENT DATA REVIEW

As part of Citygate's assessment of the Department's Patrol staffing levels, we also considered numerous other factors and data provided by the Department, including the Department's existing Patrol staffing levels as well as established minimum staffing levels. Citygate also evaluated the time officers and other field personnel were committed (obligated) and uncommitted (available) from 2018 through March 2023; calls for service, including the number, type, and time committed to such calls; overtime in Field Services; and the City's most recent five-year crime history and population growth.

4.5.1 Patrol Utilization

Both in interviews of Department staff and in responses to our SWOT (Strengths, Weaknesses, Opportunities and Threats) survey, Citygate learned that many Patrol Sergeants and Lieutenants carry numerous ancillary duties, leaving them with less actual time in the field where they can watch, coach, supervise, and mentor their subordinates.

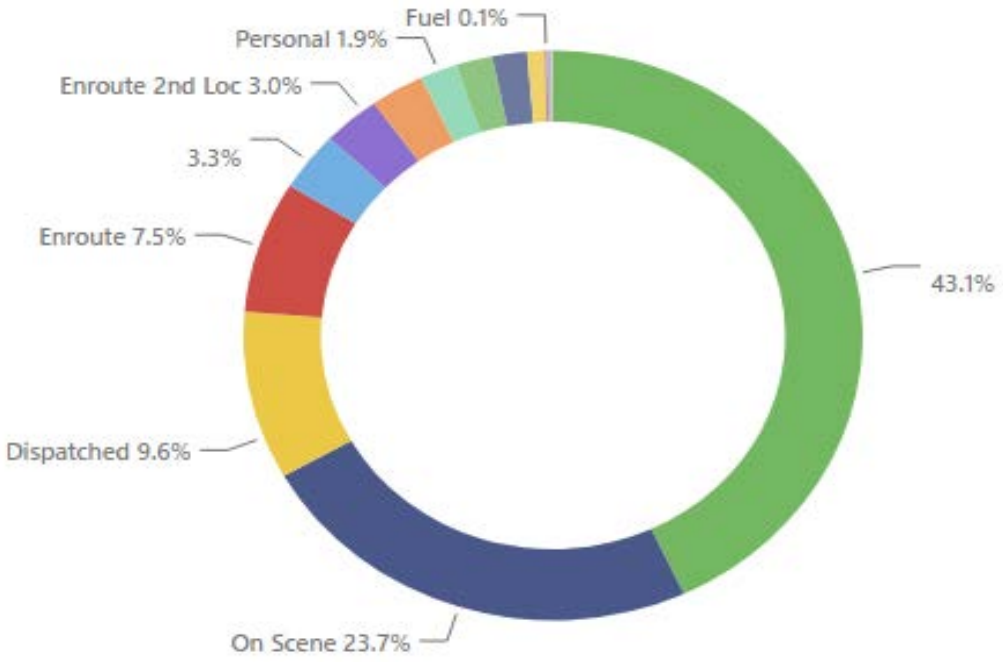
> **Citygate understands that not all Patrol activity will be neatly captured in computer-aided dispatch (CAD) data**. For example, an officer assigned to one call may leave the call to assist another officer without first advising Communications. Before "clearing" a call, some officers may drive by another officer's traffic or pedestrian stop to ensure they are safe and do not require assistance (cover). Citygate also learned that City officers have a practice of sometimes showing themselves as available (to dispatchers) when they are not. For example, an officer may advise Dispatch that they are available while they are writing a report. This practice allows officers to know that other officers are available for cover or assistance if they choose to initiate a stop or contact.

Citygate also realizes that staffing needs will vary by time of day, day of week, and month of year. Ideally, staffing is highest when service demand is highest, but Citygate believes the Department is correct in maintaining higher minimums on weekend shifts since support units are rarely available as a resource, and the overlap between Team 6 and Team 7 ends at 1:00 am when Team 6 goes off duty. The following figure and table show data related to Patrol utilization.

Table 33—Utilization by Unit Type: Occupied and Available Hours

Adj. Unit Type	Utilization - Total Hours	Utilization - Occupied Hours	Utilization - Available Hours	% Available
05 TAC Units	10	9	1	12.8%
07 Command Staff	492	294	198	40.3%
01 Patrol	671,604	382,441	289,163	43.1%
04 Bike Units	33,181	18,650	14,531	43.8%
09 Other Police Units	238,165	108,777	129,387	54.3%
11 ID Tech	5,201	1,739	3,462	66.6%
06 Traffic Units	5,612	1,615	3,997	71.2%
13 MH Mental Health	16,769	4,729	12,040	71.8%
02 Sergeant	197,321	54,730	142,591	72.3%
03 Lieutenant	78,882	18,107	60,775	77.0%
12 Parking Enforcement	133,100	12,557	120,543	90.6%
14 Reserve	22	2	20	91.5%
99 Retired	1	0	1	99.8%
Total	**1,380,360**	**603,650**	**776,710**	**56.3%**

Figure 8—Utilization: Total Hours by Starting Task



Data as of 05/11/24

The table and figure above show that Patrol officers were available approximately 43 percent of their total hours worked; however, many work-related tasks are not reflected. Such tasks may include report writing, transporting prisoners, attending meetings, etc. Also, and as noted previously, the available time Patrol officers have had was made available, in part, by the addition of officers and Sergeants working overtime virtually every day.

Citygate's analysis found that officers and Sergeants in Patrol worked a combined 37,619 hours of overtime in 2022, and 32,459 hours in 2023. Assuming that officers and Sergeants were not available for work 15 percent of their total work hours in a year on average (2080 hours divided by 15 percent), then each officer/Sergeant worked 1,768 hours each year on average. At a "leave rate" of 15 percent, 32,459 overtime hours would equal approximately 18 full-time equivalent (FTE) employees. Additionally, officers from other units, such as the Bike Unit, were frequently pulled to Patrol to fill vacancies.

The following tables show the average number of public-generated CFS by hour of day and day of week for 2021, 2022, and 2023. The left side of each table shows average distinct incidents (CFS) per hour and day, while the right side of each table shows the average number of committed hours per hour and day of week.

Table 34—Public-Generated CFS – Incidents and Committed Hours (2021)

Avg. Distinct Incidents per Hour and Day

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
0	3.4	3.4	2.9	3.9	3.7	5.5	5.8	**4.1**
1	3.1	3.0	2.7	2.8	3.2	4.8	4.6	**3.5**
2	2.5	2.6	2.2	2.6	3.1	3.9	3.4	**2.9**
3	2.1	2.0	2.2	2.1	2.6	2.4	2.7	**2.3**
4	2.2	2.1	1.8	1.9	2.0	2.4	2.3	**2.1**
5	2.2	2.2	2.5	2.1	2.1	1.7	2.1	**2.1**
6	2.7	3.1	2.7	3.0	2.7	2.6	2.2	**2.7**
7	4.2	4.5	4.1	3.7	3.9	2.9	3.5	**3.8**
8	5.6	6.0	6.6	5.7	5.5	4.2	4.1	**5.4**
9	7.3	7.3	6.8	7.2	6.5	6.2	4.5	**6.5**
10	7.5	7.6	7.6	7.2	7.2	6.8	5.8	**7.1**
11	8.6	7.8	7.8	8.6	8.1	6.9	5.9	**7.7**
12	8.7	7.3	8.0	7.7	8.1	7.2	6.6	**7.6**
13	7.6	8.5	7.6	8.3	8.6	7.1	6.3	**7.7**
14	7.9	7.4	7.5	8.0	7.8	7.4	6.5	**7.5**
15	7.9	8.0	7.3	7.9	8.0	7.6	5.9	**7.5**
16	7.4	8.5	7.7	7.5	8.2	7.4	6.4	**7.6**
17	7.4	6.8	7.3	7.1	7.1	6.4	6.4	**6.9**
18	6.5	6.6	6.7	7.3	7.1	6.7	6.5	**6.8**
19	6.1	5.8	5.6	5.8	6.2	6.3	5.7	**5.9**
20	5.9	5.5	5.6	5.7	6.7	6.1	5.6	**5.9**
21	5.7	5.3	4.4	5.3	5.8	5.3	4.8	**5.2**
22	4.7	4.7	4.2	5.5	7.1	6.6	4.6	**5.4**
23	3.9	4.4	4.0	4.5	6.5	6.7	4.4	**4.9**
Total	**5.6**	**5.5**	**5.4**	**5.6**	**5.8**	**5.6**	**4.9**	**5.5**

Avg. Committed Hours per Hour and Day

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
0	3.8	3.4	2.7	4.2	3.2	4.4	5.8	**3.9**
1	3.1	2.5	3.1	3.0	2.9	4.6	5.8	**3.6**
2	4.9	2.4	2.2	1.7	4.0	10.4	5.2	**4.5**
3	2.4	1.8	2.2	2.2	2.8	2.2	3.0	**2.4**
4	4.7	2.3	2.3	1.5	2.8	3.7	3.3	**3.0**
5	2.1	2.4	2.7	15.5	4.4	1.7	3.6	**4.7**
6	4.1	4.7	2.2	3.5	3.9	4.0	2.7	**3.6**
7	6.3	6.2	4.9	4.9	4.8	7.2	5.1	**5.6**
8	5.9	7.8	7.1	6.1	5.7	8.5	6.0	**6.7**
9	7.2	8.1	7.6	7.7	8.2	6.5	6.1	**7.3**
10	9.7	7.9	8.1	11.0	8.0	8.5	7.0	**8.6**
11	156.2	11.3	11.1	12.4	11.4	9.7	8.7	**31.5**
12	10.6	8.8	10.0	8.5	10.7	9.5	7.9	**9.4**
13	11.8	15.4	9.6	11.2	9.3	7.5	9.5	**10.6**
14	8.4	9.1	10.1	13.2	9.9	9.2	11.2	**10.2**
15	10.3	8.9	9.5	9.2	10.0	9.9	7.2	**9.3**
16	8.1	11.5	12.2	8.3	10.1	8.7	9.0	**9.7**
17	7.6	10.1	9.4	7.6	7.2	8.0	7.2	**8.2**
18	6.4	10.0	10.8	7.5	10.3	7.5	8.2	**8.7**
19	6.5	6.5	9.9	6.5	8.2	7.3	7.3	**7.4**
20	6.9	8.4	5.9	5.3	7.2	12.2	7.7	**7.6**
21	9.0	6.6	5.5	7.2	7.5	5.4	8.2	**7.1**
22	4.6	4.2	5.3	5.2	6.8	5.6	5.6	**5.3**
23	5.4	4.0	4.5	4.2	6.1	5.0	5.4	**5.0**
Total	**13.1**	**7.0**	**6.8**	**7.1**	**7.0**	**7.1**	**6.6**	**7.8**

In the 2021 data, committed time to public-generated CFS begins to increase at 8:00 am (usually when people are awake and discover something is broken or missing) and then remain at an increased volume well into the early evening, until 6:00 pm to 8:00 pm. Friday and Saturday nights

also show increased work demand later in the night beginning at 10:00 pm. The outliers (extremely high numbers) could be due to demonstrations/protests or, possibly, officers not logging off an incident.

The following table reflects data from 2022.

Table 35—Public-Generated CFS – Incidents and Committed Hours (2022)

Avg. Distinct Incidents per Hour and Day

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
0	4.0	3.2	4.0	3.7	3.7	6.0	5.3	**4.3**
1	2.8	2.7	3.1	3.1	3.2	4.3	3.9	**3.3**
2	2.6	2.2	3.1	2.9	3.3	3.9	3.4	**3.1**
3	2.1	2.2	2.6	2.1	2.7	2.6	2.4	**2.4**
4	2.1	2.2	2.3	2.1	2.0	2.5	2.6	**2.3**
5	1.8	1.7	2.2	2.6	2.4	2.5	2.1	**2.2**
6	2.6	3.0	3.0	3.1	3.0	2.9	2.2	**2.8**
7	4.1	3.8	4.1	4.6	4.3	3.4	3.1	**3.9**
8	6.5	7.2	6.5	5.7	6.3	4.8	3.9	**5.8**
9	7.6	7.4	6.9	7.1	7.1	5.8	5.0	**6.7**
10	7.5	7.5	6.7	7.4	8.0	5.9	5.9	**7.0**
11	7.2	7.5	7.3	7.8	7.8	6.3	5.5	**7.0**
12	7.7	7.9	7.9	6.9	7.8	7.6	6.5	**7.5**
13	8.6	8.0	8.3	8.7	7.9	7.0	6.6	**7.9**
14	7.8	7.5	7.5	7.8	8.1	6.4	6.1	**7.3**
15	7.8	8.1	7.6	7.8	6.9	6.7	7.0	**7.4**
16	8.0	7.4	7.8	7.2	8.3	7.0	6.3	**7.4**
17	7.5	6.8	7.1	7.7	7.1	6.5	6.6	**7.0**
18	6.4	5.9	6.6	6.8	7.2	6.8	6.8	**6.6**
19	5.9	6.2	6.1	6.3	6.4	6.5	6.2	**6.2**
20	5.7	5.4	5.8	6.2	6.5	5.7	5.8	**5.9**
21	5.6	5.4	6.2	5.3	6.1	6.7	5.4	**5.8**
22	5.2	5.6	5.0	5.8	6.8	7.3	5.5	**5.9**
23	4.2	4.7	4.1	5.1	6.8	6.5	4.4	**5.1**
Total	**5.6**	**5.5**	**5.6**	**5.7**	**5.9**	**5.5**	**5.0**	**5.5**

Avg. Committed Hours per Hour and Day

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
0	5.6	3.5	5.5	3.3	3.4	6.7	7.4	**5.1**
1	3.5	2.2	3.0	3.8	3.1	6.7	5.0	**3.9**
2	2.3	1.7	3.0	3.2	3.1	5.7	4.6	**3.4**
3	2.9	2.0	3.3	2.0	3.9	3.0	2.6	**2.8**
4	3.1	3.1	2.1	7.4	2.2	3.9	7.2	**4.1**
5	1.8	3.8	2.1	3.2	3.7	5.1	3.3	**3.3**
6	3.5	6.2	3.2	3.6	4.6	4.0	3.1	**4.0**
7	4.9	7.2	4.9	6.2	3.6	7.9	14.3	**6.9**
8	7.3	9.1	6.8	8.7	7.4	13.6	4.6	**8.2**
9	9.3	9.5	9.8	7.9	9.8	7.4	6.5	**8.6**
10	7.5	9.4	8.2	9.9	8.9	7.4	6.3	**8.2**
11	11.1	8.6	9.5	10.0	9.7	8.8	7.9	**9.4**
12	12.1	11.5	9.5	13.0	8.9	9.0	9.0	**10.4**
13	10.9	9.3	11.7	10.6	9.8	10.3	8.9	**10.2**
14	12.6	8.5	8.9	7.9	12.6	10.3	7.4	**9.7**
15	11.7	10.8	10.5	8.7	8.6	7.2	7.8	**9.3**
16	12.6	10.6	11.2	11.5	9.7	8.2	7.5	**10.2**
17	11.3	8.9	9.8	13.0	8.3	10.6	8.9	**10.1**
18	10.2	7.2	9.2	10.2	8.3	7.0	7.9	**8.6**
19	8.3	7.9	7.5	8.5	8.2	7.1	7.6	**7.9**
20	7.0	7.7	6.7	7.9	8.0	6.6	8.8	**7.5**
21	7.2	7.4	9.8	6.9	7.2	8.3	6.7	**7.6**
22	6.3	5.5	6.5	6.3	6.5	7.1	6.3	**6.3**
23	3.8	3.3	4.2	5.8	5.6	6.5	6.0	**5.0**
Total	**7.5**	**7.0**	**7.1**	**7.6**	**7.0**	**7.5**	**7.0**	**7.2**

The table shows patterns that are similar to those from 2021. The following table reflects data from 2023.

Table 36—Public-Generated CFS – Incidents and Committed Hours (2023)

Avg. Distinct Incidents per Hour and Day

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
0	4.4	3.5	3.9	3.9	4.2	6.0	5.6	**4.5**
1	3.0	3.4	3.2	2.6	3.3	4.4	4.3	**3.5**
2	2.4	2.7	3.2	2.8	2.7	3.2	3.7	**3.0**
3	2.3	2.3	2.0	2.4	2.3	2.9	2.5	**2.4**
4	2.1	2.2	2.4	2.5	2.4	3.1	2.4	**2.5**
5	2.2	2.6	2.3	2.6	2.7	2.4	2.4	**2.5**
6	3.1	3.1	3.2	3.6	2.9	2.7	2.8	**3.1**
7	4.7	4.9	5.3	4.2	4.9	3.8	2.9	**4.4**
8	6.3	7.3	6.7	6.8	6.9	5.1	3.9	**6.1**
9	8.1	7.5	7.0	7.5	8.3	6.8	5.1	**7.2**
10	7.3	7.5	7.3	7.5	7.7	7.7	5.7	**7.2**
11	8.2	7.9	8.5	8.0	8.6	7.4	6.4	**7.8**
12	8.7	7.8	8.8	8.6	8.3	8.1	8.0	**8.3**
13	8.2	8.4	7.8	8.1	8.5	8.1	6.3	**7.9**
14	7.8	7.9	7.3	7.7	8.7	7.3	7.4	**7.7**
15	8.6	7.9	8.6	8.2	8.8	7.3	7.3	**8.1**
16	8.3	9.0	8.3	8.6	9.1	6.9	6.3	**8.1**
17	7.9	7.6	7.3	8.4	8.2	7.1	6.4	**7.6**
18	6.4	7.1	7.8	7.1	7.2	6.8	7.1	**7.1**
19	6.4	6.2	6.2	6.6	6.9	7.0	6.8	**6.6**
20	6.3	7.1	6.4	6.2	6.9	7.4	6.4	**6.7**
21	6.3	5.7	6.3	6.5	6.7	7.4	6.6	**6.5**
22	5.6	5.3	4.7	6.1	7.0	7.5	5.9	**6.0**
23	4.6	4.8	5.5	5.2	6.8	6.9	4.7	**5.5**
Total	**5.9**	**5.9**	**5.9**	**6.0**	**6.4**	**6.0**	**5.4**	**5.9**

Avg. Committed Hours per Hour and Day

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
0	5.2	2.6	6.9	4.1	4.3	6.4	6.3	**5.1**
1	7.4	2.5	3.8	3.3	3.0	5.1	5.4	**4.4**
2	2.9	3.1	4.1	3.5	4.0	4.2	5.7	**3.9**
3	4.7	4.2	2.1	3.9	3.3	5.5	3.7	**4.0**
4	4.1	4.3	4.6	2.2	2.6	4.5	4.2	**3.8**
5	4.1	3.4	3.6	2.9	2.9	3.8	8.5	**4.2**
6	4.7	3.0	4.9	3.8	3.9	2.7	4.9	**4.0**
7	7.6	8.5	7.3	7.1	5.3	2.6	8.7	**6.8**
8	6.5	9.8	8.4	6.3	8.2	5.1	6.1	**7.2**
9	8.2	8.4	8.8	9.8	11.9	8.5	6.6	**8.9**
10	9.7	10.9	8.1	10.0	9.0	8.8	6.4	**9.0**
11	13.1	12.2	11.8	7.8	10.2	8.4	7.3	**10.1**
12	11.8	10.4	12.3	9.6	10.0	8.5	8.5	**10.2**
13	10.6	13.1	8.7	10.1	9.5	8.6	6.8	**9.6**
14	10.2	10.7	9.9	10.1	7.9	7.2	12.9	**9.8**
15	10.3	15.0	10.9	10.7	9.4	10.2	9.3	**10.8**
16	13.2	10.7	10.3	10.6	9.6	6.3	8.2	**9.9**
17	8.4	10.9	11.2	11.1	9.5	7.9	8.6	**9.7**
18	8.4	8.2	8.9	7.4	7.6	9.9	12.5	**9.0**
19	8.0	7.2	6.6	7.3	8.8	6.9	9.7	**7.8**
20	7.8	10.7	8.9	6.3	8.2	7.7	9.2	**8.4**
21	9.3	8.3	6.4	8.2	10.1	9.4	12.4	**9.2**
22	6.8	5.5	6.4	7.4	8.6	10.5	9.2	**7.8**
23	4.6	5.2	7.1	6.0	7.3	7.1	6.4	**6.2**
Total	**7.9**	**8.0**	**7.7**	**7.2**	**7.4**	**7.0**	**7.9**	**7.6**

The table shows data patterns similar to those from both 2021 and 2022.

4.6 PATROL ON-SCENE TIME

In Citygate's assessment of Patrol officer on-scene time, we reviewed average on-scene time for 204,350 distinct on-scene incidents (public-generated calls for service). We also assessed average on-scene time for 51,225 distinct police-initiated incidents.

4.6.1 Calls for Service

Public-Generated

Citygate learned that officers were on-scene at public-generated incidents:

- 70 minutes or less, 90 percent of the time.
- 24 minutes or less, 70 percent of the time.

- 11 minutes or less, 51 percent of the time.

Officer-Initiated

Citygate learned that officers were on-scene at officer-initiated incidents:

- 56 minutes or less, 90 percent of the time.
- 20 minutes or less, 70 percent of the time.
- 11 minutes or less, 51 percent of the time.

In summary, officers generally spent more time on the scene of public-generated CFS, which represent approximately 77 percent of the CFS to which they responded.

In a separate analysis of on-scene time, the Department found that officers are spending more on-scene time for each call, "reflecting both the increasingly complex and demanding nature of calls."[9]

The following table shows the most frequent call types by year. The table includes CFS data from 2021 through August 2023. Thus, the 2023 numbers within the parentheses are *projected* totals for 2023—assuming the same volume of CFS experienced from January through August.

Table 37—Most Frequent Call Responses by Call Type and Year

Call Type	2021	2022	2023
Alarms Security	12,881	13,534	9,681 (14,521)
Complaints / Code Violations	10,602	10,434	7,615 (11,422)
Vehicle Incidents	6,038	6,202	4,892 (7,338)
Public Assistance	3,732	3,840	3,113 (4,669)
Property Incidents	3,454	4,179	3,072 (4,608)
Welfare	2,978	2,912	2,123 (3,184)
High Risk	2,555	2,628	1,998 (2,997)

Most of the most frequent call types (which include both public-generated CFS and officer-initiated activity) have seen increases each year since 2021, except for minor drops in Complaints / Code Violations and Welfare in 2022. The projected 2023 numbers represent a 7 percent increase in Alarms/Security calls over 2022, and an almost 13 percent increase over the number of calls/responses in 2021. Further, the projected percentage increases over 2022 would be 9 percent relative to Complaints / Code violations; 18 percent relative to Vehicle Incidents; 21 percent

[9] Berkeley Police Department, 2023 Annual Report, page 14.

relative to Public Assistance calls; 9 percent relative to Welfare calls, and 14 percent relative to High-Risk calls.

> Citygate reviewed data related to **245,680 public-generated** CFS and **52,408 officer-initiated** incidents assigned to Patrol.
>
> All data was captured from the period of January 2020 through August 2023.

