



Berkeley Homeless  
Services Panel of Experts

## MEETING AGENDA July 7, 2021 – 7:00 PM

Join Zoom Meeting: <https://zoom.us/j/92491365323>

To join by phone: Dial 1-669-900-6833 and enter Meeting ID: 924 9136 5323

Commission Secretary: Josh Jacobs ([jjacobs@cityofberkeley.info](mailto:jjacobs@cityofberkeley.info); 510-225-8035)

1. Roll Call.
2. Public Comment on non-agenda items.
3. Approval of Minutes from June 2, 2021. [Attachment 1].

### **Updates/Action Items:**

4. Agenda Approval.
5. Chair update (including update on Measure P recommendations and on commission consolidation).
6. Discussion on site visit to Horizon Transitional Village.
7. Discussion and possible recommendation on future plans including annual report, site visits and information needed to make funding recommendations.
8. Staff presentation on all Berkeley homeless outreach teams.
9. Adjourn.

### **Attachments:**

1. Minutes from special meeting of June 2, 2021.
2. Measure P Legislation. [Attachment 2].
3. HSPE Budget Recommendations. [Attachment 3].
4. City Manager's Measure P Recommendations. [Attachment 4].
5. List of commissions to be consolidated. [Attachment 5].
6. Homeless Commission Letter to City Council re: Commission Consolidation. [Attachment 6].
7. Miscellaneous Use of Streets and Sidewalks. [Attachment 7].
8. List of homeless outreach teams. [Attachment 8].
9. City legislation passed on equitable cleaning. [Attachment 9].
10. Testimony re: Homeless Response team in 2022 Budget 6/29/21. [Attachment 10].

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

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***If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.***

***To join by phone: Dial 1-669-900-6833 and enter Meeting ID: 938 4539 3201. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.***

***Correspondence and Notice of Decision Requests:***

Deadlines for Receipt:

- A) Supplemental Materials must be received by 5 PM the day before the meeting.
- B) Supplemental Communications must be received no later than noon the day of the meeting.

Procedures for Distribution:

- A) Staff will compile all Supplemental Materials and Supplemental Communications received by the deadlines above into a Supplemental Packet, and will print 15 copies of this packet for the Commission meeting.
- B) For any Supplemental Material or Communication from a Commissioner received after these deadlines, it is the Commissioner's responsibility to ensure that 15 printed copies are available at the meeting. Commissioners will not be reimbursed for any printing or materials expenses.
- C) Staff will neither print nor distribute Supplemental Communications or Materials for subcommittee meetings.

Procedures for Consideration:

- A) The Commission must make a successful motion to accept and receive all Supplemental Materials and Communications into the record. This includes the Supplemental Packet compiled by staff.
- B) Each additional Supplemental Material or Communication received by or before the meeting that is not included in the Supplemental packet (i.e., those items received after the respective deadlines above) must be individually voted upon to be considered by the full Commission.
- C) Supplemental Materials subject to a Commission vote that are not accepted by motion of the Commission, or for which there are not at least 15 paper copies (9 for each Commission seat, one for staff records, and 5 for the public) available by the scheduled start of the meeting, may not be considered by the Commission.

***\*Supplemental Materials*** are defined as any items authored by one or more Commissioners, pertaining to an agenda item but available after the agenda and packet for the meeting has been distributed, on which the Commission is asked to take vote at the meeting. This includes any letter to Council, proposed Council report, or other correspondence on behalf of the Commission for which a full vote of the Commission is required.

***\*\*Supplemental Communications*** are defined as written emails or letters from members of the public or from one or more Commissioners, the intended audience of which is the full Commission. Supplemental Communications cannot be acted upon by the Commission, and they may or may not pertain to agenda items.

*Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Health, Housing & Community Services Department located at 2180 Milvia Street, 2nd Floor.*

***Public Comment Policy:***

*Members of the public may speak on any items on the Agenda and items not on the Agenda during the initial Public Comment period. Members of the public may not speak more than once on any given item. The Chair may limit public comments to 3 minutes or less.*

*Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Health, Housing & Community Services Department located at 2180 Milvia Street, 2nd Floor.*

**COMMUNITY 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 981-6342 (V) or 981-6345 (TDD) at least 3 business days before the meeting date. Please refrain from wearing scented products to this meeting.*

*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. The Health, Housing & Community Services Department does not take a position as to the content. 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. The Health, Housing & Community Services Department does not take a position as to the content.*

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Berkeley Homeless  
Services Panel of Experts

## MEETING MINUTES

June 2, 2021

1. Roll Call: 7:00 PM  
**Present:** Marasovic, Bookstein, Carrasco, Scheider (absent until 7:06), Kealoha-Blake (absent until 7:11).  
**Absent:** None.  
**Staff:** Lee, Jacobs, McCormick.  
**Council:** None.  
**Public:** 2.
2. Comments from the Public: One.

### Update/Action Items

3. Approval of Minutes from May 19, 2021.  
**Action:** M/S/C Bookstein/Marasovic to approve the minutes of May 19, 2021 as written.  
**Vote:** *Ayes:* Marasovic, Bookstein, Carrasco, Scheider.  
*Noes:* None. *Abstain:* None. *Absent:* Kealoha-Blake.
4. Agenda Approval.  
**Action:** M/S/C Marasovic/Scheider to approve the agenda as written.  
**Vote:** *Ayes:* Marasovic, Bookstein, Carrasco, Scheider.  
*Noes:* None. *Abstain:* None. *Absent:* Kealoha-Blake.
5. Chair update.  
Discussion; no action taken.
6. Vice-Chair Election.  
**Action:** M/S/C Marasovic/Bookstein move to elect Holly Scheider vice-chair.  
**Vote:** *Ayes:* Marasovic, Bookstein, Carrasco, Scheider, Kealoha-Blake.  
*Noes:* None. *Abstain:* None. *Absent:* None.

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7. Review Recommendations for Measure P Funding to be submitted to the Budget and Finance Subcommittee.

**Action:** M/S/C Marasovic/Scheider move to approve the following Measure P recommendation:

“HSPE agrees to remove the May 19th, 2021, Motion #1 as written below because we now have funding for the \$3 million.

Motion #1 – May 19, 2021:

We strongly support the purchase of hotels to provide housing for persons experiencing homelessness. However, due to the limited amount of Measure P funding, we recommend pursuing other sources of funding for the Homekey Project if possible, including the \$2.7 million from the American Rescue Plan Act and other funding that can be leveraged.”

**Vote:** *Ayes:* Marasovic, Bookstein, Carrasco, Scheider, Kealoha-Blake.  
*Noes:* None. *Abstain:* None. *Absent:* None.

**Action:** M/S/C Kealoha-Blake/Marasovic move to approve the following Measure P recommendation:

“Replace previous language in the report re: 5150 and replace with:

HSPE prefers that no Measure P funds be used to pay for 5150 transports. HSPE recommends that the City utilize alternate funding sources including FF as well as insurance and MediCal reimbursements. However, we understand that Measure P funds may need to be used to cover 5150 homeless transports, which are 40-56% of all 5150 transports, up to \$1 million.”

**Vote:** *Ayes:* Marasovic, Bookstein, Carrasco, Scheider, Kealoha-Blake.  
*Noes:* None. *Abstain:* None. *Absent:* None.

**Action:** M/S/C Marasovic/Scheider move to approve the following Measure P recommendation:

“We approve the report as amended with the above motions and below.

Add to the Downtown Streets Team item:

We understand that Council has approved funding for the Downtown Streets Team in the amount of \$920,304 from Measure P. We believe that Council should have referred this item to the HSPE to consider. While the DST is an excellent program, it is not consistent with the HSPE primary priority recommendation which is providing housing for persons experiencing homelessness. We recommend that the DST funding come from the General

Fund, state monies allocated for encampment cleaning, American Rescue Plan Act monies and other funding sources.”

**Vote:** Ayes: Marasovic, Bookstein, Carrasco, Scheider, Kealoha-Blake.  
Noes: None. *Abstain:* None. *Absent:* None.

8. Begin Discussion of Homeless Services Panel of Experts' Work to be conducted between Budget Recommendations.

Discussion; no action taken.

Meeting adjourned at 9:00 PM.

Minutes Approved on: \_\_\_\_\_

Josh Jacobs, Commission Secretary: \_\_\_\_\_

**7.52.190 Homeless services panel of experts.**

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

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

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

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

E. Each member of the Panel must:

1. Have experience in the development, administration, provision and/or evaluation of homeless programs in a government or non-profit capacity; or

2. Have current or past lived experience with homelessness; or

3. Have experience in researching the causes, impacts and solutions to homelessness; or

4. Have experience with state and/or local homeless policy, funding or programs; or

5. Have experience with federal homeless policy and funding administration such as the Continuum of Care Program; or

6. Have experience in the development and financing of affordable housing for formerly homeless persons; or

7. Have experience in the provision of mental health and/or substance use programs for homeless persons.

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

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

1. Annually appoint one of its members as chair and one of its members as vice-chair;

2. Approve bylaws to facilitate the proper functioning of the Panel;

3. Establish a regular time and place of meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. Minutes for each meeting shall be recorded, kept, and maintained; and

4. Publish an annual report that includes the following:

a. Recommendations on how to allocate the City's general funds to fund homeless services programs in Berkeley;

b. Information, if available, concerning the impact of funded programs on the residents of the City; and

c. Any additional information that the Panel deems appropriate.

