



Office of the Mayor

ACTION CALENDAR
May 22, 2007

To: Members of the City Council
From: Mayor Tom Bates
Subject: Public Commons For Everyone Initiative (PCEI)

RECOMMENDATION

Request that the City Manager return to the City Council by November 20, 2007 with:

- 1) A plan to increase the number of parking meters and the parking meter fees to generate income for PCEI and allied programs;
- 2) Support the City Manager's request for a 6 month FTE and ask that the City Manager draft program plans for diversion, street outreach teams, and community policing with input from the relevant commissions;
- 3) Draft language for a no-smoking ordinance in commercial areas and refer to Community Health Commission;
- 4) A plan for improving signage and accessible hours for public bathrooms;
- 5) Draft language for an ordinance prohibiting public urination and defecation as an infraction and refer to the Police Review Commission;
- 6) A plan to adhere and enforce our existing laws pertaining to street behavior (see list in City Manager's PCEI report of May 8th), and draft language to amend BMC 13.36.015 Lying on Sidewalks and rescind Resolution 61,042-N.S, and refer to the Police Review Commission;
- 7) A plan for public seating, economic development and redirecting street donations refer to the Economic Development;
- 8) A proposal to expand supportive housing opportunities linking Housing Trust Fund with Mental Health Services Act and other funds and refer to the Housing Advisory Commission; and,
- 9) Solicit feedback and proposals from the Mental Health, Homeless, Community Health, Police Review, Housing Advisory, and the Human Welfare and Community Action Commissions and key community stakeholders for consideration by the Council at the November 20th City Council meeting.

(See details of each recommendation in the text below)

BACKGROUND

With the introduction of the March 13 Public Commons for Everyone Initiative (PCEI), the City Council opened a community dialogue on what constitutes unacceptable behavior on our streets and sidewalks. We seek to find solutions that respect all peoples' rights – the rights of those

hanging out on the streets, the rights of people visiting our commercial areas, and the rights of struggling merchants and businesses. The timing on this item is so the Council can consider the income raising items as part of the budget process while leaving the details of the program to be determined after the commissions and community have an opportunity for comment and input prior to the Council taking action at its October 23rd meeting.

My detailed recommendations for City Council discussion and direction on Public Commons for Everyone Initiative are as follows:

1. Generate Revenue through increased parking meters rates and install additional meters in the City

New revenue must be raised for improved service delivery, new or expanded programs, community policing strategies and economic development.

Mayor's recommendation:

- a. Request the City Manager return to Council with a proposal to increase hourly parking rates by 50 cents/hour and identify areas where new meters can be placed. This proposal could generate up to \$2 million annually and could provide needed funds to implement the varied approaches defined in the Public Commons for Everyone Initiative and allied services.

2. Develop plans for diversion, street outreach teams, and community policing

The City Manager's report asked for a 6 month FTE in 2007-08 to explore additional elements of PCEI – including the development of a new diversion program and any other additional rules for sidewalk obstruction. This position would also be responsible for facilitating significant public discussion and stakeholder consensus required to develop successful outcomes.

Mayor's recommendations:

- a. Support the City Manager's request for a 6-month FTE in 2007-08 to explore elements and engage stakeholders in design of PCEI.
- b. Request the City Manager's office work with community providers, relevant commissions, and city staff to:
 - Develop a diversion program
 - Explore a trained peer or community street outreach teams that stroll the commercial areas during peak hours to mediate inappropriate street behavior – develop a proposal in coordination with our service providers and the local merchant associations.
- c. Support community policing model and a dedicated cell phone to be carried by the beat cops covering the commercial zones.
- d. I will host a discussion with the Alameda County Court system to explore whether Homeless Court can be more frequent and to see if they are capable or currently engaged in court-ordered diversion for non-alcohol/drug related offenses.

3. Expand No Smoking Ordinance in Commercial Zones

The City Manager's report presented two options for expanding the current no smoking ordinance. Option 1 – Imposes a no smoking ban in all public areas of all commercial zones in the City as defined as areas of public-right-of-way, sidewalks, streets, bus stops, and public plazas, as well as parks. Option 2 – Imposes a no smoking ban in all public areas of the City, regardless of zone.