Within the period of data analyzed by Citygate, Patrol responded to 55,327 public-generated CFS in the Alarms/Security category. The following table provides details related to this category of CFS.

Table 38—Alarms/Security: 55,327 Total Incidents

Call Type	Number of Incidents
Audible Alarm	21,416
Wireless 9-1-1	13,852
Suspicious circumstances	10,610
Suspicious person	7,717
Silent Alarm	1,193
Unknown problem	312
Security check	178
Bank Alarm	36
Surveillance	12

Citygate believes that the great majority of calls falling into the category of Alarms/Security should continue to be assigned to officers. There are simply far too many unknown safety factors first responders must consider, and might face, at the scene of such calls. For example, suspects might be on-scene or nearby; or investigative leads could be present at the scene, so the timely identification of these leads could point to a suspect or a suspect vehicle.

The Department should consider alternative responses for several of the other, less frequent call types depending on what dispatchers determine during their screening of calls.

Within the period of data analyzed by Citygate, Patrol responded to 64,754 public-generated CFS in the Complaints / Code Violations category. The following table provides details related to this category of CFS.

Table 39—Complaints/Code Violations: 64,754 Total Incidents

Call Type	Number of Incidents
Disturbance	33,003
Noise Disturbance	12,845
Trespassing	9,374
Family Disturbance	3,574
Loud Report	1,314
Civil Standby	870
Harassing phone calls	782
Indecent exposure	712
Intoxicated person	450
Lodging in public	406
Barking dogs	366
Illegal dumping	278
Gambling	45
Business and Professions Code Violations	42
Prostitution	11
Animal matter	3

As the table shows, the bulk of Complaints / Code Violations calls (58,796 of 64,754) involved disturbances or trespassing. In Citygate's experience, such calls should continue to be assigned to officers, because disturbances can (and do) quickly escalate to violence. Alternative (non-police) responses should be considered for those calls that lack the potential for violence and/or do not indicate that a suspect is nearby or on-scene—e.g., lodging in public, barking dogs, and illegal dumping.

Within the period of data analyzed by Citygate, Patrol responded to 30,354 CFS in the Vehicle Incidents category. The following table provides details related to this category of CFS.

Table 40—Vehicle Incidents: 30,354 Total Incidents

Call Type	Number of Incidents
Auto Burglary	9,506
Abandoned Vehicle	6,126
Stolen Vehicle	5,350
Traffic Hazard	3,359
Suspicious Vehicle	3,350
Reckless Vehicle	2,898
Vehicle Damage	2,703
Vehicle Code Violation	1,010
Transportation	468
Exhibition of Speed	315
Throwing Substance at a Vehicle	185
Embezzled Vehicle	105
VIN Verification	86
Carjacking	71
"Lojack" Incident *	28
Suspicious Vehicle (Code 11-96)	21
Traffic Stop	18
Vehicle Recovery	6

* Lojack refers to a brand of theft recovery system that uses GPS, radio frequency and wireless technology to track and locate stolen vehicles. It is a battery-operated system that is hidden in a vehicle by a certified technician and helps law enforcement track and recover a stolen vehicle.

In Citygate's review of Vehicle Incidents CFS, we discovered many calls that could be assigned to a police alternative such as a Community Service Officer (CSO). For example, depending on what dispatchers learn during the screening of a call, most auto burglaries, abandoned vehicles, traffic hazards, VIN verifications, and vehicle recoveries could be diverted from officers and assigned to Parking Enforcement officers or CSOs.

Within the period of data analyzed by Citygate, Patrol responded to 22,969 CFS in the Property Incidents category. The following table provides details related to this category of CFS.

Table 41—Property Incidents: 22,969 Total Incidents

Call Type	Number of Incidents
Theft	9,940
Burglary	3,608
Found Property	2,589
Grand Theft	2,494
Vandalism	1,843
Recovered Stolen Vehicle	1,074
Identity Theft	676
Property Damage	226
Forgery	155
Theft In-custody	155
Defrauding an Innkeeper	102
Possessing Stolen Property	57
Lost Property	46
Prescription Fraud	4

In Citygate's review of Property Incidents, we also believe many could be handled by civilian first responders or diverted to online reporting. In Citygate's experience, calls or reports of theft, burglary, found property, grand theft, and vandalism are frequently handled by CSOs at other agencies. If a call indicates a suspect might be known, on the scene, or nearby, then a police officer should be assigned instead.

Within the period of data analyzed by Citygate, Patrol responded to 16,370 CFS in the Public Assistance category. The following table provides details related to this category of CFS.

Table 42—Public Assistance: 16,370 Total Incidents

Call Type	Number of Incidents
Advice	8,266
Aid to Citizen	6,401
Call for Help	890
Information	752
Flag Down	55
City Manager Request	6

In Citygate's review of calls categorized as "Public Assistance," we found that non-sworn personnel can likely handle many such incidents. For example, depending on the advice sought or the aid needed, it does appear that a CSO could first respond to such calls and then assess the need for police officers.

Within the period of data analyzed by Citygate, Patrol responded to 12,177 CFS in the High Risk / Individual Safety category. The following table provides details related to this category of CFS.

Table 43—High Risk – Individual Safety: 12,177 Total Incidents

Call Type	Number of Incidents
Battery	5,831
Robbery	1,469
Suicide	1,443
Person Down	1,214
DUI	373
Assist (Code 1)	369
Sexual Assault	274
Domestic Violence (misdemeanor and felony)	510
Missing Person (at-risk)	219
Serious Battery	130
Prowler	82
Hate Crime	62
Child Neglect	58
Sexual Molestation	18
Sexual Assault	13
Residential Robbery	11
Kidnapping	11
Child Molestation	6

Within the period of data analyzed by Citygate, Patrol also responded to 2,171 CFS in the High Risk / Public Safety category. The following table provides details related to this category of CFS.

Table 44—High Risk – Public Safety: 2,171 Total Incidents

Call Type	Number of Incidents
Brandishing a Weapon	1,111
Assault with a Deadly Weapon	407
Person with a Gun	304
Arson	210
Shooting	59
Shooting	53
Demonstration	10
Explosion	6
Bomb Threat	4
Structure Fire	3
Bart Tunnel Incident	3
Bomb Technician Incident	1

Given the obvious public and officer safety concerns surrounding most "High-Risk" incidents, officers should be the assigned as first responders to this category of incident. Even if suspects are not on-scene when these calls are made to dispatchers, officers are likely to pursue them after meeting with victims and witnesses, or as new information is provided to and conveyed by dispatchers. Also, the need to both identify and preserve evidence (including victim and witness statements) should dictate the response of trained officers.

Within the period of data analyzed by Citygate, Patrol responded to 17,621 CFS in the Welfare category. The following table provides details related to this category of CFS.

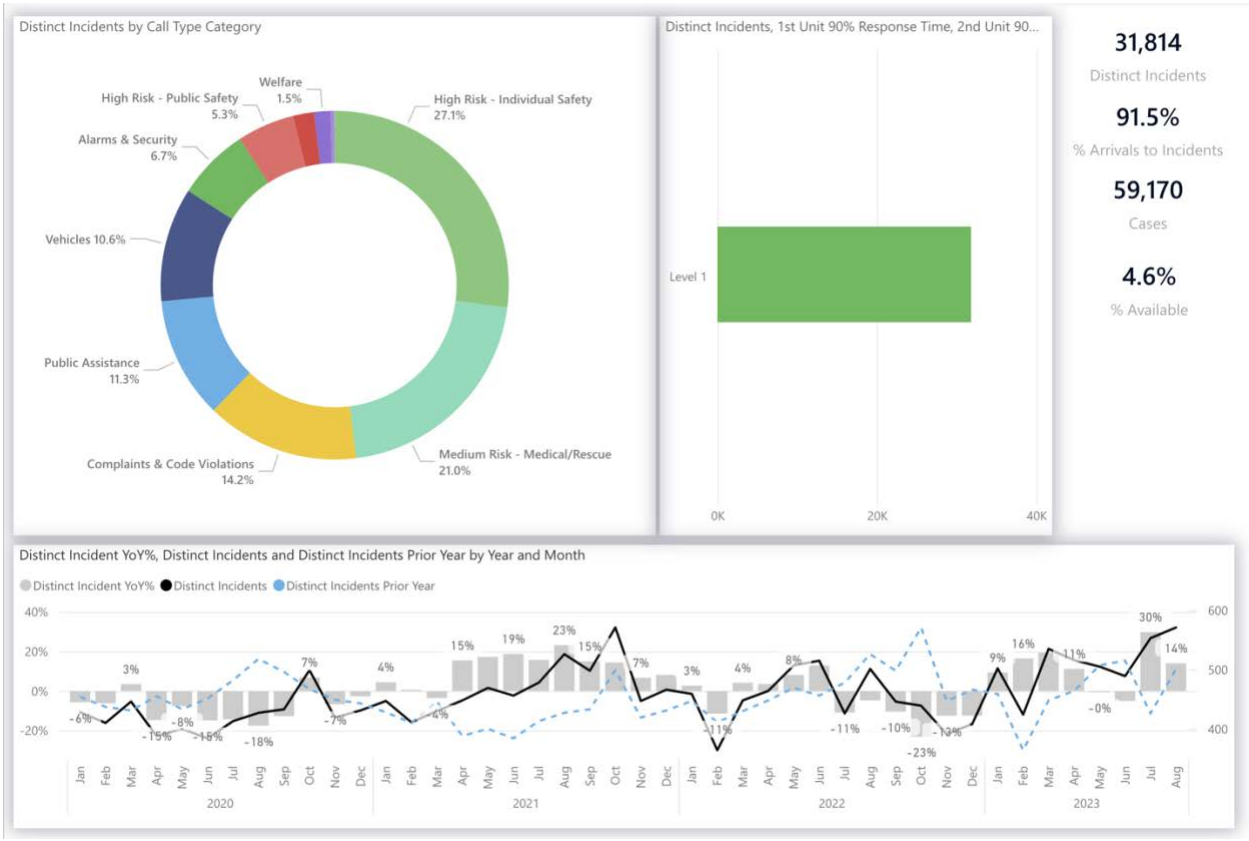
Table 45—Welfare: 17,621 Total Incidents

Call Type	Number of Incidents
Welfare Check	15,500
Missing Person	1,144
Restraining Order Violation	647
Incorrigible Juvenile	124
Cruelty to Animals	106
Missing Juvenile	100

Officers are likely to be assigned to most such welfare calls, but their response will depend on what dispatchers learn from callers. "Welfare checks" and calls of missing persons may involve serious or violent crimes. While some of these CFS may initially be taken by non-sworn personnel, sworn officers will still likely be needed if any suspects are identified or a serious crime has occurred.

The following figure shows the Department's response to public-generated Priority 1 (highest-priority) CFS.

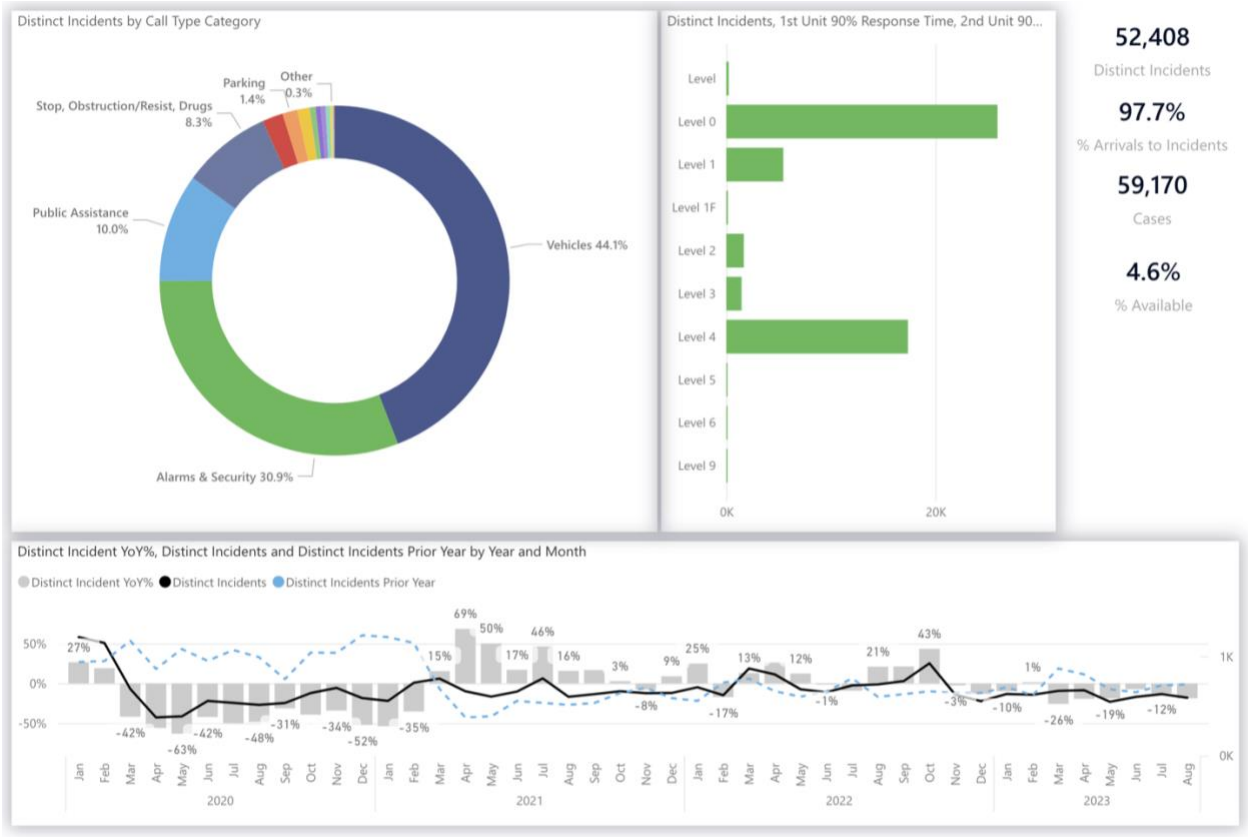
Figure 9—Patrol: Public-Generated Priority 1 Calls for Service (2020–2023)



There were 31,814 Priority 1 CFS between January 2020 and August 2023. 55 percent of these calls fell into the categories of high or medium risk, which would likely necessitate the response of at least two police officers. A spike in such calls began in July of 2023 and continued into August. After an expected decline in the police response to Priority 1 calls in 2020 given the outbreak of COVID-19, police response to such CFS began to rise in 2021—peaking in October of that year. There was also a significant decrease in response to such CFS in February 2022. 2023 saw an increase over 2022, peaking in August of that year.

The following figure shows the Department's response to 52,408 officer-initiated incidents between January 2020 and August 2023.

Figure 10—Patrol: Officer-Initiated Calls for Service (2020–2023)



A plurality of these incidents were vehicle incidents (likely car stops), followed by alarms and security checks. There was a significant decline in officer-initiated activity in 2020 and, in the years since, the reduced level of activity has continued through 2023—a pattern Citygate has observed with other recent clients. There was also a decline in officer-initiated activity in 2023, which corresponds with a simultaneous increase in several Part 1 crime categories over the same period.

Of the **52,408** incidents:

- 44 percent were vehicle incidents
- 31 percent were alarms/security
- 10 percent were public assistance
- 8 percent were stops/obstruction/resisting/drug-related
- 1.4 percent were parking related.

Citygate's analysis of officer-initiated activity yielded the following:

- Since 2019, officer-initiated activity has decreased by 30 percent.
- There was an average of 740 officer-initiated incidents per month in 2022.
- There was a 15 percent reduction in officer-initiated incidents in 2023 to 627 per month.
- There was also a 15 percent increase in Part 1 crime in 2023.

The Department's 2023 Annual Report shows the following data for officer-initiated calls from 2019 through 2023:

- 2019: 20.4K calls
- 2020: 14.6K calls
- 2021: 15.2K calls
- 2022: 15.3K calls
- 2023: 14.1K calls[10]

4.7 Additional Operational Demands on Patrol

Citygate found that there are many additional, service-related needs and operational demands that are increasingly consuming more Patrol officer and Patrol Sergeant time, leaving them less time for proactive work—including preventative patrols, traffic enforcement, field supervision, and community engagement.

Some of these service-related needs and operational demands include:

4.7.1 Booking/Jail Delays

Since the COVID-19 outbreak, far more arrestees are not being admitted into the City Jail, since many now require a "fit for incarceration" clearance from a local hospital. When such arrestees are rejected at the City Jail, they are then transported (after medical clearance) to the Alameda County Santa Rita Jail in Dublin for booking. Bookings at the Santa Rita Jail have grown increasingly more time consuming to the extent that a simple arrest may now take hours for booking. This process also takes at least two officers out of service for each arrestee.

[10] Berkeley Police Department, 2023 Annual Report, page 18.

4.7.2 Ancillary Duties/Training

Citygate learned that a lot of on-duty time is spent on police duties beyond an officer's or Sergeant's core duties. Some of these ancillary assignments include active shooter training, SWAT training, firearms training and qualifications, peer support meetings, etc.

4.7.3 Video Retrieval

Retrieving, reviewing, and downloading video—including officer body-worn camera video and video captured by privately owned cameras—consumes a lot of time.

The Alameda County District Attorney's Office informed Citygate that retrieving video from privately owned cameras is expected and often necessary to prosecute crime. If officers cannot retrieve such video initially, the District Attorney's office expects that Department staff will make and document all follow-up attempts. Patrol officers attempt to recover video where practical, which involves locating cameras and their owners and collecting or requesting that owners produce necessary video files/clips. Officers then view footage before sharing it with investigators.

Officers also spend significant time reviewing their own body-worn camera video prior to completing police reports. Finally, detectives must often then make similar follow-up efforts related to whatever video Patrol officers are unable to locate and retrieve.

Officers also frequently discover victims who own electronic devices equipped with their own tracking devices. Many people now plant small trackers in or on their bags, vehicles, and even pets, which allow for tracking a stolen or missing item's whereabouts in real time. These devices may also require significant time to track and locate.

4.7.4 Use of Force Reporting

In February 2021, the Department transitioned to a new Use of Force policy. The new policy expands use-of-force reporting requirements and sets forth **four supervisory use of force reporting levels**—from Level 1 (control holds, the use of leverage or body weight with no injury or complaint of pain, grabbing, and takedowns), to Level 4 (deadly force, or any force likely to cause death or serious bodily injury).

> Citygate has learned that supervisors expend significant time responding to, evaluating, and reporting the police use of force.
>
> The Department's policy (General Order 300) is comprehensive, outlining when force should be used and how it is to be reported. The policy makes clear that **all uses of force shall be documented promptly, completely, and accurately**.

Berkeley Police Department – Use of Force Reporting Levels

LEVEL 1 **The officer used any of the following, and the circumstances of the application would lead an objectively reasonable officer to conclude that the subject did not experience more than temporary discomfort:**	▪ Control holds/pain compliance techniques ▪ Leverage ▪ Grab ▪ Bodyweight ▪ The officer lowered the subject to a seated position or to the ground while partially or completely supporting the person's bodyweight. ▪ Takedown

If the incident fits the parameters for a Level 1 incident, the supervisor will enter all applicable data into the BlueTeam[11] template with a brief summary.

LEVEL 2 **No suspect injury or complaint of pain due to interaction with officer. The officer's use of force was limited to the following:**	▪ Firearm drawn from the holster or otherwise deployed during an interaction with an individual and/or pointed at an individual. ▪ Control hold, pressure point, leverage, grab, takedown and/or bodyweight, and the application would lead a reasonably objective officer to conclude that the individual may have experienced more than momentary discomfort.

An uninvolved supervisor, when feasible, will respond to the scene and conduct a use of force investigation, ensuring all statements are taken from the suspect and witnesses, and that photos are taken of all involved parties. If the incident fits the parameters for a Level 2 incident, the supervisor will enter all applicable data into the BlueTeam template with a brief summary.

LEVEL 3 **Suspect has sustained an injury or complains of injury or continuing pain due to interaction with the officer. The incident would have otherwise been classified as a Level 2 except an officer's body-worn camera was not activated in a timely manner, prior to the enforcement contact, per policy. Officers used any of the following force options:**	▪ Chemical agents / munitions ▪ Impact weapon strikes ▪ Personal body weapons

[11] BlueTeam is a web-enabled frontline software that enables paperless use-of-force reporting and review within IAPro, which is a set of specialized online applications designed to support Professional Standards and front-line uniform and supervisory personnel. It is now used by over 950 public safety agencies.

An uninvolved supervisor, when practical, will respond to the scene and conduct a use of force investigation, ensuring that statements are taken from the suspect and witnesses. If the incident fits the parameters for a Level 3 incident, the supervisor will enter all applicable data into the Blue Team template.

The supervisor will also complete a use of force investigation report narrative in BlueTeam for review through the Use of Force Review process. Suspect and witness statements from the crime report will be attached to the use of force investigation.

LEVEL 4 **Any incident involving deadly force or any force likely to cause death or serious bodily injury will be investigated under separate protocols outlined in another policy (Policy P-12). Supervisors are also required to respond to any reported use of force, if reasonably available. They are then expected to perform the following tasks:**	▪ Obtain the basic facts from the involved officers. ▪ Ensure that any injured parties are examined and treated. ▪ Ensure that photographs have been taken of any areas involving visible injury or complaint of pain. ▪ Identify witnesses not already included in related reports. ▪ Review body camera footage related to the incident.

While Use of Force Level 3 and Level 4 require a more comprehensive investigation, a Use of Force classified as Level 1 or Level 2 also requires supervisors to enter all applicable data into a BlueTeam template with a brief summary. When a Level 2 Use of Force is used, an uninvolved supervisor is also required to respond to the scene. When a Level 1 Use of Force is used, sergeants are to be notified; they then speak to involved officers and review any relevant body-worn camera footage, but generally do not respond to the scene.

Even a Level 1 Use of Force—the least amount of potential force used—can consume hours of a supervisor's time, leaving supervisors unavailable to lead and supervise their respective teams.

The Police Transparency Hub shows that officers used force in 187 incidents in 2024 (as of August 11). In these incidents, 484 officers and 204 subjects of police contact were involved, and use of force categories were recorded as shown in the following table.

Table 46—Categories of Force by Use (2024)

Level of Force	Total Uses
Level 1	441
Level 2	184
Level 3	34
Level 4	0

Relevant state law sets forth guidelines for when and how officers should use force, representing a significant step toward more accountable law enforcement practices regarding the use of force. Specifically, Penal Code Section 835a (3) notes that the decision by a peace officer to use force shall be evaluated carefully and thoroughly in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers. Government Code Section 7286 outlines 23 provisions that each California law enforcement is required to have in their use of force policies.

The City of Berkeley appears to exceed the standards set forth in state law.

Use of Force Reporting – Other Local Agencies

To further evaluate the City's use of force reporting practices, Citygate reviewed the policies of several other local agencies.