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

I. The revenue raised by the tax imposed by Section 7.52.040 is available to pay the usual and current expenses of conducting the municipal government of the City, as determined by the City Council. The City Council shall consider, but need not follow, the

Panel's recommendations on how and to what extent to use this revenue to establish and/or fund programs to pay for homeless services and shall annually inform the Panel as to the extent to which it has implemented the Panel's recommendations. (Ord. 7636-NS § 3, 2018)





Berkeley Homeless  
Services Panel of Experts

CONSENT CALENDAR

June 10, 2021

To: Honorable Mayor and Members of the City Council  
From: Homeless Services Panel of Experts  
Submitted by: Carole Marasovic, Chairperson, Homeless Services Panel of Experts  
Subject: Recommendations for Measure P funding

RECOMMENDATION

That Council accept the recommendations of the Homeless Services Panel of Experts (HSPE), as incorporated into the text summary, into the 2021-2022 budget and refer to staff for implementation.

SUMMARY

The Homeless Services Panel of Experts met on April 21, 2021, April 28, 2021, May 19, 2021 and June 2, 2021 to discuss and vote on recommendations for Measure P funding.

The recommendations are as follows:

*(See chart with monetary figures attached). These recommendations were made with housing targeted as the highest priority for Measure P funds.*

**Purchase of motels to house the homeless:** At least \$3 million, unless funds are not otherwise available.

On April 21, 2021, HSPE passed the following motion "HSPE strongly recommends that the City Council allocate a substantial amount of Measure P funding, at least \$3 million dollars, to purchase a hotel or hotels to house persons experiencing homelessness in alignment with other available funding opportunities, affirming its earlier motion again on April 28, 2021 "that at least 3 million of Measure P funding be leveraged with other sources of funding towards the purchase of motels".

HSPE was constant in its position as to purchase of hotels/motels as a high need priority, only uncertain if with the competing priorities including ongoing contracts how much Measure P monies would be available. That was prior to HSPE's learning of the updated Measure P projected revenue of 8.2 million.

**Permanent Housing Subsidies:** \$0

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"Due to the difficulty of implementing permanent subsidies and the time limits of Measure P, HSPE recommends moving 1.6 million from permanent subsidies to shallow subsidies."

**Shallow Subsidies:** \$1.6 million

"HSPE recommends that Council allocate some Measure P monies to fund shallow subsidies to prevent homelessness for persons at risk and also to support persons experiencing homelessness." (These shallow subsidies would roll over from the unused \$1.6 million in permanent housing subsidies allocated in the previous year.)

**5150 Transports:** up to \$1 million (homeless transports only-estimated, based on recent prior years, as 40%-56%).

"HSPE prefers that no Measure P funds be used to pay for 5150 transports. HSPE recommends that the City utilize alternate funding sources including FF as well as insurance and MediCal reimbursements. However, we understand that Measure P funds may need to be used to cover 5150 homeless transports, which are 40-56% of all 5150 transports, up to \$1 million".

**1367 University Avenue Permanent supportive housing:** Funding as needed based on date of opening.

"The HSPE strongly supports the 1367 University Avenue project to provide needed housing for persons experiencing homelessness. The HSPE recommends that 25% of the needed operating expenses for this project be allocated for FY 2022 in the event that the facility opens in spring, 2022. If the facility does not open until FY23, we recommend rolling this allocation over to FY 23."

**Coordinated entry system:** \$1 million

"HSPE recommends that the Coordinated Entry program be funded at \$1 million based on actual expenses from FY 20 and FY 21."

**Pathways:** \$1.5 million

"HSPE recommends that Pathways be funded \$1.5 million to take advantage of the match from the state PHLA program for FY 2022."

HSPE indicated an interest in monitoring compliance with issues regarding lack of physical accessibility for persons with disabilities.

**Downtown Business Association Outreach worker:** \$40,000

"HSPE recommends continued funding for the DBA Homeless Outreach worker at current level of \$40,000."

**Lifelong Medical: \$525,000**

"HSPE recommends funding for Lifelong Medical Street Outreach at \$525,000".

HSPE believed this program to be successful at engaging persons experiencing homelessness, leading to positive housing outcomes.

**Berkeley Drop-In Locker Program: \$50,000**

"HSPE recommends funding BDIC locker program \$50,000."

There were serious concerns raised about the lockers not being fully utilized, nearly half below capacity. While recommending funding for an additional year, HSPE believed that the BDIC locker capacity needed to be monitored as to whether the low numbers were as a result of COVID or of their geographical location. It was noted that Dorothy Day's lockers, centrally located in downtown Berkeley, were full with a waiting list.

**Dorothy Day House: \$748,000**

"HSPE recommends funding Dorothy Day House for \$566,000 for the shelter and \$182,000 for the drop-in services." HSPE was highly pleased with this provider and believed that they worked well with persons experiencing homelessness, leading to permanent housing outcomes.

**Downtown Streets Team: \$0**

\$920,304 for Downtown Streets Team was approved on the 4/27/21 Council Consent Calendar without first referring this item to HSPE for review. HSPE recommends that Council support this program and encourage Council to look for alternate funding sources so that Measure P funding can be directed towards housing. We understand that Council has approved funding for the Downtown Streets Team in the amount of \$920,304 from Measure P. We believe that Council should have referred this item to the HSPE to consider. While the DST is an excellent program, it is not consistent with the HSPE primary priority recommendation which is providing housing for persons experiencing homelessness. We recommend that the DST funding come from the General Fund, state monies allocated for encampment cleaning, American Rescue Plan Act monies and other funding sources.

**Youth Spirit Artworks: \$78,000**

"HSPE recommends \$78,000 for YSA Tiny Homes."

HSPE discussed that YSA's contract required them to facilitate the Berkeley youth, whom they serve, into permanent housing within two years.

**Evaluation and training: \$0**

"HSPE strongly recognizes the importance of racial equity training and urges the City of Berkeley to use City funds to provide such training to City staff and non-profit contractors including those serving persons who are experiencing homelessness. While we do not recommend Measure P funding for evaluation of service providers, we acknowledge the importance of the gathering of this information and encourage the City to conduct comprehensive evaluation."

FISCAL IMPACTS of RECOMMENDATION

Going into this process, HSPE was advised to operate on a projected \$6.2 million Measure P revenue figure. As of May 25, 2021, the Interim Finance Director adjusted that figure to a projected \$8.2 million projected revenue for 2021. 2020 brought in \$9,512.600 million, attributed to the sale of large, multi-unit properties not anticipated for 2021.

HSPE's position is that it is providing its recommendations deferring to Council to modify based on revenue figures.

CURRENT SITUATION AND ITS EFFECTS

Homelessness is burgeoning in Berkeley. Affordable housing is virtually non-existent without assistance for persons of low-income not to speak of those who are homeless or at risk of homelessness.

For these reasons, HSPE believed the highest priority for Measure P should be housing and funding paths leading to housing.

Project Room Key was a successful effort during COVID. The American Rescue Plan Act has now made available Project Home Key monies for the purpose of purchasing hotels/motels for persons experiencing homelessness. Berkeley needs to leverage those monies with other monies to provide housing.

Other programs, where funding was not provided through other sources, have sought Measure P funding. HSPE primarily recommended funding for those most tied to housing. However, in some cases, HSPE was compelled to honor existing contracts or situations where no alternate arrangements had been made.

HSPE did not do so in all cases. It stood firm that the Downtown Streets Team, while a commendable program for employing persons who are homeless and providing them housing resources, was at nearly a million dollars too significant an amount of money to come from Measure P monies. Thus, HSPE recommended that those monies come from

the General Fund. Some monies, for encampment cleaning, may be able to be secured from a state source or even possibly, the American Rescue Plan Act.

5150 transport continues to be problematic for Measure P monies that should be directed towards meeting housing needs. HSPE recommends an alternate source such as FF; improved Medi-Cal or insurance reimbursement; mental health funding, or a better ambulance provider contract who absorbs the differential between payment and billing or any combination of the above.

Last year's \$1.6 million subsidy allocation for permanent housing subsidies sat dormant due to staff's position that it could not be implemented particularly due to the Measure P sunset clause. Thus, permanent housing subsidies need be relied on from other sources.

HSPE chose to recommend that \$1.6 million from last year be rolled over into shallow time-limited subsidies consistent with those monies being used for housing persons experiencing homelessness.

HSPE also directed monies towards 1367 University Avenue as it provides supportive housing. However, it was believed that most of those monies could be deferred to a following year due to delayed start-up.

All previous coordinated entry monies were not used so this year's allocation was adjusted consistent with actual need.