Mayor's recommendation:

- a. Develop language for Option 1 – no smoking ban in public right-of-ways in commercial zones and refer to the Community Health Commission for comment and input.

4. Install Public Signage and Extend Hours of Public Bathrooms

The City Manager's report presented information on the four public restrooms in Berkeley: People's Park (operated by UC Berkeley), Sather Gate Garage, Center Street Garage, and the Civic Center Building – all of which are operated by the City of Berkeley. The report identified the need for improved signage and possibilities of extending the hours of operation for the restrooms.

Mayor's recommendation:

- a. Support improved directional signage for public restrooms.
- b. Open Civic Center bathrooms and work with UC about opening People Park for 24hours/7 day/week on trial basis.
- c. Ensure that Sather Gate and Center Street Garage bathrooms are open during the hours the garages are open.
- d. Establish a community wide effort to keep the bathrooms clean and safe.
- e. Investigate the costs of DeCaux bathrooms and identify key opportunity sites.

5. Public Urination and defecation

Per the City Manager's report, public urination and defecation can only be cited as a misdemeanor under the California's Penal Code on littering. The City Manager recommended that Council might wish to consider a revision of the BMC, adding public urination and defecation as a specific citable offense – as an infraction.

Mayor's recommendation:

- a. Request staff to draft language on a BMC prohibiting public urination and defecation. Solicit feedback from the Commissions.

6. Adhere and Enforce All Existing Laws and Reduce Warnings:

We have heard over and over again that Berkeley does not need new laws to manage inappropriate street behavior. Instead, we are hearing that we need to enforce the laws we have.

The City Manager report lists Berkeley's current laws that address much of the behavior we identified in the PCEI. However, there are some inconsistencies and conflicting rules with BMC 13.36.015, Resolution 61,042-N.S. and California Penal Code 647j. It is my intent to have consistent rules across the city and to provide clear direction to staff and the police.

Mayor's Recommendations:

- a. Request the City Manager to direct police to enforce all existing laws.
 - b. Request the City Manager to draft language to amend BMC 13.36.015 – lying on the sidewalk ordinance. Currently, this code only addresses specific hours on Shattuck and Telegraph. Develop language that amends BMC 13.36.015 to:
 - Apply to all commercial areas in the City
 - Be a low-priority for enforcement after 10:00 p.m. –before 7:00 a.m.
 - c. Ask that the City Council consider rescinding Resolution 61,042-N.S. The BMC 13.36.015, with the above-recommended amendments, includes the enforcement priority level and direction on issuing a warning prior to citation. BMC 13.36.015 combined with PC 647j makes this resolution redundant and causes confusion.
 - d. Refer to relevant commission for the comments and input.
- 7. Public Seating, Economic Development and Redirecting Street Donations**
- a. Support the City Manager's proposal to assess seating in public areas.
 - b. Continue support for the Office of Economic Development's marketing, business attraction and retention efforts to revitalize the commercial areas.
 - c. Explore with local merchants and service providers a campaign to encourage street-level donations to non-profit service organizations.
- 8. Explore Expansion of Supportive Housing Opportunities**
- a. Explore opportunities to expand supportive housing by linking funds from the Housing Trust Fund and Mental Health Services Act, and other appropriate funds, and refer to the Housing Advisory, Mental Health and Homeless Commissions for comments and input.
- 9. Solicit Feedback and Recommendations from the Relevant Commissions and Key Community Stakeholders**
- a. Accept the Homeless Commissions recommendation to organize a joint meeting of the Mental Health, Homeless, and Human Welfare and Community Action Commissions and the Mayor to discuss the above-mentioned proposals;
 - b. Request staff to present draft proposals, including Berkeley Municipal Code or Resolution language to the all relevant commissions and key stakeholders for feedback prior to presenting recommendations to Council; and,

- c. Request staff to meet with key community agencies and constituency groups (business- property owners and merchants, homeless people, service providers, schools, neighborhood leaders, etc) to vet proposals prior to presenting recommendations to Council.

FISCAL IMPACTS OF RECOMMENDATION

Fiscal impact is \$50,000 to hire a 6-month FTE and additional staff time for components of the planning and implementation.

CONTACT PERSON

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