San Francisco Police Department

The San Francisco Police Department (SFPD) Use of Force Policy is found in SFPD General Order 5.01 (dated February 2021). The policy, like Berkeley's, rightly emphasizes safeguarding human life, the importance of establishing communication, de-escalation, proportionality, crisis intervention, fair and unbiased policing, and the duty to intervene when an officer knows or has reason to know that another officer is about to use or is using unnecessary force.

However, San Francisco residents recently passed Measure E in March 2024. The measure limits the amount of time a patrol officer may spend on administrative tasks to 20 percent of on-duty time and requires written reports for use of force events only when a physical injury occurred or if a firearm was removed from an officer's holster, allowing body camera footage to satisfy reporting requirements.

Fremont Police Department

The Fremont Police Department's Use of Force Policy (found in Fremont Police Department General Order 300) notes that the following uses of force shall be made known to supervisors as soon as practicable following the application or alleged application of force in any of the following circumstances.

- The application caused a visible injury.
- The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- The individual subjected to the force complained of injury or continuing pain.
- An individual alleges unreasonable force was used or that any of the above has occurred.

- Any application of a restraint device other than handcuffs, shackles, or belly chains (i.e. WRAP).
- The individual subjected to the force was rendered unconscious.
- Any application or attempted application of a TASER device, impact weapon, or control device.
- Any application of a pain compliance technique used to overcome resistance.
- When a K9 is deployed and bites or otherwise causes injury to a suspect.
- An individual was struck, kicked, or taken to the ground.
- Any lawful intervention with a vehicle to include a Pursuit Intervention Technique (PIT).
- Any use of the Vehicle Containment Technique (VCT) when vehicle contact occurs.
- Any deployment of a noise flash diversionary device (NFDD).
- Any deployment of chemical agents (CS Gas).
- Any other required notification outlined in another FPD policy.

The Fremont Police Department requires supervisors to respond to any reported use of force, if reasonably available, and to conduct an administrative review of the use of force in accordance with established departmental guidelines and state law (Government Code 7286(b)).

Richmond Police Department

The Richmond Police Department's Use of Force Policy (found in Richmond Police Department General Order 300) notes that incidents require reporting when the suspect had more than momentary discomfort, has a visible injury, complains of injury or continued pain, was struck with personal body weapons or impact weapons, was rendered unconscious, or the incident include application of a conducted electrical weapon (CEW) or wrap restraint. Richmond's policy further adds that any use of force by an officer shall be reported immediately to a supervisor, including but not limited to the following circumstances (Penal Code Section 832.13).

- The application caused a visible injury.
- The application would lead a reasonable officer to conclude that the individual may have experienced more than temporary discomfort.
- The individual subjected to the force complained of injury or continuing pain.
- The individual indicates an intent to pursue litigation.

- Any application of a conducted energy device or control device.
- Any application of a restraint device other than handcuffs, shackles, or belly chains.
- The individual subjected to the force was rendered unconscious.
- An individual was struck or kicked.
- An individual alleges unreasonable force was used or that any of the above has occurred.

Supervisors under Richmond's policy are required to respond to any reported use of force, if reasonably available. The responding supervisor, per Government Code Section 7286(b), is then expected to:

- Obtain the basic facts from the involved officers.
- Ensure that any injured parties are examined and treated.
- When possible, separately obtain a recorded interview with the subject upon whom force was applied.
- Ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
- Identify any witnesses not already included in related reports.
- Review and approve all related reports.
- Determine if there is any indication that the subject may pursue civil litigation.
- Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

Santa Clara Police Department

The Santa Clara Police Department's Use of Force Policy (found in Santa Clara Police Department General Order 300) notes that the following uses of force shall be immediately reported to a supervisor.

- The application caused a visible injury.
- The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- The individual subjected to the force complained of injury or continuing pain.
- The individual indicates intent to pursue litigation.

- Any application of a conducted energy device or control device.
- Any application of a restraint device other than handcuffs, shackles, or belly chains.
- The individual subjected to the force was rendered unconscious.
- An individual was struck or kicked.
- An individual alleges unreasonable force was used or that any of the above has occurred.

Supervisors are required to respond to any reported use of force if reasonably available. Supervisors are then expected to:

- Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- Ensure that any injured parties are examined and treated.
- Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential civil litigation has expired.
- Identify any witnesses not already included in related reports.
- Review and approve all related reports.
- Determine if there is any indication that the subject may pursue civil litigation.
- Evaluate the circumstances surrounding the incident and initiate an administrative investigation of there is a question of policy non-compliance or if any reason further investigation may be appropriate.

San Leandro Police Department

The San Leandro Police Department's Use of Force Policy can be found in the city's General Order 300. By policy, San Leandro officers are required to notify supervisors under the following circumstances.

- The application caused visible injury.
- The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- The individual subjected to the force complained of injury or continuing pain.

- The individual indicates intent to pursue litigation.
- Any less lethal deployment, including a TASER device or OC spray (even if the subject was not hit).
- Any application of a restraint device other than handcuffs, shackles or belly chains.
- The individual subjected to the force was rendered unconscious.
- An individual was struck or kicked by any means, including impact weapons.
- Any maneuver that results in a subject being taken down to the ground (regardless of injury).
- K-9 bites.
- An individual alleges unreasonable force was used or that any of the above has occurred.
- Additional situations that require supervisory notification and documentation in an officer's report.
- Whenever an individual arrested by a member of this Department has received an obviously recent injury, and it has been clearly determined the injury occurred solely as a result of an incident prior to police contact.
- Whenever an individual arrested or detained has received an injury while in police custody which is not the result of the application of force.

Hayward Police Department

Hayward's Use of Force Policy can be found in the city's General Order 300 (June 2023) and describes that officers are to notify supervisors in the following circumstances.

- The application caused visible injury.
- The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- The individual subjected to the force complained of injury or continuing pain.
- The individual indicates intent to pursue litigation.
- Any application of a CED or control device.
- Any application of a restraint device other than handcuffs, shackles, or belly chains.
- The individual subjected to the force was rendered unconscious.

- An individual was struck or kicked.
- An individual alleges unreasonable force was used or that any of the above has occurred.

Under Hayward's policy, supervisors are required to respond to any reported use of force, if reasonably available. The responding supervisor is expected to:

- Obtain the basic facts from the involved officers.
- Ensure that any injured parties are examined and treated.
- When possible, separately obtain a recorded interview with the subject upon whom force was applied.
- Ensure that photographs are taken of any areas involving visible injury or complaint of pain.
- Identify witnesses not already included in related reports.
- Review and approve all related reports.
- Determine if there is any indication that the subject may pursue civil litigation.
- Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

Use of Force Policy Analysis – Reporting Protocols

Berkeley's Use of Force Policy appears to be an outlier when compared to the aforementioned agencies. In particular, Fremont, Hayward, Richmond, San Leandro, and Santa Clara all require notification of a supervisor when a use of force results in visible injury or when the application of force would lead a reasonable officer to believe that the individual **may have experienced more than temporary (or momentary) discomfort.** Berkeley's Level 1 guidelines establish a different threshold, requiring officers to notify supervisors when officers use control holds/pain compliance techniques, leverage, grabbing, bodyweight, takedowns, or the officer lowers a subject to a seated position while partially or completely supporting the person's bodyweight, and an objectively reasonable officer would conclude that the subject **did not experience more than temporary discomfort**.

Berkeley's Level 2 Use of Force **does** require notification of a supervisor if an officer draws a firearm from his/her holster or employs a control hold, pressure point, leverage, grab, takedown and/or bodyweight and the application would lead a reasonably objective officer to conclude that the individual **may have experienced more than temporary discomfort**.

Sergeants today are expected to be actively engaged with the community and leading their officers on the street. Further, it is essential that sergeants closely monitor the police radio to remain aware of what officers in their command are doing, and to respond quickly to certain calls—especially critical incidents where the chances of conflict or public attention are high.[12]

Berkeley's requirement that officers notify supervisors when a Level 1 Use of Force—in which a reasonable officer would conclude that the subject did not experience more than temporary discomfort—differs from that of the cities of Fremont, Hayward, Richmond, San Leandro, and Santa Clara. Data from the Department's Transparency Hub reveals that a Level 1 Use of Force is the most frequently reported use of force, and although such uses of force do not require that a supervisor respond to the scene, they do require extensive supervisor time to speak with involved officers, review any related video, and then document their findings in a BlueTeam template.

Use of Force Finding

Finding #21: Berkeley's Level 1 Use of Force criteria, while well intentioned, unnecessarily diverts supervisor time to review actions that do not require in-depth review. The supervisors' time is better spent *with officers on calls* so that supervisors can train personnel and model interactions in accordance with policy, training, and Departmental values.

Use of Force Recommendation

Recommendation #7: Given the number of reported Level 1 uses of force in Berkeley—in which a subject did not experience more than temporary discomfort—Citygate recommends the City and Department modify their reporting requirements to those more in line with the policies of the cities of Fremont, Hayward, Richmond, San Leandro, and Santa Clara, whose Lexipol-created policies comply with both state and federal law.

Additional Use of Force Considerations

Citygate believes Berkeley officers can and should still document these lower-level uses of force in crime reports. Officers should also continue to capture such contacts with their body-worn cameras. Such documentation would meet the Department's reporting goals while freeing sergeants from having to speak to officers and review video following every such encounter, as the time spent on such reports and video review is time lost overseeing the activities of officers.

Of course, if officers fail to capture such contacts on their body-worn cameras, then response from a sergeant should be mandatory (as it is now for uses of force that fall within the guidelines of

[12] See Promoting Excellence in First-Line Supervision: New Approaches to Selection, Training, and Leadership Development, October 2018, published by the Police Executive Research Forum: https://www.policeforum.org/assets/FirstLineSupervision.pdf

force levels 2, 3, and 4), and nothing should prevent a sergeant, command officer, or another organizational unit from randomly auditing such videos.

4.7.5 Racial and Identity Profiling Act (RIPA) Reporting

The Department transitioned to RIPA stop data collection effective October 1, 2020, which was *well in advance* of the legally required date of January 1, 2022. Data collected by the Department conforms to requirements set forth in Government Code section 12525.5, which was enacted as a result of Assembly Bill 953, the Racial and Identity Profiling Act (RIPA) of 2015. The Department publishes its data online via its RIPA Data Collection Project.

4.7.6 Equipment Ordinance Reporting

Assembly Bill 481, which became effective on January 1, 2022, requires law enforcement agencies to obtain approval of the applicable governing body (mayor and City Council) by adoption of a military equipment use policy prior to taking certain actions related to the funding, acquisition, or use of military equipment. The Department's military equipment includes unmanned, remotely piloted, powered aerial, or ground vehicles; mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers; high-mobility multipurpose wheeled vehicles (HMMWV); tracked armored vehicles that provide ballistic protection to their occupants; and command and control vehicles. The Department deployed specialized gear 64 times in 2023, which is 27 percent fewer times than in 2022.

4.7.7 Miscellaneous Service Call Reporting

Several Sergeants informed Citygate that they must review all dispatched calls to an officer where a report is not written. They estimated that nearly 1.5 hours per shift is spent reviewing such calls.

4.8 THE ICMA "RULE OF 60"

Since 2008, the International City/County Management Association (ICMA) Center for Public Safety Management has conducted police operational and data analyses. The ICMA data analysis, like Citygate's, relies on information captured in a department's incident data report system.

The ICMA has long recommended a now widely used guideline for evaluating police patrol staffing known as the "Rule of 60."

The "Rule of 60" has its shortcomings in that it relies almost exclusively on demand as understood through 9-1-1 calls, and thus ignores other elements of community demands placed on a department. To overcome these shortcomings, the ICMA recommends that workload demands should be modeled and then placed in context with the other operational demands facing a department.

The "Rule of 60" applies to **two critical variables**:

1. Of the **total number of sworn officers** in a department, approximately 60 percent should be assigned to the patrol function.
2. The **average workload** for patrol staff should not exceed 60 percent. The busiest communities in the ICMA analysis did not dedicate more than 60 percent of their patrol resources towards workload (which includes public-initiated CFS, police-initiated CFS, administrative and out-of-service time, as well as directed patrol time).

4.8.1 Resource Allocation

60 Percent of Sworn Officers: The Rule of 60 suggests that approximately 60 percent of a department's total sworn officers should be assigned to the patrol function. This ensures sufficient personnel dedicated to maintaining a visible presence within the community and responding to calls for service.

For the City, 60 percent of 181 authorized sworn officers across the Department would mean that **109 sworn personnel** (per the "Rule of 60") should be assigned to Patrol. Currently, due to vacancies, the City deploys a total of 150 sworn personnel Department-wide rather than the authorized 181. Of those 150, 58 police officers are assigned to Patrol, four officers (area coordinators) are assigned to Community Services, and five more are assigned to Bike Patrol.

Additionally, Patrol staffing includes 14 Sergeants, four Lieutenants, and one Captain. Together, this means a total of 86 sworn personnel (including the four officers assigned as area coordinators and five on the Bike Team) are deployed within the Department's Patrol function, as shown in the following table.

Table 47—Berkeley Sworn Personnel Allocation

181 authorized sworn personnel *Department-wide*	**86 actual** sworn personnel *within Patrol*
- 135 police officers - 32 Sergeants - 9 Lieutenants - 3 Captains - 1 Deputy Chief - 1 Chief of Police	- 67 police officers - 14 Sergeants - 4 Lieutenants - 1 Captain

Of 181 total authorized sworn personnel, 86 sworn personnel represents **48 percent** of the Department's uniformed personnel being dedicated to Patrol—thus falling short of the ICMA resource allocation guideline of at least 60 percent. However, it is necessary to note that the Department frequently supplements Patrol staffing with officers working on an overtime basis, and other officers are often pulled from their regular duties to cover Patrol beats when necessitated by vacancies. For a figure based solely on *actual/available* (rather than authorized) staffing: 86 sworn personnel dedicated to field operations, compared only to the *current* total sworn staff of 150 Department-wide, still sits below the ICMA guideline at 57 percent.

4.8.2 Workload Efficiency

60 Percent of Patrol Time: The Rule of 60 suggests that out of the total patrol officer time, no more than 60 percent should be spent responding to calls for service (reactive workload). This leaves 40 percent for discretionary time, allowing officers to:

- Proactively address community problems and concerns.
- Engage in community policing initiatives.
- Maintain availability for emergencies requiring immediate response.

Citygate determined that Patrol utilization in the City was approximately 57 percent, which meets the 60 percent workload efficiency threshold (guideline) established by the Rule of 60. However, when evaluating utilization, Patrol was only able to achieve such availability because of the more than 35,000 annual (average) hours of overtime that were spent backfilling Patrol vacancies in recent years. Further, the Department has also routinely pulled Bike Team officers from their normal duties to fill Patrol vacancies. As a result, the time utilized or committed that was assessed by Citygate did not always capture the time spent on the other operational demands.

4.8.3 Applying the Rule of 60

Data Analysis: The Rule of 60 is applied by analyzing data related to personnel allocation, call volume, call types, response times, and officer activity logs.

Benchmarking: Comparing the Department's data to the Rule of 60 serves as a benchmark.

Identifying Needs: Deviations from the rule can highlight potential resource imbalances or workload inefficiencies.

Decision-Making: Based on the analysis, informed decisions can be made regarding:

- Adjusting staffing levels to meet community needs.
- Optimizing Patrol deployment for better coverage.
- Improving Patrol practices to increase proactive policing time.

Overall, **the Rule of 60 provides a valuable framework** for police departments to assess and optimize their patrol staffing, aiming for both efficient resource allocation and effective community engagement.

It is important to highlight that the Rule of 60 is **not a rigid standard but a general guideline**. The specific needs and circumstances of each community will necessitate adjustments. Citygate considered these factors as part of the workload analysis, along with crime trends, demographics, and patrol coverage needs.

4.9 Operations Division Findings and Recommendations

4.9.1 Findings

Finding #22: 34,111 overtime hours were worked in Patrol in 2023.

Finding #23: Calls for service and calls per shift per officer have increased.

Finding #24: Incidents within most Part 1 crime categories have increased.

Finding #25: Case reports have steadily risen since 2020.

Finding #26: The Department's allotted span of control in Patrol (Sergeant to officer) is approximately one Sergeant to four or five officers, which appears reasonable, if not better than, recommended best practices. By adding 15 officers, the span of control of the 14 Patrol sergeants, at a ratio of 1:5 or 1:6, would still be reasonable and consistent with best practices.

Finding #27: Sergeants and Patrol officers are now spending more time on various administrative, prisoner transportation, or evidence collection tasks that consume increasingly more time and may also take multiple officers off the street and out of the City (or otherwise out of service) for hours at a time.

Finding #28: An analysis of Patrol officer utilization reveals that officers were available for calls for service 43 percent of their total work time on average. However, such availability was achieved, in part, by adding thousands of overtime hours and the frequent reassignment of Bike Team officers to Patrol to fill vacant positions.

Finding #29: The Department now has the data and analysis capacity to regularly assess staffing levels in Patrol. By monitoring calls for service, response times, time for community engagement, unobligated police time, and other work demands not captured in CAD records, the Department should be able to assess how many officers and other staff (such as CSOs) are needed in Patrol across the three shifts.

The Department can then make staffing adjustments which can then be reflected in future "timesheets."

Finding #30: The Community Services Bureau provides many necessary and valuable roles. The problem-solving efforts of the four community liaisons undoubtedly reduce call and work demands on Patrol.

Finding #31: The Community Services Bureau's Transparency Hub is an impressive source of a wide variety of police information that includes data on crime, use of force, and traffic safety. It is a model for other police agencies and also reinforces the Department's commitment to building community trust, confidence, and support.

Finding #32: The Bike Team enjoys strong support. Like the Community Services Bureau, their work also likely reduces call and other work demands on Patrol.

Finding #33: Given reduced staffing levels and the additional time officers are not available on the street, officer-initiated activity has declined, average response time to Priority 2 and Priority 3 calls has increased since 2020, and average officer time on-scene has increased.

4.9.2 Recommendations

Recommendation #8: Restore Patrol staffing by adding 15 additional officers—four officers each to teams 1, 2, and 3; and three officers to Team 7—bringing the total from the current 58 to 73. It is Citygate's understanding that these additional positions are funded but not currently filled. The added staffing would reduce the need for Patrol overtime, which would reduce the likelihood of fatigue and burnout while affording officers the ability to take time off without the need to "sell" shifts. *[Note: "Selling" a shift occurs when Patrol minimum staffing is reached, and Patrol officers want time off. They are generally allowed such time off only if they can find another officer to fill in for them on an overtime basis.]*

Recommendation #9: Add five CSOs (Citygate understands these positions have already been funded) to support Patrol officers on weekday morning and evening shifts. Given existing call demands and committed time, Citygate believes the Department should strategically deploy five Patrol CSOs to match those times of day and days of week where Patrol time is most obligated currently (Day Shift and Swing Shift), which would help to reduce the committed time of Patrol officers, affording them more time for community engagement and to be proactive while

also ensuring greater availability to respond to emergencies and cover assignments.

Recommendation #10: CSOs should be trained to take many non-emergency calls and write related reports, recover stolen vehicles and found property, tow abandoned vehicles, retrieve and download video evidence, transport witnesses and victims, etc.

Recommendation #11: After staffing is added to Patrol, create a team of five officers led by one Sergeant that can be flexibly deployed to quickly address most any emerging public safety issue, which might include organized retail theft, robberies, carjackings, etc. Such a team might also serve as a field resource for detectives. This team should also be one that can move rapidly across shifts and days of the week to address issues identified in the Department's strategic analysis of crime.

Recommendation #12: The Department should continue to closely evaluate Patrol spans of control; call patterns, including the number, location, and types of calls; response time; unobligated (available) police time; and call-handling (on-scene) time. These factors are essential in assessing Patrol's staffing needs now and in the future. Further, even though call volume may remain stable in future years, call-handling time—and the nature/type of such calls along with other operational work demands—may suggest the need for more staff and/or the redeployment of existing staff to ensure Patrol can meet the service expectations of City residents.

Recommendation #13: When the Community Services Bureau's PIO and Strategic Analysis Team are transferred to the Chief's Office, the Bike Team should be realigned under the Community Services Bureau, where the Community Services Bureau Lieutenant can provide oversight, thus relieving a Patrol Lieutenant from this responsibility.

SECTION 5—INVESTIGATIONS DIVISION REVIEW

5.1 DIVISION OVERVIEW

A Captain leads the Investigations Division. In addition to regular duties, the Captain carries several ancillary duties—which include serving as the Department's Wellness and Resilience Coordinator, a Peer Support Team Liaison, and a Defensive Tactics Instructor. The Captain is also tasked with attending several monthly meetings, including those with the Police Accountability Board and the City Council, and also regularly attends meetings with community members related various public safety issues, including traffic safety and homelessness.

Other Division staffing includes one Lieutenant; five Sergeants; one non-sworn Supervisor who oversees the Crime Scene Unit; and 15 detectives—including two in the Homicide detail, two in the Robbery detail, three in the Special Victims Unit, three (including a School Resource Officer) in the Youth Services detail, and five assigned to the Property Crimes detail (two of these positions are vacant). There are also three civilian Crime Scene Investigators and one Crime Analyst.

The following table displays the number of Investigations personnel by position.

Table 48—Investigations Division and Personnel

Position	Number of Personnel
Captain	**1**
Lieutenant	**1**
Sergeants	**5**
Detectives	**15***
School Resource Officer	**1**
Community Services Officer (Crime Scene Investigators)	**3**
Crime Scene Unit Civilian Supervisor	**1**
Crime Analyst	**1**

* Includes two vacancies

Investigations' cases generally originate from Patrol officers who conduct initial preliminary investigations in the field and then complete and forward their crime reports. Detective assignments to Investigations are generally limited to three years, plus one additional year, based on performance. This time frame is also flexible based on the expertise of individual detectives. In interviews with Investigations staff, Citygate noted that staff enjoy serving as investigators, but some did express concerns.

The Department does not have any full-time investigators specifically assigned to investigate narcotics offenses, nor are any staff assigned to any regional task forces. Citygate learned that full-time narcotics investigators existed at the Department approximately four years ago, but these positions were eliminated. Citygate also learned that other local jurisdictions frequently serve narcotics-related search warrants in Berkeley but must request assistance from Patrol officers since narcotics-trained detectives are not available in the City.

Citygate found that the addition of a full-time, Real-Time Crime Analyst position could support both Patrol and Investigative operations by rapidly operationalizing data to provide immediate, actionable intelligence to officers in the field and detectives working active cases. The Crime Analyst could process and analyze information from automated license plate reader (ALPR) systems, fixed cameras, and other databases—transforming raw data into useful insights during ongoing CFS and investigative operations. By quickly identifying patterns, suspects, and potential risks, the Department's ability to make data-driven decisions in real-time would be enhanced. This position would be crucial in bridging the gap between technology and field operations, improving the speed and efficiency of both Patrol responses and complex investigations.