#### BACKGROUND

On June 2, 2021, HSPE's recommendations were approved as follows:

**Vote:** Ayes: Marasovic, Scheider, Carrasco, Bookstein, Keahola-Blake.  
Noes: None. Abstain: None. Absent: None.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts.

#### RATIONALE for RECOMMENDATION

The rationale is detailed in the summary and current situation and effects as stated above.

#### ALTERNATIVE ACTIONS CONSIDERED

At the May 19, 2021 meeting, a commissioner, newly appointed as of that meeting, proposed an alternative proposal with all subsidy monies allocated towards homeless families, also proposing elimination of funding for Youth Spirit Artworks, the BDIC Locker Program and the DBA social worker.

#### CITY MANAGER

Concurs or see companion report if does not concur.

#### CONTACT PERSON

Josh Jacobs, Homeless Services Coordinator, (510) 981-5435

Attachments:

1. Summary of Fiscal Year 2022 Measure P Recommendations

Summary of Fiscal Year 2022 Measure P Recommendations

Revenues	FY 2019 Actual	FY 2020 Actual	FY 2021 Estimate	FY 2022 CM Estimate	FY 2022 HSPOE Recommendations
Beginning Fund Balance	\$0	\$2,932,313	\$9,859,779	\$10,441,162	\$10,441,162
Measure P Revenues	\$2,932,313	\$9,512,603	\$9,200,000	\$8,500,000	\$8,500,000
<b>Balance of Funds</b>	<b>\$2,932,313</b>	<b>\$12,444,916</b>	<b>\$19,059,779</b>	<b>\$18,941,162</b>	<b>\$18,941,162</b>
LESS: Total Expenses	\$0	\$2,585,137	\$8,618,617	\$11,880,687	\$10,960,721
<b>Personnel Costs</b>	<b>\$0</b>	<b>\$118,521</b>	<b>\$279,927</b>	<b>\$336,952</b>	<b>\$336,952</b>
Finance: Accountant II	\$0	\$0	\$152,965	\$158,319	\$158,319
Finance: Contract Staffing	\$0	\$38,266	\$11,734	\$0	\$0
HHCS: Community Services Specialist II	\$0	\$80,255	\$115,228	\$178,633	\$178,633
HHCS: 50% Senior Management Analyst	\$0	\$0	\$0	\$0	\$0
<b>Program Expenses</b>	<b>\$5,864,626</b>	<b>\$2,466,616</b>	<b>\$8,338,690</b>	<b>\$11,543,735</b>	<b>\$10,623,769</b>
Fire: 5150 Response & Transport	\$0	\$846,616	\$2,753,384	\$2,400,000	\$1,000,000
Dorothy Day House Shelter	\$0	\$0	\$300,000	\$566,000	\$566,000
Dorothy Day House Drop In	\$0	\$0	\$21,340	\$182,000	\$182,000
Pathway STAIR Center	\$0	\$0	\$1,200,000	\$1,499,525	\$1,499,525
No Place Like Home	\$0	\$0	\$0	\$0	\$0
Coordinated Entry System	\$0	\$0	\$0	\$1,442,426	\$1,000,000
BDIC Locker Program	\$0	\$0	\$25,000	\$50,000	\$50,000
LifeLong Medical - Street Medicine	\$0	\$0	\$50,000	\$525,000	\$525,000
YSA Tiny Homes	\$0	\$0	\$117,000	\$78,000	\$78,000
DBA- Homeless Outreach Worker	\$0	\$20,000	\$40,000	\$40,000	\$40,000
Downtown Streets Team	\$0	\$0	\$225,000	\$225,000	\$0
Outdoor Shelter	\$0	\$0	\$168,000	\$1,002,000	\$850,000
Permanent Housing Subsidies	\$0	\$0	\$1,501,078	\$0	\$0
Homekey Project	\$0	\$0	\$0	\$0	\$3,000,000
Shallow Subsidies	\$0	\$0	\$0	\$1,600,000	\$1,600,000
1367 University Avenue	\$0	\$0	\$932,975	\$900,000	\$233,244
HHCS: Square One Vouchers	\$0	\$0	\$65,947	\$0	\$0
Training and Evaluation	\$0	\$0	\$0	\$133,334	\$0
Homeless Response Team	\$0	\$0	\$938,966	\$900,450	\$0
Berkeley Relief Fund	\$0	\$1,600,000	\$0	\$0	\$0
<b>Fiscal Year Surplus (Shortfall)</b>	<b>\$2,932,313</b>	<b>\$6,927,466</b>	<b>\$581,384</b>	<b>\$(3,380,687)</b>	<b>\$(2,460,721)</b>
<b>Ending Fund Balance</b>	<b>\$2,932,313</b>	<b>\$9,859,779</b>	<b>\$10,441,162</b>	<b>\$7,060,475</b>	<b>\$7,980,441</b>



Office of the City Manager

Date: June 10, 2021  
To: Budget & Finance Policy Committee  
From: Dee Williams-Ridley, City Manager  
Submitted by: David White, Deputy City Manager  
Subject: Measure P Projection and Allocations as of June 10, 2021

Attached to this memorandum is an update to Measure P projections and allocations prepared by city staff. At a high level, the attachment reflects the following:

- Increase in revenue projections to conform to the recent update provided to the Budget and Finance Policy Committee on June 2, 2021.
- A requested allocation of \$5.0 million in FY 2022 to support the City's efforts in acquiring a hotel under Project Homekey. The Homeless Panel of Experts recommends allocating \$3.0 million but staff believes additional resources may be needed to effectuate an acquisition. Importantly, under the American Rescue Plan, the City will receive approximately \$2.7 million that will be utilized as well.
- For 5150 transports, there is an allocation of \$2.4 million to enable the existing contract with Falck to be extended for an additional year to continue providing this service.
- Resources for the Coordinated Entry System have been reduced by a little more than \$400,000 to \$1.0 million.
- Adjustments to the costs of the Homeless Response Team that results in FY 2022 expenditures estimated at \$900,450. Previous estimates were slightly higher. (See Exhibit 2 for detail costs associated with the Homeless Response Team)
- Updated costs associated with the shelter at 742 Grayson Street. These costs reflect the costs associated with contracts that have been approved by City Council. The Homeless Panel of Experts allocates \$850,000 to the shelter but additional resources are needed.



- City staff is asking for the Budget and Finance Policy Committee to consider a recommendation from staff to provide flexibility to direct resources associated with permanent housing subsidies as a shallow subsidy program. Shallow rental subsidies provide a small amount of money to bridge the gap between income and rent. This approach recognizes persistent shortfalls in income for households living from paycheck-to-paycheck and struggling to cover housing and basic living expenditures at their earned wage levels.
- Resources for the University Avenue Step Up project have been adjusted to reflect when staff understands the project will open and resources will actually be needed.
- For FY 2022, staff is requesting an allocation of \$50,000 for training and evaluation whereas the Homeless Panel of Experts does not recommend that any resources be allocated to this activity. City staff would utilize these resources to evaluate the effectiveness of resources deployed under Measure P.

## ATTACHMENTS

### 1. Measure P Projection and Allocations

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**EXHIBIT 1**  
**TRANSFER TAX -- MEASURE P PROGRAM PROJECTION**

6/9/21 6:16 PM

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
	Actuals	Actual	Estimate	Estimate	Estimate	Estimate
<b>Revenues</b>						
Beginning Fund Balance		\$2,932,313	\$9,859,779	\$11,374,137	\$4,185,966	\$219,822
Measure P Revenues (1)	2,932,313	9,512,603	9,200,000	8,500,000	8,500,000	8,500,000
Permanent Local Housing Allocation (FY 21)	0	0	0	0	0	0
<b>Total Revenues and Balance of Funds</b>	2,932,313	12,444,916	19,059,779	19,874,137	12,685,966	8,719,822
<b>LESS: Total Expenses</b>	0	2,585,137	7,685,642	15,688,170	12,466,144	12,218,776
<b>Personnel Costs</b>	0	118,521	279,927	336,951	460,909	477,041
Finance: Accountant II (2)		0	152,965	158,319	163,860	169,595
Finance: Contract Staffing		38,266	11,734	0	0	0
HHCS: Community Services Specialist II (Filled) (3)		80,255	115,228	178,633	184,885	191,356
HHCS: 50% Senior Management Analyst (Requested) (4)		0	0	0	112,164	116,090
<b>Non-Personnel Costs/ Program Expenses</b>	0	2,466,616	7,405,715	15,351,219	12,005,235	11,741,735
Fire: 5150 Response & Transport (2) (5)	0	846,616	2,753,384	2,400,000	2,400,000	2,400,000
Dorothy Day House Shelter (6)	0	0	300,000	566,000	566,000	566,000
Dorothy Day House Drop In (6)	0	0	21,340	182,000	182,000	182,000
Pathways STAIR Center	0	0	1,200,000	1,499,525	2,499,525	2,499,525
No Place Like Home	0	0	0	0	200,000	200,000
Coordinated Entry System	0	0	0	1,000,000	1,442,426	1,442,426
BDIC Locker Program	0	0	25,000	50,000	50,000	50,000
LifeLong Medical - Street Medicine	0	0	50,000	525,000	525,000	525,000
YSA Tiny Home	0	0	117,000	78,000	78,000	78,000
DBA- Homeless Outreach Worker	0	20,000	40,000	40,000	40,000	40,000
Downtown Streets Team	0	0	225,000	225,000	225,000	225,000
Shelter at 742 Grayson Street						
Lease Payments	0	0	33,000	198,000	49,500	0
Operator (Dorothy Day)	0	0	130,000	784,000	196,000	0
Portable Toilets	0	0	5,000	20,000	18,000	0
COVID-19 Housing Solutions (8)	0	0	0	0	0	0
Project Homekey	0	0	0	5,000,000	0	0
Permanent Housing Subsidies / Shallow Subsidies	0	0	1,501,078	1,600,000	1,600,000	1,600,000
1367 University Avenue Step Up Housing Project (9)	0	0	0	233,244	900,000	900,000
HHCS: Square One Hotel Vouchers	0	0	65,947	0	0	0
Training and Evaluation	0	0	0	50,000	133,334	133,334
Homeless Response Team	0	0	938,966	900,450	900,450	900,450
Berkeley Relief Fund	0	1,600,000	0	0	0	0
Fiscal Year Surplus (Shortfall)	2,932,313	6,927,466	1,514,358	(7,188,170)	(3,966,144)	(3,718,776)
Ending Fund Balance	<b>\$2,932,313</b>	<b>\$9,859,779</b>	<b>\$11,374,137</b>	<b>\$4,185,966</b>	<b>\$219,822</b>	<b>(\$3,498,954)</b>