Citygate also learned that the Division lacks a "soft" interview room to interview victims and witnesses, especially children. Currently, the Department only has standard interview rooms containing a table and chairs for victim, witness, and suspect interviews. Soft interview rooms vary by jurisdiction. Most contain cushioned chairs, sofas, artwork on the walls, and other amenities. For young victims and witnesses, a soft interview room may contain age-appropriate stuffed animals and other items—all to make the victim or witness feel more comfortable when talking to detectives.

Training for new detectives is informal, and Citygate found that there is no standardized training protocol for new detectives. Depending on the investigative unit, some detectives are sent to different California Commission on Peace Officer Standards and Training (CA POST) courses, or to courses at the Robert Presley Institute of Criminal Investigations (ICI). Citygate determined there is no policy or direction for which POST/ICI courses detectives should take:

- Some Investigations staff are sent to courses on how to investigate officer-involved shootings.
- Some have taken the basic POST/ICI course.
- Some have only attended a POST/ICI course in their respective specialty area.

By not sending newly assigned detectives to accredited training, a deficit of knowledge is created. As with any training program—from basic training academy to field training—basic POST/ICI training would provide new detectives with a wealth of foundational knowledge and material to ensure they are fully equipped to serve the citizens of the City. Further, a standardized training

program within the Department would also ensure new detectives possess awareness of all available local resources.

While there is one Crime Analyst assigned to Investigations, the work performed by the Analyst is not exclusive to Investigations staff. Citygate believes this is a missing component that could help staff identify crime trends. Such analyses could also encompass a review of cases not investigated by detectives due to a lack of investigative leads.

The following table shows criminal case clearances within the Investigations Division for both violent and property crimes.

Table 49—Criminal Case Clearances (2019–2022)

Clearances	2019	2020	2021	2022
VIOLENT CRIMES	146	140	169	222
Homicide	0	2	1	2
Forcible Rape	4	3	3	7
Robbery	74	57	72	91
Aggravated Assault	69	78	93	122
PROPERTY CRIMES	408	388	357	474
Burglary	119	90	129	150
Motor Vehicle Theft	23	30	48	45
Larceny Theft	266	268	180	279
Arson	4	8	13	8

See: https://openjustice.doj.ca.gov/exploration/crime-statistics/crimes-clearances

As the table shows, overall, both violent and property crime clearances have increased since 2019. Clearance rates for violent and property crimes also increased in 2022 versus 2021 (see Table 3).

Table 50—Case Reports

Year	Case Reports
2019	10,141
2020	8,819
2021	8,948
2022	10,318
2023	11,247

Calls for service will often generate police (case) reports depending on what Patrol officers discover during preliminary investigations. Generally, such case reports are routed to other organizational units for follow-up. Such reports are most often the source for investigations undertaken by detectives. Nevertheless, not every report will generate a follow-up criminal investigation. Detectives will consider the seriousness of the alleged crime and will look for viable leads such as eyewitnesses, video footage, and/or forensic evidence in their assessment of cases.

Department staff informed Citygate that there is a case management system within the Department's current records management system, which allows supervisors and managers to monitor investigator caseloads—including for the number(s) of cases open, cases closed, and cases pending—but the system is not fully utilized.

Citygate also learned that Investigations staff spend several hours each week transporting evidence to and from the crime lab located in Richmond. In some instances, different sworn staff members travel to the crime lab several times per day. Citygate believes the transporting of evidence to and from the crime lab does not require a sworn detective and could be handled by support staff.

Citygate noted that there is only one computer in Investigations for all detectives to download and review video footage from various sources including officer body-worn cameras. Software packages are available that would allow Investigations staff to review video from most any laptop or desktop computer. Purchasing software for additional computers used by Investigations staff would enhance efficiency for the Department's detectives.

Citygate also found that no detectives are assigned to work exclusively on cold cases in the Department. While current caseloads take priority with existing staff, many law enforcement agencies in California utilize retired annuitants as detectives to investigate cold homicide or sexual assault cases. **Employing retired annuitant detectives for cold case investigations has several advantages**: they can work as needed, and they do not carry the costs associated with regular, full-time detectives. A retired annuitant typically has years of experience to apply to cold cases. Solving cold cases also may provide closure for families.

Investigations staff shared with Citygate a proposal for a Major Crimes detail, which would include one Sergeant, six detectives, and one Crime Analyst. Citygate believes such a team could address some of the concerns contained in this report. Such additional investigative staff could be utilized to investigate narcotics offenses and the apprehension of wanted suspects in other jurisdictions—since Patrol officers often lack the time to respond outside of the City when crime suspects have been identified and located elsewhere.

5.1.1 Youth Services Unit

A Sergeant leads the Youth Services Unit. Personnel in Youth Services consists of three detectives, including one who functions as a School Resource Officer (SRO) at Berkeley High School.

The other two Youth Services detectives investigate all crimes involving sexual assaults on children aged 14 and under. Alleged sexual assaults of victims aged 15 and older are investigated by the Special Victims Unit. The Youth Services Unit also receives and evaluates all suspected child abuse reports.

Youth Services detectives also attend the forty-hour ICI Core Course, the 40-hour basic Sexual Assault Course, and the 40-hour Internet Crimes Against Children (ICAC) Course.

5.1.2 School Resource Officer

Citygate learned that Berkeley High School has a student body population of approximately 3,200. The assigned SRO is tasked with many responsibilities, including attending weekly school staff meetings, school district safety meetings and other meetings as needed with Berkeley High School staff. In addition, the SRO receives approximately 100 suspected child abuse reports per year from school staff. After preliminary evaluation, the SRO forwards them to Youth Services detectives for further follow-up. Most of the suspected child abuse reports originate from elementary schools, middle schools, and daycare centers throughout the City.

The SRO also receives daily requests to meet with parents and teachers regarding student behavior issues and attends many after-hours school events, including sporting events and other school-community events.

Citygate found that the SRO does not have an assigned Patrol car and is required to check out a car from the fleet each day that may or may not have the equipment needed for an SRO to perform their duties. On many occasions, the SRO is required to check out a car not equipped with a mobile data terminal (MDT).

Citygate learned that there is currently no succession plan for the SRO. Given the nature of the SRO's work and the relationships established, the Department taking steps to prepare someone else to fill this role would be prudent.

5.1.3 Crime Scene Unit

The Crime Scene Unit falls under Investigations and is led by a civilian Supervisor. There are four Crime Scene Investigators including the Unit's Supervisor. While Crime Scene Technicians fall under the command of Investigations, they respond to CFS for both Patrol and Investigations. Technicians participate in a formal field training program. Upon initial appointment, a training officer evaluates Technicians for six weeks. There are also additional training courses each technician is required to complete.

Citygate found that Crime Scene Technicians currently respond to residential burglary and vehicle burglary crime scenes when requested by police officers.

Investigations staff request DNA samples on almost every case they submit to the District Attorney for prosecution. Citygate noted that in September 2022, seven percent of requests for evidence were DNA-related. One year later in September 2023, that number had increased significantly, with 24 percent of requests for evidence being DNA-related.

Crime Scene Technicians are currently on duty from 7:00 am until 2:00 am daily. Calls received after 2:00 am and before 7:00 am are held until the next Technician comes on duty. Technicians currently work a 4/10 schedule, with shifts beginning at 7:00 am and ending at 5:00 pm, or beginning at 4:00 pm and ending at 2:00 am, Saturday through Tuesday or Tuesday through Friday. Under the current staffing model, there is no allowance for vacations, training, or employee illnesses or injuries. Citygate was informed that other Crime Scene Technicians almost always are willing to pick up extra overtime shifts when other Technicians are off work for extended periods of time.

To ensure sufficient staffing to allow for time off for vacations, training, illnesses, or injuries, Citygate believes that at least one additional Crime Scene Technician would be required. Such additional staffing would also result in less overtime usage due to employee absences within the Unit. Under the current shift configuration, if more than one employee is unavailable for extended periods of time, it is impossible for existing staff to cover all vacant shifts without working long hours and a lot of overtime.

5.1.4 Investigations Division Findings

Finding #34: The Department lacks any detectives assigned to investigate narcotics offenses on a full-time basis. Citygate learned that full-time narcotics investigator positions existed approximately four years ago, but the positions were eliminated.

Finding #35: The existing Case Management System, which would allow supervisors and managers to track cases assigned, cleared, or pended, is not fully utilized.

Finding #36: Crime analysis that is focused exclusively on the investigative function and detective caseloads, including cases lacking investigative leads, is deficient.

Finding #37: The Department lacks a “soft” interview room for crime victims, witnesses, and juvenile interviews.

Finding #38: Crime Scene Technician staffing does not allow for extended employee absences without incurring overtime.

Finding #39: There is no formal training program for newly assigned detectives. Depending on the unit assigned, new detectives shadow a senior detective, but there are no guidelines outlining courses new detectives should take.

Finding #40: Detectives make multiple trips per week to the crime lab in Richmond to drop off evidence for testing. In some cases, detectives make several such trips a day. Staff estimate that they spend four to six hours each week on trips to the Richmond Crime Lab.

Finding #41: To review video from various sources including officer body-worn cameras, detectives have access to only one computer that has the software needed to view and duplicate video.

Finding #42: The Department does not have any detectives assigned to cold cases.

Finding #43: One School Resource Officer (SRO) is assigned to Berkeley High School, which has an enrollment of approximately 3,200 students.

Finding #44: Crime Scene Technicians work a 4/10 work schedule. Under the current schedule, there is a five-hour window where there are no crime scene technicians available to respond to calls from Patrol after 2:00 am.

Finding #45: Between September of 2022 and September of 2023, the percentage of total requests for the District Attorney to obtain DNA evidence collected from crime scenes saw a significant increase—from seven percent of evidence requests being related to DNA to 24 percent being DNA-related.

5.1.5 Investigations Division Recommendations

Recommendation #14: If, at full staffing, the recommended Patrol team is found to be overwhelmed and insufficient to manage narcotics investigations, the Department should consider creating a team comprised of detectives and a Sergeant to investigate narcotics offenses.

Recommendation #15: Investigations Division Supervisors and managers should make broader use of the existing case management system within the current records management system to better track cases assigned to detectives. Each unit supervisor should be able to see the caseload carried by each detective in real time, including the number of open, closed, pending, and cleared cases.

Recommendation #16: **Add a full-time, Real-Time Crime Analyst** to support both Patrol and Investigations. This position will focus on rapidly operationalizing data to officers in the field and detectives working active cases.

Recommendation #17: Construct a "soft" interview room for interviewing victims and witnesses of certain sensitive crimes. Such rooms can be used by survivors of crime, domestic abuse, sexual assault, and children in traumatic situations.

Recommendation #18: Develop a training matrix for Investigations. The training matrix should include a formal training program for newly assigned detectives and a list of POST/ICI training courses required for each detective.

Recommendation #19: Create a plan to reduce the number of daily trips detectives make to the crime lab in Richmond. The addition of a CSO (or a retired annuitant) could relieve detectives from having to make frequent trips to Richmond for evidence pickup and drop-off.

Recommendation #20: Purchase software to install on additional computers in the Investigations Division that would allow detectives to review, save, and copy video footage from all available sources within the City—including City-owned street cameras, officer body-worn cameras, and private cameras in situations where the owners have given the Department access.

Recommendation #21: Consider hiring a cold case detective, potentially a retired annuitant, to investigate cold cases.

Recommendation #22: Consider **adding a second School Resource Officer** to Berkeley High School given the extensive workload of the current SRO.

Recommendation #23: **Add one additional Crime Scene Technician** to the current staff of four.

5.2 TRAFFIC BUREAU

The Traffic Bureau is located at 125 University Avenue in the Berkeley Marina and houses the Traffic Unit (TU) and the Parking Enforcement Unit (PEU). This facility provides adequate workspace and employee parking with room for current and future growth. Unlike the Department's headquarters at Martin Luther King Jr. Way, no employee parking issues exist at the Traffic Bureau location. The TU has 10 motorcycles, while the PEU has 30 parking enforcement vehicles. It is important to mention that 22 of the 30 parking enforcement vehicles are equipped

with License Plate Readers (LPRs); however, seven of those were non-operational at the time of Citygate's onsite visit.

The Traffic Bureau is under the command of the Investigations Division Captain. The Captain supervises two direct reports: one police Lieutenant, who oversees all traffic-related operations, and one non-sworn Manager, who oversees the PEU. During Citygate's operational assessment, it was noted that the PEU Manager reported directly to the Lieutenant; however, this reporting structure has since been changed so that the non-sworn Manager now reports directly to the Captain.

The Traffic Bureau is committed to promoting traffic safety through practices informed by data, community input, and accountability. The Bureau prioritizes traffic safety through a "three-pronged" approach:

- Focusing on Primary Collision Factors (PCF)
- Addressing community concerns (also referred to as "traffic complaints")
- Community caretaking initiatives.

The Department actively participates in the City's Vision Zero Action Plan; an excerpt from the 2023 General Plan outlines the program's description and its current stalled status:

> *"The Vision Zero program uses Engineering, Education, and Enforcement strategies to achieve the Berkeley City Council's goal of eliminating severe injury and fatal traffic crashes by 2028. Vision Zero program activities were largely on hold during 2023 but anticipate restarting in 2024, including the Vision Zero Coordinating Committee and continuing work on developing Rapid Response communications and Quick Build traffic safety implementation programs."*

The Department is identified as one of the stakeholders and contributors to the California Safe Roads 2020–2024 Strategic Highway Safety Plan (SHSP). The City could significantly enhance efforts in traffic safety by adhering to the principles and strategies of the "five Es" of traffic safety as outlined in the SHSP: Education, Engineering, Enforcement, Emergency Response, and Emerging Technologies.

5.2.1 Current Staffing and Responsibilities

The following table shows the current authorized and filled staffing of the Traffic Unit.

Table 51—Traffic Unit Staffing

Position	Authorized	Filled
Lieutenant	1	1

Sergeant	1	1
Motor Officer	5	1
Accident Review Officer	1	1

The following table shows the current authorized and filled staffing for the Parking Enforcement Unit.

Table 52—Parking Enforcement Unit Staffing

Position	Authorized	Filled
Non-Sworn Manager	1	1
Parking Enforcement Supervisor	2	2
Parking Enforcement Officer*	21	18

* One of the Parking enforcement officers is operationally assigned outside of the Department at the 3-1-1 phone center, which lowers the available number of parking enforcement officers

The sole Traffic Unit Accident Review Officer operates Monday through Thursday from 6:00 am to 4:00 pm. The Motorcycle Sergeant operates Tuesday through Friday to ensure weekly coverage.

Most of the work for the sole Motor Officer unit entails complaint-driven enforcement rather than strategically planned enforcement based on identified traffic collision needs. This is primarily due to severe understaffing, especially given the high volume of vehicle and pedestrian traffic in the City. Despite the significant staffing shortage, in 2023, the Motorcycle Unit accounted for 63 percent of all traffic citations issued when compared to citations issued by Patrol officers (see Table 54).

In 2023, the Traffic Bureau investigated 27 percent of the injury collisions in Berkeley. The Bureau manages fatal collision investigations and addresses injury collisions when resources permit. The following table shows the number of injury collisions investigated by the Traffic Unit.

Table 53—Traffic Collision Investigations (2019–2023)

Year	Total Injury Collisions	Traffic Unit Investigated	Traffic Unit Motorcycle Officer Staffing
2019	475	46	3
2020	266	50	4
2021	323	110	3
2022	463	85	2
2023	404	110	1

*Injury collision data between the hours of 3:00 pm and 9:00 pm

A uniformed officer is designated as an analyst (Collision Investigation Review Officer) and tasked with reviewing all collision reports, approving them, and submitting all collision investigations to SWITRS[13], TIMS[14], and Vision Zero. Presently, the systems for transmitting collision reports are not automated, resulting in additional workload and expenses to send reports. The analyst must print out every report and mail it to the corresponding required organization.

5.2.2 Education Programs

Currently, most of the educational programs offered by the Department are those tied to California Office of Traffic Safety (OTS) grants; however, when available, the Traffic Bureau also provides public education related to traffic safety topics such as DUI, bicycle safety, child car seats, and senior driving.

5.2.3 Traffic Stops

While the Traffic Unit is tasked mainly with traffic enforcement, Patrol units also engage in traffic enforcement between calls. The following table details traffic citations issued by the Traffic Unit and Patrol units based on Citygate's analysis of the Department's supplied citation data.

Table 54—Traffic Citations (2019–2023)

Year	Total Citations	Patrol Citations	Traffic Unit Citations / Percentage of Total	Traffic Unit Staffing
2019	4580	3330	**1250 / 27%**	3 Officers, 1 Analyst, 1 Sergeant
2020	1840	885	**955 / 52%**	4 Officers, 1 Analyst, 1 Sergeant
2021	1646	948	**698 / 42%**	3 Officers, 1 Analyst, 1 Sergeant
2022	1532	801	**731 / 48%**	2 Officers, 1 Analyst, 1 Sergeant
2023	2370	875	**1495 / 63%**	1 Officers, 1 Analyst, 1 Sergeant

When analyzing traffic citation statistics for 2019 through 2023, it is important to note the impact of the COVID-19 pandemic. In 2023, traffic stops trended higher following the height of the pandemic.

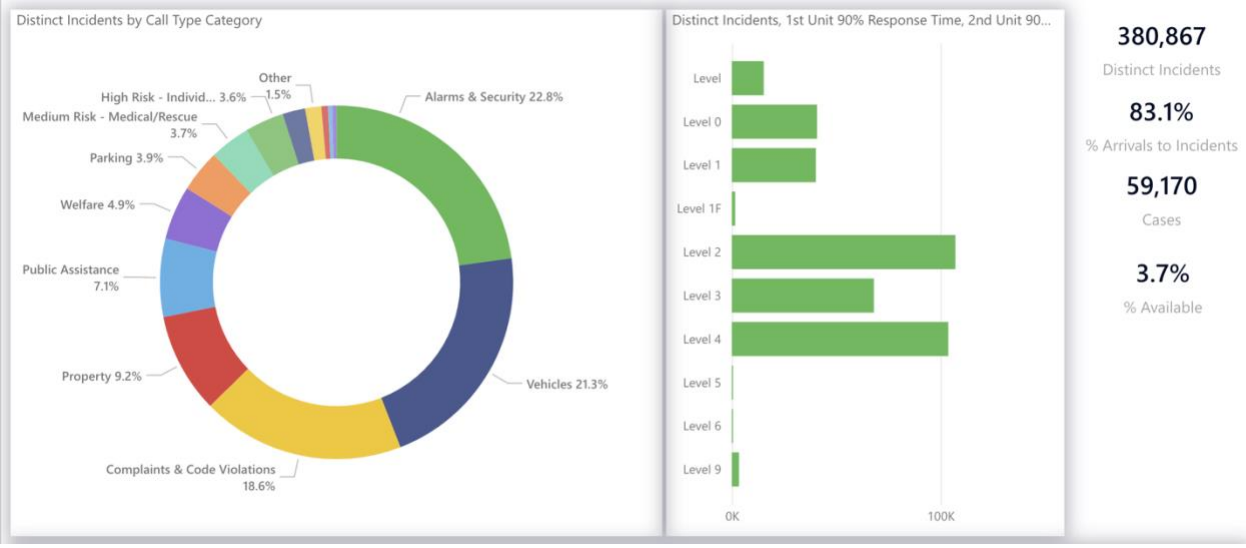
As depicted in the following figure, 21 percent of the Department's incidents from 2020–2023 were vehicle related. These figures exclude parking-related incidents. This statistic alone

[13] SWIRTS refers to the Statewide Integrated Traffic Records System. It is a database that collects and processes data gathered from a collision scene.

[14] TIMS refers to the Transportation Injury Mapping System, Safe Transportation Research and Education Center, University of California, Berkeley. It was developed to provide quick, easy, and free access to California crash data, which is the Statewide Integrated Traffic Records System that has been geo-coded to make it easy to map crashes.

underscores the significance of vehicle incidents as a substantial portion of the Department's workload.

Figure 11—Vehicle Incidents (2020–2023)



5.2.4 Deployment Locations

It is common for agencies to receive many requests for increased traffic enforcement from community members. In fact, in the Department's "three-pronged" approach to traffic safety, community reporting is the second prong. As previously noted, enforcement requests have primarily influenced the deployment of Traffic Unit resources. While community requests should be a priority, the use of statistical data to identify areas where enforcement can have the most impact can also be effective. The Traffic Unit is increasingly using statistical data from the Department's Transparency Hub and the UC Berkeley Traffic Injury Mapping System (TIMS) to identify areas with high collision rates and the primary factors causing collisions. TIMS is a valuable tool for effective deployment of the Traffic Unit.

5.2.5 Enforcement Details and Related Grants

The OTS offers grant funding for special enforcement details such as saturation patrols, DUI checkpoints, bicycle safety, and any other identified traffic safety needs. Recently, the Department secured $269,000 in funding to bolster education and enforcement efforts aimed at enhancing safety on the roadways.

The Department has submitted a grant request to the California Highway Patrol (CHP) to provide training in Cannabis DUI detection and is currently preparing another grant request to further enhance cannabis DUI enforcement.

5.2.6 Use of Social Media

Utilizing media and social media platforms to raise public awareness of traffic enforcement endeavors can significantly amplify the deterrent effect that enforcement offers. The Department has primarily promoted traffic enforcement efforts during OTS saturation events. However, there may be opportunities to establish a consistent schedule of social media notifications during daily focused enforcement details and planned operations. *[Note: At the time of Citygate's writing of this report, the Public Information Officer was being moved to the Office of the Chief as part of a new Office of Strategic Communications.]*

5.2.7 Collision Data

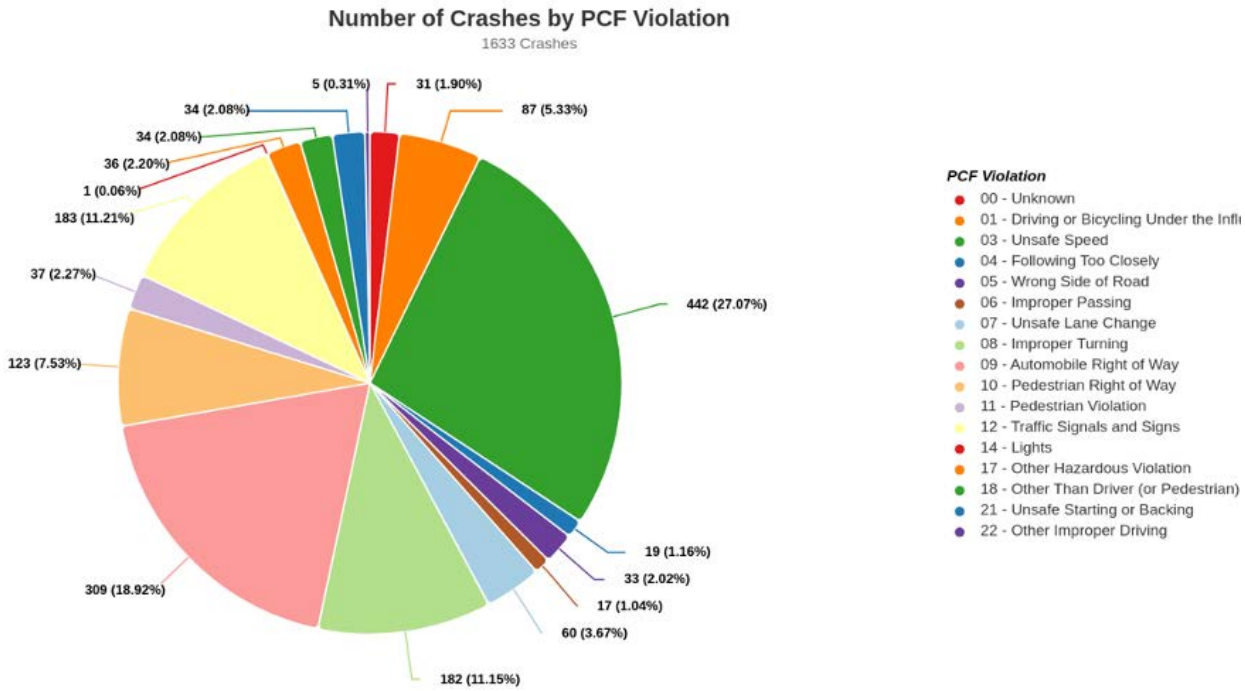
While traffic stop data is useful for examining proactive enforcement efforts, a better indication of effectiveness is collision data. Normally, Citygate would analyze the data from a five-year period; however, because of the COVID-19 pandemic's impact on traffic (lower traffic volumes), five years of data would not be as useful for the purposes of this study. To analyze the City's traffic collisions, TIMS data from 2021–2023 was used.

> A comparison of the City's collision statistics revealed consistency with data for Alameda County. One **significant exception** was pedestrian and bicycle collisions.

5.2.8 Bicycle and Pedestrian Collision Statistics

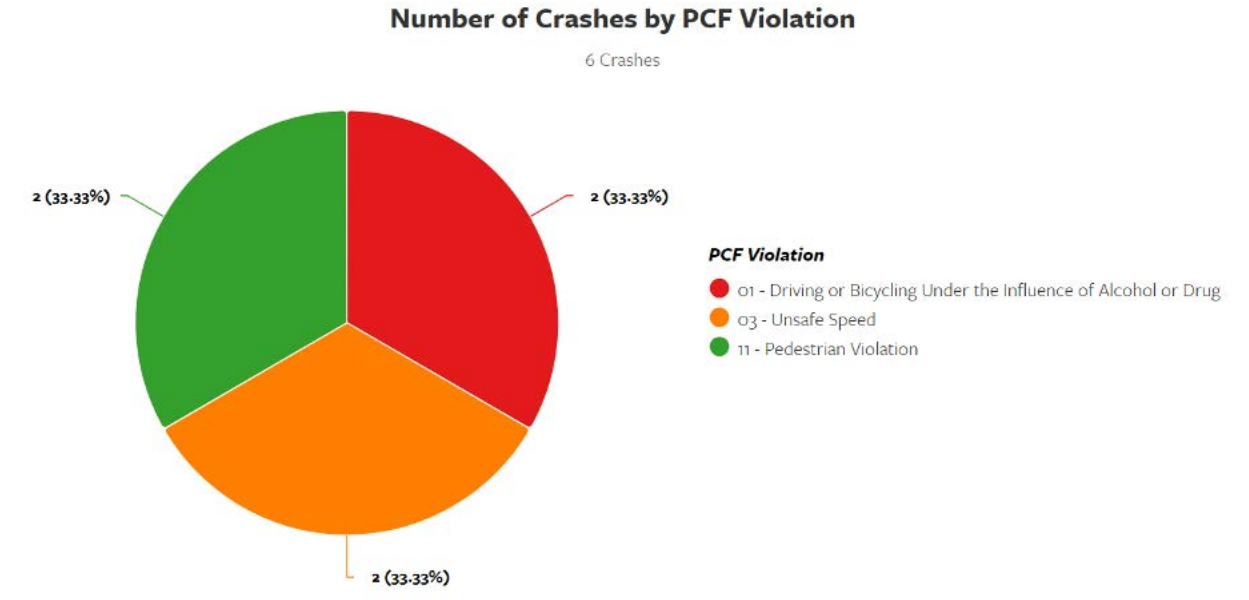
As the following figure shows, from 2021 to 2023, 9.80 percent of all City crashes involved a pedestrian, as compared to 5.36 percent for all of Alameda County

Figure 12—Berkeley Traffic Collisions by Primary Cause (2021–2023)



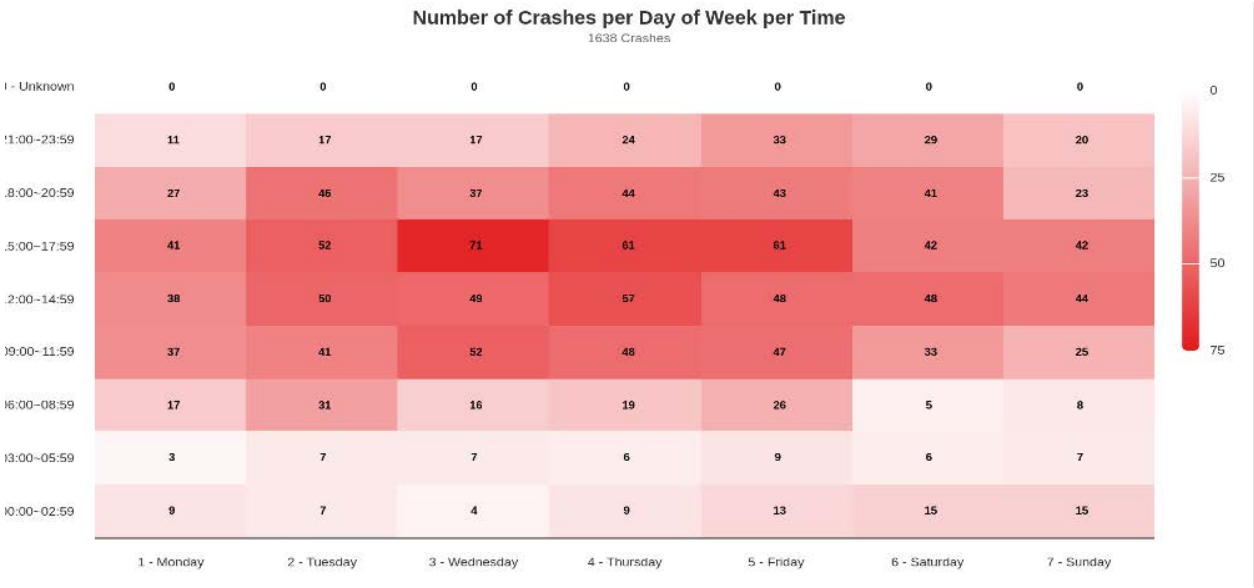
As the following figure shows, from 2021 to 2023, 33.33 percent of fatal collisions in the City involved a pedestrian, compared to 11.34 percent for all of Alameda County.

Figure 13—Berkeley Fatal Collisions by Primary Cause (2021–2023)



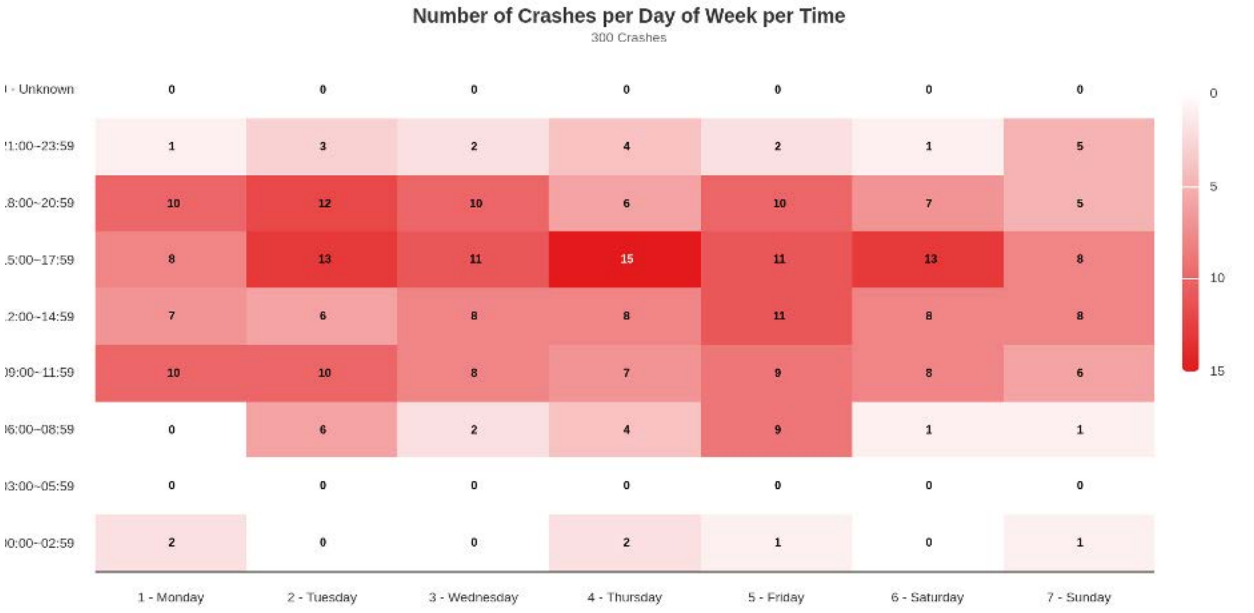
As the following figure shows, between 2021 and 2023, 42 percent of City injury collisions occurred between 12:00 pm and 5:59 pm.

Figure 14—Injury Collisions by Day of Week by Hour (2021–2023)



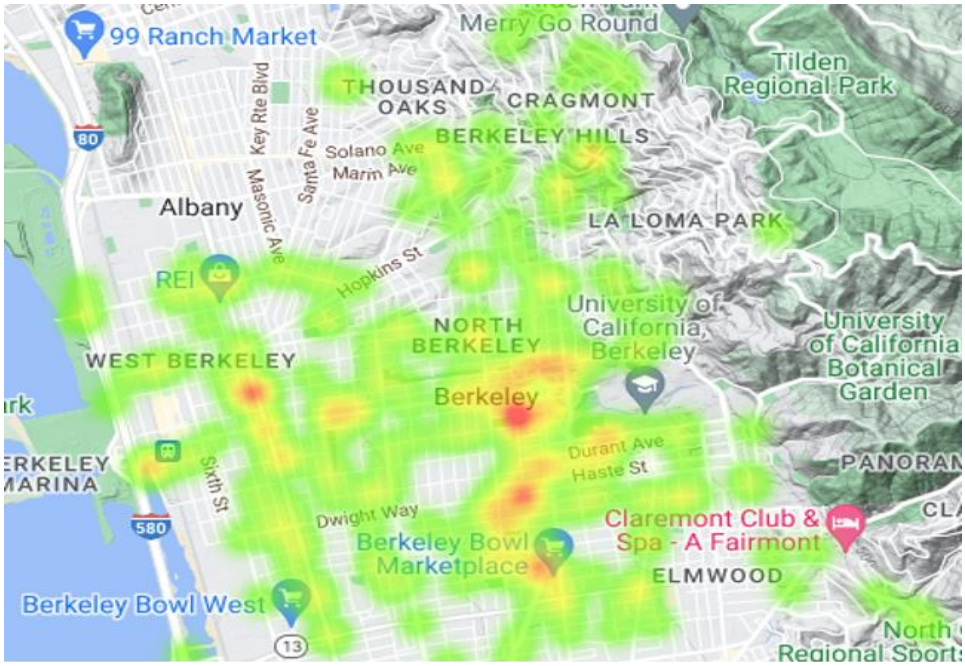
As the following figure shows, between 2021 and 2023, 43 percent of bicycle collisions occurred between 3:00 pm and 10:00 pm.

Figure 15—Bicycle Collisions by Hour (2021–2023)



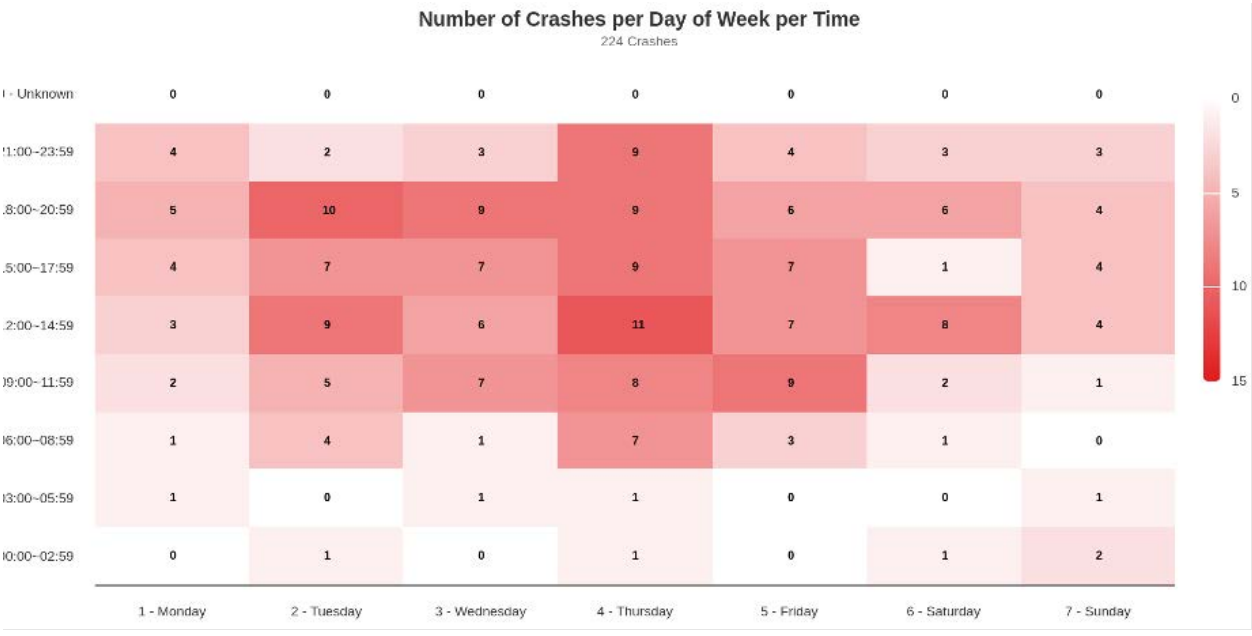
The following figure illustrates the heat map displaying the locations of bicycle collisions that occurred between 2021 and 2023.

Figure 16—Bicycle Collision Location Heat Map (2021–2024)



As the following figure shows, between 2021 and 2023, 60 percent of pedestrian collisions occurred between 12:00 pm and 9:59 pm.

Figure 17—Pedestrian Collisions by Hour (2021–2023)



While the collision data analyzed for this report was sourced from TIMS, it is important to highlight that the data dashboard on the Traffic Safety page of the Department's online Transparency Hub combines collision data, calls for service, and traffic stops to provide real-time information. **This should serve as a benchmark in transparency and best practices for other agencies**.

5.2.9 Office of Traffic Safety Review

The California OTS performs city comparisons and rankings by grouping cities based on size. Berkeley is currently in Group B, for cities with a population greater than 100,000 residents. OTS Rankings were developed so that individual cities could compare their traffic safety statistics to those of other cities with similar-sized populations. Cities can use these comparisons to assess their traffic enforcement, education and engineering efforts and to learn from the successes of other jurisdictions. The results have helped both cities and OTS to identify emerging or ongoing traffic safety problem areas, plan how best to combat the problems, and identify where grant assistance should be provided.

In recent years, the media, researchers, and the public have all taken an interest in OTS Rankings. It should be noted that OTS Rankings are only indicators of potential problems; there are many factors which may either understate or overstate a city/county ranking that must be evaluated based on unique local circumstances.

The figures in the following ranking columns show as two numbers divided by a slash.

- The first number is the city's ranking in that category.
- The second number is the total number of cities/counties within the relevant "group."

For example, "22/60" would represent a city ranked 22nd out of 60 other cities of similar size. Number 1 in the rankings is the highest, or "worst." For Group B, a ranking of 1/60 is the highest or worst, 27/60 is average, and 56/60 is lowest or best.

According to the OTS comparison data for cities of similar size, Berkeley stands out with high rankings across all collision categories. Particularly concerning is the City's top ranking in "Group B," bicycle collisions, and its second-worst ranking in pedestrian collisions. This underscores the urgency to intensify enforcement and educational initiatives, with a renewed focus on prioritizing traffic safety.

Figure 18—Office of Traffic Safety City Comparison Analysis (2021)

Agency	Year	County	Group	Population (Avg)	DVMT
Berkeley	2021	ALAMEDA COUNTY	B	123188	689379

Crash Category	VICTIMS KILLED & INJURED	OTS RANKING
Total Fatal and Injury	442	18/60
Alcohol Involved	32	45/60
Had Been Drinking Driver < 21	0	55/60
Had Been Drinking Driver 21 – 34	12	48/60
Motorcycles	24	14/60
Pedestrians	58	2/60
Pedestrians < 15	2	39/60
Pedestrians 65+	7	12/60
Bicycle	80	1/60
Bicyclist < 15	7	6/60
Composite	212	37/60

5.2.10 Parking Enforcement

Parking Enforcement personnel work 8-hour shifts Monday through Friday. Staff are assigned across three shifts: 7:30 am to 4:00 pm (five FTEs), 8:30 am to 5:00 pm (six FTEs), and 10:00 am to 6:30 pm (five FTEs). To ensure supervisory coverage for all shifts, two supervisors alternate between working 7:00 am to 3:30 pm or 10:00 am to 6:30 pm.

The Parking Enforcement Manager boasts over 23 years of experience within the Unit, bringing a wealth of expertise and institutional knowledge to the program. All calls for Parking Enforcement service are routed through Communications, 3-1-1, or directly to the Parking Enforcement office. Currently, there is no centralized process for accurately documenting the volume of calls received. The majority of calls pertain to illegally parked vehicles. Additionally, Monday through Friday, one to two PEU officers are required to accompany street sweepers for an average of three hours per day, twice daily. Furthermore, the Department has assigned additional responsibilities to the Unit, such as directing traffic around collisions, which detracts from the parking enforcement duties of Unit personnel.

Like numerous other transportation safety entities within the law enforcement profession, the Traffic Bureau has been constrained to basic response functions, with minimal capacity for proactive enforcement based on analysis and an identified traffic safety plan. **Traffic enforcement and safety education are frequently among the first areas to suffer when human capital is reduced**, and full-time equivalent (FTE) positions are reallocated to address other police functions. Of all the Traffic Bureau recommendations to follow, the first recommendation should be the highest priority.

5.2.11 Traffic Bureau Findings

Finding #46: Patrol units manage 73 percent of injury collisions, reducing the time available for proactive activities and community engagement.

Finding #47: Traffic safety education is currently insufficient and should be integrated into a comprehensive traffic safety plan that incorporates "the five 'E's."

Finding #48: The Department is currently in a reactionary mode as it relates to traffic enforcement, primarily responding to traffic complaints instead of focusing on targeted areas to reduce all types of traffic collisions.

Finding #49: Given the high number of pedestrian and bicycle collisions, social media and other public information channels should be utilized more frequently and with greater emphasis.

Finding #50: Collision investigations are primarily managed by Patrol officers, though many of the tasks involved in traffic investigations could be effectively managed by a CSO.

Finding #51: Currently, all members of the traffic unit are motorcycle officers, except for the Accident Review officer.

Finding #52: The Department currently transmits collision information to SWITRS by sending hard copies through the mail.

Finding #53: Many roadway traffic surveys are outdated, limiting the extent of traffic enforcement that can be conducted for Primary Collision Factor (PCF) violations.

Finding #54: There are 21 Parking Enforcement officers with only two supervisors assigned across three shifts. The addition of a third supervisor would promote cohesion between supervisors and their respective teams and would likely establish a

shift/team leadership approach and ensure a proper supervisory span of control of between one and seven personnel.

5.2.12 Traffic Bureau Recommendations

Recommendation #24: The Department should endeavor to **fully staff the Traffic Bureau** so that it can handle most (if not all) injury collisions, as well as **increase education and enforcement efforts** in traffic safety. These changes would significantly free Patrol personnel to focus on their primary responsibilities.

Recommendation #25: Create a structured plan for targeted enforcement and educational initiatives based on analyzing variables associated with high crash data from the Office of Traffic Safety (OTS) and the Traffic Injury Mapping System (TIMS).

Recommendation #26: Continue to expand the use of statistical data for deployment of Traffic Unit personnel.

Recommendation #27: Expand the use of social media to inform the public of traffic safety and enforcement efforts to enhance their impact on driving behavior. Use of social media and other approaches to promote bicycle and pedestrian safety and enforcement efforts could also be effective. *[Note: At the time of Citygate's writing of this report, the Public Information Officer was being moved to the Office of the Chief as part of a new Office of Strategic Communications.]*

Recommendation #28: **Add a civilian CSO** to conduct or aid in collision investigations and traffic educational/safety presentations. This would be more cost-effective than an additional Traffic Unit officer and would allow for increased traffic enforcement by current Traffic Unit officers.

Recommendation #29: Build the Traffic Unit comprising both Motorcycle officers and Patrol cars. Traffic enforcement and collision investigation can be effectively conducted using either a car or a motorcycle.

Recommendation #30: Consider working with an OTS Law Enforcement Liaison to acquire an Allied Agency Reporting Service (i.e., Crossroads) via grant.

Recommendation #31: The Traffic Bureau should collaborate with the City Traffic Engineer to update outdated traffic surveys.

Recommendation #32: Consider appointing an additional supervisor within the Parking Enforcement Unit to mitigate the current extensive span of control and decrease overtime.

Recommendation #33: At current (reduced) staffing levels, consider expanding the workload and responsibilities of the Traffic Unit Lieutenant or reallocating the position to a role where it can be more effectively utilized. At full staffing, Citygate believes the Lieutenant's position is justified.

This page was intentionally left blank

SECTION 6—PROFESSIONAL STANDARDS DIVISION REVIEW

6.1 DIVISION OVERVIEW

The Professional Standards Division is led by a Captain who is responsible for the Personnel and Training Unit, the Policy and Planning Unit, and the Audit and Inspection Unit.

Citygate found the Captain to be professional, knowledgeable, and highly business savvy. The Captain's years of experience showed when asked questions about the City, policy, and practice. The Captain was helpful coordinating interviews with staff and collecting data to analyze for the study, and noted that the command staff had good synergy, supporting each other's divisions and units and not looking out for "just me." The Captain highlighted a few points that are important to the Chief and command staff including data analysis to help tell the story; being prompt with deliverables; treating people with respect; striving to do better in relation to the Department's Mission / Vision / Values; better internal communications; having a focus on hiring, productivity, and problem solving with the community; and that there are leaders at all levels of the Department.