## Notes:

Measure P: General Fund (Fund 011)/ Program Code 5002

(1). Revenues revised to reflect FY 20 actuals and revised projections part of FY 21 adopted budget.

(2). Approved as part of FY 20 budget.

(3). This position supports the Measure P Panel of Experts, monitors contracts with BACS, tracks and reports on outcomes of homeless programs and represents Berkeley at county-wide homeless coordina

(4). Responsibilities include processing contracts and payments for homeless contracts, tracks expenditures and assists in reporting to funders. Funding to be shared with Measure U1 as proposed and discussed at Land Use Policy Committee.

(5). Assumes 1,200 calls per year and a cost per call of \$2,000. Reimbursement levels will vary and may impact this estimated cost.

(6). Existing program. FY 20 represents partial year funding. FY 21 and thereafter represents full year funding.

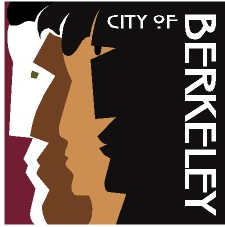
(7). FY 21 and FY 22 expenditures reduced by \$1.0M for costs that will be covered by revenues from the City's allocation of Permanent Local Housing Allocation funds.

(8). [Per Mayor's Recommended Adopted Budget for FY 21, STAIR Center Expansion \(\\$705,000\) and Safe RV Parking \(\\$100,000\) were combined for COVID-19 Homeless Solutions.](#) On December 15, 2020, City Council adopted FY 21 AAO#1 and reallocated these funds to the Homeless Response Team.

(9). Pursuant to Resolution 69,586-N.S. adopted by the City Council on October 13, 2020 and confirmation of resource availability by the Budget and Finance Policy Committee on January 28, 2020.

**EXHIBIT 2**  
**Homeless Response Team**

	FY 2021 Estimate	FY 2022 Estimate	FY 2023 Estimate	FY 2024 Estimate
<i>Personnel Costs</i>	\$261,449	\$735,100	\$735,100	\$735,100
CMO: Community Services Specialist II	47,750	191,000	191,000	191,000
CMO: Health Services Program Specialist	11,000	11,000	11,000	11,000
CMO: Social Services Specialist	75,362	163,940	163,940	163,940
PRW: Landscape Gardener	69,417	65,240	65,240	65,240
PW: Helper and Driver	0	246,000	246,000	246,000
PD: Staff Support Overtime	57,920	57,920	57,920	57,920
<i>Non-Personnel Costs/ Program Expenses</i>	\$677,517	\$356,350	\$356,350	\$356,350
CMO: Neighborhood Services Outreach Fund	15,000	15,000	15,000	15,000
CMO: Neighborhood Services Mitigation Flex Fund	29,167	50,000	50,000	50,000
CMO: Staff Operating Costs	43,600	21,600	21,600	21,600
CMO: Outreach Vehicle	32,000	0	0	0
CMO: Outreach Vehicle - Replacement and Maintenance Fees	1,000	6,700	6,700	6,700
Public Works: Downtown Streets Handsweep	50,000	100,000	100,000	100,000
Public Works: Tipping Fees	43,750	75,000	75,000	75,000
Public Works: Rear Loader and Stake Bed Truck	380,000	0	0	0
Public Works: Truck - Replacement and Maintenance Fees	83,000	88,050	88,050	88,050
Total Expenses	\$938,966	\$1,091,450	\$1,091,450	\$1,091,450
Measure P Expenses		900,450	900,450	900,450



Kate Harrison  
Councilmember District 4

## REVISED AGENDA MATERIAL for Supplemental Packet 2

**Meeting Date:** June 15, 2021

**Item Number:** 1

**Item Description:** Commission Reorganization for Post-COVID19 Budget Recovery

**Submitted by:** Councilmember Harrison

### RECOMMENDATION:

Move to adopt the April 5, 2021, Agenda and Rules Committee qualified positive recommendation to City Council as amended in Attachment 1 to maintain the Zero Waste and Sugar Sweetened Beverage Panel of Expert Commission's separate status.

### RATIONALE:

Despite the Zero Waste Commission's key role on environmental and climate issues, its mandate is much broader. The Commission is responsible for making recommendations on City solid waste policy and goals, including commercial and residential garbage and recycling services, budgets, and other decisions relating to solid waste in the City of Berkeley. In other words, in addition to environmental concerns, it has a purview that includes overseeing the services and budgets of functions housed in the Public Works Departments, the largest department by percentage of the general fund. Solid waste collection is a fundamental and historic function of municipal governments. Further, recent developments in the neighboring City and County of San Francisco regarding solid waste contracts have emphasized the importance of maintaining a robust and independent municipal oversight body. Therefore, it is in the public interest that Zero Waste Commission be maintained as independent from other municipal departments and functions.

In addition, the Sugar Sweetened Beverage Panel of Expert (SSBPPE) Commission has a narrow and unique focus established by the Berkeley voters in 2014 pursuant to BMC Chapter 7.72.090 and is generally not well-suited to be combined with the Community Health Commission for the following reasons:

- There are specific criteria for expertise for appointed commissioners which differ from the expertise that is required for the Community Health

## Commission.

- This statute will expire at the end of 2026, and the current statewide preemption that prevents new sugary drink taxes, allows jurisdictions with an existing soda tax to renew. It would be short-sighted to undercut voter confidence in the City's implementation of Measure D's mandates. In addition, other ballot measures, specifically Measure P, have copied the Panel of Experts model, and other cities in the Bay Area and across the country have followed Berkeley's example.
- Potential violations of the strict letter of the ordinance would make the City vulnerable to a potential lawsuit by voters or other interested concerned that this change is at odds with the intent of Measure D.
- The statute requires the SSBPPE to provide recommendations to Council on investments to reduce the consumption of sugary drinks. The bulk of their meetings include working on RFPs and reviewing proposals to make recommendations. In the alternate years, the SSBPPE monitors programs, works on policy that also supports the overall mission of Measure D, and seeks to increase the capacity of community grantees through public forums.
- The SSBPPE has consistently recommended funding City staff to support the work of the commission and some of the staff time that is funded by Healthy Berkeley has also supported other public health activities. SSBPPE work compliments staff objectives. For example, the Commission has developed significant experience working on RFPs based on best practices in the field and evidence-based programs.
- The beverage industry has previously called into question how Measure D funds would be used and whether our City Council could be trusted. Measure D advocates were able to reassure voters by pointing to the SSBPPE which would do two things: 1) make recommendations to City Council about how to invest in community programs to reduce consumption of sugary drinks; and, 2) be a watchdog to ensure the integrity of the investments. To date, the SSBPPE has done both of these things successfully.

For these reasons, it is in the public interest that the SSBPPE remain as an independent commission.

### ATTACHMENTS

1. Amended Agenda and Rules Committee Recommendation

## Attachment 1

### **POLICY COMMITTEE RECOMMENDATION**

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

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

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

Phase 2: All other Commissions as proposed below.

As staff is able to make recommendations on consolidation, [after consultation with the impacted commissions](#), they can bring those recommendations forward one by one.

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

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

2. Refer to the Commissions impacted a process to determine the charge/responsibilities of the newly merged commissions, and bring Commission input to the appropriate Policy Committees (as proposed by Vice-Mayor Droste in 4/5/21 submittal) for further recommendations to the City Manager on revised charge/responsibilities of merged commissions.
3. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes.
4. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions.
5. The Peace, Justice and Human Welfare Commission will be comprised of only Mayor and Council appointees.
6. Refer Councilmember Hahn questions to City Manager and Commissions: “Commissions to Combine/Merge - Suggested Considerations”
  - Federal, state or other external mandates that might be impacted, and determine how to handle
  - Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted
  - What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission’s charter.
  - Whether the merged Commission might include 9, or a greater number of members.
  - The possibility of requiring specific qualifications for appointment to

the merged Commission.

- The possibility of recommended or required Standing Committees of the Merged Commission
- Volunteer workload and capacity given scope of Commission's charter





Homeless Commission

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

**Submitted by:** Homeless Commission

**Subject:** Commission Consolidation

Dear Mayor and Council:

On June 9, 2021, the Homeless Commission approved the following language for a letter to council regarding commission consolidation:

"The Homeless Commission recommends:

- at least two scheduled meetings notice prior to the date of the consolidation;
- all Homeless Commissioners having served over one year be incorporated into the Homeless Services Panel of Experts unless having otherwise been appointed to Homeless Services Panel of Experts, making a total of eleven commissioners;
- any outstanding recommendations from the Homeless Commission survive the date of consolidation; and
- the Homeless Commission policy role as well as the community agency funding allocation process be fully incorporated."

**Vote:** Ayes: Kealoha-Blake, Marasovic, Behm-Steinberg, Andrew.

**Noes:** None. **Abstain:** None. **Absent:** Gomez.

Respectfully,

Paul Kealoha-Blake, Chair, Homeless Commission  
Carole Marasovic, Vice-Chair, Homeless Commission

ORDINANCE NO. 7,632-N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 14.48, MISCELLANEOUS  
USE OF STREETS AND SIDEWALKS

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

Section 1. That Berkeley Municipal Code Chapter 14.48 is hereby amended as follows:

**Chapter 14.48**

**MISCELLANEOUS USE OF STREETS AND SIDEWALKS**

**Sections:**

- 14.48.010 One-way streets.**
- 14.48.020 Obstructions on streets and sidewalks.**
- 14.48.030 Objects in transit.**
- 14.48.040 Construction materials and barricades.**
- 14.48.050 Trees and shrubs.**
- 14.48.060 Poles, hydrants, signs, etc.**
- 14.48.070 Bicycle racks.**
- 14.48.080 Bus benches and bus shelters.**
- 14.48.090 Mail boxes and armed forces recruiting signs.**
- 14.48.100 Newspaper racks and newspapers.**
- 14.48.110 Authorized retail displays.**
- 14.48.120 Temporary Noncommercial Objects.**
- 14.48.130 Decorative noncommercial installations.**
- 14.48.140 Public telephones.**
- 14.48.150 Sidewalk cafe seating, benches and planters.**
- 14.48.160 Removal of obstructions on streets and sidewalks.**
- 14.48.170 Use of streets and sidewalks by peddlers or vendors.**
- 14.48.180 Trap doors in sidewalks.**
- 14.48.190 Parklets.**

**Section 14.48.010 One-way streets.**

The City Traffic Engineer is authorized and directed to suitably indicate by appropriate signs those streets or portion of streets designated by resolution of the Council as one-way streets.

**Section 14.48.020 Obstructions on streets and sidewalks.**

It is unlawful for any person to place or cause to be placed anywhere upon any Sidewalk, Parklet or roadway, any object which obstructs, restricts, or prevents the use of any portion of such Sidewalk, Parklet or roadway, except as set forth in this Chapter or in a regulation promulgated by the City Manager and adopted by the City Council.

For purposes of this Chapter, Sidewalk is defined as provided in BMC Section 1.04.010(18) as that portion of a street between the curblineline and the adjacent property line intended for the use of pedestrians. Parklet is defined as provided in BMC Section 14.48.190(B)(4).

**Section 14.48.030 Objects in transit.**

Goods, wares, merchandise, containers, furniture, suitcases and other similar objects in the immediate custody and control of individuals readily able to move or remove such objects may be allowed on the outer one-third of the sidewalk for up to one hour while in the actual course of receipt, delivery, transport, transit or removal.

**Section 14.48.040 Construction materials and barricades.**

Materials used in the construction or repair of any building or structure, together with the necessary pedestrian walkways, barricades and warning signs, when required permits have been obtained from the City.

**Section 14.48.050 Trees and shrubs.**

Trees, shrubs and flowers with the necessary barricades when planted or maintained by the City, or by private parties when expressly allowed by Council action or by the City Manager.

**Section 14.48.060 Poles, hydrants, signs, etc.**

Poles, fire and police boxes, lamp posts, parking, street directional or warning signs, parking meters, drinking fountains, poster kiosks, hydrants, flag poles or standards, decorations for public events, sidewalk clocks, refuse cans, book return receptacles, barriers and any other similar installation; provided, however, that any such installation belongs to the City or is authorized by Council action.

**Section 14.48.070 Bicycle racks.**

Bicycle racks of a type and at locations approved by and under such conditions as may be imposed by the City Manager.

**Section 14.48.080 Bus benches and bus shelters.**

Bus benches and bus shelters at such locations and in accordance with such rules and regulations as may be prescribed by the City Manager.

**Section 14.48.090 Mail boxes and armed forces recruiting signs.**

Mail boxes and armed forces recruiting signs that are placed in such locations that they do not interfere with the normal use of the sidewalk by pedestrians.

**Section 14.48.100 Newspaper racks and newspapers.**

Newspaper racks which are installed and maintained in accordance with Chapter 16.40 or Chapter 16.44 of the Berkeley Municipal Code.

**Section 14.48.110 Authorized retail displays.**

Objects such as, but not limited to, tables, chairs, umbrellas and canopies that are

permitted pursuant to Chapter 9.48.

**Section 14.48.120 Temporary Noncommercial Objects.**

- A. Temporary Noncommercial Objects (“TNC Objects”) are personal belongings:
1. In the immediate custody and control of a person or persons at substantially all times;
  2. Not offered for sale or exchange or involved in the solicitation of money for immediate payment;
  3. Not otherwise prohibited and of a size, weight and quantity that can be easily moved by the owner.
  4. Not furniture. Furniture is only allowed pursuant to BMC Chapter 9.48 or pursuant to BMC § 14.48.030 Objects in Transit.

The City Manager may adopt regulations specifying what TNC Objects may be permitted under this Section and where such TNC Objects may be permitted, as well as procedures and limitations to implement this Section. Any such regulation shall contain provisions and shall be applied in such a manner as to ensure that it does not deprive any person of rights protected by the state or federal constitutions, including freedom of expression, and any size limitation contained therein shall not apply to dogs, or to limited cushioning material being used to sit on such as, but not limited to, blankets, cushions or mats. Regulations adopted by the City Manager under this Section shall not take effect until they have been presented to the City Council for approval at a regularly scheduled meeting.

B. After approval by the City Council, the City Manager shall ensure that regulations adopted pursuant to this Section are publicized in a manner substantially equivalent to the manner in which ordinances are published, and that materials summarizing such regulations are available for dissemination in Commercial and Manufacturing zones. The City may also post fixed signage in Commercial and Manufacturing zones informing the public of such regulations.

C. No person may be cited for a violation of this Section or the regulations adopted pursuant to it unless that person has first been warned that his or her conduct is in violation hereof, is allowed a reasonable opportunity to comply but refuses to do so.

D. Violations of this Section or City Manager regulations adopted pursuant to this Section shall be charged as infractions, and not as misdemeanors.

**Section 14.48.130 Decorative noncommercial installations.**

Decorative noncommercial installations subject to the following regulations and requirements:

A. At least six feet of improved sidewalk area measured at right angles to the curb shall be kept open and unobstructed.

B. Such decorative noncommercial installations shall be placed and maintained in the portion of the sidewalk area farthest from the curb; provided, however, that subject to all other conditions herein specified, such installations may be placed and maintained in the portion of the sidewalk area adjacent to the curb if such installations will not interfere with access to or from any parked vehicle and are:

1. Not closer than twenty-five feet to any curb return or fire hydrant;
2. Not located adjacent to any commercial or passenger loading zone;

3. Not closer to the curb than eighteen inches;
4. Not affixed to any City or utility company-owned poles or appurtenances;
5. Not mounted in or affixed to the sidewalk;
6. Not inconsistent with safety, development in the area, or other decorative noncommercial installations.

C. No decorative noncommercial installation shall be placed or maintained in the sidewalk area without a permit therefor. Application for such permit shall be made to the office of the City Manager, who may require as part of the application such information as may be deemed necessary to determine compliance with this Section and other applicable laws and regulations, including but not limited to a scaled site plan, signature of the fronting property owner and permittee, and agreement to indemnify the City as specified in Subsection D. The application shall be referred to the Public Works Department and the Civic Art Commission for review to determine that it is in the public interest to grant the permit, and that the granting thereof will not be detrimental to the public health, safety or general welfare. The permit shall not be granted without the approval of both the Public Works Department and the Civic Art Commission. If such approval is given and the City Manager concurs, the permit shall be granted subject to the conditions hereinabove set forth, and such additional conditions as may reasonably be imposed. Such permit shall be subject to revocation by the City Manager without cause; the decorative noncommercial installation for which the permit has been given shall be removed within ten days after notice.