Citygate found a theme common to the Department's other divisions: Many staff have several ancillary responsibilities that detract from or hinder their ability to perform their primary duties and responsibilities. Command staff should consider the workload of each member of the Department and either reduce ancillary responsibilities or hire additional staff to maintain the current level of customer service to the community.

6.1.1 Personnel and Training

A Lieutenant leads the Personnel and Training Unit, which is responsible for numerous aspects of recruiting, training, and employee retention. Some of these responsibilities include hiring new staff, as well as providing initial training and ongoing perishable skills training as required by the Commission on Peace Officer Standards and Training (POST) to ensure all sworn officers and dispatchers receive a minimum of 24 hours of specific training every 24 months. The POST Perishable Skills Program consists of 12 hours of psychomotor skills training, two hours of communications training, and four hours of use of force training every 24 months.

A Sergeant who reports to the Lieutenant is responsible for overseeing both the planning and execution of all training throughout the year and is assisted by many sworn and professional staff who serve as adjunct trainers in many subject areas such as defensive tactics, CPR/First Aid, and Emergency Vehicle Operations Course (EVOC). A training officer reports to the Sergeant and coordinates in-house training.

Because of the 3/12 and 4/10 schedules in Patrol, officers "owe" the Department one day a month, which is designed to facilitate the required and needed training. The training hours are considered "in kind" and divided into 16 "buckets" of training on topics such as implicit bias and procedural

justice, defensive tactics, strategic communications, tactical firearms, arrest and control, and driver training and awareness. The duties of the training officer are delineated in Chapter 203 of the Department's policy manual.

While reviewing annual POST compliance letters, Citygate learned that several officers, dispatchers, and reserve officers missed portions of their continuing professional training (CPT) requirements over the past five years. Additionally, some of the required background supporting documentation was missing in several files. To eliminate the issue of missing documents, Citygate recommends that a checklist be used for every background investigation, and that it be reviewed and approved by at least one Sergeant and manager. As a best practice, many agencies will include reserve officers with regular officers when providing annual CPT. Additionally, because POST offers training through their online Learning Portal, dispatchers can perform all their CPT online if necessary. Because of the online opportunity for dispatchers, they should always be in CPT compliance. Officers and reserves can also use the Learning Portal to supplement their training as needed.

6.1.2 Recruiting

During our study, Citygate learned that numerous members of the Department are assigned ancillary tasks as members of the Recruitment Team. However, due to short staffing and morale concerns, consideration should be given to reassembling a specific new Recruitment Team, which consists of a few officers who perform the recruiting function. This approach will allow the Department to better focus its efforts to yield better results. Citygate applauds the Chief's efforts in taking steps in this direction. The Chief recently communicated a plan to create and fill a full-time Recruitment Officer position. Additionally, Citygate recommends the creation of a Retention Committee. While recruiting is vitally important, it is equally important to assess turnover. A Retention Committee could also review the results of all exit interviews and then make recommendations to the command staff on what changes should be made to improve employee retention.

While reviewing POST's open data for Berkeley,[15] Citygate learned that between 2016 and 2023, 49 officers resigned from the Department. There are many reasons that can cause a resignation, but the Department would be prudent to find those reasons that are preventable and make the necessary adjustments to increase its retention rate.

6.1.3 Policy and Planning

The Policy and Planning Unit consists of a Sergeant who reports to the Professional Standards Division Captain. During Citygate's study, the assigned Sergeant left the Department for a promotional opportunity at another agency. The prior Sergeant was asked to return to the position

[15] https://post.ca.gov/Agency-Statistics

and resume the role. Per Section 200.5 of the Department Policy Manual, the Sergeant's role is to coordinate the presentation of the annual Memorandum of Understanding and maintain and update Departmental policies. The person in this role must be very well organized and an excellent researcher. The workload going forward includes migrating to Lexipol[16] from the existing main policies. Additionally, there are policies to review and revise, correcting issues as laws and policies change. While the Department does not have a Procedures Manual, each unit in the Department should have its own procedural manual to provide guidance to staff regarding how tasks need to be performed. Citygate did learn that some employees made their own desk manuals; however, most of them are out of date. Additionally, there are numerous cross-reference issues referring to procedures that are yet to exist. These procedures need to be removed from policies and properly placed in the new procedures' manual.

> The Chief of Police plans to migrate the Policy and Planning Unit into a **new Strategic Planning and Accountability Unit** where it can receive better support and be more aligned with Departmental strategies going forward. Citygate sees the move as a positive step toward operational efficiency.

6.1.4 Audit and Inspection

Like the Policy and Planning Unit, the Audit and Inspection Unit experienced changes during the time of Citygate's study. The assigned Sergeant rotated back to Patrol and his duties were divided between several personnel—which represents more ancillary duties for existing staff. Per Section 200.5 of the Department Policy Manual, the Audit and Inspection Sergeant is responsible for planning and conducting research; preparing surveys, studies, and projects; and auditing medical expenses incurred by the Department in its investigative and custodial activities.

With the passage of Assembly 481 in 2021, California law enforcement agencies must obtain approval of a Military Equipment Use Policy by their applicable governing body (the City Council in the case of the City) prior to taking certain actions related to the funding, acquisition, or use of military equipment as defined by the legislature.

Some of the Sergeant's responsibilities include monitoring five officers annually for their use of force (UoF), complaints, Racial Identity and Profiling Act (RIPA)[17] data, and body-worn camera use as part of the Department's Early Warning System. The Sergeant was also working on revising the existing Automated License Plate Reader (ALPR) policy found in Section 422 of the Policy Manual. Additional responsibilities include Safety Committee reporting, reporting on injuries and

[16] Lexipol provides policies and policy updates to thousands of law enforcement agencies in the country. The updates are timely and in response to new state and federal laws and court decisions. Lexipol also provides online courses and videos designed to meet police training mandates.

[17] https://oag.ca.gov/ab953

preventable accidents, uniform policy updates, and revising and updating the Survey123 data for the RIPA data collection.

Additional audits performed quarterly include narcotics and guns, where the Sergeant noted substantial cleanup is due. Parking enforcement audits should also be performed every six months. The Unit should also perform an audit of the Property Room, which was overdue at the time of this report's writing. The Sergeant was also involved in the Epic Production Company recruitment videos including the Chief's message, physical agility testing, LGBTQ+ video outreach, marketing through Google ("We're hiring"), and social media promotion.

6.1.5 Professional Standards Division Findings

Finding #55: Training and background staff are missing continuing professional training and background investigations requirements for some officers and dispatchers, which could cause risk management issues.

Finding #56: The Department lost 49 officers to resignations between 2016 and 2023.

Finding #57: The duties of the Policy and Planning Sergeant are numerous and varied for a single person to accomplish.

Finding #58: The duties of the Audit and Inspection Sergeant are numerous and varied for a single person to accomplish.

6.1.6 Professional Standards Division Recommendations

Recommendation #34: To reduce unnecessary resignations, the Department should consider establishing a Retention Team with members from several different units to review and evaluate exit interviews. The committee can identify preventable reasons for resignations and make recommendations to improve employee retention.

Recommendation #35: When the Policy and Planning Unit is transferred during the Department's planned reorganization, the roles and responsibilities of the Sergeant should be more narrowly focused to allow for the successful completion of all assigned duties. If additional responsibilities are included, consideration should be given to adding a clerical support position.

SECTION 7—SUPPORT SERVICES DIVISION REVIEW

7.1 DIVISION OVERVIEW

The Support Services Division is commanded by a police Captain responsible for the Jail, Technology Unit, Property and Evidence Room, Records Unit, and Communications Center or Public Safety Answering Point (PSAP). The Captain has two direct reports, one police Lieutenant and one non-sworn manager. The police Lieutenant manages all Division units except for the Communication Center, which is managed by a Communications Center Manager (professional staff member).

7.2 BERKELEY PUBLIC SAFETY CENTER (JAIL)

The Berkeley Police Department Jail, also known as the Berkeley Public Safety Center, has one Police Sergeant who oversees Jail operations. The Sergeant reports to the Support Services Lieutenant. Staffing for the Jail is provided in the following table.

Table 55—Jail Staffing

Position	Number of Personnel
Jail Sergeant	1
Community Service Supervisor	4
Community Service Officer	16

*Note: One of the Jail Community Service Supervisors is assigned to the Property Room

The Berkeley Police Department Jail is an Adult Type 1 facility as defined in Title 15 of the California Code of Regulations (CCR) and is meant to hold individuals in temporary custody for no more than 96 hours, excluding weekends and holidays. The Jail was last inspected by the Board of State and Community Corrections (BSCC) in 2022, and only one section—Section 1052 Standard regarding classification and segregation of mentally disordered inmates—was found to be non-compliant.

With the 2019 closure of the Alameda County North County Jail (also known as the Glenn E. Dyer facility) in Oakland, the burden and costs associated with the temporary custody and transportation of prisoners have fallen on local agencies. The agencies that currently book at the Berkeley Police Department Jail are the California Highway Patrol, Albany, Emeryville, BART, UC Berkeley, and the East Bay Regional Parks District. Emeryville is the primary customer.

During Citygate's visit to the facility, it appeared spacious and sufficient (39 total beds) for the current number of in-custody detainees and seemed capable of accommodating future growth.

Staff identified several "dead" zones in the Jail that are not captured by currently installed cameras. The Department has planned upgrades to the Jail's cameras as well as the control board, which is outdated and has had recurring functionality issues. Citygate agrees with this plan to go out to bid with an architect. Staff also mentioned the booking room could be modified to create a safer space, but this might require updating to current state standards since the building currently only meets the 2001 standards.

The staffing schedule currently consists of three shifts (days, swings, and graves) on a five-day, eight-hour rotation. CSO supervisors report to Sergeant who is often out of the facility transporting arrestees to the county jail in Dublin or to a local hospital for medical clearance. The Sergeant works a four-day, 10-hour shift schedule, Monday through Thursday, with weekends and holidays off. Although there are four CSO supervisors assigned to the jail, one has been allocated to the Property and Evidence Room, leaving three CSO supervisors for a 24/7/365 operation. This results in a void in CSO supervision due to the current schedule and staffing allocations. Staff also alerted Citygate to a Departmental policy requiring three CSOs to always be on duty; however, a review of the Berkeley Law Enforcement Services Manual, Section 900, which outlines requirements for the temporary custody of adults, did not confirm the existence of this policy.

When a detainee is booked into the Jail, the arresting officer remains in the holding area until the detainee is placed in a cell. This process eliminates the need to have two jailers in the booking area, potentially reducing the number of CSOs needed to staff the facility.

> The current sworn Sergeant who supervises jail operations has been in the position for five years, which is the maximum amount of time allowed by Department policy.

Jail operations consist of the intake, temporary custody, and transportation of in-custody detainees to the Alameda County Santa Rita Jail. The Jail takes in an average of 16 arrestees daily, based on 5,902 detainees taken in between January 2022 and December 2022.

Additional duties for staff outside of Jail operations include the intake of found property and issuing vehicle releases from 4:00 pm to 8:00 pm.

For in-custody transportation, the Sergeant and a police officer, or one of the two available reserve police officers, assist in transporting detainees to the Alameda County Jail at the beginning of their shift. At times, the Jail may pull officers from Patrol or pay overtime for an officer to assist with transportation. Current Department policy (903.3) does not allow CSOs to aid in transport, increasing the burden on sworn staff. Citygate contacted surrounding jail facilities and found that facilities such as Fremont, Hayward, and San Leandro all utilize their CSOs to transport prisoners to the Santa Rita Jail.

The current operational rhythm for the three CSOs on duty is as follows: one is assigned to the control room, one manages data entry and property logs, and one handles intake for in-custody

detainees. Title 15 mandates that a female CSO always be on duty—a requirement met by the current schedule. However, if a female CSO (of the eight assigned) calls in sick, the Department should not accept female detainees for booking, which is a code-compliant practice.

Annually, the Jail is closed for 40 hours once a year to conduct required staff training. During this period, all detainees are either cited and released or transported to the Santa Rita Jail by arresting officers. Future annual training windows will also present opportune times to schedule facility upgrades and maintenance.

Staff suggested a four-team model to improve Jail staffing and coverage. This model would involve 12-hour shifts and would create four teams of four CSOs each with a CSO supervisor assigned to each team, as shown in the following figure. Implementing this model would require an additional CSO supervisor, as there are currently only three supervisors assigned to the facility. This approach would appear to provide some benefits, including allowing CSOs to assist with prisoner transportation; however, a more comprehensive analysis is required.

Figure 19—Example 12-Hour Shift Schedule

3/12 & 4/12 - 4 TEAMS

FIRST WEEK SCHEDULE	Team A Day CSOS + 3-CSOs	Team B Night CSOS + 3-CSOs	Team C Day CSOS + 3-CSOs	Team D Night CSOS + 3-CSOs
Sunday	0600 - 1800	1800 - 0600	RDO	RDO
Monday	0600 - 1800	1800 - 0600	RDO	RDO
Tuesday	0600 - 1800	1800 - 0600	RDO	RDO
Wednesday	0600 - 1800	1800 - 0600	RDO	RDO
Thursday	RDO	RDO	0600 - 1800	1800 - 0600
Friday	RDO	RDO	0600 - 1800	1800 - 0600
Saturday	RDO	RDO	0600 - 1800	1800 - 0600
SECOND WEEK SCHEDULE	**Team A Day CSOS + 3-CSOs**	**Team B Night CSOS + 3-CSOs**	**Team C Day CSOS + 3-CSOs**	**Team D Night CSOS + 3-CSOs**
Sunday	0600 - 1800	1800 - 0600	RDO	RDO
Monday	0600 - 1800	1800 - 0600	RDO	RDO
Tuesday	0600 - 1800	1800 - 0600	RDO	RDO
Wednesday	RDO	RDO	0600 - 1800	1800 - 0600
Thursday	RDO	RDO	0600 - 1800	1800 - 0600
Friday	RDO	RDO	0600 - 1800	1800 - 0600
Saturday	RDO	RDO	0600 - 1800	1800 - 0600

*Note: *RDO: Required Day Off, **CSOS: Community Service Officer Supervisor, ***CSO: Community Service Officer*

7.2.1 Public Safety Center (Jail) Findings

Finding #59: The Jail's control board, which is outdated and has experienced recurring functionality issues, needs to be replaced. Additionally, more cameras should be installed to cover existing "dead" zones.

Finding #60: A sworn Sergeant is assigned to Jail operations, although this is not a regulatory requirement under Title 15. Most of the Sergeant's duties involve transporting prisoners to the Alameda County Jail or taking prisoners to a local hospital for medical clearance.

Finding #61: The Department requires Jail operations to always have three CSOS on duty, with two specifically stationed in the booking area when an arrestee is brought in by an arresting officer, who remains in the booking area throughout the entire booking process.

Finding #62: A significant amount of sworn staff time is consumed in transporting and booking detainees at the Santa Rita Jail. The requirement for only sworn personnel to handle transportation is a Departmental mandate.

Finding #63: There is a proposed, staff-recommended, four-team staffing model with 12-hour shifts that is worthy of further consideration and study by the Department.

7.2.2 Public Safety Center (Jail) Recommendations

Recommendation #36: The Department should proceed with securing a contract for an architect to upgrade the control board, add cameras, and potentially expand the size and functionality of the Booking Room at the Jail facility.

Recommendation #37: Consider creating a civilian manager position and reassigning the sworn supervisor to oversee the Property Room (as per the property recommendation) or reallocating the Sergeant to address a higher-priority need for sworn supervision.

Recommendation #38: Consider reducing the requirement to always have three CSOs on duty, given that the booking officer is required to remain in the booking area during the processing of an arrestee.

Recommendation #39: Consider a change to the current requirement that does not allow CSOs to transport prisoners. Such a change would necessitate additional

training for the CSOs but would reduce overtime and the need for two sworn staff members during transportation.

Recommendation #40: Consider further study of a four-team, 12-hour shift model for Jail operations. Citygate believes this model could potentially increase the number of CSOs on-duty, providing opportunities for CSOs to aid in prisoner transportation, patrol duties, or other assigned responsibilities.

7.3 TECHNOLOGY UNIT

The Technology Unit (TU) is staffed with one Sergeant, one non-sworn Assistant, and five team members whose technology duties are ancillary.

The Department's leading technology vendor is Tyler Technologies. Tyler Technologies software is used for the law enforcement records management system, property and evidence management, CAD, report writing, citation management, mobile operations, collision reports, and jail management. The online reporting system is managed through LexisNexis Coplogic Solutions.

The Department's online crime reporting system accepts online reports for the following crimes: Harassing Phone Calls, Identity Theft, Theft, Theft from a Vehicle, Auto Burglary, Vandalism, and Vandalism to a Vehicle. Recently, the Department transitioned from a Microsoft database for workforce management to a web-native software called CareWare, which has streamlined scheduling.

Online reporting does offer many benefits, especially when crime victims have left the City or crime scene, or they cannot wait for police personnel to respond. Such a reporting option allows officers to spend more time on community policing and proactive patrol, citizens can make and keep copies of their reports for insurance purposes, and the Department can use such reports for crime analysis and tracking statistics in high-crime areas.

7.3.1 Technology Unit Findings

Finding #64: The Technology Unit's leadership is entrusted to a uniformed Sergeant due to specialized project management skills, extensive experience, adeptness in the requisitioning process, and proficiency in technology/software solutions. However, there is currently no succession plan in place for the Sergeant's eventual departure.

Finding #65: Inefficiencies have been noted in field operations relative to the use of software for report writing. Given the existing software system's instability, field staff opt to write reports using Microsoft Word before returning to the station to upload and complete them.

Finding #66: The online reporting system is underutilized for traffic collision reporting. Embracing advances in technology is imperative in contemporary law enforcement operations.

7.3.2 Technology Unit Recommendations

Recommendation #41: Evaluate the number of responsibilities managed by Technology Unit staff. Consider reducing service levels or adding more staff.

Recommendation #42: Consider appointing a full-time civilian information technology specialist to oversee the Technology Unit rather than relying on a sworn Sergeant. This transition will ensure stability, expertise, and continuity in navigating the Department through the ever-evolving technology field.

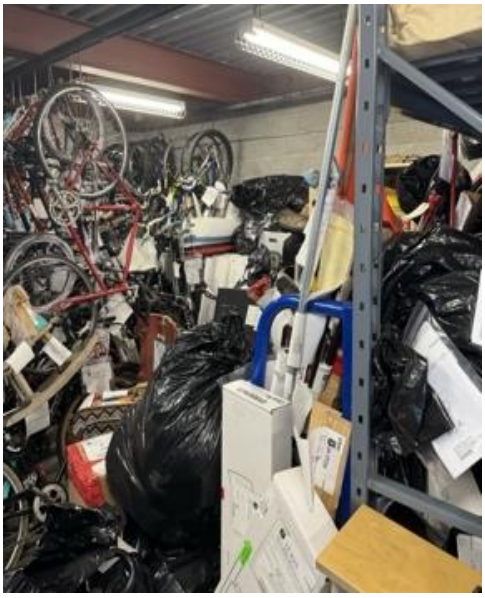
Recommendation #43: Consider investigating alternative software solutions for all facets of police operations. Prioritizing the convenience of retaining current software vendors should not overshadow the importance of advancing operational efficiency.

Recommendation #44: Consider adding categories such as Non-Injury Traffic Accidents, Non-Injury Hit-and-Run Traffic Accidents, and Non-Injury Single-Vehicle-Property-Damage-Only Traffic Accidents as options within the online reporting system. Software solutions offered by companies like LexisNexis can facilitate this initiative.[18] By diverting or referring more calls for service to online reporting, the Department would likely create more available time for officers in Patrol—which could ultimately help to reduce overtime usage within the Department.

7.4 PROPERTY ROOM

Citygate evaluated the Department's Property and Evidence facilities, including a review of relevant policy and current practices and interviews with staff members. The current Property and Evidence Supervisor has 18 years of experience in the Property Room and serves as a board member of the California Association for Property and Evidence (CAPE). The Department utilizes the New World Law Enforcement Records suite by Tyler Technologies for property and evidence management and continues to have access to a legacy system (CRIMES) for items booked before 2009.

[18] A prototypical model can be found in the City of Fullerton's online Traffic Collision Report page, which currently includes these types of online reporting collisions and allows users to obtain a collision report online.



The current Property Room staffing consists of two full-time CSOs, one full-time CSO supervisor, and a reserve officer who provides intermittent weekly assistance. However, the current staffing arrangement fails to adequately address the needs of the Unit in terms of receiving, processing, and storing evidence, ensuring its safekeeping, conducting necessary audits, retrieving evidence for disposal, and fulfilling other essential functions of a well-operating unit.

The Unit is responsible for ensuring that all evidence items are correctly tracked and monitored for court exhibits, discovery, and prosecution and defense attorney viewing. Initial and ongoing training will enhance the efficiency and knowledge of Property and Evidence personnel. Additionally, a well-organized storage facility and a property and evidence cataloging system with well-designed policies and procedures will improve the success and facilitate the effective operation of the Unit.

The Department's Property and Evidence facilities have reached maximum capacity and are currently overflowing, necessitating modern upgrades. Emphasis should be directed toward addressing facility requirements for property and evidence management in accordance with best practices. Additionally, the Unit would benefit from an ongoing purging program to provide sufficient space for new and existing items.

Citygate commends current Property and Evidence staff for their desire and actions to increase the unit's operational efficiency and security despite existing challenges.

7.4.1 Property Room Findings

Finding #67: There is a significant backlog of property that needs to be purged that staff are diligently trying to clear. With the daily influx of new evidence and property, the task often seems insurmountable.

Finding #68: The current main evidence facility is prone to flooding, and both the Connex and the "Bulk" storage facility are less than desirable. Photos depicting the exterior facility show it overflowing and lacking adequate storage space.

7.4.2 Property Room Recommendations

Recommendation #45: The Department could enhance its efficiency by establishing a short-term, dedicated task force to address the evidence backlog and improve and streamline the organization of evidence and property rooms. The Unit's ongoing, permanent staffing should consist of one Supervisor, two full-time Specialists, and one part-time staff member capable of providing support for both planned and unplanned absences and conducting periodic audits.

Recommendation #46: The Department should conduct a thorough assessment of the current state of property and evidence facilities including the physical infrastructure, storage capacity, security measures, and compliance with current standards. The Department should also consider a POST review of current evidence practices, procedures, and policies.

Recommendation #47: Citygate has provided Property and Evidence staff with the POST Property and Evidence Function's Agency Self-Evaluation (revised February 2022) and recommended that the Supervisor and staff review it annually. Given the sensitive nature of evidence, effective risk management requires thorough oversight and rigorous control measures.