D. Anyone granted a permit for a decorative noncommercial installation shall agree to indemnify and hold harmless the City, its officers and employees of and from any and all claims, damages or suits that may arise or in any way be occasioned by the granting of the permit or the maintenance of the decorative noncommercial installation permitted thereby.

1. The permittee shall carry liability insurance in the amount of \$500,000.

E. For purposes of this Chapter, "Decorative Noncommercial Installations" shall include but are not limited to artwork, planters, and other objects that are placed within the public right-of-way by a private party for the purpose of decoration in a residential, commercial, or industrial district, not for the purpose of advertising, commerce or other economic benefit.

F. Decorative Noncommercial Installations that are not permitted under this Section are prohibited encroachments under 16.18 and shall constitute a public nuisance subject to the remedies in Chapter 1.26.

G. The City Council may by resolution establish fees for the implementation and administration of this Section.

#### **Section 14.48.140 Public telephones.**

Telephones for public use of a type and at locations approved by and under such conditions as may be imposed by the City Manager.

#### **Section 14.48.150 Sidewalk cafe seating, benches and planters.**

A. Notwithstanding anything to the contrary in this Chapter, the City of Berkeley Engineering Division of the Department of Public Works, or its successor, may approve Sidewalk Cafe Seating, Benches and/or Planters on sidewalks as set forth in,

and in compliance with, this Section.

1. No permit may be issued under this Section for any sidewalk area in front of a single parcel if there are any current violations of this Chapter in that sidewalk area.

2. A permit for Sidewalk Cafe Seating may not be issued except for a Food Service Establishment that is in compliance with all applicable requirements of Title 23 and any Permit issued thereunder.

3. A permit for Benches and/or Planters may not be issued unless the business for which the Benches and/or Planters is/are proposed is in full compliance with Title 23 and any Permit issued thereunder.

B. For purposes of this Chapter, the following terms shall be defined as follows:

1. "Bench" means a seat designed for two or more persons.

2. "Bus Bench" means a bench installed and maintained under an agreement between the City, A.C. Transit and Lamar Transit Advertising or another public or semi-public transit provider.

3. "District-wide Sidewalk Bench/Planter Area Plan" means a City-approved plan for a specific commercial district as defined in said plan, that establishes area-specific regulations for benches, planters and/or plant material, and establishes general regulations for the placement of benches and planters in the public right-of-way, for the designated district.

4. "District-wide Sidewalk Cafe Seating Area Plan" means a City-approved plan for a specific commercial district as defined in said plan, that establishes area-specific regulations for sidewalk cafe seating, and establishes general regulations for the placement of sidewalk cafe seating in the public right-of-way, for the designated district.

5. "Food Service Establishment" means, and is limited to, a Quick Service Restaurant or Full Service Restaurant, as set forth in Chapter 23F.04.

6. "Planter" means a container that is designed or used for growing plants.

7. "Sidewalk" has the same meaning as set forth in BMC 1.04.010(18).

8. "Sidewalk Cafe Seating" means tables and/or chairs (including benches) and umbrellas associated with lawfully operating Food Service Establishments, in or on the public right-of-way or resting on, or projecting into, the sidewalk area, which are not physically or structurally attached to a building, retaining wall or fence.

9. "Transit Stop" means an AC Transit bus stop, UC Berkeley bus stop, a paratransit bus stop, Bay Area Rapid Transit station entrance, or another public transit provider.

10. "Window Box Planter" means a box, designed to hold soil for growing plants, attached at or on a windowsill.

C. Sidewalk Cafe Seating, Benches and Planters shall fully conform to the following requirements of this subdivision:

1. Any object permitted under this Section shall leave a minimum horizontal clear space of six feet, or such greater amount of clear space as the Engineering Division finds necessary to protect and enhance pedestrian and vehicle traffic for public use in the sidewalk area, as that space is determined by the City of Berkeley Engineering Division of the Department of Public Works, or its successor.

2. Objects permitted under this Section shall not:

a. Unduly interfere with access by public employees and utility workers to meters, fire hydrants or other objects (street hardware) in the right-of-way;

b. Block or obstruct the view of necessary authorized traffic devices;

c. Unduly interfere with pedestrian traffic on the sidewalk, pedestrian safety, access to public or private parking, traffic circulation, and/or vehicular safety;

d. Be closer than 25 feet to any curb return or fire hydrant; except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, Sidewalk Seating, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshall as appropriate;

e. Be located adjacent to any commercial or passenger loading zone;

f. Be closer to the curb than 18 inches;

g. Be affixed to any City or utility company-owned poles or appurtenances;

h. Be adjacent to sidewalk vending equipment permitted under Chapter 9.48;

i. Be adjacent to a transit stop, or an area with high pedestrian traffic volume due to proximity to a transit stop; or

j. Be located in the right-of-way of a California state highway.

3. All sidewalk cafe seating shall be subject to the following additional standards and requirements:

a. At least half of the tables shall be wheelchair accessible. Accessible tables shall have clear floor space with minimum dimensions of 30 inches by 48 inches, maximum height of 34 inches, and minimum knee space of 27 inches high, 30 inches wide and 19 inches deep.

b. All Sidewalk Cafe Seating components shall be stored in a secure location on private property when not in use.

c. The permittee shall regularly inspect and clean the Sidewalk Cafe Seating and that portion of the public sidewalk adjacent to the establishment. A waste receptacle shall be placed immediately inside the entrance of the establishment.

4. All benches and planters shall be subject to the following additional standards and requirements:

a. All proposals shall comply with any design requirements adopted by the City for benches, planters and/or plant material.

b. Benches and planters shall not be allowed at the curb except to the extent that a District-wide Sidewalk Bench/Planter Area Plan provides to the contrary.

D. All permits issued under this Section shall be subject to the following conditions:

1. The permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by any object(s) permitted by this Section, including any design requirements hereafter enacted, from the building frontage to the curb.

2. The permittee shall restrict any objects permitted under this Section to the approved location(s) and configuration, and ensure compliance with all applicable laws, and the number of tables and chairs shall not be increased without prior approval of the Public Works Department.

3. When any objects permitted under this Section are found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the City, or any existing or proposed City design plans, those objects shall, upon written demand of the City Manager or his or her designee, be removed or relocated in such a way as to eliminate the conflict, at the sole expense of the permittee. Should the permittee fail to comply with said written demand within a reasonable period of time, the City may cause such relocation of the placement at the expense of the permittee. Any

such non-compliance shall also be a violation of this Section.

4. Permits issued under the Section shall be posted in plain view within the food service establishment for which the permit has been issued.

5. By accepting a permit under this Section, the permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittee's installation, operation, maintenance or removal of Sidewalk Cafe Seating, Benches and/or Planters.

6. Prior to permit approval, the permittee shall demonstrate possession of liability insurance in the amount of \$500,000 for Benches and Planters, and/or \$1,000,000 for Sidewalk Cafe Seating. Said insurance shall name the City of Berkeley as additionally insured and shall be in a form acceptable to the City Attorney.

7. The permittee shall monitor and control the use of the Sidewalk Cafe Seating so as to prevent disturbance of the surrounding neighborhood.

8. A restaurant that proposes to serve alcoholic beverages within an outdoor dining area shall comply with the standards established by the State of California Department of Alcoholic Beverage Control. The dining area shall be:

- a. Physically defined and clearly part of the restaurant it serves; and
- b. Supervised by a restaurant employee to ensure compliance with laws regarding the on-site consumption of alcoholic beverages.

E. Permits under this Section are not transferable, and must be renewed annually.

F. Sidewalk Cafe Seating, Benches and/or Planters that are not permitted under this Section are prohibited encroachments under Chapter 16.18, and shall constitute public nuisances subject to the remedies in Chapter 1.26.

G. The City Council may by resolution establish fees for the implementation and administration of this Section.

#### **Section 14.48.160 Removal of obstructions on streets and sidewalks.**

Anything placed or permitted to remain upon any sidewalk or roadway in violation of this Chapter, is declared to constitute a nuisance and the City is authorized and empowered to abate such nuisance by removing the same to the custodian of lost property in the Police Department or the Corporation Yard of the City, or other location designated by the City.

#### **Section 14.48.170 Use of streets and sidewalks by vendors.**

Any properly licensed vendor may use the public streets of the City in commercial or industrial zones for the sale of goods, wares, merchandise, or food when conducted under the conditions stated in this section.

A. Sidewalk vending is permitted as regulated by Chapter 9.48 of the Berkeley Municipal Code.

B. Other street vending is permitted from vehicles which are lawfully parked upon streets which are not regulated by parking meters or other posted parking time limits.

C. It is unlawful for any person to vend in violation of this section.

#### **Section 14.48.180 Trap doors in sidewalks.**

A. Trap doors in sidewalks used to cover an opening for an elevator, stairway or



chute must be kept in such a condition that they will not endanger persons or property, and it is unlawful for any person owning or being in charge or control of any such doors in sidewalks used for covering entrances to elevators, stairways or chutes, or other openings in the sidewalk leading to the basement, to allow said doors to remain open, except when such elevator, stairway or chute is being used and monitored for pedestrian safety while loading or unloading or transferring of merchandise or material.