7.5 RECORDS UNIT

The Records Unit handles subpoenas and records requests, manages warrant logs, offers customer service at the front counter, monitors and enters California Law Enforcement Telecommunications System (CLETS) data, manages citation processing, issues vehicle releases and clearance letters, reviews reports, and more. The Records Unit Supervisor intends to resume the work to reorganize and retrofit workstations to enhance workflow efficiency. The unit has also faced turnover challenges as employees have left for other government functions that provide upward mobility and telework opportunities for office specialists.

With over 22 years of experience, the current Supervisor possesses comprehensive technological expertise in the Records Unit. The unit's staff are engaged in various tasks, such as processing subpoenas and records requests, managing warrant logs, issuing vehicle releases and clearance letters, assisting front counter customers with inquiries and report requests, handling citation processing, California Public Records Act (CPRA) requests, and more. The unit is responsible for the initial review of online reports, and there was a suggestion to improve workflow by having a Sergeant review the reports first, followed by the records team, before forwarding them to Investigations.

Records Unit staffing consists of two Office Specialist IIs and two Office Specialist IIIs, who work two shifts—an early shift: 6:00 am to 3:00 pm, and a day shift: 7:30 am to 4:30 pm. Lobby hours are Monday through Friday, 8:00 am to 4:00 pm.

The unit dedicates a significant amount of time addressing CPRA requests. In April 2024 alone, the unit recorded over 593 inquiries. With California legislative initiatives over the past decade, CPRA requests have become a more common occurrence in law enforcement agencies statewide. Many agencies have allocated one to two staff members solely to this function. Currently, the unit relies heavily on overtime to address the backlog of CPRA requests; staff have also resorted to shortening public business hours to allow time for staff to work on CPRA requests without interruption.

In 2023, the unit processed 3,624 cases, or 24 cases daily, based on 250 working days annually. The Department has an opportunity in the Records Unit to make use of a common leadership phrase: "What gets counted gets measured." Tracking the number of citations, customers at the counter, and reports processed would help to accurately determine staffing levels.

The unit employs Tyler Technologies' Enterprise Law Enforcement Records Software, which is a comprehensive suite integrated with most of the Department's law enforcement-centric IT software by Tyler Technologies. Additionally, the Unit Supervisor utilizes CareWare, a recently acquired scheduling software.

The unit suffers from **high turnover and training challenges**. Given such turnover, there is a constant need for training new staff or training existing staff to perform new roles.

The unit Supervisor plays a crucial role in the unit's operations and frequently "fills in" to assist staff while trying to remain current with schedules, staffing, and all personnel matters.

The unit would also benefit from the implementation of **ergonomic upgrades** to staff workstations to improve employee health and safety, increase productivity, enhance wellbeing, and potentially reduce absenteeism.

Finally, Citygate believes it would be advantageous for the unit Supervisor and the Records Unit as a whole to review the **job specifications** of the Office Specialist II and III job classes. Understanding how these two positions could provide more leadership support may allow for the delegation of certain tasks, freeing the supervisor to lead staff more effectively.

7.5.1 Records Unit Findings

Finding #69: The Records Unit is currently under significant strain due to an increased volume of California Public Records Act (CPRA) requests.

Finding #70: The professional development of Office Specialist III employees is essential to meet the evolving demands and requirements of their roles.

Finding #71: Implementing ergonomic upgrades to Records Unit staff workstations need could improve employee health and safety, increase productivity, enhance employee wellbeing, and potentially reduce absenteeism.

Finding #72: Staff within the Records Unit are experiencing some internal friction.

7.5.2 Records Unit Recommendations

Recommendation #48: The Department would benefit from staffing the Records Unit with an Office Specialist I to manage the increased volume of CPRA requests. Adding such an entry-level specialist would help existing staff meet their work demands.

Recommendation #49: Consider enrolling both Office Specialist III positions in the POST 40-hour Records Supervisor Course to support their professional development and to assist in meeting some of the requirements outlined in their job specifications.

Recommendation #50: The ergonomic features and capabilities of workstations, along with workstation and workflow analysis, should be assessed and tailored to enhance operational efficiency.

Recommendation #51: There are numerous resources available for team building, and one particularly effective resource for fostering team trust and performance is Patrick Lencioni's book, *The Five Dysfunctions of a Team: The Official Guide to Conducting the Five Dysfunctions Workshops for Teams and Team Leaders*. The Department should contemplate appointing a trusted executive team leader to implement some of the facilitated learning outlined in the book.[19]

7.6 COMMUNICATIONS CENTER

The Communications Center, also known as a Public Safety Answering Point (PSAP), handles communications for the Police Department, Fire Department, and medical emergencies. The unit is allocated five full-time Supervising Public Safety Dispatcher (SPSD) and 28 full-time Public Safety Dispatcher (PSD) positions. Dispatchers serve dual roles as call-takers and dispatchers and are trained in both capacities. Actual dispatcher staffing includes 15 certified dispatchers and 10 dispatcher trainees. Of the five authorized SPSDs, two positions are vacant, creating a significant gap in supervision and limiting the training of new hires. Currently, unit supervisors occasionally

[19] https://www.tablegroup.com/product/facilitators-guide

cover dispatcher shifts due to a shortage of trained and certified dispatchers. The shortage of dispatchers over the last three years has strained staff and has resulted in a continual rise in annual overtime since 2020, as reflected in the following table.

Table 56—Communications Center Overtime Hours

Overtime Hours	2021	2022	2023
Public Safety Dispatcher	8,202	9,445	9,888
Supervisory Public Safety Dispatcher	1,967	2684	2803
Total	**10,175**	**12,129**	**12,691**

These trends align with the findings of the 2019 City of Berkeley Auditor Report on excessive overtime and low morale due to understaffing.[20] The Auditor Report underscores issues like those identified by Citygate during our time onsite. With the Communication Center being understaffed, the Department should consider establishing a call-taker classification to alleviate the burden on dispatchers. Call-takers take both emergency and non-emergency calls and route them to dispatchers, who perform the more challenging task of assigning staff to calls and monitoring their locations throughout the City. Call takers can also train to become PSDs.

The new manager overseeing the Communication Center has set clear expectations and has developed a training plan consistent with POST standards. This plan focuses on leadership training for supervisors, including course facilitator training such as the POST Academy Instructor Certification Course (AICC).

The Communication Center Manager has also increased recruitment efforts. However, the new challenge is that there are not enough workstations, trainers, or space available with so many new hires. Some of the efforts highlighted to increase the dispatcher candidate pool and retention include a $5,000 retention incentive, holding dispatch seminars, offering competitive salaries, and having a dispatch recruiter at hiring outreach events.

Citygate believes it is crucial to eventually find a new location for the Communication Center to accommodate its current and future needs. Recently, the onboarding process for seven new hires was significantly hindered due to insufficient facility space and a lack of trainers and training stations. These limitations have adversely affected both the training capacity and the quality of training provided.

[20] 2019 City of Berkeley Auditor Report.

The 2022 Federal Engineering, Inc. Needs Assessment Report—which evaluated the staffing, infrastructure, and technology requirements of the Berkeley 9-1-1 Communication Center—identified facilities and increased human capital as high priorities. Citygate concurs with these findings, but we believe that acquiring additional floor space to accommodate more workstations should be prioritized before adding new staff.

7.6.1 Standards and Best Practices

Based on review of the International Association of Chiefs of Police (IACP) 2019 article *The State of Recruitment: A Crisis for Law Enforcement*,[21] analysis of the Association of Public-Safety Communications Officials (APCO) *Staffing and Retention in Public Safety Answering Points (PSAPs): A Supplemental Study* report from George Mason University in 2018,[22], and Citygate's experience, there are several areas that contribute to fewer applicants and reduced retention of new hires.

Contributing factors include:

- Generational differences (concerns with work-life balance and a desire for less forced overtime).
- The public image of law enforcement among many young people.
- Hiring process challenges (the IACP recruitment survey noted that 47.5 percent of agencies reported a hiring process that lasted from four months to over a year).

Because APCO is an international organization, they have a deep bench in the areas of business acumen and communications experience. While PSAPs exist in various locations and sizes, they share many similar concerns. As with police officers, dispatchers are people too, and human characteristics change over time as cultures shift and evolve.

Some of APCO's findings include:

- 65.4 percent of all PSAPs report an increase in the number of dispatched calls in the previous years.
- Supportive supervision, coworker support, and perceived recognition from the public merged as key factors to employee retention (proactive supervisors and inter-employee cooperation create a supportive environment for workers).
- Coworker support is an important factor in reducing psychological distress among PSAP staff.

[21] https://www.theiacp.org/sites/default/files/239416_IACP_RecruitmentBR_HR_0.pdf
[22] https://apconetforum.org/iweb/upload/StaffingandRetentionPSAPsSupplementalStudy.pdf

- Staffing pressures were an issue with PSAPs of varying sizes. Large PSAPs need help with retention, with over 38 percent reporting that their staffing levels have decreased. Small PSAPs are most likely to have met staffing levels for most of a year (40 percent), but they are least likely to specialize (tasks), meaning employees must focus on multiple tasks as part of their work instead of focusing on one job.

- The study found an average retention rate of 71 percent, which is down from the 2009 rate of 81 percent retention, indicating the growing retention problem.

Leaders in the law enforcement profession understand the fatal loop that is created by low retention coupled with a high workload—leading to a situation where an agency is *always* searching for qualified applicants. Consideration should be given to a **two-step solution**:

1. Working with HR and Department leadership, create a workgroup charged with modifying the existing recruiting and retention processes (recruiting and retention must work together) and develop an implementation strategy with a timeline for accountability.

2. Review the proposed schedule as a guide to begin filling positions, seeking input along the way. This process is living and change along the way is expected.

When Citygate began work on this study, there were only three FTE SPSDs, but the Department has recently added one more, bringing the total to four. Two Supervisors work the day shift from 6:15 am to 4:15 pm, and the other two work the graveyard shift from 8:30 pm to 6:15 am. The scheduled days off are either Sunday, Monday, and Tuesday; or Thursday, Friday, and Saturday—resulting in all Supervisors working on Wednesday. To ensure full supervisory coverage, the Department would need six supervisors. Currently, the swing shift lacks assigned supervisors from 4:15 pm to 8:30 pm, leaving a four-hour gap during a busy part of the day that is covered either by supervisors working overtime or by a PSD serving in an acting capacity.

The National Emergency Number Association (NENA) sets standards for call-answer time for PSAPs. Current standards establish (1) 90 percent of all 9-1-1 calls should be answered within 15 seconds, and (2) 95 percent of all 9-1-1 calls should be answered within 20 seconds. These standards are designed to ensure that emergency calls are answered quickly to provide timely assistance to those in need. Meeting these standards is critical for the effectiveness and reliability of emergency communication centers.

A shortage in staffing often results in only having one dedicated call-taker. Adding a call-taker position would help meet the NENA standard of answering 90 percent of calls within 15 seconds. When Citygate began this study, the Department was not meeting this standard, with only 87.1 percent of calls answered within 15 seconds. However, through a concerted effort and the use of overtime to ensure minimal staffing, **the Department met the NENA standard as of May 31, 2024, with 90.55 percent of**

calls answered within 15 seconds or less. Additionally, the Department met the other NENA standard of answering 95 percent of calls within 20 seconds, achieving a rate of 95.70 percent.

7.6.2 Communications Center Findings

Finding #73: Citygate concurs with the issues and recommendations identified in the two recent Communications Center studies (the Berkeley City Auditor's Report and the 2022 Federal Engineering Inc. Study).

Finding #74: The current number of workstations and facility spaces are insufficient to accommodate the existing and additional future staffing; the current space is not conducive to effective dispatch training.

7.6.3 Communications Center Recommendations

Recommendation #52: New recruitment and retention efforts for dispatchers should be continued.

Recommendation #53: Consider prioritizing the planning and acquisition of additional floor space and workstations to meet current and future needs of the PSAP. The Department should consider utilizing another City-owned facility or reconfiguring the adjoining office space (Bike Unit) for expansion.

Recommendation #54: Consider **increasing Supervisory Public Safety Dispatcher staffing from four to six** to ensure proper leadership and supervision for all shifts.

SECTION 8—SUMMARY OF PERSONNEL PRIORITIES AND FINDINGS AND RECOMMENDATIONS

8.1 FINDINGS

The following is a comprehensive list of all findings contained within this report, organized by section.

Citygate's findings speak to defining elements of the City's particular context and situation and provide a basis for Citygate's recommendations.

8.1.1 Employee Survey

Finding #1: 51 of the 68 respondents to Citygate's Employee Survey indicated that they dedicate at least two hours daily to collateral assignments.

Finding #2: 42 personnel who responded to the Employee Survey self-identified as "engaging in proactive activities." Within this subgroup, 25 respondents indicated that they spend one hour or less on proactive activities daily. This outcome suggests that Operations staff may have limited capacity to engage in proactive policing, which is supported by narrative comments from some respondents.

Finding #3: Analysis of the data from 68 respondents to the Employee Survey revealed a significant risk of employee attrition, with 60 percent of Department respondents indicating an intent to leave the Department within three years. This outcome suggests multiple concerns related to the retention of personnel.

Finding #4: Respondents to the Employee Survey who indicated a desire to leave the Department within three years also expressed neutral to negative sentiments related to the strengths and opportunities of the Department, suggesting a personal disengagement from the Department's mission.

Finding #5: Another notable revelation related to personnel who indicated an intent to leave the Department in the near future was that when respondents were questioned about their reasons for doing so, 34 respondents (52 percent) cited better job opportunities, while 30 respondents (46 percent) expressed concerns about the work environment or culture. In analysis of survey comments regarding the reasons behind these sentiments, Citygate found that many pointed towards a perceived lack of support from the community and City Council.

8.1.2 Police Beat

Finding #6: Given the wide disparity in call volume between some of the former 16 beats, the reduction in number from 16 to 14 in 2023 appears reasonable and consistent with the 2014 Patrol Beat study.

Finding #7: Collapsing of beats (from 14 to 7) beginning in the early morning appears to be a reasonable and wise use of limited resources given reduced call demands during such times.

Finding #8: Reducing the size of Beats 4 and 6 appears necessary given their higher call volumes.

Finding #9: The calls for service demand of beats 15 and 16 were much lower than those of other beats, which is consistent with the 2014 study.

8.1.3 Overtime

Finding #10: As noted by the City Auditor, the number of filled positions is not the same as the number of officers available to work. New hires, for example, although counted as filling a position, are not available for solo officer duties for nearly a year, and authorized positions differ from those actually filled. An officer position might be "filled," but the officer may not be available due to a long-term injury or military leave.

Finding #11: To ensure enforcement of overtime rules, the Department now generates a monthly Scheduling Rules Violation Report which details policy exceptions that have been necessary to maintain minimum staffing levels.

Finding #12: Persistent backfilling to fill necessary positions indicates a chronic shortage of personnel in relation to work needing to be completed.

Finding #13: Overreliance on overtime can increase fatigue and burnout and decrease productivity.

Finding #14: Overtime availability outside of Patrol may make overtime availability in Patrol less attractive, which could result in the same limited number of officers taking these assignments.

Finding #15: The Department has implemented new staffing software ("CareWare") and develops regular management reports that provide timely, accurate, and complete information regarding overtime, hours worked, and time off taken.

Finding #16: The Department now has the means to track overtime across all organizational units, including that worked by individuals.

Finding #17: Reducing the number of beats from 16 to 14 appears to have contributed to the reduction in overtime in 2023.

Finding #18: Policy 1015 requires that supervisors verify all overtime worked before approving overtime requests.

8.1.4 Administrative and Fiscal Services

Finding #19: Creating and filling a Senior Management Analyst position would complete the career ladder necessary to prepare current Assistant Management Analysts for more demanding work.

8.1.5 Internal Affairs Bureau

Finding #20: The work of the two Sergeants assigned to Internal Affairs Bureau (IAB) has grown more complex. Not only must they investigate complaints made to the Department, but they now also investigate complaints made to the Police Accountability Board (PAB). Further, they serve an important advisory role to the Chief, support the City Attorney, and serve as liaisons to the District Attorney and the PAB.

8.1.6 Use of Force

Finding #21: Berkeley's Level 1 Use of Force criteria, while well intentioned, unnecessarily diverts supervisor time to review actions that do not require in-depth review. The supervisors' time is better spent *with officers on calls* so that supervisors can train personnel and model interactions in accordance with policy, training, and Departmental values.

8.1.7 Operations Division

Finding #22: 34,111 overtime hours were worked in Patrol in 2023.

Finding #23: Calls for service and calls per shift per officer have increased.

Finding #24: Incidents within most Part 1 crime categories have increased.

Finding #25: Case reports have steadily risen since 2020.

Finding #26: The Department's allotted span of control in Patrol (Sergeant to officer) is approximately one Sergeant to four or five officers, which appears reasonable, if not better than, recommended best practices. By adding 15 officers, the span of control of the 14 Patrol sergeants, at a ratio of 1:5 or 1:6, would still be reasonable and consistent with best practices.

Finding #27: Sergeants and Patrol officers are now spending more time on various administrative, prisoner transportation, or evidence collection tasks that consume increasingly more time and may also take multiple officers off the street and out of the City (or otherwise out of service) for hours at a time.

Finding #28: An analysis of Patrol officer utilization reveals that officers were available for calls for service 43 percent of their total work time on average. However, such availability was achieved, in part, by adding thousands of overtime hours and the frequent reassignment of Bike Team officers to Patrol to fill vacant positions.

Finding #29: The Department now has the data and analysis capacity to regularly assess staffing levels in Patrol. By monitoring calls for service, response times, time for community engagement, unobligated police time, and other work demands not captured in CAD records, the Department should be able to assess how many officers and other staff (such as CSOs) are needed in Patrol across the three shifts. The Department can then make staffing adjustments which can then be reflected in future "timesheets."

Finding #30: The Community Services Bureau provides many necessary and valuable roles. The problem-solving efforts of the four community liaisons undoubtedly reduce call and work demands on Patrol.

Finding #31: The Community Services Bureau's Transparency Hub is an impressive source of a wide variety of police information that includes data on crime, use of force, and traffic safety. It is a model for other police agencies and also reinforces the Department's commitment to building community trust, confidence, and support.

Finding #32: The Bike Team enjoys strong support. Like the Community Services Bureau, their work also likely reduces call and other work demands on Patrol.

Finding #33: Given reduced staffing levels and the additional time officers are not available on the street, officer-initiated activity has declined, average response time to Priority 2 and Priority 3 calls has increased since 2020, and average officer time on-scene has increased.

8.1.8 Investigations Division

Finding #34: The Department lacks any detectives assigned to investigate narcotics offenses on a full-time basis. Citygate learned that full-time narcotics investigator positions existed approximately four years ago, but the positions were eliminated.

Finding #35: The existing Case Management System, which would allow supervisors and managers to track cases assigned, cleared, or pended, is not fully utilized.

Finding #36: Crime analysis that is focused exclusively on the investigative function and detective caseloads, including cases lacking investigative leads, is deficient.

Finding #37: The Department lacks a "soft" interview room for crime victims, witnesses, and juvenile interviews.

Finding #38: Crime Scene Technician staffing does not allow for extended employee absences without incurring overtime.

Finding #39: There is no formal training program for newly assigned detectives. Depending on the unit assigned, new detectives shadow a senior detective, but there are no guidelines outlining courses new detectives should take.

Finding #40: Detectives make multiple trips per week to the crime lab in Richmond to drop off evidence for testing. In some cases, detectives make several such trips a day. Staff estimate that they spend four to six hours each week on trips to the Richmond Crime Lab.

Finding #41: To review video from various sources including officer body-worn cameras, detectives have access to only one computer that has the software needed to view and duplicate video.

Finding #42: The Department does not have any detectives assigned to cold cases.

Finding #43: One School Resource Officer (SRO) is assigned to Berkeley High School, which has an enrollment of approximately 3,200 students.

Finding #44: Crime Scene Technicians work a 4/10 work schedule. Under the current schedule, there is a five-hour window where there are no crime scene technicians available to respond to calls from Patrol after 2:00 am.

Finding #45: Between September of 2022 and September of 2023, the percentage of total requests for the District Attorney to obtain DNA evidence collected from crime

scenes saw a significant increase—from seven percent of evidence requests being related to DNA to 24 percent being DNA-related.

8.1.9 Traffic Bureau

Finding #46: Patrol units manage 73 percent of injury collisions, reducing the time available for proactive activities and community engagement.

Finding #47: Traffic safety education is currently insufficient and should be integrated into a comprehensive traffic safety plan that incorporates "the five 'E's."

Finding #48: The Department is currently in a reactionary mode as it relates to traffic enforcement, primarily responding to traffic complaints instead of focusing on targeted areas to reduce all types of traffic collisions.

Finding #49: Given the high number of pedestrian and bicycle collisions, social media and other public information channels should be utilized more frequently and with greater emphasis.

Finding #50: Collision investigations are primarily managed by Patrol officers, though many of the tasks involved in traffic investigations could be effectively managed by a CSO.

Finding #51: Currently, all members of the traffic unit are motorcycle officers, except for the Accident Review officer.

Finding #52: The Department currently transmits collision information to SWITRS by sending hard copies through the mail.

Finding #53: Many roadway traffic surveys are outdated, limiting the extent of traffic enforcement that can be conducted for Primary Collision Factor (PCF) violations.

Finding #54: There are 21 Parking Enforcement officers with only two supervisors assigned across three shifts. The addition of a third supervisor would promote cohesion between supervisors and their respective teams and would likely establish a shift/team leadership approach and ensure a proper supervisory span of control of between one and seven personnel.

8.1.10 Professional Standards Division

Finding #55: Training and background staff are missing continuing professional training and background investigations requirements for some officers and dispatchers, which could cause risk management issues.

Finding #56: The Department lost 49 officers to resignations between 2016 and 2023.

Finding #57: The duties of the Policy and Planning Sergeant are numerous and varied for a single person to accomplish.

Finding #58: The duties of the Audit and Inspection Sergeant are numerous and varied for a single person to accomplish.

8.1.11 Public Safety Center (Jail)

Finding #59: The Jail's control board, which is outdated and has experienced recurring functionality issues, needs to be replaced. Additionally, more cameras should be installed to cover existing "dead" zones.

Finding #60: A sworn Sergeant is assigned to Jail operations, although this is not a regulatory requirement under Title 15. Most of the Sergeant's duties involve transporting prisoners to the Alameda County Jail or taking prisoners to a local hospital for medical clearance.

Finding #61: The Department requires Jail operations to always have three CSOS on duty, with two specifically stationed in the booking area when an arrestee is brought in by an arresting officer, who remains in the booking area throughout the entire booking process.

Finding #62: A significant amount of sworn staff time is consumed in transporting and booking detainees at the Santa Rita Jail. The requirement for only sworn personnel to handle transportation is a Departmental mandate.

Finding #63: There is a proposed, staff-recommended, four-team staffing model with 12-hour shifts that is worthy of further consideration and study by the Department.

8.1.12 Technology Unit

Finding #64: The Technology Unit's leadership is entrusted to a uniformed Sergeant due to specialized project management skills, extensive experience, adeptness in the requisitioning process, and proficiency in technology/software solutions. However, there is currently no succession plan in place for the Sergeant's eventual departure.

Finding #65: Inefficiencies have been noted in field operations relative to the use of software for report writing. Given the existing software system's instability, field staff opt to write reports using Microsoft Word before returning to the station to upload and complete them.

Finding #66: The online reporting system is underutilized for traffic collision reporting. Embracing advances in technology is imperative in contemporary law enforcement operations.

8.1.13 Property Room

Finding #67: There is a significant backlog of property that needs to be purged that staff are diligently trying to clear. With the daily influx of new evidence and property, the task often seems insurmountable.

Finding #68: The current main evidence facility is prone to flooding, and both the Connex and the "Bulk" storage facility are less than desirable. Photos depicting the exterior facility show it overflowing and lacking adequate storage space.

8.1.14 Records Unit

Finding #69: The Records Unit is currently under significant strain due to an increased volume of California Public Records Act (CPRA) requests.

Finding #70: The professional development of Office Specialist III employees is essential to meet the evolving demands and requirements of their roles.

Finding #71: Implementing ergonomic upgrades to Records Unit staff workstations need could improve employee health and safety, increase productivity, enhance employee wellbeing, and potentially reduce absenteeism.

Finding #72: Staff within the Records Unit are experiencing some internal friction.

8.1.15 Communications Center

Finding #73: Citygate concurs with the issues and recommendations identified in the two recent Communications Center studies (the Berkeley City Auditor's Report and the 2022 Federal Engineering Inc. Study).

Finding #74: The current number of workstations and facility spaces are insufficient to accommodate the existing and additional future staffing; the current space is not conducive to effective dispatch training.

8.2 RECOMMENDATIONS

Citygate's recommendations are designed to serve the Department in its efforts to achieve the following **six goals**:

1. Increasing staffing in some areas and deploying and redeploying staff where and when they are most needed based on accurate and timely data and analysis.
2. In the context of employee wellness and accountability, carefully evaluating the various ancillary duties many employees are assigned, giving particular attention to supervisors who are often being pulled from their supervisory roles.
3. Continuing efforts to track and manage overtime and limiting its use to when it is necessary.
4. Continuing the Department's strong and creative efforts related to data analysis to drive performance and continuous improvement.
5. Continuing the Department's strong focus on employee wellness. A focus on wellbeing not only benefits individual employees but also promotes a healthier work environment, reducing the risk of fatigue and enhancing Departmental morale.
6. Improving employee retention and prioritizing employee morale. The benefits of improving police morale are many, including better service for the community, more community trust in the Department, and a motivated, purposeful workforce.

8.2.1 Employee Survey

Recommendation #1: Given the percentage of Employee Survey respondents who indicated a willingness to leave the Department within three years, Citygate believes there is a pressing need for the Department to implement strategic retention strategies to foster a more supportive organizational culture and mitigate potential turnover.

8.2.2 Police Beat

Recommendation #2: Retain the 14-Beat model while continuing to collapse the number of beats to 7 beginning at or about 2:00 am (0200 hours).

Recommendation #3: The Department's strong data and predictive analysis should dictate where staff are assigned. Periodically review beat activity and workload demand and adjust as necessary.

8.2.3 Overtime

Recommendation #4: Continue to record, analyze, and manage overtime to reduce the likelihood of employee fatigue and burnout.

8.2.4 Administrative and Fiscal Services

Recommendation #5: By **adding a Senior Management Analyst** and an Associate Management Analyst (which can likely be filled by promoting one of the three existing Assistant Management Analysts), Citygate believes the Unit can keep better pace with work demands while also creating a career ladder, which is critical given that the current Administrative and Fiscal Services Manager will be eligible to retire over the next two years.

8.2.5 Internal Affairs Bureau

Recommendation #6: Given the number of complaints received by the Internal Affairs Bureau (IAB), the time constraints related to completing investigations, and many other administrative demands—including those required of the Director of Police Accountability and outlined in the City Charter, which often involve significant IAB staff time—Citygate recommends that the Department add one clerical support staff position to the IAB.

8.2.6 Use of Force

Recommendation #7: Given the number of reported Level 1 uses of force in Berkeley—in which a subject did not experience more than temporary discomfort—Citygate recommends the City and Department modify their reporting requirements to those more in line with the policies of the cities of Fremont, Hayward, Richmond, San Leandro, and Santa Clara, whose Lexipol-created policies comply with both state and federal law.

8.2.7 Operations Division

Recommendation #8: Restore Patrol staffing by adding 15 additional officers—four officers each to teams 1, 2, and 3; and three officers to Team 7—bringing the total from the current 58 to 73. It is Citygate's understanding that these additional positions are funded but not currently filled. The added staffing would reduce the need for Patrol overtime, which would reduce the likelihood of fatigue and burnout while affording officers

	the ability to take time off without the need to "sell" shifts. *[Note: "Selling" a shift occurs when Patrol minimum staffing is reached, and Patrol officers want time off. They are generally allowed such time off only if they can find another officer to fill in for them on an overtime basis.]*
Recommendation #9:	Add five CSOs (Citygate understands these positions have already been funded) to support Patrol officers on weekday morning and evening shifts. Given existing call demands and committed time, Citygate believes the Department should strategically deploy five Patrol CSOs to match those times of day and days of week where Patrol time is most obligated currently (Day Shift and Swing Shift), which would help to reduce the committed time of Patrol officers, affording them more time for community engagement and to be proactive while also ensuring greater availability to respond to emergencies and cover assignments.
Recommendation #10:	CSOs should be trained to take many non-emergency calls and write related reports, recover stolen vehicles and found property, tow abandoned vehicles, retrieve and download video evidence, transport witnesses and victims, etc.
Recommendation #11:	After staffing is added to Patrol, create a team of five officers led by one Sergeant that can be flexibly deployed to quickly address most any emerging public safety issue, which might include organized retail theft, robberies, carjackings, etc. Such a team might also serve as a field resource for detectives. This team should also be one that can move rapidly across shifts and days of the week to address issues identified in the Department's strategic analysis of crime.
Recommendation #12:	The Department should continue to closely evaluate Patrol spans of control; call patterns, including the number, location, and types of calls; response time; unobligated (available) police time; and call-handling (on-scene) time. These factors are essential in assessing Patrol's staffing needs now and in the future. Further, even though call volume may remain stable in future years, call-handling time—and the nature/type of such calls along with other operational work demands—may suggest the need for more staff and/or the redeployment of existing staff to ensure Patrol can meet the service expectations of City residents.

Recommendation #13: When the Community Services Bureau's PIO and Strategic Analysis Team are transferred to the Chief's Office, the Bike Team should be realigned under the Community Services Bureau, where the Community Services Bureau Lieutenant can provide oversight, thus relieving a Patrol Lieutenant from this responsibility.

8.2.8 Investigations Division

Recommendation #14: If, at full staffing, the recommended Patrol team is found to be overwhelmed and insufficient to manage narcotics investigations, the Department should consider creating a team comprised of detectives and a Sergeant to investigate narcotics offenses.

Recommendation #15: Investigations Division Supervisors and managers should make broader use of the existing case management system within the current records management system to better track cases assigned to detectives. Each unit supervisor should be able to see the caseload carried by each detective in real time, including the number of open, closed, pending, and cleared cases.

Recommendation #16: **Add a full-time, Real-Time Crime Analyst** to support both Patrol and Investigations. This position will focus on rapidly operationalizing data to officers in the field and detectives working active cases.

Recommendation #17: Construct a "soft" interview room for interviewing victims and witnesses of certain sensitive crimes. Such rooms can be used by survivors of crime, domestic abuse, sexual assault, and children in traumatic situations.

Recommendation #18: Develop a training matrix for Investigations. The training matrix should include a formal training program for newly assigned detectives and a list of POST/ICI training courses required for each detective.

Recommendation #19: Create a plan to reduce the number of daily trips detectives make to the crime lab in Richmond. The addition of a CSO (or a retired annuitant) could relieve detectives from having to make frequent trips to Richmond for evidence pickup and drop-off.

Recommendation #20: Purchase software to install on additional computers in the Investigations Division that would allow detectives to review, save, and copy video footage from all available sources within the City—including City-owned street cameras, officer body-worn cameras, and

	private cameras in situations where the owners have given the Department access.
Recommendation #21:	Consider hiring a cold case detective, potentially a retired annuitant, to investigate cold cases.
Recommendation #22:	Consider **adding a second School Resource Officer** to Berkeley High School given the extensive workload of the current SRO.
Recommendation #23:	**Add one additional Crime Scene Technician** to the current staff of four.

8.2.9 Traffic Bureau

Recommendation #24:	The Department should endeavor to **fully staff the Traffic Bureau** so that it can handle most (if not all) injury collisions, as well as **increase education and enforcement efforts** in traffic safety. These changes would significantly free Patrol personnel to focus on their primary responsibilities.
Recommendation #25:	Create a structured plan for targeted enforcement and educational initiatives based on analyzing variables associated with high crash data from the Office of Traffic Safety (OTS) and the Traffic Injury Mapping System (TIMS).
Recommendation #26:	Continue to expand the use of statistical data for deployment of Traffic Unit personnel.
Recommendation #27:	Expand the use of social media to inform the public of traffic safety and enforcement efforts to enhance their impact on driving behavior. Use of social media and other approaches to promote bicycle and pedestrian safety and enforcement efforts could also be effective. *[Note: At the time of Citygate's writing of this report, the Public Information Officer was being moved to the Office of the Chief as part of a new Office of Strategic Communications.]*
Recommendation #28:	**Add a civilian CSO** to conduct or aid in collision investigations and traffic educational/safety presentations. This would be more cost-effective than an additional Traffic Unit officer and would allow for increased traffic enforcement by current Traffic Unit officers.

Recommendation #29: Build the Traffic Unit comprising both Motorcycle officers and Patrol cars. Traffic enforcement and collision investigation can be effectively conducted using either a car or a motorcycle.

Recommendation #30: Consider working with an OTS Law Enforcement Liaison to acquire an Allied Agency Reporting Service (i.e., Crossroads) via grant.

Recommendation #31: The Traffic Bureau should collaborate with the City Traffic Engineer to update outdated traffic surveys.

Recommendation #32: Consider appointing an additional supervisor within the Parking Enforcement Unit to mitigate the current extensive span of control and decrease overtime.

Recommendation #33: At current (reduced) staffing levels, consider expanding the workload and responsibilities of the Traffic Unit Lieutenant or reallocating the position to a role where it can be more effectively utilized. At full staffing, Citygate believes the Lieutenant's position is justified.

8.2.10 Professional Standards Division

Recommendation #34: To reduce unnecessary resignations, the Department should consider establishing a Retention Team with members from several different units to review and evaluate exit interviews. The committee can identify preventable reasons for resignations and make recommendations to improve employee retention.

Recommendation #35: When the Policy and Planning Unit is transferred during the Department's planned reorganization, the roles and responsibilities of the Sergeant should be more narrowly focused to allow for the successful completion of all assigned duties. If additional responsibilities are included, consideration should be given to adding a clerical support position.

8.2.11 Public Safety Center (Jail)

Recommendation #36: The Department should proceed with securing a contract for an architect to upgrade the control board, add cameras, and potentially expand the size and functionality of the Booking Room at the Jail facility.

Recommendation #37: Consider creating a civilian manager position and reassigning the sworn supervisor to oversee the Property Room (as per the property recommendation) or reallocating the Sergeant to address a higher-priority need for sworn supervision.

Recommendation #38: Consider reducing the requirement to always have three CSOs on duty, given that the booking officer is required to remain in the booking area during the processing of an arrestee.

Recommendation #39: Consider a change to the current requirement that does not allow CSOs to transport prisoners. Such a change would necessitate additional training for the CSOs but would reduce overtime and the need for two sworn staff members during transportation.

Recommendation #40: Consider further study of a four-team, 12-hour shift model for Jail operations. Citygate believes this model could potentially increase the number of CSOs on-duty, providing opportunities for CSOs to aid in prisoner transportation, patrol duties, or other assigned responsibilities.

8.2.12 Technology Unit

Recommendation #41: Evaluate the number of responsibilities managed by Technology Unit staff. Consider reducing service levels or adding more staff.

Recommendation #42: Consider appointing a full-time civilian information technology specialist to oversee the Technology Unit rather than relying on a sworn Sergeant. This transition will ensure stability, expertise, and continuity in navigating the Department through the ever-evolving technology field.

Recommendation #43: Consider investigating alternative software solutions for all facets of police operations. Prioritizing the convenience of retaining current software vendors should not overshadow the importance of advancing operational efficiency.

Recommendation #44: Consider adding categories such as Non-Injury Traffic Accidents, Non-Injury Hit-and-Run Traffic Accidents, and Non-Injury Single-Vehicle-Property-Damage-Only Traffic Accidents as options within the online reporting system. Software solutions offered by companies like

LexisNexis can facilitate this initiative.[23] By diverting or referring more calls for service to online reporting, the Department would likely create more available time for officers in Patrol—which could ultimately help to reduce overtime usage within the Department.

8.2.13 Property Room

Recommendation #45: The Department could enhance its efficiency by establishing a short-term, dedicated task force to address the evidence backlog and improve and streamline the organization of evidence and property rooms. The Unit's ongoing, permanent staffing should consist of one Supervisor, two full-time Specialists, and one part-time staff member capable of providing support for both planned and unplanned absences and conducting periodic audits.

Recommendation #46: The Department should conduct a thorough assessment of the current state of property and evidence facilities including the physical infrastructure, storage capacity, security measures, and compliance with current standards. The Department should also consider a POST review of current evidence practices, procedures, and policies.

Recommendation #47: Citygate has provided Property and Evidence staff with the POST Property and Evidence Function's Agency Self-Evaluation (revised February 2022) and recommended that the Supervisor and staff review it annually. Given the sensitive nature of evidence, effective risk management requires thorough oversight and rigorous control measures.

8.2.14 Records Unit

Recommendation #48: The Department would benefit from staffing the Records Unit with an Office Specialist I to manage the increased volume of CPRA requests. Adding such an entry-level specialist would help existing staff meet their work demands.

Recommendation #49: Consider enrolling both Office Specialist III positions in the POST 40-hour Records Supervisor Course to support their professional

[23] A prototypical model can be found in the City of Fullerton's online Traffic Collision Report page, which currently includes these types of online reporting collisions and allows users to obtain a collision report online.

development and to assist in meeting some of the requirements outlined in their job specifications.

Recommendation #50: The ergonomic features and capabilities of workstations, along with workstation and workflow analysis, should be assessed and tailored to enhance operational efficiency.

Recommendation #51: There are numerous resources available for team building, and one particularly effective resource for fostering team trust and performance is Patrick Lencioni's book, *The Five Dysfunctions of a Team: The Official Guide to Conducting the Five Dysfunctions Workshops for Teams and Team Leaders*. The Department should contemplate appointing a trusted executive team leader to implement some of the facilitated learning outlined in the book.[24]

8.2.15 Communications Center

Recommendation #52: New recruitment and retention efforts for dispatchers should be continued.

Recommendation #53: Consider prioritizing the planning and acquisition of additional floor space and workstations to meet current and future needs of the PSAP. The Department should consider utilizing another City-owned facility or reconfiguring the adjoining office space (Bike Unit) for expansion.

Recommendation #54: Consider **increasing Supervisory Public Safety Dispatcher staffing from four to six** to ensure proper leadership and supervision for all shifts.

[24] https://www.tablegroup.com/product/facilitators-guide

31

Fair Campaign Practices Commission

INFORMATION CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Fair Campaign Practices Commission

Submitted by: Sam Harvey, Secretary, Fair Campaign Practices Commission

Subject: Fair Campaign Practices Commission FY2025-2026 Work Plan

INTRODUCTION

The Fair campaign Practices Commission (FCPC) has updated its work plan, which outlines Commission objectives for the upcoming fiscal year. This work plan includes:

- Ongoing compliance review of campaign statements
- Ongoing review of alleged violations of the Berkeley Election Reform Act (BERA) (BMC Ch. 2.12)
- Receiving trainings on various topics including due process, complaint hearings processes, the Brown Act, conflicts of interest, BERA and campaign reporting obligations, and legislative vs. quasi-judicial roles of the Commission
- Identifying issues, monitoring trends and collecting data related to campaign fundraising and contribution limits
- Analyzing and assessing the performance of the public financing system and considering improvements to the matching funds disbursement process
- Developing recommendations for removing barriers to access for candidates and improving public sharing of information by streamlining, clarifying and simplifying the City's campaign rules, regulations and procedures
- Reviewing and revising FCPC enforcement procedures
- Considering possible amendments to BERA and FCPC Regulations to provide clarity and improve oversight of City campaigns

CURRENT SITUATION AND ITS EFFECTS

At its regular meeting on June 19, 2025, the Fair Campaign Practices Commission approved the FY2025-2026 Work Plan, which will be used to guide the Commission's work throughout the fiscal year.

Action: Motion to approve work plan
Vote: M/S/C: Soichet/Ching; Ayes: Bowen, Lee, Ching, Soichet, Lazarus, Saginor; Noes: none; Abstain: none; Absent: Sudharsan

BACKGROUND
See attached Work Plan.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
No environmental or climate impacts or opportunities were identified as a result of this recommendation.

POSSIBLE FUTURE ACTION
Based on Commission research and public hearings, new initiatives and recommendations to City Council may be submitted to City Council at such time deemed necessary.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
Unknown, but none expected.

CONTACT PERSON
Samuel Harvey, Commission Secretary (510) 981-6998
Kitt Saginor, Chair (510) 981-6998

Attachment: 1: Fair Campaign Practices Commission Work Plan

ATTACHMENT 1

Fair Campaign Practices Commission

Work Plan for FY2025-2026 (July 1, 2025- June 30, 2026)
Approved June 19, 2025

- Ongoing compliance review of campaign statements.
- Ongoing review of alleged violations of the Berkeley Election Reform Act ("BERA")
- Receive trainings on the following topics, with the goal of completing trainings by the end of Q1 2026:
  - Due process and complaint hearings processes
  - Brown Act
  - Conflicts of interest
  - BERA and other campaign reporting obligations
  - Legislative vs. quasi-judicial roles of the Commission
- Identify issues, monitor trends and collect data related to campaign fundraising and contribution limits
- Analyze and assess the performance of the City's campaign public financing system and consider improvements to the matching funds disbursement process
- Develop recommendations for removing barriers to access for candidates and improving how candidates and the public share information by streamlining, clarifying and simplifying the City's campaign rules, regulations and procedures
- Review and revise FCPC enforcement procedures
- Consider possible amendments to BERA and FCPC Regulations to provide clarity and improve oversight of City campaigns

32

Open Government Commission

INFORMATION CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Open Government Commission

Submitted by: Sam Harvey, Secretary, Open Government Commission

Subject: Open Government Commission FY2025-2026 Work Plan

INTRODUCTION

The Open Government Commission (OGC) has updated its work plan, which outlines Commission objectives for the upcoming fiscal year. This work plan includes the following items:

- Ongoing review of complaints concerning alleged non-compliance with the Open Government Ordinance, the Brown Act, the Public Records Act, or the Lobbyist Registration Act.
- Propose legislation or procedures to further ensure the City's compliance with the Open Government Ordinance, the Brown Act, the Public Records Act, and the Lobbyist Registration Act.
- Administer and make more effective the Lobbyist Registration Act, including reviewing how City systems may be upgraded to permit electronic submission of forms and fees for lobbyist registration and reporting.
- Advise the City Council of any action or policy that would enhance open and effective government in the City of Berkeley.
- Review and make recommendations regarding public access and participation in public meetings of the City Council and other City bodies
- Review and provide advice on any proposed changes the City Council's rules of procedure.
- Review, approve, and forward to the City Council the annual report submitted to the Open Government Commission by the City Manager regarding compliance with the Open Government Ordinance, the Public Records Act, the Brown Act,

the Lobbyist Registration Act, and any other information the City Manager deems appropriate for open and effective government in the City of Berkeley.

- Receive trainings on the following topics:
  - Brown Act
  - Conflicts of Interest
  - Public Records Act
  - Open Governance Ordinance
  - Berkeley Lobbyist Registration Act

- Explore ways to improve public access and usability of the City's website

- Monitor and make recommendations related to City progress in providing remote access to City commission and board meetings

- Explore ways for the City to better publicize the work of City boards and commissions and address vacancies on City boards and commissions

CURRENT SITUATION AND ITS EFFECTS
At the regular meeting on June 19, 2025, the Open Government Commission approved the FY2025-2026 Work Plan, which will be used to guide the Commission's work throughout the year.

Action: Motion to approve work plan
Vote: M/S/C: Lee/Lazarus; Ayes: Bowen, Lee, Ching, Soichet, Lazarus, Saginor; Noes: none; Abstain: none; Absent: Sudharsan

BACKGROUND
See attached Work Plan.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
No environmental or climate impacts or opportunities were identified as a result of this recommendation.

POSSIBLE FUTURE ACTION
Based on Commission research and public hearings, new initiatives and recommendations to City Council may be submitted to City Council at such time deemed necessary.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
Unknown, but none expected.

CONTACT PERSON
Samuel Harvey, Commission Secretary (510) 981-6998
Kitt Saginor, Chair (510) 981-6998

Attachment: 1: Open Government Commission Work Plan

ATTACHMENT 1

Open Government Commission

Work Plan for FY2025-2026 (July 1, 2025- June 30, 2026)
Approved June 19, 2025

- Ongoing review of complaints concerning alleged non-compliance with the Open Government Ordinance, the Brown Act, the Public Records Act, or the Lobbyist Registration Act.
- Propose legislation or procedures to further ensure the City's compliance with the Open Government Ordinance, the Brown Act, the Public Records Act, and the Lobbyist Registration Act.
- Administer and make more effective the Lobbyist Registration Act, including reviewing how City systems may be upgraded to permit electronic submission of forms and fees for lobbyist registration and reporting.
- Advise the City Council of any action or policy that would enhance open and effective government in the City of Berkeley.
- Review and make recommendations regarding public access and participation in public meetings of the City Council and other City bodies
- Review and provide advice on any proposed changes the City Council's rules of procedure.
- Review, approve, and forward to the City Council the annual report submitted to the Open Government Commission by the City Manager regarding compliance with the Open Government Ordinance, the Public Records Act, the Brown Act, the Lobbyist Registration Act, and any other information the City Manager deems appropriate for open and effective government in the City of Berkeley.
- Receive trainings on the following topics with the goal of completing all trainings by Q1 2026:
    - Brown Act
    - Conflicts of Interest
    - Public Records Act
    - Open Governance Ordinance
    - Berkeley Lobbyist Registration Act

- Explore ways to improve public access and usability of the City's website
- Monitor and make recommendations related to City progress in providing remote access to City commission and board meetings
- Explore ways for the City to better publicize the work of City boards and commissions and address vacancies on City boards and commissions

Communications

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