B. The requirements of this section shall be in addition to and not in lieu of any other ordinance of the City having to do with doors or other openings in sidewalks.

**14.48.190 Parklets.**

A. Notwithstanding anything to the contrary in this Chapter, the City of Berkeley Engineering Division of the Department of Public Works, or its successor, may approve Parklets, Benches and/or Planters in the public right-of-way (excluding Sidewalks alone, which are subject to and governed by Section 14.48.200) as set forth in, and in compliance with, this Section.

1. No permit may be issued under this Section for any right-of-way area in front of a single parcel if there are any current violations of this Chapter in that right-of-way area.

2. A permit for a Parklet may not be issued unless the Parklet Host is in full compliance with all applicable requirements of Title 23 and any Permit issued thereunder.

3. A permit for a Parklet may only be issued adjacent to parcels in the following zoning districts: all Commercial (C-prefixed districts), Mixed-Use Light Industrial (MU-LI), Mixed-Use Residential (MU-R), and Mixed Manufacturing (MM).

B. For purposes of this Chapter, the following terms shall be defined as follows:

1. "Bench" means a seat designed for two or more persons.

2. "Bike Parking" means a location with bike racks intended for the secure parking of bicycles.

3. "Furniture" means amenities such as but not limited to tables, chairs, benches, and other equipment that facilitates the stationary use of public space.

4. "Parklet" means a platform or similar level surface extending into the public right-of-way with amenities such as but not limited to tables and/or chairs (including Benches), Bike Parking, and umbrellas, designated as public space, located in or on the public right-of-way or resting on, or projecting into, the sidewalk and parking area, which are not physically or structurally attached to a building, retaining wall or fence.

5. "Planter" means a container that is designed or used for growing plants.

6. "Sidewalk" has the same meaning as set forth in Section 1.04.010(18).

7. "Sponsoring Business," "Host," "Permit Holder" or "Permittee" means, and is limited to, any establishment engaged in insuring and caring for the Parklet as set forth in the Parklet maintenance agreement.

8. "Transit Stop" means an AC Transit bus stop, UC Berkeley bus stop, a paratransit bus stop, Bay Area Rapid Transit station entrance, or another public transit provider.

C. Parklets, Benches and Planters shall fully conform to the following requirements of this subdivision:

1. Any object permitted under this Section shall leave a minimum of clear space as the Engineering Division finds necessary to protect and enhance pedestrian or vehicle traffic for public use in and around the Parklet area, as that space is determined by the City of Berkeley Engineering Division of the Department of Public Works, or its successor.

2. Parklets shall comply with applicable Americans with Disabilities Act (ADA) accessibility standards.

3. Objects permitted under this Section shall not:
  - a. Unduly interfere with access by public employees and utility workers to meters, fire hydrants or other objects (street hardware) in the right-of-way;
  - b. Block or obstruct the view of necessary authorized traffic devices;
  - c. Unduly interfere with pedestrian traffic in the right-of-way, including the Sidewalk, pedestrian safety, traffic circulation, and/or vehicular safety;
  - d. Be closer than 25 feet to any curb return or fire hydrant; except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, a parklet, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshal as appropriate;
  - e. Be affixed to any City or utility company-owned poles or appurtenances;
  - f. Be located in the right-of-way of a California state highway;
  - g. The width of the Parklet must not extend beyond six feet from the curb line, except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, a Parklet, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshal as appropriate.
4. All Parklets shall be subject to the following additional standards and requirements:
  - a. Parklets must remain publicly accessible and must include signage posted on site to this effect;
  - b. Parklet construction materials must be of high quality, durable, and suitable for public use;
  - c. A visible edge to the Parklet is required, which may consist of Planters, railing, or cabling. The edges should be visually permeable;
  - d. The Permittee shall regularly inspect and clean the Parklet and that portion of the public sidewalk adjacent to the Parklet;
  - e. Access panels must be included in order to maintain the gutter and area underneath the Parklet and the design must allow for drainage along the gutter to pass underneath the Parklet;
  - f. Safe hit posts and wheel stops, or approved equivalents, may be required. If Bike Parking is provided, the bike racks can be at street grade.
5. All Benches, Furniture, and Planters within the Parklet shall be subject to the following additional standards and requirements:
  - a. All proposals shall comply with any design requirements adopted by the City for Benches, Planters and/or plant material;
  - b. All non-secured Parklet components shall be stored in a secure location on private property when not in use;
  - c. Any unsecured Furniture must be clearly different from the Furniture used by a Parklet Host in order to emphasize that the Parklet is public space, as determined by City staff.
- D. All permits issued under this Section shall be subject to the following conditions:
  1. The Permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by any object(s) permitted by this Section, including any design requirements hereafter enacted, from the building frontage to the right-of-way, including the Parklet area.

2. The Permittee shall restrict any objects permitted under this Section to the approved location(s) and configuration, ensure compliance with all applicable laws, and the number and configuration of Benches, Furniture and Planters and overall square footage of the Parklet shall not be modified without prior approval of the Public Works Department.

3. When any objects permitted under this Section are found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the City, or any existing or proposed City design plans, those objects shall, upon written demand of the City Manager or his or her designee, be removed or relocated in such a way as to eliminate the conflict, at the sole expense of the Permittee. Should the Permittee fail to comply with said written demand within a reasonable period of time, the City may cause such relocation of the placement at the expense of the Permittee. Any such non-compliance shall also be a violation of this Section.

4. Permits issued under this Section, when under review prior to issuance, shall be posted in plain view within the sponsoring establishment for which the permit has been issued. Public notice, permitting, and appeal for Parklets are set forth in BMC Section 16.18.060 (Permit procedure for minor encroachment) of the Berkeley Municipal Code.

5. By accepting a permit under this Section, the Permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the Permittee's installation, operation, maintenance or removal of the Parklet, Benches and/or Planters.

6. Prior to permit approval, the Permittee shall demonstrate possession of liability insurance, in the amount not less than \$1,000,000, for the Parklet including any associated Benches, Planters and Furniture. Said insurance shall name the City of Berkeley as an additional insured and shall be in a form acceptable to the City Attorney.

7. The City Manager or his/her designee may require a performance bond to ensure Parklet removal in the event of a permit cancellation.

8. The Permittee shall monitor and control the use of the Parklet to prevent disturbance of the surrounding neighborhood.

9. A Sponsoring Business or other business is not permitted to perform table service at a Parklet or otherwise incorporate a Parklet into its business operations.

10. Commercial signage, smoking, and advertising are prohibited at Parklets.

E. Parklets, Benches and/or Planters that are not permitted under this Section are prohibited encroachments under Chapter 16.18, and shall constitute public nuisances subject to the remedies in Chapter 1.26.

F. The City Council may by resolution establish fees and guidelines for the implementation and administration of this Section.

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 Old City Hall, 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 October 16, 2018, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Maio, Wengraf, and Arreguin.

Noes: None.

Abstain: Davila.

Absent: Worthington.


At a regular meeting of the Council of the City of Berkeley held on October 30, 2018, this Ordinance was adopted by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Maio, Wengraf, and Arreguin.

Noes: Worthington.

Abstain: Davila.

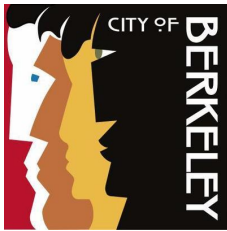
Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

ATTEST:   
\_\_\_\_\_  
Mark Nurnainville, City Clerk

Date signed: November 2, 2018

Team	FTE	Targeted Encampment Area (s)	COVID testing and vaccinations	HRC Assessments	Linkage to Services /Benefits	Street Medicine	BFN Food bags	PPE/Supply Distribution	Encampment Closure outreach	Calls for Services
City of Berkeley Neighborhood Services	2+	Citywide encampment			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Bay Area Community Services (BACS) - City funded: HRC and Stair Outreach (2 each)	4 funded	Shattuck Corridor/MLK park; West Berkeley encampments.		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Bay Area Community Services (BACS) - AC funded	3-4 funded	HRC based with some targeted outreach to most vulnerable households		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					
Downtown Berkeley Association (DBA)	0.5	Downtown Core			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
Dorothy Day House Berkeley Community Resource Center (BCRC)	.10 (Staff/ Volunteers)	People's Park; Seabreeze; Ashby/Shellmound; 2nd/University		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Life Long Medical Care Street Medicine Team (LLMC) -	Two teams. Each has:	People's Park; Here/There;	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
	1 RN;	Respite/Safer Ground;								
	1 SW;	Telegraph/Willard;								
	1 CHW;	Shattuck and Adeline Corridors; Civid Center Park; Seabreeze;								
	.30 (MD/NP/PA)	Ashby/Shellmound; 2nd Page								
University of California, Berkeley (Cal)	1.0 LCSW	People's Park; Telegraph Corridor			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		



Councilmember Ben Bartlett  
City of Berkeley, District 3

CONSENT CALENDAR

October 27th, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett and Councilmember Kate Harrison

Subject: Equitable Clean Streets Budget Referral: Funding for Staff to Conduct Bi-Weekly (Once Every Two Weeks) Residential Cleaning Services

RECOMMENDATION

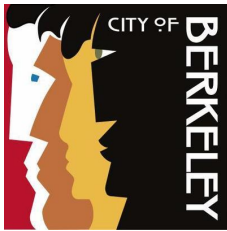
Refer to the November AAO budget process to allocate \$500,000 from the General Fund to require biweekly (once every two weeks) cleaning of populated encampment sites, major corridors, and encampments adjacent to residential neighborhoods throughout the City of Berkeley for approximately one year. The City should also partner with appropriate non-profit organizations to create work opportunities for homeless residents who can help City staff clean the streets on an ongoing basis.

CURRENT SITUATION

On September 21, 2020, Councilmember Bartlett submitted an item that would require bi-weekly (once every two weeks) cleaning of populated encampment sites and adjacent residential neighborhoods in Berkeley. On September 29, the Agenda and Rules Committee approved the Consent Calendar item to be discussed at the October 13 Council meeting. However, the aforementioned item does not specify if the City has the appropriate staff and financial capacity to implement additional street cleaning measures at this time. This item serves as a budgetary companion piece that will allocate \$500,000 from the General Fund to fund the costs of essential staff and supplies for these street cleaning services for at least one year.

Specifically, the goals of this equitable street cleaning initiative are to:

1. Promote public health and safety by mitigating trash hot spots and addressing the increased amount of trash in our community;
2. Reduce trash loads from municipal storm water sewer systems by complying with the San Francisco Regional Water Quality Board's MRP and trash requirements;
3. Create work opportunities for homeless residents and build staff capacity by partnering with non-profit organizations.



Councilmember Ben Bartlett  
City of Berkeley, District 3

## BACKGROUND

The City of Berkeley currently mandates residential cleaning once a month and follows a sweeping schedule according to the street name. Residents are encouraged to rake their leaves for composting and avoid sweeping materials into streets or curbsides where debris could impede people's ability to safely travel along the sidewalks. However, our current sweeping schedule has not been sufficient in addressing issues of littering, illegally dumped materials, and encampments in certain areas throughout Berkeley, especially in the South Berkeley neighborhood.

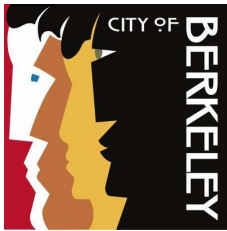
According to South Berkeley residents, their neighborhood has been littered with trash, which has become a safety and sanitary concern. Reports of discarded clothing and illegally dumped materials, such as couches and televisions, are common in South Berkeley, especially along the block of Martin Luther King Jr. Way in the corner between Alcatraz Avenue and 62nd Street. Other encampments, trash, and debris have also been located in the BART-owned area.

To promote health, safety, and cleanliness in Berkeley, the Council should allocate sufficient funding to hire additional street sweeping staff and provide more frequent residential cleaning services throughout the City. Since each neighborhood has different needs, the City and the street sweeping staff must use an equity lens to prioritize their cleaning services for areas with a greater number of encampments, such as South Berkeley. In addition to cleaning the surrounding area of encampments, the proposed biweekly (once every two weeks) cleaning services should focus on cleaning the individual camps as well. The City should also partner with non-profit organizations to build staff capacity, create work opportunities for homeless residents, and provide additional services to adjacent residential neighborhoods.

The City should also employ its services at encampments on nearby non-City owned property, such as Caltrans. However, in these cases, the City should have the authority to bill the appropriate agency for the cost of staff and materials.

## REVIEW OF EXISTING LAWS

The California State Water Board is one of six environmental entities operating under the authority of the California Environmental Protection Agency. The Board includes the



Councilmember Ben Bartlett  
City of Berkeley, District 3

State Water Resources Control Board and nine Regional Boards, including the San Francisco Regional Water Quality Control Board.<sup>1</sup>

In 2009, the San Francisco Regional Board issued a Municipal Regional Stormwater NPDES Permit (MRP).<sup>2</sup> The MRP covers stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, and Vallejo. Specifically, the permit requires local governments to implement best management practices to control pollutants in stormwater. In addition, the permit includes Provision C.10, which requires permittees to implement trash load reduction control actions. The goal of this provision is to help reduce trash loads from municipal separate storm sewer systems by 40% by 2014, 70% by 2017, 80% by July 1, 2019, and 100% by 2022.<sup>3</sup>

The Regional Board has specified two methods for reducing trash discharge. The most direct means is the installation and maintenance of full trash capture devices, such as storm drain inlet screens and in-ground hydrodynamic separators. The other approach is to implement cleanup actions, such as street sweeping, installing and maintaining trash receptacles, and regularly sending crews to pick up litter.

In order to comply with the MRP and meet the trash requirements of Provision C.10, the Council must adopt this equitable street cleaning initiative and work towards reducing the debris and litter in our communities.

#### RATIONALE FOR RECOMMENDATION

Debris and illegal dumping have exacerbated the safety, sanitary, and environmental issues of the Berkeley community. To protect the safety and health of our residents, residential cleaning of the camps and the adjacent neighborhoods of the encampments in the city should be conducted at least once every two weeks. Equitable residential cleaning services would ensure that Berkeley residents, especially those in South Berkeley, have safe and sanitary areas for residential and commercial purposes.

In addition, the City must comply with the San Francisco Regional Water Quality Board's MRP and effectively control pollutant discharge. Compliance with the MRP will

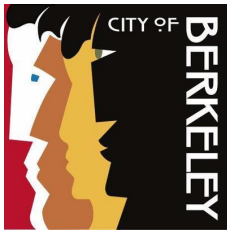
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<sup>1</sup> [https://www.waterboards.ca.gov/waterboards\\_map.html](https://www.waterboards.ca.gov/waterboards_map.html)

<sup>2</sup> [https://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/stormwater/mrp.html](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/mrp.html)

<sup>3</sup> [https://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/stormwater/MRP/Prov\\_C10.html](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/Prov_C10.html)





Councilmember Ben Bartlett  
City of Berkeley, District 3

mitigate trash hot spots, enhance water quality, and benefit our city's ecosystems and surrounding communities.

#### FISCAL IMPACTS OF RECOMMENDATION

Staff time and General Fund impact of \$500,000. The funding is expected to cover the cost of staff and supplies for additional cleaning services for at least one year. For encampments on non-City owned property, the City would save on financial resources by billing the appropriate agency for the cost of staff and materials.

#### ENVIRONMENTAL SUSTAINABILITY

Bi-weekly (once every two weeks) residential cleanings would remove the litter populating the camps and streets, which would reduce the risk of trash clogging storm drain systems or polluting the waterways. This initiative works towards meeting the trash requirements of the San Francisco Regional Water Quality Board's MRP. Compliance with the MRP will enhance water quality, benefit the City's ecosystems and surrounding communities, and minimize the impacts of trash discharges on our environment. Litter can also carry unsanitary germs and thus, increase the ability to contract diseases. These issues must be prevented and mitigated, especially during a time when people are vulnerable to becoming infected with coronavirus.

#### CONTACT PERSON

Councilmember Ben Bartlett  
James Chang  
Katie Ly

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[jchang@cityofberkeley.info](mailto:jchang@cityofberkeley.info)  
[kly@cityofberkeley.info](mailto:kly@cityofberkeley.info)

## Testimony re: Homeless Response team in 2022 Budget 6/29/21

- Holly Scheider, **Vice Chair of the Homeless Services Panel of Experts** which makes recommendations about Measure P funding. **I was appointed in March and have attended every meeting discussing our recommendations for FY22**
- 
- **There is a lot of agreement between the HSPE and staff**
- 
- **However, there is one glaring omission - the Homeless Response Team was never even mentioned and so the HSPE did not discuss or vote on recommendations.** Neither the chair nor I had heard of it before it showed up in the City Manager's budget for Measure P.
- 
- **I am disturbed to see that it includes \$57,920 annually for Police Dept overtime.**
- 
- This was never presented to us so the HSPE did not discuss or vote on it.
- 
- **The ballot initiative states that Measure P funds could be used for various services but no mention of policing.** Of course the emphasis of the law is housing and resources that will lead to housing and health. ("emergency shelters, navigation centers, rehousing counseling, rental subsidies, job training, mental health support, emergency transport and crisis response.")
- 
- **I wonder if this overtime is duplicative or in addition to the police budget?**
  - If it duplicates the police budget discussed in the Mayor's budget, then it would be a double payment.
  - If it is in addition to the police dept budget for OT, that is problematic as well since it makes me wonder what other inaccuracies exist in the police budget. It is vital that the City be upfront, transparent and honest about the budget for policing to fully support the re-imagining process.
- 
- **Personally I would not support Measure P funding for police and am quite upset that the staff did not present the HRT to the commission for us to weigh in on.**
-